

**Changes to legislation:** There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: Membership. (See end of Document for details)

## SCHEDULES

### <sup>F1</sup> SCHEDULE 2

#### CONSTITUTION AND PROCEEDINGS OF BOARDS OF MANAGEMENT

##### Textual Amendments

**F1** Sch. 2 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), [Sch. 1](#).

#### *Membership*

<sup>F12</sup> .....

##### Textual Amendments

**F1** [Sch. 2 para. 2](#) omitted (3.3.2014) by virtue of [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 2\(7\)\(a\)](#); [S.S.I. 2014/21](#), art. 2, [Sch. 1](#)

<sup>F23</sup> (1) The board of a regional college is to consist of no fewer than 15 nor more than <sup>F320</sup> members.

(2) The board is to be comprised of—

- (a) a person appointed by the Scottish Ministers to chair meetings of the board (the “chairing member”);
- (b) the principal of the college;
- (c) a person appointed by being elected by the teaching staff of the college from among their own number;
- (d) a person appointed by being elected by the non-teaching staff of the college from among their own number;
- <sup>F4</sup>(da) a person appointed by being nominated by a trade union from among the teaching staff of the college who are members of a branch of a trade union that has a connection with the college;
- (db) a person appointed by being nominated by a trade union from among the non-teaching staff of the college who are members of a branch of a trade union that has a connection with the college;]
- (e) two persons appointed by being nominated by the students' association of the college from among the students of the college; and
- (f) other members appointed by the board.

<sup>F5</sup>(2A) For the purposes of sub-paragraph (2)(da) and (db), a trade union nominating a person from among a category of staff must be one that—

- (a) is recognised by the board in relation to the category of staff (within the meaning of section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992); or

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- (b) otherwise appears to the board to be representative of the category of staff, having regard to all relevant factors.]
- (3) An appointment made in pursuance of sub-paragraph (2)(f) has effect only if approved by—
- (a) the chairing member; and
  - (b) the Scottish Ministers.
- (4) A person is not eligible for appointment as the chairing member under sub-paragraph (2)(a) if the person is—
- (a) a member of the Scottish Parliament;
  - (b) a member of the House of Lords;
  - (c) a member of the House of Commons; <sup>F6</sup>or]
  - (d) a member of the European Parliament; <sup>F7</sup>...
  - <sup>F7</sup>(e) .....
- but such a person may otherwise be appointed as a member of the board.
- <sup>F8</sup>(5) In relation to the board of New College Lanarkshire, this paragraph is to be read subject to the modifications set out in article 5(2) of the Lanarkshire Colleges Order 2014.]]

#### Textual Amendments

- F2** Sch. 2 paras. 3-3C substituted for Sch. 2 para. 3 (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), [ss. 6\(1\), 23\(2\)](#); [S.S.I. 2014/21](#), art. 2, Sch. 1
- F3** Word in Sch. 2 para. 3(1) substituted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, [2\(2\)\(a\)](#)
- F4** Sch. 2 para. 3(2)(da)(db) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, [2\(2\)\(b\)](#)
- F5** Sch. 2 para. 3(2A) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, [2\(2\)\(c\)](#)
- F6** Word in Sch. 2 para. 3(4)(c) inserted (31.3.2015) by [The Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015 \(S.S.I. 2015/153\)](#), art. 1, [Sch. para. 2\(3\)\(a\)](#)
- F7** Sch. 2 para. 3(4)(e) and word preceding it omitted (31.3.2015) by virtue of [The Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015 \(S.S.I. 2015/153\)](#), art. 1, [Sch. para. 2\(3\)\(b\)](#)
- F8** Sch. 2 para. 3(5) inserted (1.10.2014) by [The Lanarkshire Colleges Order 2014 \(S.S.I. 2014/250\)](#), arts. 1(1), [5\(1\)\(2\)](#) (as amended (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\)](#), arts. 1, [4\(2\)](#))

<sup>F9</sup>3A (1) The board of a college which is not a regional college is to consist of no fewer than <sup>F10</sup>15] nor more than <sup>F11</sup>20] members.

