

CONSTITUTION AND ARTICLES OF GOVERNMENT

OF

THE BOARD OF MANAGEMENT

OF

THE CITY OF GLASGOW COLLEGE

(approved 29 September 2010)

Part I

INTERPRETATION

- 1 In this Constitution and Articles of Government and the Annexes thereto -
- "the 1980 Act" means the Education (Scotland) Act 1980;
- "the 1992 Act" means the Further & Higher Education (Scotland) Act 1992;
- "the 2005 Act" means the Further & Higher Education (Scotland) Act 2005;
- "the authority" means the education authority for the area within which the College is situated;
- "the Board" means the Board of Management of City of Glasgow College;
- "the Chair" means, unless the context otherwise requires, the person appointed by the Board in terms of paragraph 12 of Schedule 2 to the 1992 Act to be chairman;
- "the Accounting Officer" means the person appointed to that position by the Board with responsibility for collection of revenue and recovery of amounts receivable, keeping proper accounts, preparing and presenting accounts which give a true and fair view and setting down and validating accounting systems in respect of the College;
- "the College" means City of Glasgow College;
- "Education Authority" means a Council constituted under S. 2 of the Local Government etc (Scotland) Act 1994. For the purposes of the Education (Scotland) Act 1980 the education authority shall be the local authority;
- "the Funding Council" or "Scottish Funding Council" means the Scottish Further and Higher Education Funding Council (SFHEFC or SFC);
- "further education" means, unless varied by the First Minister, any programme of learning, not being school education, provided for persons over school age, being a programme which -
- (a) prepares a person for a vocational qualification;
 - (b) prepares a person for a Scottish Qualifications Authority qualification or equivalent qualification of England and Wales or Northern Ireland;
 - (c) provides instruction for persons who are participating in a programme of learning which falls within this definition and who have a learning difficulty;
 - (d) prepares a person for access to higher education;
 - (e) is designed to assist persons whose first language is not English to achieve any level of competence in English language; and
 - (f) is designed predominantly to prepare a person for participation in any programme of learning which falls within this definition;
- "the Principal" means the person appointed as Principal of the College for the time being;

“the Secretary to the Board” means the person appointed in terms of clause 17 to carry out the duties of the Secretary to the Board of Management of the College.

INCORPORATION OF THE BOARD OF MANAGEMENT

- 2 The Board is established as a body corporate under the 1992 Act, with effect from 1 August 2004.

DUTIES OF THE BOARD

- 3 The Board has the following duties -
- (a) to govern and conduct the College;
 - (b) to ensure that the College provides (either by itself or by arrangement with any other person) suitable and efficient further education to the students of the College and in carrying out this duty the Board shall have regard to the provision of education in the area in which the College is situated and to the likely needs of persons wishing to become students of the College;
 - (c) to make such reports or returns and give such information to the Scottish Government as it may require for the purposes of the exercise of their powers and the performance of their duties under Part I of the 1992 Act;
 - (d) to comply with any directions of a general or specific nature with regard to the discharge of their functions as may be given to the Board by the Scottish Government/Scottish Funding Council under section 21 of the 1992 Act;
 - (e) to publish prescribed information relating to students of the College and disabled staff of the College as may be required by regulations made by the Secretary of State under section 27 of the 1992 Act, provided that published information shall not disclose the name of any student or staff member to whom it relates without the prior written consent of such student or staff member;
 - (f) to submit to the Funding Council, not later than such date in every financial year as the Council may determine, a college development plan in respect of the College the preparation and content of such plan to conform to the Funding Council guidance;
 - (g) to keep proper accounts and other records to conform to the provisions of the Funding Council's Financial Memorandum;
 - (h) when requested to do so by the authority, to provide to the authority as soon as is reasonably practicable such information or advice as the authority may reasonably request from the Board to facilitate the carrying out by the authority of their duty under section 65B of the 1980 Act (provision for recorded children over school age) to consider in relation to any recorded child what provision would benefit him or her after he or she ceases to be of school age and to make a report thereon.

