

1987 No. 309 (S. 20)

EDUCATION, SCOTLAND

The Colleges of Education (Scotland) Regulations 1987

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The Secretary of State, in exercise of the powers conferred on him by sections 73, 74 and 77 of the Education (Scotland) Act 1980(a) and of all other powers enabling him in that behalf, and after consultation, in accordance with section 5(1)(b) of the Teaching Council (Scotland) Act 1965(b), with the General Teaching Council for Scotland and with the governing bodies of the colleges of education appearing to him to be concerned regarding the functions in relation to colleges of education assigned to the said Council by these Regulations, hereby makes the following Regulations:

PART I
COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These Regulations may be cited as the Colleges of Education (Scotland) Regulations 1987 and shall come into force on 1st April 1987.

Interpretation

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

- “academic board” means an academic board constituted under regulation 32;
- “college” means a college of education;
- “dissolved college” means a college dissolved by regulation 4;
- “governing body” means the governing body of a college;
- “governor” means a member of a governing body;
- “higher academic staff”, in relation to a central institution, means the principal or director, any vice-principal, deputy principal or deputy director, and any person holding a post equivalent to those posts, in the institution;
- “principal” means the principal of a college;
- “relevant receiving college” means the college to the governing body of which the staff, property, rights, liabilities and obligations of the governing body of a dissolved college are transferred under Part III;
- “students’ representative council” means the students’ representative council in a college, constituted under regulation 33;

(a) 1980 c.44; section 77 was amended by the Education (Scotland) Act 1981 (c.58), Schedule 6, paragraph 2.

(b) 1965 c.19.

“vice-principal” means a vice-principal of a college.

(2) In these Regulations, unless the context otherwise requires, any reference to a regulation, Part or Schedule is a reference to a regulation or Part of these Regulations or a Schedule to these Regulations.

PART II

ESTABLISHMENT OF COLLEGES OF EDUCATION

Establishment of colleges of education

3. There are hereby established institutions being colleges of education under the names of Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies) and Northern College of Education.

PART III

DISSOLUTION OF CERTAIN COLLEGES OF EDUCATION AND TRANSFER OF STAFF AND PROPERTY, ETC.

Dissolution of certain colleges of education

4. Aberdeen College of Education, Dundee College of Education, Dunfermline College of Physical Education, Edinburgh, and Moray House College of Education shall be dissolved on 1st April 1987.

Application of transfer provisions

5. The provisions of these Regulations for the transfer of staff of a dissolved college apply to any member of staff who immediately before 1st April 1987 was in whole time or part time employment of the governing body of a dissolved college.

Transfer of staff of dissolved colleges

6. On 1st April 1987—

- (a) the staff of Aberdeen College of Education and Dundee College of Education shall be transferred to Northern College of Education; and
- (b) the staff of Dunfermline College of Physical Education, Edinburgh, and Moray House College of Education shall be transferred to Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies).

Savings for training arrangements

7.—(1) Where a member of staff transferred by virtue of regulation 6 is undergoing or is to undergo a course of training or has entered or is about to enter an apprenticeship in accordance with arrangements made by the governing body of a dissolved college, which have not been discharged before 1st April 1987, those arrangements shall continue in force on and after that date as if they had been made by the governing body of the relevant receiving college into whose employment he is so transferred.

(2) Where any such member of staff was immediately before 1st April 1987 undergoing a course of training or undertaking research work these Regulations shall apply—

- (a) if it was part of the arrangements by virtue of which he is undergoing such a course that at the completion of the course he should be transferred to employment different from that in which he was engaged prior to the commencement of the course, as if he was immediately before 1st April 1987 so employed; or

- (b) in the absence of any such arrangement, as if he was immediately before 1st April 1987 in the employment in which he was engaged immediately prior to the commencement of such training.

Transfer of property, rights, liabilities and obligations

8.—(1) On 1st April 1987 the whole property, heritable and moveable, and the rights, liabilities and obligations to which the governing body of a dissolved college specified in Column (2) of the following Table (opposite a serial number specified in Column (1) of the Table) was entitled or subject immediately before that day shall, by virtue of this regulation and subject to the provisions of these Regulations, be transferred to, vest in and become the property, rights, liabilities and obligations of the governing body of the relevant receiving college specified in Column (3) of the Table opposite that serial number:—

Table

(1) <i>Serial No.</i>	(2) <i>Dissolved college</i>	(3) <i>Relevant receiving college</i>
1.	Aberdeen College of Education	Northern College of Education
2.	Dundee College of Education	Northern College of Education
3.	Dunfermline College of Physical Education, Edinburgh	Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies)
4.	Moray House College of Education	Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies).

(2) Any agreement made, transaction effected or other thing done in connection with a dissolved college by, to or in relation to the governing body of that college which is in force or effective immediately before 1st April 1987 shall have effect on and after that day as if made or done in connection with the relevant receiving college by, to or in relation to the governing body of that college in all respects as if the governing body of the relevant receiving college were the same person in law as the governing body of the dissolved college and accordingly references to the governing body of a dissolved college—

- (a) in any agreement whether or not in writing and in any deed, bond, instrument or notice;
- (b) in any action or proceeding pending or existing at 1st April 1987 by or against that governing body before any court or other tribunal; and
- (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right, liability or obligation of or relating to that dissolved college which vests by virtue of this regulation in a relevant receiving college,

shall be taken on and after 1st April 1987 as referring to the governing body of the relevant receiving college.

