



Post-16 Education (Scotland) Act 2013

2013 asp 12

College reorganisation

7 Colleges: mismanagement

For section 24 of the 1992 Act substitute—

“24 Mismanagement by boards

- (1) This section applies where—
- (a) it appears to the Scottish Ministers that the board of management of any college of further education—
 - (i) have committed or are committing a serious breach of any term or condition of a grant made to them under section 12 or 12B of the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”);
 - (ii) have committed or are committing repeated breaches of such terms or conditions;
 - (iii) have failed, or are failing, to provide or secure the provision of education of such standard as the Scottish Ministers consider appropriate;
 - (iv) have failed, or are failing, to discharge any of their duties properly; or
 - (v) have mismanaged, or are mismanaging, their financial or other affairs; or
 - (b) the Council has informed the Scottish Ministers that a college of further education whose board of management is established in pursuance of this Part is not, or is no longer, a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2) of the 2005 Act.
- (2) Where this section applies, the Scottish Ministers may by order—
- (a) remove any or all of the members of the board (other than the principal of the college); and

Status: This is the original version (as it was originally enacted).

- (b) where a removed member was appointed under paragraph 3(2)(a) or (f) or 3A(2)(a) or (f) of Schedule 2, 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 Schedule 2 under which the removed member was appointed.”.