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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 363**

**The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023**

**Amendment of the Further and Higher Education (Scotland) Act 1992**

2.—(1) Schedule 2 of the Further and Higher Education (Scotland) Act 1992 (constitution and proceedings of boards of management)(1) is amended as follows.

(2) In paragraph 3—

(a) in sub-paragraph (1), for “18” substitute “20”,

(b) after sub-paragraph (2)(d), insert—

“(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;”

(c) after sub-paragraph (2), insert—

“(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(2)); or

(b) otherwise appears to the board to be representative of the category of staff, having regard to all relevant factors.”

(3) In paragraph 3A(3)—

(a) in sub-paragraph (1)—

(i) for “13” substitute “15”, and

(ii) for “18” substitute “20”,

(b) after sub-paragraph (2)(d), insert—

“(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;”

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(1) Schedule 2 was amended by paragraph 11(3) of the Public Finance and Accountability (Scotland) Act 2000 ([asp 1](#)), section 6(1) and paragraph 2(7) of the schedule of the 2013 Act and [S.S.I. 2003/199](#), [S.S.I. 2014/21](#) and [S.S.I. 2015/153](#).

(2) [1992 c. 52](#).

(3) Paragraph 3A was inserted by section 6(1) of the 2013 Act.

- (c) after sub-paragraph (2), insert—
- “(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.”.

(4) In paragraph 5—

(a) after sub-paragraph (2)(a) insert—

“(aa) a member appointed in pursuance of paragraph 3(2)(da) or (db) or paragraph 3A(2)(da) or (db) is to hold office for 4 years;”,

(b) after sub-paragraph (2F)(4) insert—

“(2FA) A member appointed in pursuance of paragraph 3(2)(da) or (db) or paragraph 3A(2)(da) or (db) is to vacate office if—

    - (a) the member ceases to be a member of the teaching or, as the case may be, non-teaching staff of the college; or
    - (b) the member ceases to be a member of a branch of a trade union that has a connection with the college;

before the member’s period of appointment ends.”.