- (2) The board is to be comprised of—
- (a) a person appointed by the regional strategic body to chair meetings of the board (the “chairing member”);
  - (b) the principal of the college;
  - (c) a person appointed by being elected by the teaching staff of the college from among their own number;
  - (d) a person appointed by being elected by the non-teaching staff of the college from among their own number;

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- [ a person appointed by being nominated by a trade union from among the teaching staff of the college who are members of a branch of a trade union that has a connection with the college;
- <sup>F12</sup>(da) a person appointed by being nominated by a trade union from among the non-teaching staff of the college who are members of a branch of a trade union that has a connection with the college;]
- (db) a person appointed by being nominated by a trade union from among the non-teaching staff of the college who are members of a branch of a trade union that has a connection with the college;]
- (e) two persons appointed by being nominated by the students' association of the college from among the students of the college; and
- (f) other members appointed by the regional strategic body.]
- [<sup>F13</sup>(3) for the purposes of sub-paragraph (2)(da) and (db), a trade union nominating a person from among a category of staff must be one that—
- (a) is recognised by the board in relation to the category of staff (within the meaning of section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992); or
- (b) otherwise appears to the board to be representative of the category of staff, having regard to all relevant factors.]

#### Textual Amendments

- F9** Sch. 2 paras. 3-3C substituted for Sch. 2 para. 3 (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013](#) (asp 12), [ss. 6\(1\), 23\(2\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F10** Word in Sch. 2 para. 3A(1) substituted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023](#) (S.S.I. 2023/363), arts. 1, [2\(3\)\(a\)\(i\)](#)
- F11** Word in Sch. 2 para. 3A(1) substituted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023](#) (S.S.I. 2023/363), arts. 1, [2\(3\)\(a\)\(ii\)](#)
- F12** Sch. 2 para. 3A(2)(da)(db) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023](#) (S.S.I. 2023/363), arts. 1, [2\(3\)\(b\)](#)
- F13** Sch. 2 para. 3A(3) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023](#) (S.S.I. 2023/363), arts. 1, [2\(3\)\(c\)](#)

- [<sup>F14</sup>3B (1) An election to appoint members in pursuance of paragraph 3(2)(c) or (d) or 3A(2)(c) or (d) is to be conducted in accordance with rules made by the board.
- (2) Before making, varying or replacing rules about elections to be held in pursuance of paragraph 3(2)(c) or 3A(2)(c), the board must consult the representatives of any trade union which the board recognises as being, or which otherwise appears to the board to be, representative of the teaching staff of the college.
- (3) Before making, varying or replacing rules about elections to be held in pursuance of paragraph 3(2)(d) or 3A(2)(d), the board must consult the representatives of any trade union which the board recognises as being, or which otherwise appears to the board to be, representative of the non-teaching staff of the college.]

#### Textual Amendments

- F14** Sch. 2 paras. 3-3C substituted for Sch. 2 para. 3 (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013](#) (asp 12), [ss. 6\(1\), 23\(2\)](#); S.S.I. 2014/21, art. 2, Sch. 1

- [<sup>F15</sup>3C (1) In appointing members under paragraph 3(2) or 3A(2) and in extending the period of appointment of any member so appointed, the board or, as the case may be, regional strategic body must have regard to any guidance issued by the Scottish

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Ministers in relation to the making of such appointments (including any guidance on the desirability of appointing members with particular skills and experience).

(2) Before issuing guidance under sub-paragraph (1), the Scottish Ministers must consult—

- (a) any board to which the guidance relates;
- (b) where it relates to the board of a college which is not a regional college, the regional strategic body for the college;
- (c) the local authority for any area in which the board to which the guidance relates is situated;
- (d) the relevant students' associations;
- (e) the representatives of any trade union which is recognised by a board to which the guidance relates or which otherwise appears to the Scottish Ministers to be representative of its staff;
- (f) the Council;
- (g) any body which appears to the Scottish Ministers to be representative of colleges of further education;
- (h) any body which appears to the Scottish Ministers to be representative of local authorities;
- (i) any body which appears to the Scottish Ministers to be representative of students of colleges of further education generally; and
- (j) any body which appears to the Scottish Ministers to be representative of trade unions in Scotland.

(3) Different guidance may be issued for different purposes.]

**Textual Amendments**  
**F15** Sch. 2 paras. 3-3C substituted for Sch. 2 para. 3 (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), [ss. 6\(1\), 23\(2\)](#); S.S.I. 2014/21, art. 2, Sch. 1

**F16**4 . . . . .

**Textual Amendments**  
**F16** Sch. 2 para. 4 omitted (3.3.2014) by virtue of [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), [s. 23\(2\)](#), [Sch. para. 2\(7\)\(a\)](#); S.S.I. 2014/21, art. 2, Sch. 1

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