POWERS OF THE BOARD

- 4 The Board has the following powers -

- (a)
 - (i) to provide or secure the provision of further education (within the meaning of section 1(5)(b) of the 1980 Act);
 - (ii) to charge fees for or in connection with the provision by them of any form of further education;
- (b) to provide to students of the College such assistance of a financial or other nature (including waiving or granting remission of fees) as they may consider appropriate;
- (c) for the purpose of the administration and management of the College, to receive any property, rights, liabilities and obligations transferred to the Board under or in pursuance of any provision of Part I of the 1992 Act;
- (d) to provide facilities of any description appearing to the Board to be necessary or expedient for the purpose of or in connection with the carrying on of any of the activities mentioned in this clause or in clause 3 (including boarding accommodation and recreational facilities for students and staff and facilities to meet the needs of students who have learning difficulties and disabled staff);
- (e) to supply goods and services;
- (f) subject to clauses 6(a) and 7, to acquire, hold and dispose of land and other property;
- (g) to enter into contracts, including in particular -
 - (i) contracts for the employment of teachers and other staff for the purpose of or in connection with the carrying on of any such activities as are mentioned in this clause or in clause 3; and
 - (ii) contracts with respect to the carrying on by the Board of any such activities;

and in exercising this power the Board shall ensure that best value for money is provided and in particular shall have regard to Scottish Funding Council guidelines on the procurement of goods and services;

- (h) to form, promote, or to join with any other person in forming or promoting, companies (within the meaning of the Companies Act 2006);
- (i) subject to clauses 6 and 7 to borrow such sums as the Board thinks fit for the purpose of carrying on any of the activities it has power to carry on or for meeting any liability or obligation transferred to them under or in pursuance of any provision of Part I of the 1992 Act and, in connection with such borrowing, to grant such security or give such guarantee or indemnity as it thinks fit;
- (j) to invest any sums not immediately required by the Board for the purpose of their carrying on any of the activities which they have power to carry on for meeting any liability or obligation transferred to them under or in pursuance of any provision of Part I of the 1992 Act;
- (k) subject to clauses 6 and 7, to raise funds, accept gifts of money, land

or other property and apply it to, or hold or administer it in trust for, the purpose of carrying on any of the activities which they have power to carry on; and

- (l) to do all such things as are calculated to facilitate or are incidental or conducive to the carrying on of any of the activities which the Board have power to carry on.

5 In carrying out its functions the Board shall have regard to the requirements of persons over school age who have learning difficulties. It will also ensure that disabled people including those with learning difficulties are treated fairly, and that all reasonable adjustments to provision will be made to ensure that disabled students and other disabled people are not substantially disadvantaged.

LIMITATIONS ON POWERS OF THE BOARD

6 The Board shall not, without the prior written consent of the SFC -

- (a) borrow money from any source, give any guarantee or indemnity or create any trust or security over or in respect of any of their property; or
- (b) effect any material change in the character of the College.

7 (1) Subject to clause (4), the Board shall observe guidance published in the Procedure Notes for the Disposal of Exchequer Funded Assets and the Retention of Proceeds by FE Colleges (SFEFC Circular Letter No FE/48/2000) and/or any other relevant guidance issued by HM Treasury or the Scottish Government.

(2) Property to which this clause applies is -

- (a) property transferred to the Board under or in pursuance of any of the provisions of Part I, of the 1992 Act;
- (b) property acquired by the Board wholly or partly with assets which represent or in any way derive from any part of the proceeds of or any consideration for the disposal of property so transferred; and
- (c) property acquired, improved or maintained wholly or partly, directly or indirectly out of funds provided under or in pursuance of Part I of the 1992 Act by the Scottish Government / SFC or from the proceeds of or any consideration for the disposal or any property so acquired, improved or maintained.

(3) The consent of the SFC may be given in respect of a particular disposal of property or of disposal of any class or description and may be given subject to such conditions as the SFC may determine.

