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S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2001 No. 234

EDUCATION, SCOTLAND

**The Bell College of Technology (Scotland) Order of Council
2001**

Made 23rd May 2001

Laid before the Scottish Parliament 31st May 2001

Coming into force 1st August 2001

At the Council Chamber, Whitehall, the 23rd day of May 2001

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships, in exercise of the powers conferred upon Them by sections 45 and 60 of the Further and Higher Education (Scotland) Act 1992(a) and of all other powers enabling Them in that behalf, are pleased to order, and it is hereby ordered as follows:

PART 1

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. This Order may be cited as the Bell College of Technology (Scotland) Order of Council 2001 and shall come into force on [].

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:

“Academic Council” means the body of persons appointed in accordance with article 22;

“Act” means the Further and Higher Education (Scotland) Act 1992;

“Board” means the Board of Governors of Bell College of Technology constituted in terms of article 3 and incorporated under section 45(2) of the Act;

“College” means Bell College of Technology being an institution designated under section 44 of the Act;

“co-opted membership” means the membership of the Board co-opted in accordance with article 6;

“core membership” means the membership of the Board appointed in accordance with article 5;

“governor” means a member of the Board;

(a) 1992 c.37.

“Principal” means the principal of the College or any other person authorised, whether for the purposes of this Order or otherwise, for the time being to act as principal of the institution and “Vice-Principal” and “Assistant Principal” shall be construed accordingly;

“Scottish Ministers” means the Scottish Ministers as defined in section 44(2) of the Scotland Act 1998(a);

“Students' Association” means the organisation referred to in article 23 or such other organisation as may be approved by the Board from time to time for the purposes of representing the interests of students at the College;

(2) In this Order, unless the context otherwise requires, any reference to a numbered article, Part or Schedule shall be construed as a reference to the article, Part or Schedule, as the case may be, which bears that number in this Order, and any reference to a numbered paragraph in an article of, or Schedule to, the Order is to be construed as a reference to the paragraph bearing that number in that article or, as the case may be, that Schedule.

PART II

THE BOARD OF GOVERNORS

Name

3. The Board is hereby constituted as “The Board of Governors of Bell College of Technology”.

The composition of the Board

4. The Board shall be composed of a core membership appointed in accordance with article 5 and a co-opted membership appointed in accordance with article 6.

Core membership

5.—(1) The core membership of the Board shall be composed of:—

- (a) governors of a number determined in accordance with paragraph (2) and (3), being not less than 9 and not more than 13, who shall be appointed by the core membership from among persons appearing to them to have experience of, and to have shown capacity in, industrial, commercial or employment matters, or the practice of any profession;
- (b) the Principal, any Vice-Principal appointed by the Board, and the president of the Students' Association as governors *ex officio*; and
- (c) staff governors appointed as follows:—
 - (i) one who shall be appointed by the Academic Council from among the members of the part-time and full-time academic staff of the College who are members of the Academic Council;
 - (ii) one who shall be elected by the part-time and full-time academic staff of the College from among such staff; and
 - (iii) one who shall be elected by the part-time and full-time non-academic staff of the College from among such staff.

(2) The Scottish Ministers shall be the appointing authority for the first appointment of appointed governors to be made under paragraph (1)(a) and they shall determine, subject to the limits stated in paragraph (1)(a), the number of governors to be appointed thereunder, shall make appointments accordingly and shall determine the respective term of office of each governor so appointed.

(3) Following the Scottish Ministers' initial appointment of governors under paragraph (2), the core membership shall thereafter be the appointing authority for governors appointed in accordance with paragraph 1(a) and shall determine from time to time as may be by resolution under this paragraph and subject to the limits stated in paragraph 1(a) the number of governors so appointed.

(4) In determining the number of governors to be appointed under paragraph (3) the core membership shall ensure that:—

(a) 1998 c.46.

- (a) no category specified in paragraph (1) shall cease to be represented on the Board;
- (b) no such determination shall be effective unless the governors appointed under paragraph 1(a) remain in overall majority on the Board; and
- (c) no such determination shall be effective unless made by a two-thirds majority of the core membership.

(5) A resolution under paragraph (3) shall not have effect so as to terminate the appointment of any person who is a governor at the time when it takes effect.

