



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART I

FURTHER EDUCATION

CHAPTER III

COLLEGES OF FURTHER EDUCATION

Miscellaneous

[^{F1}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

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 24. (See end of Document for details)

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
 - (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.]

Textual Amendments

- F1** S. 24 substituted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 7, 23(2)**; [S.S.I. 2014/21](#), **art. 2, Sch. 1** (with **arts. 3(2), 5, Sch. 2**)

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