
SCOTTISH STATUTORY INSTRUMENTS

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 2005

3.—(1) Schedule 2B of the Further and Higher Education (Scotland) Act 2005 (regional boards)(**1**) is amended as follows.

(2) In paragraph 3 (membership)—

(a) in sub-paragraph (1), for “15” substitute “19”,

(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 board’s colleges who are members of a branch of a trade union that has a connection with the board’s colleges;

(db) a person appointed by being nominated by a trade union from among the non-teaching staff of the board’s colleges who are members of a branch of a trade union that has a connection with the board’s colleges;”

(c) in sub-paragraph (2)(f), for “10” substitute “12”,

(d) after sub-paragraph (4), insert—

“(4A) For the purposes of sub-paragraph (2)(da) and (db), a trade union nominating a person from 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.”

(3) In paragraph 7 (terms and conditions)—

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

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

(b) after sub-paragraph (6) insert—

“(6A) A member appointed in pursuance of paragraph 3(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 board’s colleges; or

(b) the member ceases to be a member of a branch of a trade union that has a connection with the board’s colleges;

(1) Schedule 2B was inserted by section 11(2) of the 2013 Act and amended by paragraph 21 of schedule 8 of the Bankruptcy (Scotland) Act 2016 ([asp 21](#)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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