SCOTTISH STATUTORY INSTRUMENTS

2001 No. 234

EDUCATION, SCOTLAND

The Bell College of Technology (Scotland) Order of Council 2001

Made - - - -	*23rd May 2001*
Laid before the Scottish Parliament - - - -	*31st May 2001*
Coming into force - -	*1st August 2001*

At the Council Chamber, Whitehall, the 23rd day of May 2001

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships, in exercise of the powers conferred upon Them by sections 45 and 60 of the Further and Higher Education (Scotland) Act 1992(**1**) and of all other powers enabling Them in that behalf, are pleased to order, and it is hereby ordered as follows:

PART 1

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. This Order may be cited as the Bell College of Technology (Scotland) Order of Council 2001 and shall come into force on 1st August 2001.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"Academic Council" means the body of persons appointed in accordance with article 22;

"Act" means the Further and Higher Education (Scotland) Act 1992;

"Board" means the Board of Governors of Bell College of Technology constituted in terms of article 3 and incorporated under section 45(2) of the Act;

(**1**) 1992 c. 37.

"College" means Bell College of Technology being an institution designated under section 44 of the Act;

"co-opted membership" means the membership of the Board co-opted in accordance with article 6;

"core membership" means the membership of the Board appointed in accordance with article 5;

"governor" means a member of the Board;

"Principal" means the principal of the College or any other person authorised, whether for the purposes of this Order or otherwise, for the time being to act as principal of the institution and "Vice-Principal" and "Assistant Principal" shall be construed accordingly;

"Scottish Ministers" means the Scottish Ministers as defined in section 44(2) of the Scotland Act 1998(**2**);

"Students' Association" means the organisation referred to in article 23 or such other organisation as may be approved by the Board from time to time for the purposes of representing the interests of students at the College;

(2) In this Order, unless the context otherwise requires, any reference to a numbered article, Part or Schedule shall be construed as a reference to the article, Part or Schedule, as the case may be, which bears that number in this Order, and any reference to a numbered paragraph in an article of, or Schedule to, the Order is to be construed as a reference to the paragraph bearing that number in that article or, as the case may be, that Schedule.

PART II

THE BOARD OF GOVERNORS

Name

3. The Board is hereby constituted as "The Board of Governors of Bell College of Technology".

The composition of the Board

4. The Board shall be composed of a core membership appointed in accordance with article 5 and a co opted membership appointed in accordance with article 6.

Core membership

5.—(1) The core membership of the Board shall be composed of:–

(a) governors of a number determined in accordance with paragraph (2) and (3), being not less than 9 and not more than 13, who shall be appointed by the core membership from among persons appearing to them to have experience of, and to have shown capacity in, industrial, commercial or employment matters, or the practice of any profession;

(b) the Principal, any Vice-Principal appointed by the Board, and the president of the Students' Association as governors *ex officiis*; and

(c) staff governors appointed as follows:–

(i) one who shall be appointed by the Academic Council from among the members of the part time and full-time academic staff of the College who are members of the Academic Council;

(**2**) 1998 c. 46.

(ii) one who shall be elected by the part-time and full-time academic staff of the College from among such staff; and

(iii) one who shall be elected by the part-time and full-time non-academic staff of the College from among such staff.

(2) The Scottish Ministers shall be the appointing authority for the first appointment of appointed governors to be made under paragraph (1)(a) and they shall determine, subject to the limits stated in paragraph (1)(a), the number of governors to be appointed thereunder, shall make appointments accordingly and shall determine the respective term of office of each governor so appointed.

(3) Following the Scottish Ministers' initial appointment of governors under paragraph (2), the core membership shall thereafter be the appointing authority for governors appointed in accordance with paragraph 1(a) and shall determine from time to time as may be by resolution under this paragraph and subject to the limits stated in paragraph 1(a) the number of governors so appointed.

(4) In determining the number of governors to be appointed under paragraph (3) the core membership shall ensure that:–

(a) no category specified in paragraph (1) shall cease to be represented on the Board;

(b) no such determination shall be effective unless the governors appointed under paragraph 1(a) remain in overall majority on the Board; and

(c) no such determination shall be effective unless made by a two-thirds majority of the core membership.

(5) A resolution under paragraph (3) shall not have effect so as to terminate the appointment of any person who is a governor at the time when it takes effect.

(6) Where a resolution under paragraph (3) increases the number of governors to be appointed under paragraph 1(a), the core membership of the Board shall make additional appointments accordingly.

Co-opted membership

6.—(1) The Board shall co-opt, subject to paragraph (2), not less than 2 and not more than 6 persons to serve as governors, which co-opted membership shall include:–

(a) at least one person having experience of local government; and

(b) at least one person having experience in the provision of education.

(2) the Board may co-opt more than 2 governors only if upon such co-option the governors appointed under article 5(1)(a) remain in overall majority in the Board.

Election of certain governors

7.—(1) The Board shall:–

(a) after consultation with the part-time and full-time academic staff of the College make rules for the election of governors to be elected by the part-time and full-time academic staff from among such staff under article 5(1)(c)(ii); and

(b) after consultation with the part-time and full-time non-academic staff of the College, make rules for the election of the governors to be elected by the part-time and full-time non-academic staff from among such staff under article 5(1)(c)(iii).