(6) Where a resolution under paragraph (3) increases the number of governors to be appointed under paragraph 1(a), the core membership of the Board shall make additional appointments accordingly.

Co-opted membership

6.—(1) The Board shall co-opt, subject to paragraph (2), not less than 2 and not more than 6 persons to serve as governors, which co-opted membership shall include:—

- (a) at least one person having experience of local government; and
- (b) at least one person having experience in the provision of education.

(2) the Board may co-opt more than 2 governors only if upon such co-option the governors appointed under article 5(1)(a) remain in overall majority in the Board.

Election of certain governors

7.—(1) The Board shall:—

- (a) after consultation with the part-time and full-time academic staff of the College make rules for the election of governors to be elected by the part-time and full-time academic staff from among such staff under article 5(1)(c)(ii); and
- (b) after consultation with the part-time and full-time non-academic staff of the College, make rules for the election of the governors to be elected by the part-time and full-time non-academic staff from among such staff under article 5(1)(c)(iii).

(2) Any rules made by the Board under paragraph (1) above may, after consultation with the part-time and full-time academic staff of the College, or with the part-time and full-time non-academic staff of the College, whichever is appropriate, be revoked and replaced, or varied, by further rules made by the Board.

(3) The Board shall be responsible for the holding and conduct of any election to be held for the appointment of governors under article 5(1)(c)(ii) or (iii).

Appointment of chairman and vice-chairman

8.—(1) The Board shall appoint a chairman and a vice-chairman from among the governors appointed under article 5(1)(a).

(2) The following provisions shall apply to any chairman or vice-chairman appointed under paragraph (1):—

- (a) he shall hold office for such period as may be determined by the Board;
- (b) the period of his office shall not extend beyond his period of office as governor;
- (c) he may resign from office;
- (d) he may be removed from office by resolution of the Board; and
- (e) he shall cease to hold office if he is deemed to have vacated office as a governor under article 12.

(3)(a) The chairman shall preside at meetings of the Board, and in his absence the vice-chairman shall preside.

- (b) In the absence of both the chairman and the vice-chairman, the Board may appoint one of the members of the Board present to preside at any meeting.

Period of office of governors

9.—(1) Any governor *ex officio* specified in article 5(1)(b) shall hold the office of such a governor for the duration of his tenure of the office by virtue of which he is such a governor.

(2) Subject to the exercise of powers by the Scottish Ministers in accordance with Article 5(2) the Board shall make rules for the duration of the terms of office of governors appointed under each of (i) article 5(1)(a), (ii) Article 5(1)(c) or (iii) co-opted under article 6, which rules may be revoked and replaced, or varied, by further rules made by the Board.

(3) Any governor appointed to the Board under article 5(1)(a) or (c) or co-opted to it under article 6 may be further appointed or co-opted to it on expiry of his term of office, if he is still eligible in accordance with this Order and his appointment is not precluded by paragraph (4).

(4) No governor other than an *ex officio* governor shall be appointed or co-opted to the Board where his term of office, if aggregated with any previous terms of office, would cause him to serve for more than 8 years as a governor.

(5) For the purposes of paragraph (4), a term of office shall include any term of office as a governor served after the coming into force of this Order, whether taken by appointment under article 5(1)(a) or (c) or co-option under article 6, or otherwise, but not any term of office served *ex officio*.

Provided that:

- (a) no governor other than an *ex officio* governor shall be appointed or co-opted for a term of office of more than 4 years;
- (b) no variation or revocation of rules for the duration of the terms of office of governors shall have effect so as to vary or terminate the period of office of any person who is a governor at the time when said variation or revocation takes effect.

Age limit for governors

10. A person who has attained the age of 70 years shall not thereafter be eligible to take office, whether for a first or subsequent term, as a governor provided that nothing in this article shall prohibit a person who attains the said age during a term of office as a governor from continuing as a governor until the expiry of that term.

Ineligibility of staff to be governors

11. A person shall be ineligible to be appointed or co-opted as a governor or, where appropriate, to remain in office as a governor other than in the case of a governor *ex officio* or a governor appointed in accordance with article 5(1)(c), if he is a member of the staff of the College.

