

2020 No. 303

EDUCATION

The Glasgow School of Art Order of Council 2020

Made - - - - 29th September 2020

Laid before the Scottish Parliament 1st October 2020

Coming into force - - 30th November 2020

At the Council Chamber, Whitehall, the 29th day of September 2020

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships make the following Order in exercise of the powers conferred by sections 45 and 60(3) of the Further and Higher Education (Scotland) Act 1992(a) and all other powers enabling them to do so.

PART 1

Citation, commencement and interpretation

Citation and commencement

1. This Order may be cited as the Glasgow School of Art Order of Council 2020 and comes into force on 30 November 2020.

Interpretation

2. In this Order—

“the 2016 Act” means the Higher Education Governance (Scotland) Act 2016(b),

“Board of Governors” means the governing body of the School,

“Chair” means the governor referred to in article 3(a),

“Director” means the director of the School,

“governor” means a member of the Board of Governors referred to in article 3,

“School” means the Glasgow School of Art(c), a designated institution under section 44 of the Further and Higher Education (Scotland) Act 1992(d).

(a) 1992 c.37.

(b) 2016 asp 15.

(c) The Glasgow School of Art is a company limited by guarantee registered under company number SC002271.

(d) Section 44 was amended by paragraph 6(1)(c) of schedule 3 of the Further and Higher Education (Scotland) Act 2005 (asp 6).

PART 2

The Governors

The composition of the Board of Governors

3. The membership of the Board of Governors is to be composed of—
- (a) the Chair, being the person appointed by the Board of Governors to the position of senior lay member by virtue of section 8 of the 2016 Act,
 - (b) the Director,
 - (c) two governors appointed by being elected by the staff of the School from among their own number,
 - (d) one governor appointed by being nominated by a trade union from among the academic staff of the School who are members of a branch of a trade union that has a connection with the School, in accordance with section 10(2) of the 2016 Act,
 - (e) one governor appointed by being nominated by a trade union from among the support staff of the School who are members of a branch of a trade union that has a connection with the School, in accordance with section 10(2) of the 2016 Act,
 - (f) two governors appointed by being nominated by the students' association of the School from among the students of the School,
 - (g) 10 to 17 governors appointed by the Board of Governors from time to time in accordance with its rules and procedures, with the aim of the membership having such skills, experience and expertise as the Board of Governors determines to be relevant and appropriate, and who may not be members of staff or students of the School.

Appointment of Chair of the Board of Governors

4.—(1) The Chair is to be appointed in accordance with sections 3 to 8 of the 2016 Act and an appointment process prescribed by the Board of Governors.

(2) Subject to article 8, the Board of Governors is to prescribe the duties, responsibilities and terms and conditions of the Chair, which may include such remuneration and allowances as the Board considers to be reasonable in accordance with section 9 of the 2016 Act.

Appointment and role of Vice-Chair

5.—(1) The Board of Governors may appoint one or more Vice-Chairs from among the governors appointed under article 3(g).

(2) Before appointing a Vice-Chair under paragraph (1), the Board of Governors is to make rules for the appointment of a Vice-Chair (or Vice-Chairs).

(3) The Vice-Chair may be removed from office as Vice-Chair in accordance with rules made by the Board of Governors.

Elections to the Board of Governors

6. The governors referred to in article 3(c) are to be elected in accordance with rules made by the Board of Governors in accordance with section 11 of the 2016 Act.

Nominations to the Board of Governors

7.—(1) The governors referred to in articles 3(d), (e) and (f) are to be nominated in accordance with rules made by the Board of Governors in accordance with section 12 of the 2016 Act.

(2) Before making or modifying rules under paragraph (1), the Board of Governors must consult the representatives of anyone with a right of nomination under and affected by the proposed rules or (as the case may be) modification.

Term of office of governors

8.—(1) The governor appointed under article 3(b) holds office for the duration of that person's appointment as Director.

(2) Subject to paragraphs (5) to (9), the Board of Governors may make rules as to the duration of the term of office of governors appointed under article 3(a) and (c) to (g), and may vary or revoke and replace such rules.