(3) Without prejudice to the generality of paragraphs (1) and (2) above—

- (a) the rights, liabilities and obligations transferred and vested by virtue of paragraph (1) of this regulation shall include the rights, liabilities and obligations of the governing body of a dissolved college under any contract of employment in force immediately before 1st April 1987 between them and any member of staff of the dissolved college transferred by virtue of regulation 6;
- (b) by virtue of paragraph (2) of this regulation, any such contract of employment shall be modified by substituting for any reference therein to the governing body of the dissolved college a reference to the governing body of the relevant receiving college;
- (c) without prejudice to sub-paragraph (b) of this paragraph, for the purposes of any such contract of employment (as it has effect by virtue of paragraphs (1) and (2) of this regulation in relation to the governing body of the relevant receiving college) any period of employment with the governing body of a dissolved college under that contract shall count as employment with the governing body of the relevant receiving college; and

(d) nothing in these Regulations shall have the effect of terminating any such contract of employment or of varying it in any other way.

(4) The governing body of the relevant receiving college may, and shall if so required by the Secretary of State, sell or otherwise dispose of the whole or any part of any heritable property transferred by virtue of paragraph (1) of this regulation on such terms and conditions as may be approved by the Secretary of State and shall pay to the Secretary of State the whole or such part of any proceeds of such sale or disposal as he may require.

(5) Where accommodation in any property of a dissolved college, transferred to and vested in the relevant receiving college by virtue of paragraph (1) of this regulation, is used (or in the case of accommodation not yet in occupation, proposed to be used), otherwise than temporarily, for the purpose of any functions which on and after 1st April 1987 are not dischargeable by the governing body of the relevant receiving college, the user shall subject to paragraph (4) above be entitled to the use of such accommodation for such purposes as were authorised by the governing body of the dissolved college.

Vehicle licences

9. Any excise licence, operators' licence, public service vehicle licence, road service licence, plating certificate or other document issued in respect of any vehicle transferred by regulation 8 shall have effect as if it had been issued to the governing body of the relevant receiving college and any reference to the governing body of the dissolved college from whom the vehicle is transferred in any such licence or certificate or in any registration book or other document issued in respect of such vehicle shall have effect as if it were a reference to the governing body of the relevant receiving college.

PART IV

GOVERNING BODIES OF COLLEGES OF EDUCATION

Constitution and incorporation of governing bodies

10. The governing bodies of Craigie College of Education, Jordanhill College of Education, Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies), Northern College of Education and St. Andrew's College of Education are hereby constituted as bodies corporate with perpetual succession and a common seal under the following respective names:-

"The Governors of Craigie College of Education";

"The Governors of Jordanhill College of Education";

"The Governors of Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies)";

"The Governors of Northern College of Education"; and

"The Governors of St. Andrew's College of Education".

General powers of governing bodies

11.—(1) Subject to the provisions of these Regulations, each governing body shall have power in its own name—

(a) to sue and be sued;

(b) to enter into contracts or agreements for the purposes of its functions under these Regulations;

(c) to purchase, acquire, hold and dispose of property, heritable or moveable, for those purposes;

(d) to accept any endowments, whether subject to special conditions or not, for the furtherance of those purposes; and

(e) to invest any monies and funds held by it which are not immediately required to be expended for the said purposes in any investments for the time being authorised by law for the investment of trust funds, and to change any investments held by it into investments of a nature so authorised;

and shall have all other rights, powers and privileges of a body corporate.

(2) Notwithstanding the provisions of the foregoing paragraph, a governing body shall not have power to borrow money except with the consent of the Secretary of State.

Composition of governing bodies

12.—(1) Each governing body shall be composed in the manner prescribed in Schedule 1.

(2) Each governing body shall be entitled at any time to co-opt additional persons to serve as governors for such period, not exceeding two years, as the governing body thinks fit:

Provided that it shall not be competent—

- (a) for more than 3 persons to be such governors at any time, in the case of Jordanhill College of Education, Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies) or Northern College of Education;
- (b) for more than 2 persons to be such governors at any time, in the case of Craigie or St Andrew's College of Education.

Period of office of governors

13.—(1) The period of office of the governors first appointed or elected under these Regulations (not being governors to whom regulation 12(2) relates) shall, subject to the provisions of regulation 14, end on 31 March 1991, and the period of office of the governors appointed to succeed these governors shall, subject also to the said provisions, end on 31 March 1995, and so on at intervals of 4 years.

(2) Each governing body shall, on or about 5th January in each year in which the period of office of the governors expires in terms of paragraph (1) above, intimate to each of the bodies or persons referred to in Schedule 1, who are entitled to appoint governors, the number of places for which they are entitled to appoint governors, and each of those bodies or persons shall appoint governors for the period of office of the governors beginning on 1st April in that year before or as soon as possible after that date.

(3) Each governing body shall—

- (a) after consultation with the academic staff of the college, make rules for the election of the governors to be elected by the academic staff from among such staff;
- (b) after consultation with the non-academic staff of the college, make rules for the election of the governors to be elected by the non-academic staff from among such staff; and
- (c) after consultation with the students' representative council, make rules for the election of the governors to be elected by the matriculated students from among such students.

(4) Any rules made by a governing body under paragraph (3) above may, after consultation with the academic staff of the college, with the non-academic staff of the college, or with the students' representative council, whichever is appropriate, be revoked and replaced, or varied, by further rules made by that governing body.

