



Post-16 Education (Scotland) Act 2013

2013 asp 12

College reorganisation

6 Colleges: boards of management

(1) For paragraph 3 of Schedule 2 to the 1992 Act substitute—

- “3
- (1) The board of a regional college is to consist of no fewer than 15 nor more than 18 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;
 - (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.
 - (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;
 - (d) a member of the European Parliament; or
 - (e) the principal of the college,

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but such a person may otherwise be appointed as a member of the board.

- 3A (1) The board of a college which is not a regional college is to consist of no fewer than 13 nor more than 18 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;
 - (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.
- 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.
- 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 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;

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- (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.”.

- (2) The Scottish Ministers may make such arrangements in relation to a board of management of a college of further education as they consider appropriate in connection with the coming into force of subsection (1) and may, in particular—
- (a) appoint on terms and conditions determined by them persons who are, from the day on which that subsection comes into force, to hold office as a member of the board as if appointed under paragraph 3(2)(a) or (f) or, as the case may be, 3A(2)(a) or (f) of Schedule 2 to the 1992 Act, or
 - (b) in the case of persons who are members of the board immediately before that day—
 - (i) make arrangements for them to continue in office from that day as if appointed under such provision of paragraph 3 or, as the case may be, 3A of Schedule 2 to the 1992 Act as they may determine, or
 - (ii) remove them from office.

Commencement Information

- I1** S. 6(1) in force at 3.3.2014 by S.S.I. 2014/21, art. 2, Sch. 1 (with art. 5, Sch. 2)
- I2** S. 6(2) in force at 10.10.2013 by S.S.I. 2013/281, art. 2, Sch.

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