(3) No variation or revocation of rules as to the duration of the term of office of governors may supersede the rules prevailing at the time of a governor's original appointment.

(4) Any governor re-appointed to the Board of Governors subsequent to a variation or revocation and replacement of the rules as to the duration of the term of office of governors shall be subject to the rules as varied or replaced.

(5) A governor appointed under article 3(a) is to hold office for an initial term not exceeding 4 years and may be reappointed for one further consecutive term of up to 4 years.

(6) A governor appointed under article 3(c) to (e) or (g) is to hold office for an initial term not exceeding 3 years and may be reappointed for up to two further terms, each of which may last for up to 3 years.

(7) A governor appointed under article 3(f) is to hold office for an initial term not exceeding 1 year and may be reappointed for one further term of up to 1 year.

(8) A governor appointed under article 3(a) and (c) to (g) may be re-appointed on the expiry of the governor's term of office unless the aggregate of the governor's intended term of office and any previous term of office would result in that governor's service for an overall term of more than 9 years, and any appointment or reappointment of any such governor shall be subject to such aggregate limit on their term of office.

(9) For the purposes of paragraph (8), a governor's aggregate term of office shall include any term of office as a governor appointed under article 3(a) or (c) to (g), whether served before or after the coming into force of this Order, but not any term of office as a governor appointed under article 3(b).

Resignation and removal of governors from office

9. The Board of Governors may make rules about the procedure for the resignation and removal of governors in accordance with section 13 of the 2016 Act.

PART 3

Transitional Provisions and Revocation

Transitional provisions

10.—(1) The governor appointed to chair the Board of Governors under article 5(1) of the Glasgow School of Art (Scotland) Order of Council 1996^(a) who is in office immediately before 30 November 2020 is to be regarded, for the remainder of that governor's period in office, as if appointed to the position of Chair in accordance with articles 3(a) and 4(1) of this Order.

(2) The Convenor of the students' association appointed as a governor under article 3(b) of the Glasgow School of Art (Scotland) Order of Council 1996 who is in office immediately before 30 November 2020 is to be regarded, for the remainder of that governor's period in office, as if appointed as governor in accordance with article 3(f) of this Order.

(a) S.I. 1996/120.

Revocation

11. The Glasgow School of Art (Scotland) Order of Council 1996 is revoked.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the governance arrangements for the Glasgow School of Art (“the School”) relating to its Board of Governors, replacing the arrangements set out in the Glasgow School of Art (Scotland) Order of Council 1996, which is revoked.

Article 1 provides that the Order comes into force on 30 November 2020. Article 2 provides definitions of certain terms that are used in the Order.

Article 3 sets out the composition of the Board of Governors, which is to comprise a Chair who is the senior lay member by virtue of section 8 of the Higher Education Governance (Scotland) Act 2016 (“the 2016 Act”), the Director of the School, two persons elected by and from the staff of the School, two persons nominated by a trade union with a connection to the School (one from among the academic staff and one from among the support staff), two persons nominated by the students’ association, and 10 to 17 members appointed by the Board of Governors (“Independent Governors”).

Article 4 makes further provision for the appointment of the Chair who is to be appointed in accordance with the 2016 Act and an appointment process prescribed by the Board of Governors and the Board of Governors is to prescribe the duties, responsibilities and terms and conditions of the Chair.

Article 5 provides that the Board of Governors may appoint a Vice-Chair from among the Independent Governors.

Article 6 provides that the Board of Governors is to make rules for the election of governors by the staff. Article 7 provides that the Board of Governors is to make rules for the nomination of the student and trade union governors and is to consult the representatives of anyone with a right of nomination under and affected by the proposed rules.

Article 8 provides that the Board of Governors is to make rules relating to the term of office of members, including eligibility for re-appointment and maximum term of office. Article 9 provides that the Board of Governors may make rules relating to the procedure for resignation and removal of governors.

Article 10 makes transitional provision for the chairman of the Board of Governors and the Convener of the students’ association who are in office immediately before the coming into force of this Order to be treated for the remainder of their period in office as if appointed in accordance with article 3 of this Order.

Article 11 revokes the Glasgow School of Art (Scotland) Order of Council 1996.

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