(2) Any rules made by the Board under paragraph (1) above may, after consultation with the part-time and full-time academic staff of the College, or with the part-time and full-time non-academic staff of the College, whichever is appropriate, be revoked and replaced, or varied, by further rules made by the Board.

(3) The Board shall be responsible for the holding and conduct of any election to be held for the appointment of governors under article 5(1)(c)(ii) or (iii).

Appointment of chairman and vice-chairman

8.—(1) The Board shall appoint a chairman and a vice-chairman from among the governors appointed under article 5(1)(a).

(2) The following provisions shall apply to any chairman or vice-chairman appointed under paragraph (1):–

(a) he shall hold office for such period as may be determined by the Board;

(b) the period of his office shall not extend beyond his period of office as governor;

(c) he may resign from office;

(d) he may be removed from office by resolution of the Board; and

(e) he shall cease to hold office if he is deemed to have vacated office as a governor under article 12.

(3) (a) The chairman shall preside at meetings of the Board, and in his absence the vice-chairman shall preside.

(b) In the absence of both the chairman and the vice-chairman, the Board may appoint one of the members of the Board present to preside at any meeting.

Period of office of governors

9.—(1) Any governor *ex officio* specified in article 5(1)(b) shall hold the office of such a governor for the duration of his tenure of the office by virtue of which he is such a governor.

(2) Subject to the exercise of powers by the Scottish Ministers in accordance with Article 5(2) the Board shall make rules for the duration of the terms of office of governors appointed under each of (i) article 5(1)(a), (ii) Article 5(1)(c) or (iii) co-opted under article 6, which rules may be revoked and replaced, or varied, by further rules made by the Board.

(3) Any governor appointed to the Board under article 5(1)(a) or (c) or co-opted to it under article 6 may be further appointed or co-opted to it on expiry of his term of office, if he is still eligible in accordance with this Order and his appointment is not precluded by paragraph (4).

(4) No governor other than an *ex officio* governor shall be appointed or co-opted to the Board where his term of office, if aggregated with any previous terms of office, would cause him to serve for more than 8 years as a governor.

(5) For the purposes of paragraph (4), a term of office shall include any term of office as a governor served after the coming into force of this Order, whether taken by appointment under article 5(1)(a) or (c) or co-option under article 6, or otherwise, but not any term of office served *ex officio*.

Provided that:

(a) no governor other than an *ex officio* governor shall be appointed or co-opted for a term of office of more than 4 years;

(b) no variation or revocation of rules for the duration of the terms of office of governors shall have effect so as to vary or terminate the period of office of any person who is a governor at the time when said variation or revocation takes effect.

Age limit for governors

10. A person who has attained the age of 70 years shall not thereafter be eligible to take office, whether for a first or subsequent term, as a governor provided that nothing in this article shall prohibit

a person who attains the said age during a term of office as a governor from continuing as a governor until the expiry of that term.

Ineligibility of staff to be governors

11. A person shall be ineligible to be appointed or co-opted as a governor or, where appropriate, to remain in office as a governor other than in the case of a governor *ex officio* or a governor appointed in accordance with article 5(1)(c), if he is a member of the staff of the College.

Vacation of office of Governor

12. A governor shall be deemed to have vacated his office as governor and the Board of which he was a member shall declare his place vacant, in any of the following circumstances:–

(a) where he intimates in writing to the Board his resignation as a governor;

(b) where his estate is sequestrated or a bankruptcy order is made against him or he has granted a trust deed for, or entered into an arrangement with, his creditors;

(c) where he becomes unable to carry out his duties as a governor by reason of physical or mental illness for a period longer than six consecutive months;

(d) where he has failed to attend any meetings of the Board or any of its committees or sub committees for a period longer than six consecutive months other than for a reason approved by the Board;

(e) in the case of a staff governor whose appointment falls to be made under article 5(1)(c) either from among the members of the Academic Council or from the part-time or full-time academic or non-academic staff of the College, when he ceases to be a member of the Academic Council or of the part-time or full-time academic or non-academic staff, as the case may be;

(f) where the Board deems that his continuation as a Governor would bring discredit upon the name of the College or in such other circumstances as the Board may determine and record in a standing order;

(g) where, by a majority of not less than two-thirds of its total membership, the Board for good reason, in which it shall have sole discretion, decides to remove a member, other than a member *ex officio*;

(h) where in accordance with article 11 he becomes ineligible to remain in office as a governor.

Filling of vacancies

13.—(1) Where the place of a governor who has been appointed to the office of governor under article 5(1)(a) has been declared vacant under article 12, or where such a governor has died, the core membership may appoint a governor to fill the vacancy.

(2) Where the place of a governor who has been appointed to the office of governor under article 5(1)(c) has been declared vacant under article 12, or where such a governor has died–

(a) in the case of a governor appointed under article 5(1)(c)(i), the Board shall intimate the vacancy to the Academic Council who shall appoint a governor to fill the vacancy;

(b) in the case of a governor elected under article 5(1)(c)(ii) or (iii) an election shall be held to fill the vacancy in accordance with article 7 and the relevant rules made under it.

(3) Where the place of a governor who had been co-opted to the office of governor under article 6 has been declared vacant under article 12, or where such a governor has died, the Board shall co-opt a governor to fill the vacancy if that is necessary to satisfy the requirements of article 6(1), and in other cases may so co-opt a governor in accordance with article 6.