(4) The consent of the SFC is not required for the disposal of land which is or forms part of property to which this clause applies where the disposal is in consequence of the compulsory acquisition of such land by any authority in pursuance of any power of compulsory acquisition under any enactment; but the Board shall inform the SFC of any such compulsory acquisition.

(5) Where any property to which this clause applies is disposed of, the Board shall pay to the SFC such portion of the proceeds or value of the

consideration for the disposal, after deduction of such expenses as appear to the SFC to have been reasonably incurred in the disposal, as the SFC may, after consultation with the Board, determine.

- (6) In the event of the closure of the College by the Scottish Ministers, any assets remaining after the satisfaction of all debts and liabilities shall not be paid to or distributed among members of the Board of Management, but shall be disposed of in a manner determined by the Scottish Ministers as specified in Section 25 of the Further and Higher Education (Scotland) Act 1992, or any statutory modification or re-enactment of that Act which is in force at the time.

STATUS OF THE BOARD

8 The Board shall not -

- (a) be regarded as the servants or agents of the Crown;
- (b) have any status, immunity or privilege of the Crown;

and its property shall not be regarded as property of, or held on behalf of, the Crown.

MEMBERSHIP

9 (1) The Board shall consist of not less than 10 and not more than 16 persons.

(2) The Board shall include -

- (a) the Principal;
- (b) a person elected by the teaching staff of the College from among their own number;
- (c) a person elected by the support staff of the College from among their own number;
- (d) a person nominated by the students' association of the College from among the students of the College.

(3) The election by teaching and support staff in terms of sub-clause (2)(b) and (c) shall be conducted in accordance with the election rules set out in Annex 1.

(4) The procedures for nominating and appointing the students' association's nominee shall be as contained in the said election rules.

(5) Not less than one half of the total number of members of the Board shall be appointed by the Board from among persons, not being members of staff or full-time students of the College, appearing in them to have experience of, and to have shown capacity in, industrial, commercial or employment matters or the practice of any profession. The procedures for nominating and appointing such persons shall be as contained in the said election rules.

(6) The remaining members shall be appointed by the Board from among persons appearing to them to have, or to represent people who have an interest in the work of the College, having regard to the interests of the

authority in relation to the provision of any form of further education in their area. The procedures for nominating and appointing such persons shall be as contained in the said election rules.

- (7) The Board may appoint up to four additional persons as co-optees as specified in Section 10 of Annex 1. Such co-optees are not members of the Board in terms of the 1992 Act. Therefore they have no voting rights and are not eligible for appointment as officers of the Board. However, they are permitted to receive such Board papers and attend and speak at such meetings of the Board and its committees as the Board determines.

TENURE OF OFFICE

- 10
- (1) Subject to this clause and clauses 11 to 15, a member of the Board shall hold and vacate office in accordance with the terms of his or her appointment and, on such appointment ceasing, shall be eligible for re-appointment.
 - (2) A member of the Board, other than the Principal and the students' association's nominee, shall normally hold office for a period of 4 years.
 - (3) The Principal shall remain a member of the Board while he or she is the Principal, and nothing in clauses 12 to 15 shall apply to the Principal in his or her capacity as a member of the Board.
 - (4) The students' association's nominee shall hold office until 31 August following his or her appointment.
 - (5) A member of the Board, other than the Principal, may resign office at anytime by giving notice in writing to the Secretary to the Board.

CASUAL VACANCIES

- 11
- (1) Any casual vacancy among the members of the Board may be filled by its appointing a person to fill the vacancy in like manner to that by which the person to be replaced was appointed, subject to the aim of achieving a balance of relevant skills and background on the Board.
 - (2) Notwithstanding clause 10(2), a person appointed in pursuance of this clause shall hold office until the expiry of the period of office of the person he or she was appointed to replace.

