Standing Orders - Annex

The Council should be aware of the legislative requirements below, which are not included in the Standing Orders. These appear in Schedule 1 of the Further and Higher Education (Scotland) Act 2005.

Membership of the Council

2 (2) Each member (apart from the chief executive) is to be appointed for a period not exceeding 4 years.

2 (3) The Scottish Ministers may, on the expiry of a period of appointment of a member (apart from the chief executive), extend that appointment for a single further period not exceeding 4 years.

2 (4) A member (apart from the chief executive) –

(a) may by giving notice in writing to the Scottish Ministers resign office as a member of the Council; and

(b) otherwise, holds and vacates office in accordance with the terms and conditions of appointment.

2 (5) If the Scottish Ministers are satisfied that a member (apart from the chief executive) –

(a) has been absent from meetings of the Council for a period longer than 6 consecutive months without the permission of the Council; or

(b) is otherwise unable or unfit to discharge the functions of a member,

the Scottish Ministers may by giving notice in writing to the member remove the member from office.

2 (6) A person is, on ceasing to be a member, eligible for reappointment.

Remuneration, allowances and pensions for members

5 (1) The Council is to pay to its members (apart from the chief executive) such remuneration as the Scottish Ministers may in each case determine.
5 (2) The Council is to pay to its members such allowances as the Scottish Ministers may in each case determine.

5 (3) The Council is, in respect of any person who is or has been a member (apart from the chief executive), to pay, or make such payments towards the provision of, such pensions, allowances and gratuities as the Scottish Ministers may in each case determine.

5 (4) Where a person ceases to be a member (apart from the chief executive), the Scottish Ministers may, in special circumstances, direct the Council to make to the person a payment of such amount of compensation as the Scottish Ministers may determine.

Committees

10 A (1) The Council must establish a committee (a “skills committee”) for the purposes of advising the Council on matters relating to skills.

10 A (2) The Council is to appoint one of its members to chair meetings of the skills committee.

10 A (3) In appointing members of the skills committee, the Council is to have regard to any guidance issued to it under sub-paragraph (4) (a).

10 A (4) The Scottish Ministers may issue to the Council guidance about –

(a) the composition of the skills committee; and

(b) the committee’s functions.

11 (1) The Council must establish a committee (a “research committee”) for the purposes of advising the Council on matters concerning research.

11 (2) The Council is to appoint one of its members to chair meetings of the research committee.

11 (3) In appointing members of the research committee, the Council is to have regard to the desirability of including persons who –

(a) have experience, and have shown capacity, relating to research or the application of research; and
(b) are currently engaged in research or the application of research.

12 The Council may establish other committees for any purposes relating to its functions.

13 (1) The Council is to –

(a) subject to paragraphs 10A(2) and (3) and 11(2) and (3), determine the composition of its committees;

(b) determine the terms and conditions of committee membership; and

(c) determine the procedure (including any quorum) of its committees.

13 (2) Any of the committees of the Council may include persons who are not members of the Council.

13 (3) The Council is to pay to the members of its committees (whether or not they are also members of the Council) such allowances as the Scottish Ministers may determine.

13 (4) The Council is to keep under review the structure of its committees and the scope of the activities of each.

*Participation of Scottish Ministers at meetings*

15 A representative of the Scottish Ministers is entitled to participate in any deliberations (but not in decisions) at meetings of the Council or of any committee of the Council.