Vacation of office of Governor

12. A governor shall be deemed to have vacated his office as governor and the Board of which he was a member shall declare his place vacant, in any of the following circumstances:–

- (a) where he intimates in writing to the Board his resignation as a governor;
- (b) where his estate is sequestrated or a bankruptcy order is made against him or he has granted a trust deed for, or entered into an arrangement with, his creditors;
- (c) where he becomes unable to carry out his duties as a governor by reason of physical or mental illness for a period longer than six consecutive months;
- (d) where he has failed to attend any meetings of the Board or any of its committees or sub-committees for a period longer than six consecutive months other than for a reason approved by the Board;
- (e) in the case of a staff governor whose appointment falls to be made under article 5(1)(c) either from among the members of the Academic Council or from the part-time or full-time academic or non-academic staff of the College, when he ceases to be a member of the Academic Council or of the part-time or full-time academic or non-academic staff, as the case may be;
- (f) where the Board deems that his continuation as a Governor would bring discredit upon the name of the College or in such other circumstances as the Board may determine and record in a standing order;
- (g) where, by a majority of not less than two-thirds of its total membership, the Board for good reason, in which it shall have sole discretion, decides to remove a member, other than a member *ex officio*;
- (h) where in accordance with article 11 he becomes ineligible to remain in office as a governor.

Filling of vacancies

13.—(1) Where the place of a governor who has been appointed to the office of governor under article 5(1)(a) has been declared vacant under article 12, or where such a governor has died, the core membership may appoint a governor to fill the vacancy.

(2) Where the place of a governor who has been appointed to the office of governor under article 5(1)(c) has been declared vacant under article 12, or where such a governor has died—

- (a) in the case of a governor appointed under article 5(1)(c)(i), the Board shall intimate the vacancy to the Academic Council who shall appoint a governor to fill the vacancy;
- (b) in the case of a governor elected under article 5(1)(c)(ii) or (iii) an election shall be held to fill the vacancy in accordance with article 7 and the relevant rules made under it.

(3) Where the place of a governor who had been co-opted to the office of governor under article 6 has been declared vacant under article 12, or where such a governor has died, the Board shall co-opt a governor to fill the vacancy if that is necessary to satisfy the requirements of article 6(1), and in other cases may so co-opt a governor in accordance with article 6.

Meetings of the Board

14.—(1) The Board shall hold at least four meetings each year, and may hold such other meetings as the Board deems appropriate at such times and places as it may determine.

(2) The Chairman or any 3 members of the Board may, for any cause which seems to him or them sufficient, require a special meeting to be convened by giving notice in writing to the secretary or other proper officer of the Board specifying the business to be transacted, and the secretary or other proper officer shall within 15 working days of receipt of such requisition convene a special meeting.

(3) Unless the Chairman of the Board otherwise directs, at least 7 days' notice of meetings shall be given and such notice shall specify the date, time and place of the meeting and the business to be transacted.

Quorum of the Board

15.—(1) At all meetings of the Board nine members shall be a quorum and, except where it is provided otherwise in this Order, all questions shall be determined by a majority of the members present and eligible to vote. In any case where there is an equality of votes, the chairman of any meeting shall have a second or casting vote in addition to a deliberative vote.

(2) If at any time appointed for a meeting or if before the business of any meeting has been completed the number of members present is less than nine the members present shall adjourn the meeting to such day or time as they may determine and the meeting may be reconvened on less than seven days' notice being given. If at such reconvened meeting the number of members present are less than nine but comprise a majority of the whole Board the members present shall constitute a quorum.

Reserved areas of business

16. Where any meeting of the Board or of any committee of the Board, as the case may be, is to consider any of the following matters, that is to say, the salary, conditions of service, appointment, promotion, suspension or dismissal of any member of the staff of the College, any governor who is a governor *ex officio* by virtue of holding office as president of the Students' Association in accordance with article 5(1)(b), and any governor co-opted under article 6 who is a full-time or part-time student in the College, shall withdraw from the meeting, or that part of the meeting, as the case may be, at which any of the said matters are to be considered, unless invited to remain by virtue of a resolution of the other members of the Board or committee thereof, as the case may be, present at the meeting.

Validity of proceedings of Board

17. No failure or defect in the appointment or co-option of any governor and no vacancy in the office of governor shall prevent the Board from acting in the execution of its functions, nor shall any act or proceeding of the Board or of any committee appointed by it be invalidated or be

illegal by reason of or in consequence of any such failure, defect or vacancy in the appointment or co-option of any one or more governors.

