

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Paragraph 5B. (See end of Document for details)

SCHEDULES

^{F1} 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](#).

Qualifications and tenure of office

- ^{F1}5B (1) The relevant person must remove a member of the board from office (by giving notice in writing to the member) if—
- (a) the member—
 - (i) is sentenced as mentioned in paragraph 5A(1)(a); or
 - (ii) has become a person to whom paragraph 5A(1)(b) applies; or
 - (b) the relevant person is satisfied that the member—
 - (i) has been absent from meetings of the board for a period longer than 6 consecutive months without the permission of the board; or
 - (ii) is otherwise unable or unfit to discharge the member's functions.
- (2) In sub-paragraph (1), “relevant person”—
- (a) in the case of the chairing member of the board of a regional college, means the Scottish Ministers;
 - (b) in the case of any other member of the board of a regional college, means the board of management of that college;
 - (c) in the case of a member of the board of a college which is not a regional college, means the regional strategic body for that college.
- (3) The Scottish Ministers must, by giving notice in writing to the member, remove a member from office if the member is removed from office under section 24 of this Act (in relation to any other college) or section 23Q of the Further and Higher Education (Scotland) Act 2005 (in relation to any regional board).
- (4) Where a member removed under sub-paragraph (3) was appointed under paragraph 3(2)(f) or ^{F2}3A(2)(a) or (f)], the Scottish Ministers may appoint another person in place of the removed member.
- (5) An appointment made under sub-paragraph (4) has effect as if made under the provision under which the removed member was appointed.]

Textual Amendments

F1 Sch. 2 paras. 5A-5C inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013](#) (asp 12), s. 23(2), [Sch. para. 2\(7\)\(c\)](#); [S.S.I. 2014/21](#), art. 2, Sch. 1

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F2 Words in Sch. 2 para. 5B(4) substituted (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(4)**

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