



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

*[<sup>F1</sup> Regional boards: constitution etc.]*

#### Textual Amendments

**F1** S. 23P and cross-heading inserted (1.5.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), ss. **11(1)**, 23(2); S.S.I. 2014/79, art. 2(1), Sch. 1

#### **23P Regional boards: constitution**

Schedule 2B makes provision about the constitution of a regional board, about the general powers of such a board and about certain administrative and other matters with respect to such a board.]

#### **[<sup>F2</sup>23Q Mismanagement by regional boards**

- (1) This section applies where it appears to the Scottish Ministers that a regional board—
  - (a) has committed or is committing—
    - (i) a serious breach of any term or condition of a grant made to it under section 12(1)(c); or
    - (ii) repeated breaches of such terms or conditions;
  - (b) has failed or is failing—
    - (i) properly to discharge its responsibility for administering the funds made available to it under that section in respect of its colleges; or
    - (ii) to discharge any of its duties properly; or
  - (c) has mismanaged, or is mismanaging, its financial or other affairs.
- (2) Where this section applies, the Scottish Ministers may by order—

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*Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Regional boards: constitution etc.. (See end of Document for details)*

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- (a) remove any or all of the members of the regional board; and
  - (b) where a removed member was appointed under paragraph 3(2)(a) or (f) of schedule 2B, appoint another person in place of the removed member.
- (3) Before making an order under subsection (2)(a), the Scottish Ministers must consult the Council.
- (4) The Scottish Ministers must give notice of exercise of the power of removal conferred by subsection (2)(a) to the board and the member.
- (5) An appointment made under subsection (2)(b) has effect as if made under the provision of paragraph 3 of schedule 2B under which the removed member was appointed.]

#### Textual Amendments

**F2** S. 23Q inserted (1.5.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 12, 23(2)**; [S.S.I. 2014/79](#), art. 2(1), Sch. 1

#### [<sup>F3</sup>23R Establishment and abolition of regional boards: supplemental

- (1) The Scottish Ministers may make such arrangements as they consider appropriate in anticipation of the establishment of a regional board by virtue of an order under section 7B or the coming into force of section 8 of the Post-16 Education (Scotland) Act 2013.
- (2) They may, in particular, appoint on terms and conditions determined by them persons who are, from the day on which the board is established, to hold office as if appointed under paragraph 3(2)(a) or, as the case may be, (f) of schedule 2B.
- (3) An order under section 7B(2)(a) which abolishes a regional board may, in particular, make provision—
- (a) for the transfer of the regional board's staff, property, rights, liabilities or obligations to such other person as may be specified in the order;
  - (b) for the Scottish Ministers to pay any expenses incurred in connection with the abolition;
  - (c) imposing such duties or conferring such additional powers in relation to the abolition as the Scottish Ministers consider appropriate;
  - (d) for the exercise of any of the regional board's functions by any member of the board specified in the order;
  - (e) appointing a person to administer the abolition (and giving that person such powers and duties as appear to the Scottish Ministers to be necessary or expedient for such purposes as are specified in the order).
- (4) Such an order—
- (a) must ensure that any transferred property and rights which, before the transfer, were to be applied for the purpose of the advancement of education are to continue to be applied for that purpose after the transfer;
  - (b) may contain provision for the transfer of staff, property, rights, liabilities or obligations only if the person to whom the transfer is being made (apart from the Scottish Ministers) has consented to the transfer.
- (5) This section does not prejudice the generality of powers conferred by section 34(2) or by section 22 of the Post-16 Education (Scotland) Act 2013.]

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**Changes to legislation:** *There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Regional boards: constitution etc.. (See end of Document for details)*

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### Textual Amendments

- F3** S. 23R inserted (10.10.2013 for specified purposes, 3.3.2014 in so far as not already in force) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 13**, 23(2); [S.S.I. 2013/281](#), [art. 2](#), Sch.; [S.S.I. 2014/21](#), [art. 2](#), Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Regional boards: constitution etc..