Appointment of Committees

18.—(1) The Board may appoint such committees from its members as it thinks fit, and may appoint, as additional members of any committee, persons, not being governors, whom it considers to be specially fitted to assist the work of the committee, and such persons shall hold office for such period and on such terms as the Board may determine.

(2) The Board may, except where contrary provision is made elsewhere in this Order, delegate any or all of the functions contained in Article 19 to any committee appointed under paragraph (1) above, appoint the convenor of each committee, fix the quorum of each committee, confer on each committee any of its powers and give each committee any instructions as may appear expedient to it.

PART III

FUNCTIONS AND POWERS OF THE BOARD

Functions

19.—(1) The general functions of the Board are to manage, administer and conduct the College for the objects of providing education, undertaking and carrying out research, promoting teaching, scholarship and research, and in furtherance of the foregoing functions:

(a) to provide research, design, development, testing, laboratory, consultancy and other services by way of extension of or in connection with any of the objects of the College; and

(b) to carry on any trade or business whatsoever calculated to carry out the objects of or to be for the wellbeing of the College,

in each case, in such manner and on such terms and conditions as it may determine.

(2) The Board shall carry out these functions without prejudice to any person on grounds of gender, race, religion or other belief.

Powers

20.—(1) The Board shall, subject to the provisions of this Order, have all powers, rights and privileges necessary or expedient for the proper performance of their functions, the management of the College or the furtherance of the objects of the College.

(2) Without prejudice to the generality of the powers, rights and privileges specified in paragraph (1) above, the Board shall have the powers, rights and privileges specified in Schedule 1.

PART IV

ADMINISTRATION OF THE COLLEGE

Discharge of functions by the Principal

21.—(1) The Board shall make arrangements to secure that such of their functions as are specified in paragraph (2) shall be discharged on their behalf by the Principal.

(2) In pursuance of arrangements made under paragraph (1) the Principal shall be responsible for discharging the functions of the Board (other than those properly delegated to any committee thereof by virtue of Article 18(2), and those delegated to the Academic Council by virtue of article 22(3)) relating to the organisation and management of the College and to the discipline therein.

(3) In discharging the functions specified in paragraph (2), the Principal shall be subject to the general control and direction of the Board but otherwise the Principal shall have all the powers and duties of the Board in relation to those functions.

Academic Council

22.—(1) Subject to paragraph (2), the Board shall appoint, and maintain by further appointment, an Academic Council in the manner specified in Part I of Schedule 2.

(2) The proceedings of the Academic Council shall be regulated in accordance with Part II of Schedule 2.

(3) The Board may from time to time delegate to the Academic Council or assume in place of the Academic Council such particular powers and functions as it may determine but subject thereto the Board shall delegate to the Academic Council the following of its functions:—

- (a) the functions of the Board relating to the overall planning, co-ordination, development and supervision of the academic work of the College;
- (b) the determination and maintenance of academic standards, the content of the curriculum, the quality of courses and other matters essentially concerned with pedagogy, research and scholarship;
- (c) developing, monitoring, reviewing and withdrawing academic programmes of the College; and
- (d) advising the Principal on the resource implications of academic developments, and on the academic implications of budgetary and other proposals.

Provided that the functions specified in this paragraph shall be discharged by the Academic Council subject to the general control and direction of the Board.

(4) The Board may from time to time require that any matter which the Board may specify shall be determined by the Academic Council only with the approval of the Board.

(5) In discharging the functions specified in paragraph (3), the Academic Council shall have all the powers and duties of the Board in relation to those functions and shall have the power to make any recommendation to the Board on such matters relating to those functions as the Academic Council may think fit.

(6) The Board shall make arrangements to secure that the Academic Council shall discharge the functions imposed on them by or under paragraph (3).

(7) The Academic Council may from time to time with the approval of the Board regulate the procedures to be adopted by it including the appointment by the Academic Council of such committees as may be considered appropriate by the Board, and any other matters connected with the functions of the Academic Council.

(8) Subject to the limits contained in paragraph (1)(c) of Part I of Schedule 2 the Academic Council may co-opt persons to the Academic Council.