Vacancies among governors

14.—(1) A governor shall be deemed to have vacated his office as governor, and the governing body shall declare his place vacant, in the following circumstances:—

- (a) where he intimates in writing his resignation as a governor;
- (b) where he ceases to hold an office in respect of which he was qualified for appointment or election to the governing body, provided that he shall be deemed not to have ceased to hold that office if he is at the first opportunity re-appointed or re-elected to it;
- (c) 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;
- (d) where he becomes unable to carry out his duties as a governor by reason of physical or mental illness;

- (e) where he fails without leave of the governing body to attend any meeting of the governing body or of a committee or sub-committee of the governing body for a period of 6 months; or
- (f) in the case of a governor who has been elected to be a governor in accordance with rules made under regulation 13(3) or (4), where he ceases to be a member of the academic or non-academic staff or a matriculated student, as the case may be.

(2) Where the place of a governor who has been appointed to the office of governor has been declared vacant under paragraph (1) of this regulation, or where such a governor has died, the governing body shall intimate the vacancy to the body or person referred to in Schedule 1 which is entitled to appoint that governor and that body or person may appoint a governor to fill the vacancy.

(3) Where the place of a governor who has been elected to be a governor in accordance with rules made under regulation 13(3) or (4) has been declared vacant under paragraph (1) of this regulation, or where such a governor has died, or where, in one of the elections held under those rules no person is declared to have been duly elected or the number of the persons declared to have been duly elected is less than the number of places to be filled, the governing body shall hold a further election to fill the vacant place or places.

(4) A governor appointed or elected in terms of paragraph (2) or (3) of this regulation shall hold office until the expiry of the period of office of the governors in terms of regulation 13(1).

Age limit for governors

15. A person who has attained the age of 65 years shall not be eligible for appointment, election or co-option to the office of governor, but a person who attains the said age while he is a governor may continue to be a governor until the expiry of his period of office.

Chairman and vice-chairman

16.—(1) The chairman of each governing body shall be appointed by the Secretary of State from among the governors and shall hold office until the expiry of his period of office as governor:

Provided that if the chairman is deemed to have vacated office as governor under regulation 14 he shall also cease to be chairman.

(2) The principal shall be vice-chairman of the governing body *ex officio*.

(3) In the absence of both the chairman and the vice-chairman the governing body may appoint one of their own number to preside at any meeting.

Business arrangements

17.—(1) The governing body may appoint such committees of its own number as it thinks fit, and may appoint, as additional members of any committee, persons, not being governors, whom it considers specially fitted to assist the work of the committee, and may delegate such of its functions as it considers expedient to any such committee.

(2) The governing body shall hold at least four ordinary meetings in the year, at such times and places as it may determine.

(3) At all meetings of the governing body one-third of the current membership of the governing body shall be a quorum. All questions shall be determined by a majority of the governors present, and the chairman of any meeting shall have both a deliberative vote and a casting vote.

(4) Where any meeting of a governing body is to consider the salary or conditions of service of a particular category of staff, any governor who is within that category shall withdraw from the meeting while such matters are considered, unless invited to remain by virtue of a resolution of the members of the governing body present at the meeting who are not within that category:

Provided that nothing in this paragraph shall require the principal or a vice-principal to withdraw from a meeting.

(5) Where any meeting of a governing body or any committee of it is to consider the salary, conditions of service, appointment, promotion, suspension or dismissal of any member of the staff of the college of education, any governor who is a student of that college shall withdraw from the meeting while such matters are considered, unless invited to remain by

virtue of a resolution of the members of the governing body or committee present at the meeting who are not such students.

(6) All deeds and other writings, sealed by the common seal of the governing body and signed by one governor and an officer of the governing body appointed for the purpose, shall be held to be validly executed on behalf of the governing body.

Standing orders

18. Subject to the provisions of these Regulations, each governing body may make such standing orders as it thinks fit for regulating its proceedings and the proceedings (including the quorum) of its committees and for regulating the exercise of its functions under these Regulations.

Validity of proceedings of governing body

19. No failure or defect in the appointment or co-option of any governor and no vacancy in the office of governor shall prevent the governing body from acting in the execution of these Regulations, nor shall any act or proceeding of the governing body or of any committee appointed by it be invalidated or be illegal by reason of or in consequence of any such vacancy or of any such defect in the appointment or co-option of any one or more governors.

PART V FUNCTIONS

General

20. Each governing body shall provide, administer and conduct the college of education specified in its name.

Provision of courses

21.—(1) At or in connection with the college of education under its administration and, where appropriate, in co-operation with other colleges of education and other educational institutions and agencies, each governing body shall provide such courses of the following kinds as the Secretary of State may approve or direct to be provided:—

- (a) courses leading to the teaching qualifications specified in the Teachers (Education, Training and Registration) (Scotland) Regulations 1967(a);
- (b) courses for the further training of teachers;
- (c) courses leading to a qualification in youth and community work;
- (d) courses for the further training of leaders or workers in youth and community work;
- (e) courses leading to a qualification in social work;
- (f) courses for the further training of social workers;
- (g) special courses suitable for persons who have undertaken or propose to undertake duties outside the United Kingdom which may include teaching in, or the supervision of, schools or colleges;
- (h) courses leading to a qualification in the training of the handicapped, a qualification in speech therapy or a qualification relevant to any other profession ancillary to medicine;
- (i) courses in leisure and recreation training; and
- (j) such other courses of education or training as the college is reasonably able to provide.

(2) The provision of courses may include the arrangement of conferences and the giving of assistance or advice to education authorities or other bodies providing such courses or arranging such conferences.

(a) S.I. 1967/1162, to which there are amendments not relevant to these Regulations.