DISQUALIFICATION FROM OFFICE

- 12
- (1) Subject to sub-clauses (2) and (3) a person is not eligible for appointment as a member of the Board -
 - (a) at any time he or she is under the age of 16 or over the age of 70, or
 - (b) where the total number of years of any previous terms of office (whether or not consecutive) served as a member of the Board exceeds 8.

- (2) A person who attains the age of 70 during his or her appointment shall be entitled to remain in office until his or her term of office otherwise expires.
- 13 (1) A person is not eligible for appointment as a member of the Board, or as a co-optee of the Board if -
- (a) he or she has, within five years of the date the appointment would take effect, been convicted in the United Kingdom, the Channel Islands, the Isle of man or the Irish Republic of any offence and has been passed on him or her, a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine;
 - (b) his or her estate has been sequestrated, he or she has made an arrangement with his or her creditors, he or she has been adjudged bankrupt, he or she has granted a trust deed for his or her creditors or a composition contract;
 - (c) he or she is incapacitated by mental illness; or
 - (d) he or she has been removed from office by the Scottish Government under section 24 of the 1992 Act.
- (2) Where a person is disqualified under sub-clause (1)(b) by reason of having his or her estate sequestrated, the disqualification shall cease if and when -
- (a) the sequestration of his or her estate is recalled or reduced; or
 - (b) he or she is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985.
- (3) Where a person is disqualified under sub-clause (1)(b) by reason of having been adjudged bankrupt, the disqualification shall cease -
- (a) unless the bankruptcy order made against him or her is previously annulled, on his or her discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of the annulment.
- (4) Where a person is disqualified under sub-clause (1)(b) by reason of his or her having made an arrangement with or granted a trust deed for his or her creditors or a composition contract, the disqualification shall cease when the arrangement or, as the case may be, trust deed or composition is no longer in force.

REMOVAL FROM OFFICE

Duty to Remove

- 14 (1) The Board shall remove from office any of its members or co-optees whom it is satisfied
- (a) has been convicted as mentioned in clause 13(1)(a) or has

become a person to whom either of clauses 13(1)(b) and (c) applies;

(b) has been absent, without permission of the Board, from all meetings of the Board or any of their committees to which he or she has been appointed for a longer period than 6 consecutive months; or

(c) having been appointed under clause 9(5) or 9(6) becomes a full-time student of the College or a member of its staff.

(2) Such removal shall be by notice given in writing to the member or co-optee concerned and thereupon in the case of a member the office shall become vacant.

Power to remove

15 (1) The Board may remove from office any of its members whom it is satisfied -

(a) has failed to comply with any requirement of clause 24 (breach of confidentiality) and of standing order 12 (declaration of interest) of the standing orders for regulating the meetings and proceedings of the Board which are contained in Annex 2; or

(b) having been appointed by reason of being a student of the College or a member of its staff ceases to be such student or member of staff; or

(c) without prejudice to clause 14, has become unable or unfit to discharge his or her functions as a member of the Board.

(2) Such removal shall be by notice given in writing to the member concerned and thereupon the office shall become vacant.

16 (1) The Board may remove from office any co-optee where it decides that the purpose for which the person was co-opted has been fulfilled or no longer applies. It may also remove from office any co-optee whom it is satisfied –

(a) has failed to comply with any requirement of clause 24 (breach of confidentiality) and of standing order 12 (declaration of interest) of the standing orders for regulating the meetings and proceedings of the Board which are contained in Annex 2;

(b) without prejudice to clause 14, has become unable or unfit to discharge his/her functions as a co-optee of the Board.

(2) Such removal shall be by notice given in writing to the co-optee concerned in all such cases.

PART II

SECRETARY TO THE BOARD

17 The Board shall:

- either* (a) appoint a person of sufficient calibre and standing to carry out the duties of the College Secretary as agreed by the Board, which shall include serving as Secretary to the Board;
- or* (b) make some appropriate alternative arrangement for a Secretariat capable of providing the Board with the professional support and advice it requires to enable it to exercise its powers and carry out its duties effectively.