Students' Association

23. The Board shall make such arrangements as it considers necessary in relation to a Students' Association for the College, shall oversee its constitution and the regulation of its proceedings, and may grant such monies as it deems appropriate to any such association.

Disciplinary and Appeals Procedures

24.—(1) Having regard to the Human Rights Act 1998 the Board shall make such rules and put in place such procedures as they think fit in relation to any appeal:—

- (a) by a governor against his dismissal under Article 12(f);
- (b) against the withdrawal of any diploma, certificate, other academic award or distinction under paragraph A (4) of Schedule 1;
- (c) against the discontinuance of payment of a scholarship, studentship, prize, and/or other encouragement under paragraph A (7) of Schedule 1;
- (d) against exclusion from the College under paragraph A (8) of Schedule 1;
- (e) against disciplinary procedures in respect of, and discussed of staff under paragraph B (14) of Schedule 1;
- (f) against removal from the Academic Council under paragraph (6) of Part II of Schedule 2.

- (2) Such values and procedures shall include a right of representation.

A.K. Galloway
Clerk to the Privy Council

SCHEDULE 1

POWERS OF THE BOARD

A. Academic

(1) Subject to the delegation to the Academic Council of such powers as it may from time to time deem appropriate in accordance with Article 22(3), to deal with the overall planning, co-ordination, development and supervision of the academic work of the College.

(2) To establish faculties, departments, schools, institutes or other groups, to prescribe their organisation, constitution and functions and to vary or abolish any such groups.

(3) To undertake, to assist others to undertake and to make provision for such research, design, development, testing, consultancy, laboratory and other services and to charge such fees for these services as they may deem appropriate.

(4) To grant all such diplomas, certificates and such other academic awards or distinctions as may from time to time be granted by the College pursuant to the Act and as the Board deems appropriate, to prescribe the conditions for their receipt and, subject to consultation with the Academic Council, to deprive a recipient of a diploma, certificate or any other academic distinction previously conferred by the College.

(5) To publish, print and provide for publication of any results of or other matter arising from or in connection with research and scholarship, to sell or otherwise supply or provide books, stationery and other goods as it deems appropriate.

(6) To frame such codes of discipline and regulations for students as may be necessary or desirable for the maintenance of the good order of the College.

(7) To institute, maintain and award fellowships, scholarships, studentships, prizes and other aids and encouragements to teaching and research, and to discontinue any such award.

(8) To prescribe such conditions as they may consider appropriate for admission to and attendance at the College, provided that it shall be within the power of the Board to exclude any person from the College or part thereof if, in the opinion of the Board, the admission or attendance of that person would be likely to prejudice the College.

B. Finance and Property

(1) Subject to any conditions which may be imposed on the Board as conditions of payment of grant to it, to make such arrangements and do such things as it thinks fit for the conduct of the financial affairs of the College.

(2) To raise, generate and receive income from any source for the furtherance of the objects of the College.

(3) To receive and expend any funds, lend money (with or without security), borrow or raise money, guarantee and give security for the payment of money by the College, the Board, or any other person, firm, company or body corporate (including any such person or entity associated with the College or Board), provided always that the Board shall cause accounts to be made of income and expenditure and shall appoint auditors to audit the same.

(4) To hold, buy, accept, acquire, use, occupy, sell, convey, exchange or lease any property whether heritable or moveable and subject to the terms of the Act to grant security over such heritable or moveable property.

(5) To accept and hold in trust any property or asset given, transferred or bequeathed for any purpose connected with the College and apply the same in accordance with purposes of the trust.

(6) To build, construct, provide, maintain, repair, alter, improve, enlarge, restructure or demolish all such property, buildings, assets, furniture, apparatus and equipment as they may from time to time deem appropriate.

(7) To provide, equip, maintain, administer and conduct any facilities for sports, social and recreational purposes, libraries, reading rooms, teaching support services, residential

accommodation, and such other facilities of any kind as they may from time to time deem appropriate.

(8) To invest any monies belonging to the College, including unapplied income, in such stocks, funds, shares, securities or accounts as they shall from time to time think fit, whether inside the United Kingdom or not, or in the purchase of heritable property, with the like power of varying such investments from time to time.

(9) To apply for, own, assign, sell or otherwise deal with any intellectual property rights including, without prejudice to the generality thereof, letters patent, patent rights, copyrights and armorial bearings, by themselves or in conjunction with others.

