SCOTTISH STATUTORY INSTRUMENTS

2002 No. 293

EDUCATION

The Advisory Council (Establishment) (Scotland) Regulations 2002

Made - - - -	*10th June 2002*
Laid before the Scottish Parliament - - - -	*10th June 2002*
Coming into force - -	*7th August 2002*

The Scottish Ministers, in exercise of the powers conferred by section 3 of the Scottish Qualifications Authority Act 2002(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Advisory Council (Establishment) (Scotland) Regulations 2002 and shall come into force on 7th August 2002.

Interpretation

2. In these Regulations, "the Council" means the Advisory Council established in terms of these Regulations.

Establishment of the Council

3. There shall be established a committee to be known as the Advisory Council.

Purposes of the Council

4. The purposes of the Council shall be as stated in section 3(1) of the Scottish Qualifications Authority Act 2002.

Membership

5. The Council shall consist of not less than fifteen nor more than twenty-five members, of whom one shall be appointed as convener.

(**1**) 2002 c. 14.

Tenure and removal from office

6.—(1) Each member of the Council–

(a) shall be appointed by the Scottish Ministers for such period as is specified in the appointment;

(b) may, by giving notice in writing to the Scottish Ministers, resign as a member;

(c) in other respects, shall hold and vacate office on such terms and conditions as the Scottish Ministers may determine;

(d) after ceasing to hold office shall be eligible for re-appointment as a member.

(2) The Scottish Ministers may by notice in writing remove a member from office if satisfied that the member–

(i) is incapacitated by physical or mental illness;

(ii) has been absent, without the permission of the Scottish Ministers, from all meetings of the Council and any of its committees to which the member has been appointed, for a period longer than six consecutive months; or

(iii) has become otherwise unable or unfit to discharge the member's functions as a member or is unsuitable to continue as a member,

and thereupon the office shall become vacant.

Allowances and expenses

7. SQA may pay to the convener and other members of the Council such allowances and expenses as the Scottish Ministers may from time to time determine.

Committees

8.—(1) The Council may establish one or more committees or sub-committees for or in connection with the discharge of its functions.

(2) The complement of such committees or sub-committees shall be determined by the Council, and may include persons who are not members of the Council.

Proceedings

9.—(1) The quorum for a meeting of the Council shall be one half of the membership.

(2) The Council may regulate its own procedure and that of any committee or sub-committee established by it.

(3) The proceedings of the Council and of any committee or sub-committee established by it shall not be invalidated by any vacancy amongst its members or the members of such committee or sub-committee, or by the absence of the convener, or by any defect in the appointment of such member.

(4) The Council shall hold meetings which any member of the public may attend, at least once in every year.

(5) The Council shall furnish the Scottish Ministers with a written copy of any advice provided by it to the SQA.

(6) The SQA shall, where it decides not to act upon any advice provided to it by the Council, furnish the Council with a written response informing the Council of its reasons for doing so, and shall also at the same time furnish the Scottish Ministers with a copy of such response.