(3) Each governing body may award diplomas and certificates to students who have successfully completed courses at or in connection with the college under its administration provided that no external body has awarded diplomas and certificates to the student for the successful completion of those courses.

(4) Each governing body shall comply with any direction given by the Secretary of State, after consultation with the governing body, as to the discontinuance of any course of instruction provided in the college under its administration or the number of students of different categories to be admitted to the college in any period.

Research

22.—(1) Each governing body may—

- (a) undertake, or assist any body or person to undertake, any research related to the subjects in which it is entitled to provide courses;
- (b) provide consultancy or similar services to any body or person provided that such services shall be related to the subjects in which it is entitled to provide courses;
- (c) arrange for affiliation of the college to or affiliation to the college of, or enter into arrangements or co-operation with, any educational institution, association or other body for purposes connected with the functions of the governing body;
- (d) raise income from research.

(2) Where a governing body, in exercise of its powers under paragraph (1)(a) or (b) of this regulation, provides a service to any body or person outwith the college, it shall make a charge for the service, and in determining the charge shall, unless satisfied that in the particular circumstances of the case it is inappropriate to do so, seek to recover the cost to the governing body of providing the service.

Land, buildings and facilities

23.—(1) Each governing body shall provide, maintain, furnish and equip such land and buildings as are required for the exercise of its functions.

(2) Each governing body shall provide such facilities as are required for the exercise of its functions and such provision may include facilities for sports, social and recreational purposes, libraries and reading rooms, and residential accommodation and meals for students and members of staff.

(3) Subject to the following paragraphs, governing bodies shall not provide a school.

(4) Until regulations provide otherwise, the governing body of Jordanhill College of Education may continue to provide the school previously provided at that college and any facilities, including meals for staff and pupils, required for the school.

(5) Until regulations provide otherwise, the governing body of Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies) may continue to provide the nursery school previously provided at Moray House College of Education and any facilities, including meals for staff and pupils, required for the nursery school.

Co-operation

24.—(1) Governing bodies shall where appropriate co-operate with one another and other educational institutions and agencies for the purpose of facilitating the exercise of any of their functions or reducing their expenditure.

(2) Governing bodies may arrange for the discharge of any function of the governing body of one college by the governing body of another college or for the discharge of any function of a governing body by another educational institution or agency.

(3) Two or more governing bodies may arrange for the discharge of any of their functions jointly, and may where appropriate empower a joint committee or sub-committee appointed under this regulation to discharge those functions for them.

(4) Two or more governing bodies may appoint a joint committee or committees to facilitate co-operation or consultation between the governing bodies in relation to the exercise of their functions or any matter of common interest and may empower any such joint committee to appoint sub-committees and delegate functions to them.

(5) A joint committee or sub-committee appointed under this regulation shall consist of members of the governing bodies concerned and such other persons, if any, not exceeding one-third of the members of the committee or sub-committee, as may be arranged.

(6) Expenditure incurred in connection with the work of a joint committee or sub-committee appointed under this regulation shall be shared by agreement among the governing bodies concerned.

PART VI

STAFF

Employment of Staff

25.—(1) Subject to paragraphs (2) to (5) of this regulation, each governing body shall employ a principal and such other full-time and part-time staff as it may require.

(2) Subject to paragraphs (3) to (5) of this regulation—

(a) the governing body of a college shall not appoint any person to a teaching post in that college unless that person is a registered teacher; and

(b) if a person appointed to such a post after 1st September 1986 ceases to be a registered teacher, his appointment shall be terminated by the governing body.

(3) Where a person who is not a registered teacher was appointed to a teaching post before 1st September 1986, his appointment shall not be terminated on the ground that he is not a registered teacher, save as provided in paragraph (4) of this regulation.

(4) Where a person who is not a registered teacher was appointed to a teaching post before 1st September 1986 and since his appointment has become a registered teacher, his appointment shall be terminated by the governing body if he ceases to be a registered teacher.

(5) If the governing body of a college is unable to appoint a registered teacher to a teaching post it may, with the approval of the General Teaching Council for Scotland, appoint a person to such a post who is not a registered teacher, but who, in the opinion of the governing body, possesses sufficient qualifications and experience for the purposes of the instruction to be given in the post.

(6) The governing body of a college shall intimate to the General Teaching Council for Scotland the name of any person appointed to a teaching post in the college who is a registered teacher and the Council shall have the function of notifying to the governing body the removal from the register kept by them in accordance with section 6 of the Teaching Council (Scotland) Act 1965(a) of any name so intimated to them.

(7) In paragraphs (2) to (6) of this regulation—

“teaching post” means a post in a college being a post the duties of which include instruction of students; and for the purposes of this definition “student” means a person engaged in a course of training leading to a teaching qualification or a teacher engaged on a course of further training; and

“registered teacher” means—

(a) a person registered other than provisionally in the category of primary or secondary education by the General Teaching Council for Scotland under section 6 of the Teaching Council (Scotland) Act 1965; or

(b) a person employed to teach lecturers from further education colleges if he is registered other than provisionally in the category of primary, secondary or further education by the said Council.

(8) This regulation shall not apply to a person with specialist knowledge where he is to be employed only in imparting that specialist knowledge, such knowledge being other than the theory, methods or practice of teaching, and not in teaching a subject in which it is possible to obtain a Teaching Qualification (Secondary Education) as defined in the Teachers (Education, Training and Registration) (Scotland) Regulations 1967.

(a) 1965 c.19.