(10) To initiate and establish commercial companies in their own right or in association with other persons or institutions as they may deem appropriate, to hold or continue to hold shares and interests in such companies, and to carry on any trade or business whatsoever in furtherance of the objects of the College.

(11) To receive donations, legacies, annuities, subscriptions and other gifts for the furtherance of its functions provided such donations, legacies, annuities, subscriptions and other gifts shall be applied in accordance with the directions of the respective testators or donors and in the absence of any specific direction relating thereto it shall be in the power of the Board to determine the manner in which any such donation, legacy, annuity, subscription or other gift in whole or in part shall be used.

(12) To levy and receive fees and charges for all services, including the provision of courses (whether or not leading to an academic qualification).

(13) To pay to any of its members such financial loss allowances and travelling and subsistence allowances as they think appropriate.

(14) To institute and prescribe the conditions of service of such offices and positions as it deems appropriate, to appoint staff thereto and to discipline and remove staff both teaching and non teaching, including the Principal, either by suspension from or by termination of employment, and to frame such regulations as are necessary or desirable for maintaining good order amongst the staff of the College.

(15) To establish and maintain pension or superannuation schemes or funds for the benefit of any persons to whom they are empowered to pay a pension, allowance or gratuity in accordance with paragraph (16) below.

(16)(a) Subject to the following provisions of this paragraph, to pay such sum or sums by way of pension, allowance or gratuity as it may in its absolute discretion think fit to—

- (i) any member of the staff of the College, on his retirement, through age or permanent incapacity, from the employment of the Board; or
- (ii) the surviving spouse or any dependant of any such member in the event of the death of the member in the employment of the Board

in respect of any period of such member's service in the employment of the Board.

- (b) In sub-paragraph (a) the reference to the permanent incapacity of a member of the staff of the College is a reference to a disability of mind or body of such a nature or to such an extent as, in the opinion of the Board, renders that member permanently incapable of continuing to serve efficiently in the employment of the Board.
- (c) A pension, allowance or gratuity under this article shall not be payable in respect of any period of service which is reckoned for the purpose of any other pension, allowance, gratuity, or other like benefit, payable—
 - (i) out of any superannuation scheme or fund established by or under any enactment; or
 - (ii) directly or indirectly out of monies provided by Parliament or by a local authority out of any tax, charge or rate levied by them.
- (d) In sub-paragraph (c) the reference to “any other pension” does not include a retirement pension under Part II of the Social Security Contributions and Benefits Act 1992^(a) and the reference to “like benefit” does not include any other benefit under that Act.

(a) 1992 c.4.

C. Administration of the Board

(1) To make such rules, standing orders or regulations as they think fit in the implementation of their functions and to make and from time to time to vary the procedures to be adopted for the efficient working of the Board.

(2) To determine the necessary quorum for any committee of the Board, the majorities required for any determination of the Board (which unless so determined shall be a simple majority), and the methods and procedures for the recording and publication of determinations of the Board.

(3) To review any decisions of the Academic Council, the Principal or any Vice-Principal or Assistant Principal which are referred to the Board by any person aggrieved by such decision in accordance with such procedures as the Board may from time to time determine.

(4) To determine or alter the arrangements to be made for the execution and custody of all deeds and other documents belonging to it.

(5) To make such rules for the appointment of a secretary to the Board, or such other proper offices as the Board deems appropriate.

D. Affiliation

(1) To merge with or to form relationships, associations or affiliations with other educational institutions and such other bodies both public and private in furtherance of the objects of the College.

E. General

(1) To appoint such professional advisers as it deems appropriate.

(2) To purchase and maintain such insurance as it deems appropriate.

(3) To conduct legal proceedings.

(4) To provide for the indemnification by the College out of the Board's funds, of each governor, Principal, secretary or other officer or member of staff of the College, as it shall determine, against all costs, charges, losses, expenses and liabilities incurred by him in the proper execution or discharge of his duties, powers or office and to purchase and maintain liability and indemnity insurance for or for the benefit of such persons.

