



# Post-16 Education (Scotland) Act 2013

## 2013 asp 12

### *Regional boards*

#### **12 Regional boards: mismanagement**

After section 23P of the 2005 Act, inserted by section 11(1), insert—

##### **“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—
  - (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.”