(9) In the case of St. Andrew's College of Education no person shall be appointed by the governing body to the teaching staff unless he is approved as regards religious belief and character by the Scottish Hierarchy of the Roman Catholic Church.

(10) Each governing body may require any person employed by it whose responsibility includes intromission with its funds to find such caution as it may determine for his duly accounting for his intromissions.

Pensions, Allowances and Gratuities

26.—(1) Subject to the following provisions of this regulation, each governing body may, with the approval of the Secretary of State, pay such sum or sums by way of pension, allowance or gratuity as it thinks fit to any person who has been employed by the governing body on his retirement, through age or permanent incapacity, from such employment in respect of any period of his service in the employment of the governing body.

(2) In paragraph (1) of this regulation "permanent incapacity" means disability of mind or body of such a nature or to such an extent as, in the opinion of the governing body, renders a person permanently incapable of continuing to serve efficiently in its employment.

(3) A pension, allowance or gratuity under this regulation shall not be payable in respect of any period of service which is reckoned for the purpose of any other pension, allowance, gratuity, or like benefit, payable—

- (a) out of any superannuation scheme or fund established by or under any enactment; or
- (b) directly or indirectly out of monies provided by Parliament.

(4) In paragraph (3) of this regulation the reference to "any other pension" does not include a retirement pension under Part II of the Social Security Act 1975^(a) and the reference to "like benefit" does not include any benefit payable under the Social Security Acts 1975 to 1986.

PART VII

ADMINISTRATION

Powers and duties of the principal: general

27.—(1) The principal shall have under his direct control, and shall be responsible to the governing body for, the whole organisation and discipline of a college.

(2) In the absence of the principal, his powers and duties under these Regulations shall be exercised by the vice-principal, or where there is more than one vice-principal by the vice-principal nominated by the governing body to substitute for the principal in exercising those powers and duties.

Power of principal to suspend member of staff

28. The principal may suspend any member of the staff of the college who is in his opinion guilty of serious misconduct, provided that—

- (a) he shall report the suspension to the chairman of the governing body or, if the chairman is not available, to another governor, within 2 days; and
- (b) the suspension shall not affect the rights of the person suspended to the salary or other emoluments of his post.

Discipline of students

29.—(1) The principal may suspend from attendance at the college any student who is, in his opinion, guilty of serious misconduct.

(a) 1975 c.14.

(2) At the time of such suspension or as soon as practicable thereafter the principal shall inform the student in writing of the grounds on which he has been suspended and shall give him an opportunity to reply; and shall thereupon decide whether the student should be reinstated, should continue to be suspended or should be expelled.

(3) Where the principal decides that a student should continue to be suspended, or should be expelled, he shall inform the student in writing and the student may, within 14 days of the principal's decision being so intimated to him, appeal to the governing body.

(4) Where the student so desires, the governing body shall give him the opportunity to appear before them and be heard in relation to the appeal, in person or through a representative, and in the consideration of any such appeal no governor who has been concerned with the suspension of the student under paragraph (1) of this regulation shall act as a member of the governing body.

(5) The decision of the governing body upon an appeal shall be final.

Unsatisfactory progress of students

30. Where in the opinion of the academic board a student is failing to make satisfactory progress, the principal shall warn the student, or shall cause warning to be given to him, that if his progress continues to be unsatisfactory he may be required to leave the college, and if after a reasonable period the academic board is still of the opinion that the student's progress is unsatisfactory, the principal may require the student to leave the college, and the student shall leave forthwith.

Requirement to leave for medical reasons

31.—(1) Where the principal, after consultation with the college medical officer, is of the opinion that a student should discontinue his studies for medical reasons, he may require the student, by notice in writing, to leave the college.

(2) Within a period of 14 days after receiving notice under paragraph (1) of this regulation, the student may appeal in writing against the principal's decision to the governing body.

(3) Where a student has appealed under paragraph (2) of this regulation, the principal may, at his discretion, allow the student to continue attendance at the college pending the decision of the governing body.

(4) Where the student so desires, the governing body shall give him the opportunity to appear before it and be heard in relation to the appeal, in person or through a representative.

(5) The decision of the governing body on an appeal shall be final.

(6) Where a student has been required to withdraw from a college for medical reasons, he may not resume his course of studies at the college until he has satisfied proviso (b) to regulation 5(1) of the Teachers (Education, Training and Registration) (Scotland) Regulations 1967, and where he satisfies that condition the principal shall, after consulting the academic board, decide at what stage in his course he may resume his studies.

Academic Boards

32.—(1) An academic board shall be constituted in each college.

(2) The academic board shall be composed in the manner prescribed in Part I of Schedule 2 and its procedure shall be regulated in the manner prescribed in Part II of that Schedule.

(3) The functions of the academic board shall be to advise the principal in relation to the co-ordination of studies, the maintenance of academic standards and questions falling within the ambit of the responsibilities of the teaching staff of the college.

Students' representative councils

33. Each governing body shall, in consultation with representatives of students attending the college under its administration, and subject to the approval of the Secretary of State, make a scheme for the constitution and the functions of a students' representative council in the college; and the scheme shall also prescribe rules under which the said council shall be entitled to make representations to the governing body.

Reports and returns

34. Each governing body shall make such reports and returns and give such information to the Secretary of State as he may require.

PART VIII

GRANTS

Making of grants

35. Subject to the provisions of this part of these Regulations, the Secretary of State may pay to the governing body of a college—

- (a) non-recurrent grants, being grants in aid of its expenditure on the acquisition of lands, or rights therein, and buildings, on the erection, enlargement and improvement of buildings, on the supply of equipment and furnishings, on the provision and laying out of premises, including playing fields and other facilities for social activities and physical recreation; and
- (b) recurrent grants, being grants in aid of its expenditure on the administration and maintenance of the college, including the employment of members of staff, and on other purposes connected with such administration and maintenance.