SCHEDULE 2
ACADEMIC COUNCIL

PART I

(1) Appointment The Academic Council shall be appointed in such manner as to ensure that the Academic Council consists of:

- (a) the holders of the following posts in the College, namely the posts of Principal, Vice-Principal (if any), any Assistant Principals (provided that the number of Assistant Principals in the Academic Council shall not exceed two and in the event of there being more than two Assistant Principals at any time, the Principal shall nominate the two Assistant Principals to serve in the Academic Council), head or associate head of each department, school, and such other academic unit as the Board may from time to time resolve, the Academic Registrar, the president of the Students' Association, and the chief librarian (however designed), *ex officio*s (hereafter called "members *ex officio*s of the Academic Council");
- (b) such number of members of the part-time or full-time academic staff and full-time or part-time enrolled students of the College as may be determined in accordance with paragraph 2 (hereafter called "elected members of the Academic Council"); and
- (c) such number of persons, not exceeding 6, as have been co-opted by the Academic Council (hereafter called "co-opted members of the Academic Council").

(2) The elected members of the Academic Council shall:

- (a) consist of such a number of persons including one full-time or part-time enrolled student of the College as may be determined by the Board, being not less than one-third and not more than two-thirds of the aggregate of members *ex officio*s of the Academic Council;
- (b) be elected by, and from among, members of the part-time or full-time academic staff and full-time or part-time enrolled students of the College who are not members *ex officio*s or co-opted members of the Academic Council;
- (c) be so elected in accordance with arrangements made by the persons holding office as members of the Academic Council immediately prior to the election and approved by the Board except in the case of the full-time or part-time enrolled student who shall be elected by full-time and part-time enrolled students of the College in a manner to be specified in a scheme made by the Students' Association and approved by the Board;
- (d) in the case of members of the part-time or full-time academic staff, hold office for such a period, not exceeding 4 years, as may be determined by the Board, and in the case of the full-time or part-time enrolled student hold office for a period not exceeding one year; and
- (e) subject to the foregoing provisions of this paragraph, be eligible for re-election.

(3) The co-opted members of the Academic Council shall hold office for such a period, not exceeding 4 years, as may be determined by the Board and shall be eligible to be co-opted again on the expiry of a period of office.

(4) The Principal shall be the chairman of the Academic Council.

PART II

PROCEEDINGS

(5) The proceedings of the Academic Council shall be regulated by a scheme made by the Academic Council and approved by the Board and the said scheme may provide for—

- (a) the appointment by the Academic Council of such committees as they consider appropriate;
- (b) the co-option, subject to paragraph 1(c), by the Academic Council of additional members (including, where they consider it appropriate, representatives of the students

in attendance at the College) of the Academic Council, or of any committee thereof, for specific purposes; and

(c) any other matters connected with the functions of the Academic Council.

(6) The Board shall have power, after consultation with the Academic Council, to make such variations in the composition of the Academic Council as they shall from time to time think fit, to determine the method of appointment to membership of the Academic Council and the tenure of the members including limitations by reason of age, and to remove members of the Academic Council in such circumstances as the Board shall consider appropriate.

(7) Any scheme made and approved under paragraph 5 shall include provisions for—

(a) the appointment of a vice-chairman of the Academic Council; and

(b) a minimum number of meetings of the Academic Council in each year.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision regarding the constitution, functions and powers of the Board of Governors of Bell College of Technology, as governing body of that College, and the arrangements to be adopted by it for discharging its functions.

Bell College of Technology has been designated by the Secretary of State as eligible to receive support from the Scottish Higher Education Funding Council by virtue of an Order made under section 44 of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”). That Order came into force on []. Prior to that date Bell College of Technology was a further education college managed by a Board of Management established under section 11 of the 1992 Act.

Part II constitutes the governing body under the name “The Board of Governors of Bell College of Technology”. The Board is a body corporate by virtue of section 45(2) of the 1992 Act. Part II also provides for the appointment of members of the Board and various administrative matters regarding the operation of the Board.

Part III and the associated Schedule prescribe the functions and powers of the Board.

Part IV makes provision for the administration of the College. It contains provision enabling the Board to delegate functions to the Principal of the College. It also provides for the establishment of an Academic Council and for the delegation to it of the Governing Body's functions regarding academic matters. There is also provision for the establishment of a students' association for the College.

This Order is laid before the Scottish Parliament since section 60 of the 1992 Act is read in conjunction with section 118 of the Scotland Act 1998.

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2001

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