PROCEEDINGS

- 18 (1) Subject to sub-clause (2) and to clauses 22 to 24 the proceedings of the Board and their committees shall be in accordance with the Standing Orders contained in Annex 2.
- (2) The validity of any proceedings of the Board or any of their committees shall not be affected by any defect in the appointment of any member of the Board or any member of such committees or by a vacancy amongst the members of the Board, providing such a meeting is quorate.
- (3) The Board shall ensure that proper minutes of its and its committees' proceedings are kept, which minutes shall contain a record of all resolutions and proceedings, shall be signed by the Chair of the meeting and shall be conclusive evidence of the matters stated in them.

INSPECTION OF DOCUMENTS

- 19 (1) Notwithstanding the arrangements made by the College to comply with the Freedom of Information (Scotland) Act 2002. the Board shall make available for inspection at the College at all reasonable times by anyone who wishes to inspect the copies of the following documents:
- (a) the agenda for any meeting of the Board or of any committee;
- (b) the draft minutes of any such meeting as approved by the Chair of the meeting;
- (c) the minutes of such meeting as agreed by the Board or, as the case may be, committee; and
- (d) any report or other document considered by such meeting.
- (2) Sub-clause (1) does not apply to any document or part thereof which relates to:
- (a) an employee, former employee or applicant for employment in relation to the College;

- (b) a person who is, has been, or is likely to be a student of the College;
- (c) information the disclosure of which is prohibited by anything in any enactment (including the 1992 Act and any enactment contained in a subordinate instrument) or rule of law;
- (d) anything which it appears to the Board should be treated as confidential because of its commercial nature or otherwise.

CHAIR

- 20
- (1) The Board shall appoint one of its members to be the Chair of the Board, who is not -
 - (a) a student of the College;
 - (b) an employee of the Board;
 - (c) the Principal;
 - (d) a member (whether elected or appointed) or an employee of a local authority.
 - (2) The Board shall by majority determine the period of appointment of Chair of the Board not exceeding four years, and may remove him or her from office as Chair if not less than one fourth of the whole number of members of the Board intimate to the Secretary to the Board that they intend to move a resolution to that effect, if due notice is given to all members of the Board that this intimation has been received, and if the resolution is then adopted by two thirds of those present and voting at the next quorate meeting of the Board.
 - (3) At the end of the agreed term the Chair will be eligible for reappointment.
 - (4) Where the Chair ceases to be a member of the Board, he or she shall cease to be Chair.

VICE-CHAIR

- 21
- (1) The Board shall not be required to appoint a Vice-Chair, but if it so decides it may appoint as one or two Vice-Chairs from among its members, excluding student and staff members and the Principal.
 - (2) The Board shall determine the period of appointment of the Vice-Chair(s) not exceeding four years and may remove a Vice-Chair from office if not less than one fourth of the whole number of members of the Board intimate to the Secretary to the Board that they intend to move a resolution to that effect, if due notice is given to all members of the Board that this intimation has been received, and if the resolution is then adopted by two thirds of those present and voting at the next quorate meeting of the Board.
 - (3) A Vice-Chair is not authorised to discharge any of the Board's functions which the Board has arranged should be carried out by the

Chair except that, in instances where the Chair is absent or unavailable for an extended period, the Board may authorize a Vice-Chair to carry out these responsibilities for a specified period.

- (4) Where a Vice-Chair ceases to be a member of the Board, he or she shall cease to be a Vice-Chair.

COMMITTEES

- 22 (1) The Board may establish committees for any purpose and any such committee may appoint sub-committees.
- (2) With the agreement of the Board named persons who are not members of the Board may attend such committees, but such persons are not members of the committee concerned and shall not be entitled to vote at its meetings.
- (3) The Principal of the College shall be entitled to attend and speak at any meeting of a committee of the Board, but he or she shall be entitled to vote at such meeting only if he or she is a member of such committee.
- (4) Any reference herein to a committee of the Board shall apply also to any sub-committee appointed by such committee.

