

2015 No. 348

EDUCATION

The Glasgow Clyde College (Removal and Appointment of Board Members) (Scotland) Order 2015

Made - - - - *8th October 2015*

Laid before the Scottish Parliament *8th October 2015*

Coming into force - - *at 9.15 a.m. on 8th October 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 24 (2) of the Further and Higher Education (Scotland) Act 1992(a) and all other powers enabling them to do so.

In accordance with section 24(1)(a)(ii) and (v) of the Further and Higher Education (Scotland) Act 1992, it appears to them that the Board of Management of Glasgow Clyde College have committed repeated breaches of terms and conditions of a grant made to them under section 12 of the Further and Higher Education (Scotland) Act 2005(b), and have mismanaged the affairs of that Board.

In accordance with section 24(3) of the Further and Higher Education (Scotland) Act 1992, they have consulted the Scottish Further and Higher Education Funding Council.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Glasgow Clyde College (Removal and Appointment of Board Members) (Scotland) Order 2015 and comes into force at 9.15 a.m. on 8th October 2015.

(2) In this Order, “the Glasgow Clyde Board” means the Board of Management of Glasgow Clyde College(c) established as a body corporate by section 11(2) of the Further and Higher Education (Scotland) Act 1992.

Removal of members from the Glasgow Clyde Board

2. The following members are removed from the Glasgow Clyde Board—

George Chalmers

Jim Hamilton

Les Jacobs

(a) 1992 c.37. Section 24 was substituted by section 7 of the Post-16 Education (Scotland) Act 2013 (asp 12) (“the 2013 Act”).

(b) 2005 asp 6. Section 12 was amended by section 9(1) of the 2013 Act

(c) Glasgow Clyde College is prescribed by S.I. 1992/1597. The name of Glasgow Clyde College was changed from “Cardonald College” on 1st August 2013 in accordance with section 3(4) of the Further and Higher Education (Scotland) Act 1992. Section 3(4) of that Act was amended by section 30 of the Further and Higher Education (Scotland) Act 2005.

Peter Laverie
Richard Leggett
Aileen Ponton
Elaine Proudfoot
Gordon Reid.

Appointment of members to the Glasgow Clyde Board

3.—(1) Alex Linkston is appointed as the chairing member of the Glasgow Clyde Board.

(2) The following persons are appointed as members of the Glasgow Clyde Board—

Sandra Heidinger
Gordon McGuinness
Alex Muirhead
David Newall
Gill Troup
Michael Yuille.

Period of office of members

4. The members appointed under article 3 of this Order are to hold office until 30th September 2016.

ANGELA CONSTANCE
A member of the Scottish Government

St Andrew's House,
Edinburgh
8th October 2015

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order removes George Chalmers from the Board of Management of Glasgow Clyde College (“the Glasgow Clyde Board”). He was, until the coming into force of this Order, the chairing member of the Glasgow Clyde Board, having been appointed under paragraph 3A(2)(a) of Schedule 2 to the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”), which was inserted by section 6(1) of the Post-16 Education (Scotland) Act 2013 (“the 2013 Act”).

Article 2 of this Order also removes Jim Hamilton, Les Jacobs, Richard Leggett, Aileen Ponton, Elaine Proudfoot and Gordon Reid as members of the Glasgow Clyde Board. These members were appointed prior to the amendments made by the 2013 Act to the 1992 Act coming into force in relation to the Glasgow Clyde Board but, under transitional arrangements made under section 6(2) of the 2013 Act, they are treated as having been appointed under paragraph 3A(2)(f) of Schedule 2 to the 1992 Act. Article 2 also removes Peter Laverie as a member of the Glasgow Clyde Board, who was appointed a member by virtue of paragraph 3A(2)(c) of Schedule 2 to the 1992 Act.

Article 3 of this Order appoints Alex Linkston as the chairing member of the Glasgow Clyde Board. Article 3 also appoints Sandra Heidinger, Gordon McGuinness, Alex Muirhead, David Newall, Gill Troup and Michael Yuille as members of the Glasgow Clyde Board in place of those members who were treated as having been appointed under paragraph 3A(2)(f) of Schedule 2 to the 1992 Act and who are removed by Article 2 of this Order.

Those appointed members will hold office under letters of appointment authorised by this Order and article 4 provides that the members appointed under this Order hold office until 30th September 2016.

The Scottish Ministers have exercised this power of removal and appointment because it appears to them that the Glasgow Clyde Board have committed repeated breaches of terms and conditions of a grant made to them under section 12 of the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”) and have mismanaged the affairs of the Glasgow Clyde Board. By virtue of section 24(5) of the 1992 Act, the appointments of the chairing member and other members under article 3 of this Order have effect as if they had been appointed to the Glasgow Clyde Board under paragraph 3A(2)(a) and (f) respectively of Schedule 2 to the 1992 Act. This means that, under paragraph 5 of that Schedule (and subject to article 4 of this Order), these members hold and vacate office on such terms and conditions as the Regional Board for Glasgow Colleges (which is the regional strategic body to which Glasgow Clyde College is assigned under section 7C(1) of the 2005 Act) determines.

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