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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**The Lanarkshire Colleges Order 2014**

**Modification of Schedule 2 to the Further and Higher Education (Scotland) Act 1992**

- 5.—(1) In Schedule 2 to the 1992 Act(1), after paragraph 3(4) insert—
- “(5) In relation to the board of New College Lanarkshire, this paragraph is to be read subject to the modifications set out in article 5(2) of the Lanarkshire Colleges Order 2014(2).”.
- (2) The modifications referred to in paragraph 3(5) of Schedule 2 to the 1992 Act are as follows—
- (a) in paragraph 3(1)—
- (i) for “15” substitute “19”; and
- (ii) for “18” substitute “22”;
- (b) in paragraph 3(2)(e), for “two persons” substitute “a person”;
- (c) insert the following paragraphs at the end of paragraph 3(2)(e) immediately before “and”—
- “(ea) the chairing member of the board of South Lanarkshire College appointed under paragraph 3A(2)(a);
- (eb) subject to sub-paragraph (4A), the principal of South Lanarkshire College;
- (ec) the person appointed under paragraph 3A(2)(c) to the board of South Lanarkshire College;
- (ed) the person appointed under paragraph 3A(2)(d) to the board of South Lanarkshire College;
- (ee) a person appointed by being nominated by the students’ association of South Lanarkshire College from among the students of South Lanarkshire College;” and
- (d) insert the following sub-paragraph after paragraph 3(4)—
- “(4A) A person is disqualified from being part of the board of New College Lanarkshire under paragraph 3(2)(eb) if the person has previously been removed from the board of New College Lanarkshire under section 24.”.
- (3) In Schedule 2 to the 1992 Act, after paragraph 5(5), insert—
- “(6) In relation to the board of New College Lanarkshire, this paragraph is to be read subject to the modifications set out in article 5(4) of the Lanarkshire Colleges Order 2014.”.
- (4) The modifications referred to in paragraph 5(6) of Schedule 2 to the 1992 Act are as follows—
- (a) in paragraph 5(1)(b), for “3(2)(c) to (f)” substitute “3(2)(c) to (e), (ee) or (f)”;
- (b) in paragraph 5(2)(b), insert “, 3(2)(ee)” after “3(2)(e)”;
- (c) insert at the end of paragraph 5(2)(b) immediately before “and”—

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(1) Schedule 2 to 1992 Act was amended by section 6(1) of, and paragraph 2(7) of the schedule to, the 2013 Act.

(2) S.S.I. 2014/XXX.

- “(ba) a member appointed in pursuance of paragraph 3(2)(ea) to (ed), as a member of the board of New College Lanarkshire, is to hold office until that person’s eligibility for appointment under whichever of paragraphs 3(2)(ea) to (ed) they were appointed to the board of New College Lanarkshire ceases;”;
- (d) after paragraph 5(2G), insert—
- “(2H) A member appointed in pursuance of paragraph 3(2)(ee) is to vacate office if the member ceases to be a student of South Lanarkshire College before the member’s period of appointment ends.”; and
- (e) in paragraph 5(5), after “college” where it first appears insert “or any person appointed under paragraph 3(2)(ea) to (ed)”.
- (5) In Schedule 2 to the 1992 Act, after paragraph 5C, insert—
- “**5D** In relation to the board of New College Lanarkshire, paragraph 5C is to be read subject to the modification set out in article 5(6) of the Lanarkshire Colleges Order 2014.”.
- (6) The modification referred to in paragraph 5D of Schedule 2 to the 1992 Act is that “or any person appointed under paragraph 3(2)(ea) to (ed)” is inserted after “college” in paragraph 5C.