Assessment of grants

36. A grant under this Part of these Regulations shall be of such amount or at such rate and in respect of such period as the Secretary of State may determine.

Conditions of grants

37.—(1) The following conditions shall apply to the payment and acceptance of all grants under this Part of these Regulations:—

- (a) the governing body shall furnish such estimates of income and expenditure and shall give such other information to the Secretary of State as he may require;
- (b) the accounts shall be audited to the satisfaction of the Secretary of State, and the governing body shall, if the Secretary of State intimates to it that he is not so satisfied, make such arrangements for the audit of its accounts as satisfy him; and
- (c) the governing body shall comply with any requirement imposed on it by these Regulations.

(2) The following additional conditions shall apply to the payment and acceptance of non-recurrent grant:—

- (a) the governing body shall obtain the sanction of the Secretary of State to the purchase of any land, or rights therein, and buildings proposed to be acquired, and his approval of any building and other works proposed to be undertaken, with the aid of grant; and
- (b) where any property which is in the ownership of the governing body, whether or not it was provided with the aid of the grant, is no longer required by the governing body for the purpose for which it was provided, the governing body may with the consent of the Secretary of State, and shall if the Secretary of State so directs, sell or otherwise dispose of the said property, and shall repay to the Secretary of State such part as he may require of any proceeds of the sale or disposal.

(3) The following additional conditions shall apply to the payment and acceptance of recurrent grant:—

- (a) the scales of tuition and other fees charged to students attending the college shall be approved by the Secretary of State; and
- (b) the governing body in determining the scales of charges to students resident in hostels, the scales of charges for meals, and the scales of charges for other services provided to staff or students under its administration shall have regard to the principle that

hostels, facilities for meals and other services should, save in exceptional circumstances, be self-supporting.

Payment of grants

38. A grant under this Part of these Regulations shall be paid by instalments of such amount and at such times as the Secretary of State may determine.

Power to withhold grants

39. The Secretary of State may reduce or withhold a grant if any condition imposed by this Part of these Regulations is not fulfilled.

PART IX

SUPPLEMENTARY, TRANSITIONAL AND REVOCATION

Colleges which continue: rights, obligations, etc.

40.—(1) This regulation shall apply to Craigie College of Education, Jordanhill College of Education and St. Andrew's College of Education.

(2) The governing body constituted by these Regulations of each college to which this regulation applies shall be treated for all purposes as the same legal person as the previously existing governing body of that college, and accordingly, without prejudice to the foregoing generality—

- (a) the property, rights, liabilities and obligations of the previously existing governing body (including rights, liabilities and obligations under any contract of employment) shall be the property, rights, liabilities and obligations of the governing body constituted by these Regulations; and
- (b) any reference in any deed, any writ relating to court proceedings or any other document to the governing body of the college shall be a reference to the governing body constituted by these Regulations.

(3) In this regulation, a reference to the previously existing governing body is a reference to the governing body which existed immediately before commencement of these Regulations(a).

Revocation

41. The Regulations specified in Schedule 3 are hereby revoked.

New St. Andrew's House, Edinburgh
2nd March 1987

John J. MacKay
Parliamentary Under Secretary of State,
Scottish Office

(a) The governing bodies were constituted for St. Andrew's College of Education by S.I. 1981/1017 and for all other colleges of education by S.I. 1967/29, the relevant amending instruments being S.I. 1975/640 and 1981/1017.

COMPOSITION OF GOVERNING BODIES

CRAIGIE COLLEGE OF EDUCATION

The Governors of Craigie College of Education shall be composed as follows:-

- (1) One person appointed by Strathclyde Regional Council from the members of their education committee;
- (2) One person appointed by the Convention of Scottish Local Authorities from members of education committees of regional and islands councils;
- (3) One person appointed by the Association of Directors of Education in Scotland from their own number;
- (4) One person appointed by the Senate of the University of Strathclyde from their own number;
- (5) The principal and vice-principal of the college;
- (6) Two persons elected by the academic staff of the college from their own number;
- (7) One person elected by the non-academic staff of the college from their own number;
- (8) Two teachers appointed by the General Teaching Council for Scotland of whom-
 - (a) one shall be the head teacher of a primary school; and
 - (b) one shall be a registered teacher employed in a primary school;
- (9) One person elected by the matriculated students of the college from their own number who is an office bearer in the students' representative council in the college;
- (10) One person appointed by the Education Committee of the General Assembly of the Church of Scotland;
- (11) Three persons appointed by the Secretary of State.

