

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Disqualification from membership. (See end of Document for details)

SCHEDULE 1
THE SCOTTISH FURTHER AND HIGHER EDUCATION FUNDING COUNCIL

Disqualification from membership

- 4 [F1(1) A person is disqualified from appointment, and from holding office, as a member of the Council if that person is—
- (a) a member of the House of Lords;
 - (b) a member of the House of Commons;
 - (c) a member of the Scottish Parliament;
 - (d) a member of the European Parliament; or
 - (e) disqualified from election as a member of the Scottish Parliament or as a member of a local authority.]
- [F2(2) A person is disqualified from appointment as a member of the Council if that person—
- (a) has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine;
 - (b) is an undischarged bankrupt; or
 - (c) has been removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any regional board).
- (3) For the purposes of sub-paragraph (2)(b), “undischarged bankrupt” means a person—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);
 - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);
 - (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986;
 - (d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts;
 - (e) who has been adjudged bankrupt (and has not been discharged); or
 - (f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.
- (4) A person is disqualified from holding office as a member of the Council if that person—
- (a) is sentenced as mentioned in sub-paragraph (2)(a);
 - (b) has become a person to whom sub-paragraph (2)(b) applies; or
 - (c) is removed from office as mentioned in sub-paragraph (2)(c).]

Textual Amendments

F1 Sch. 1 para. 4 renumbered as Sch. 1 para. 4(1) (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(24\)\(a\)](#); S.S.I. 2014/21, art. 2, Sch. 1

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F2 Sch. 1 para. 4(2)-(4) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(24\)\(b\)](#); S.S.I. 2014/21, art. 2, Sch. 1

Commencement Information

I1 Sch. 1 para. 4 in force at 3.10.2005 by [S.S.I. 2005/419](#), [art. 2\(1\)](#)

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