

## SCHEDULES

### SCHEDULE 6

Section 34.

#### TRANSITIONAL COMPOSITION OF COLLEGE COUNCILS

##### *Membership of college councils*

- 1 (1) Subject to sub-paragraph (2) below, during the transitional period, the composition of the college council for the college shall be determined in accordance with paragraphs 2 and 3 of Schedule 2 to this Act.
- (2) In the application of the said paragraphs of Schedule 2 to membership of a college council—
- (a) any reference to the board—
- (i) in paragraphs 2 and 3(1), (2) and (6) and in paragraph 3(3) where such reference first occurs shall be construed as a reference to the college council; and
- (ii) in paragraph 3(3) where such reference second occurs and in paragraph 3(4) shall be construed as a reference to the Secretary of State; and
- (b) the rules to be made under the said paragraph 3(6) shall be made as soon as is practicable after the date prescribed in relation to the college for the purposes of section 34(3) of this Act.
- (3) If the number of persons who become members of the college council in pursuance of this paragraph is less than 12, the college council may appoint in accordance with the said paragraph 3 such additional members as they consider appropriate; provided that the total number of members appointed to the council does not at any time exceed 16.

##### *Terms of appointment*

- 2 (1) Subject to the following provisions of this Schedule, a person who becomes a member of a college council in pursuance of paragraph 1 above shall hold and vacate office in accordance with the terms of his appointment.
- (2) A member of a college council, other than the principal of the college, may resign his office at any time by giving notice in writing to the Secretary of State.

##### *Eligibility for appointment*

- 3 (1) A person shall not be eligible for appointment to a college council at any time when he is under the age of sixteen or over the age of seventy; but a person who attains the age of seventy during his appointment shall be entitled to remain in office.
- (2) A person is not eligible for appointment to a college council if—
- (a) he has, within five years of the date his appointment would take effect, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or

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- the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) his estate has been sequestrated, he has made an arrangement with his creditors, he has been adjudged bankrupt, he has granted a trust deed for his creditors or a composition contract; or
  - (c) he is incapacitated by mental illness.
- (3) Where a person is disqualified under sub-paragraph (2)(b) above by reason of having had his estate sequestrated, the disqualification shall cease if and when—
- (a) the sequestration of his estate is recalled or reduced; or
  - (b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985.
- (4) Where a person is disqualified under that sub-paragraph by reason of having been adjudged bankrupt, the disqualification shall cease—
- (a) unless the bankruptcy order made against him is previously annulled, on his discharge from bankruptcy; and
  - (b) if the bankruptcy order is so annulled, on the date of the annulment.
- (5) Where a person is disqualified under that sub-paragraph by reason of his having made an arrangement with his creditors or granted a trust deed for his creditors or a composition contract, the disqualification shall cease when the arrangement or, as the case may be, trust deed or composition contract is no longer in force.
- (6) Nothing in this paragraph or in paragraphs 4 and 5 below shall apply to the principal of the college in his capacity as a member of the college council.

#### *Disqualification from appointment*

- 4 If at any time the college council are satisfied that any member of the council—
- (a) has been convicted as mentioned in sub-paragraph (a) of paragraph 3(2) above or has become a person to whom either of sub-paragraphs (b) or (c) of paragraph 3(2) above applies; and
  - (b) has been absent, without the permission of the council, from all meetings of the council or any of their committees to which the member has been appointed for a period longer than six consecutive months,
- the council shall, by notice given in writing to that person, remove him from office; and thereupon the office shall become vacant.
- 5 If at any time the college council are satisfied that any member of the council—
- (a) has failed to comply with any of the provisions of regulation 9(2) (conflict of interest) or 9(7) (confidentiality of information) of The College Council (Scotland) (No. 2) Regulations 1990 (provisions as to the composition of college councils);
  - (b) having been appointed by reason of being a student of the college or a member of the staff of the college, ceases to be such student or member of staff; or
  - (c) without prejudice to paragraph 4 above, has become unable or unfit to discharge his functions as a member of the council,
- the council may, by notice given in writing to that person, remove him from office; and thereupon the office shall become vacant.

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*Casual vacancy*

- 6 (1) Any casual vacancy among the members of a council may be filled by the council appointing a person to fill the vacancy in like manner to that by which the person to be replaced was appointed.
- (2) Notwithstanding paragraph 2 above, a person appointed in pursuance of this paragraph shall hold office until the expiry of the period of office of the person he was appointed to replace.