JORDANHILL COLLEGE OF EDUCATION

The Governors of Jordanhill College of Education shall be composed as follows:-

- (1) One person appointed by Strathclyde Regional Council from the members of their education committee;
- (2) One person appointed by the Convention of Scottish Local Authorities from members of education committees of regional and islands councils;
- (3) One person appointed by the Association of Directors of Education in Scotland from their own number;
- (4) One person appointed by the Senate of the University of Glasgow from their own number;
- (5) One person appointed by the governing body of Paisley College of Technology from among the higher academic staff of that institution;
- (6) The principal and vice-principal of the college and the Director of the School of Further Education at the college;
- (7) Three persons elected by the academic staff of the college from their own number;
- (8) One member elected by the non-academic staff of the college from their own number;
- (9) Four teachers appointed by the General Teaching Council for Scotland of whom-
 - (a) one shall be the headteacher of a primary school;
 - (b) one shall be the headteacher of a secondary school;
 - (c) one shall be the principal of a further education college; and
 - (d) one shall be a registered teacher appointed without regard to the post in which he or she is employed;
- (10) One person elected by the matriculated students of the college from their own number who is an office bearer in the students' representative council in the college;
- (11) One person appointed by the Education Committee of the General Assembly of the Church of Scotland;
- (12) One person appointed by the Association of Directors of Social Work from their own number;
- (13) One person appointed by the Association of Directors of Education in Scotland being a person who in their opinion is a person of experience in youth and community work;
- (14) Four persons appointed by the Secretary of State.

MORAY HOUSE COLLEGE OF EDUCATION (INCORPORATING THE SCOTTISH CENTRE FOR PHYSICAL EDUCATION, MOVEMENT AND LEISURE STUDIES)

The Governors of Moray House College of Education (incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies) shall be composed as follows:-

- (1) One person appointed by Lothian Regional Council from the members of their education committee;
- (2) One person appointed by the Convention of Scottish Local Authorities from members of education committees of regional and islands councils;
- (3) One person appointed by the Association of Directors of Education in Scotland from their own number;
- (4) One person appointed by the Senate of the University of Edinburgh from their own number;
- (5) One person appointed by the governing body of Napier College of Commerce and Technology from among the higher academic staff of that institution;
- (6) The principal and vice-principal of the college and the Director of the Scottish Centre for Physical Education, Movement and Leisure Studies;
- (7) Three persons elected by the academic staff of the college from their own number;
- (8) One member elected by the non-academic staff of the college from their own number;
- (9) Three teachers appointed by the General Teaching Council for Scotland of whom-
 - (a) one shall be the head teacher of a primary school;
 - (b) one shall be the head teacher of a secondary school; and
 - (c) one shall be a registered teacher appointed without regard to the post in which he or she is employed;
- (10) One person elected by the matriculated students of the college from their own number who is an office bearer in the students' representative council in the college;
- (11) One person appointed by the Education Committee of the General Assembly of the Church of Scotland;
- (12) One person appointed by the Association of Directors of Social Work from their own number;
- (13) One person appointed by the Association of Directors of Education in Scotland being a person who in their opinion is a person of experience in youth and community work;
- (14) One person appointed by the Association of Directors of Recreation, Leisure and Tourism from their own number;
- (15) One medical practitioner appointed by the British Medical Association (Scottish Council);
- (16) Four persons appointed by the Secretary of State.

NORTHERN COLLEGE OF EDUCATION

The Governors of Northern College of Education shall be composed as follows:-

- (1) One person appointed by Tayside Regional Council from the members of their education committee;
- (2) One person appointed by Grampian Regional Council from the members of their education committee;
- (3) One person appointed by the Convention of Scottish Local Authorities from members of education committees of regional and islands councils;
- (4) One person appointed by the Association of Directors of Education in Scotland from their own number;
- (5) One person appointed from their own number by the Senate of-
 - (a) the University of St Andrews for the first period of office of governors;
 - (b) the University of Aberdeen for the second such period;
 - (c) the University of Dundee for the third such period;
 - (d) the University of Aberdeen for the fourth such period,and by one of those Senates in the same sequence for each period of office of governors thereafter;
- (6) One person appointed from among the higher academic staff of the institution under its administration by the governing body of -
 - (a) Robert Gordon's Institute of Technology for the first period of office of governors;
 - (b) Duncan of Jordanstone College of Art for the second such period;
 - (c) Robert Gordon's Institute of Technology for the third such period;
 - (d) Dundee College of Technology for the fourth such period,

and by one of those governing bodies in the same sequence for each period of office of governors thereafter;

- (7) The principal and vice-principals of the college;
- (8) Three persons elected by the academic staff of the college from their own number;
- (9) One person elected by the non-academic staff of the college from their own number;
- (10) Three teachers appointed by the General Training Council for Scotland of whom—
 - (a) one shall be the head teacher of a primary school;
 - (b) one shall be the head teacher of a secondary school; and
 - (c) one shall be a registered teacher appointed without regard to the post in which he or she is employed;
- (11) One person elected by the matriculated students of the college from their own number who is an office bearer in the students' representative council in the college;
- (12) One person appointed by the Education Committee of the General Assembly of the Church of Scotland;
- (13) One person appointed by the Association of Directors of Social Work from their own number;
- (14) One person appointed by the Association of Directors of Education in Scotland being a person who in their opinion is a person of experience in youth and community work;
- (15) Four persons appointed by the Secretary of State.

ST ANDREW'S COLLEGE OF EDUCATION

The Governors of St Andrew's College of Education shall be composed as follows:—

- (1) One person appointed by Strathclyde Regional Council from the members of their education committee;
- (2) One person appointed by the Convention of Scottish Local Authorities from members of education committees of regional and islands councils;
- (3) One person appointed by the Association of Directors of Education in Scotland from their own number;
- (4) One person appointed jointly by the Senates of the Universities of Scotland from their own number;
- (5) One person appointed by the governing body of Glasgow College of Technology from among the higher academic staff of that institution;
- (6) The principal and vice-principal of the college;
- (7) Two persons elected by the academic staff of the college from their own number;
- (8) One member elected by the non-academic staff at the college from their own number;
- (9) Three teachers appointed by the General Teaching Council for Scotland from registered teachers approved as regards their religious belief and character by the Scottish Hierarchy of the Roman Catholic Church who are serving in schools in Scotland, of whom—
 - (a) one shall be the head teacher of a primary school;
 - (b) one shall be the head teacher of a secondary school; and
 - (c) one shall be a registered teacher appointed without regard to the post in which he or she is employed;
- (10) One person elected by the matriculated students of the college from their own number who is an office bearer in the students' representative council in the college;
- (11) Two persons appointed by the Scottish Hierarchy of the Roman Catholic Church;
- (12) Three persons appointed by the Secretary of State, of whom at least one shall be member of the Roman Catholic Church.

SCHEDULE 2

Regulation 32

ACADEMIC BOARDS

PART I

COMPOSITION

1. The academic board of a college of education shall comprise members of the academic staff as follows:—

- (1) the principal and all holders of posts in the grades of vice-principal and assistant principal *ex officio*;
 - (2) such number of holders of promoted posts as the governing body, with agreement of the Secretary of State, considers necessary to reflect the range of activities undertaken by the academic staff;
 - (3) such number of holders of non-promoted posts as the governing body, with agreement of the Secretary of State, considers appropriate having regard to the size of the board and to the need to ensure an appropriate breadth of specialist expertise.
2. The governing body shall appoint the members of the academic board referred to in paragraph 1(2) and (3) of this Schedule.
3. The principal shall be chairman of the academic board.

PART II

PROCEDURE

4. The procedure of the academic board shall be regulated by a scheme drawn up by the board and approved by the governing body.
5. The said scheme shall include provision for—
- (1) the appointment of a vice-chairman;
 - (2) co-option to the board for specific purposes of persons who are not members of the academic staff;
 - (3) a minimum number of meetings a year;
 - (4) the appointment of such committees comprising both members of the board and others as the board thinks necessary; and
 - (5) such other matters connected with the board's business as the board thinks fit.

SCHEDULE 3

Regulation 41

REGULATIONS REVOKED

The Teachers (Colleges of Education) (Scotland) Regulations 1967(a)
 The Teachers (Colleges of Education) (Scotland) Amendment Regulations 1972(b)
 The Teachers (Colleges of Education) (Scotland) Amendment Regulations 1975(c)
 The Teachers (Colleges of Education) (Scotland) Amendment Regulations 1977(d)
 The Teachers Colleges of Education (Scotland) Regulations 1981(e)
 The Teachers (Colleges of Education) (Scotland) Amendment Regulations 1986(f)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the dissolution of 4 colleges of education in Scotland and the establishment of 2 new colleges of education to take their place. The Regulations also

- (a) S.I. 1967/29.
- (b) S.I. 1972/1891.
- (c) S.I. 1975/640.
- (d) S.I. 1977/634.
- (e) S.I. 1981/1017.
- (f) S.I. 1986/1353.

set out the arrangements for colleges of education in Scotland, superseding the Teachers (Colleges of Education) (Scotland) Regulations 1967, the Teachers Colleges of Education (Scotland) Regulations 1981 and various amending instruments.

Part II of the Regulations establishes two new colleges of education, namely Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies) and Northern College of Education.

Part III dissolves the existing Aberdeen College of Education and Dundee College of Education and provides for transfer of their staff and their property, rights and obligations to the new Northern College of Education. Part III also dissolves the existing Dunfermline College of Physical Education, Edinburgh, and Moray House College of Education and provides for transfer of their staff and their property, rights and obligations to the new Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies).

Part IV provides for the constitution of governing bodies to administer the 5 colleges of education in Scotland, namely Craigie, Jordanhill, Northern and St. Andrew's Colleges of Education and Moray House College of Education (Incorporating the Scottish Centre for Physical Education, Movement and Leisure Studies). Part IV gives these governing bodies general powers for the purpose of carrying out their functions. It makes provision, together with Schedule 1, for the composition of governing bodies and regarding the appointment or election and tenure of office of governors. It provides also for the procedures of governing bodies.

Part V sets out the functions of governing bodies, namely to administer the college of education, to provide courses of education or training for teachers and others, to undertake or promote research, to provide land, buildings and facilities necessary for these purposes, and to co-operate with other colleges and other educational bodies where appropriate.

Part VI provides for employment of the staff required. It prescribes in particular that staff in teaching posts, who teach students who are training to be teachers or are receiving further training as teachers, must subject to certain exceptions be teachers registered under the Teaching Council (Scotland) Act 1965. This requirement does not apply to staff appointed before 1st September 1986, when this requirement was first introduced by previous regulations, unless they have become registered teachers. Part VI also gives governing bodies, with approval of the Secretary of State, a power to pay pensions, allowances or gratuities to employees who retire through age or ill-health, and who are not already covered by other pension schemes.

Part VII makes various provisions regarding administration of colleges. It provides for the general powers and duties of the principal, for his power to suspend staff, for the discipline of students, and for the cases where students can be required to leave on academic or medical grounds. It provides, together with Schedule 2, for the constitution and functions of an academic board in each college and provides for the setting up of a students' representative council in each college.

Part VIII provides for the payment by the Secretary of State to the governing bodies of colleges of non-recurrent grants in respect of capital expenditure and recurrent grants in respect of the administration and maintenance of colleges, and prescribes the conditions for payment of those grants.

Part IX contains transitional provisions to ensure the transfer of property, rights, liabilities and obligations from the old to the new governing body, in the case of those colleges which are not affected by the provisions for establishment and dissolution of colleges. It revokes the previous regulations superseded by these Regulations.

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