PAYMENT OF ALLOWANCES

- 23 (1) The Board may pay to persons appointed to be members and co-optees of the Board such allowances and expenses as it may determine.
- (2) The Board may pay to the members of their committees and others attending such committees with the Board's agreement such allowances and expenses as it may determine.
- (3) Any allowances and expenses to be paid under this clause shall be calculated by reference to such criteria as the Scottish Government or SFC may determine.

CONFIDENTIALITY OF INFORMATION

- 24 Any information which is received or obtained by any person in connection with his or her functions as a member or co-optee of the Board or a member of or other person attending a committee established under clause 22 on the basis that such information shall be treated as confidential shall be treated by him or her as confidential to the Board or, as the case may be, the committee.

PART III

DELEGATION OF FUNCTIONS

- 25
- (1) The Board may delegate the performance of any of its functions to -
 - (a) the Chair
 - (b) any committee appointed by it, or
 - (c) any member of College staff.
 - (2) The functions delegated by the Board are as specified in Annex 3.

STAFF

- 26
- (1) The Board may appoint on such terms and conditions as it may determine such employees as it thinks fit.
 - (2) Subject to sub-clause (3) the Board may in the case of such of its employees or former employees as it may determine:
 - (a) pay such pensions, allowances or gratuities to or in respect of those employees;
 - (b) make such payments towards provision of such pensions, allowances or gratuities; or
 - (c) make such arrangements for the provision and maintenance of such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities, as it thinks fit.
 - (3) Sub-clause (2) shall not apply to any person who becomes an employee of the Board under or by virtue of any provision of the 1992 Act (but not under sub-clause (1)) unless that person, by notice in writing, informs the Board that he or she wishes it to apply.
 - (4) The reference in sub-clause (2) to pensions, allowances or gratuities, in respect of employees of the Board includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment.

ACCOUNTS

- 27
- (1) The accounts to be kept by the Board shall be prepared and audited in respect of each financial year in such manner as the Funding Council may direct and the accounts shall be submitted to the Funding Council as soon as practicable after the end of each financial year.
 - (2) The financial year of the Board shall be from 1 August to 31 July.
 - (3) The Funding Council may by order provide that the Board shall have a different financial year, and such an order may make such consequential provision as appears to the Funding Council to be necessary or expedient.
 - (4) The accounts of the Board shall be open to the inspection of the

Auditor General for Scotland, but -

- (a) this power, and
- (b) the powers under the Public Finance and Accountability (Scotland) Act 2000 conferred on the Auditor General for Scotland by virtue of that Act,

shall be exercisable only in, or in relation to accounts or other documents which relate to, any financial year in which expenditure is incurred by the Board in respect of which grants, loans or other payments are made to them under the relevant provisions of the 1992 Act.

EXECUTION AND SERVICE OF DOCUMENTS

- 28
- (1) A document is validly executed by the Board if it is signed on its behalf by:
 - (a) a member of the Board, or
 - (b) the Secretary to the Board, or
 - (c) any person authorised to sign the document on its behalf.
 - (2) For the purpose of any enactment or rule of law relating to the authentication of documents, a document is validly executed by the Board if it is subscribed on their behalf by being executed in accordance with sub-clause (1).
 - (3) A document which appears to have been executed by the Board in accordance with sub-clause (2) shall be a self-proving document if the subscription of the document bears to have been attested by at least one witness.
- 29
- (1) Any notice or document required or authorised to be given to or served on any person hereunder or under or by virtue of Part I of the 1992 Act may be given or served:
 - (a) by delivering it to him or her or by leaving it at his or her proper address or by sending it by post to him or her at that address; or
 - (b) if the person is a body corporate, by serving it accordance with paragraph (a) on a partner or a person having the control or management of the firm; or
 - (c) if the person is a firm, by serving it accordance with paragraph (a) on a partner or a person having the control or management of the firm.
 - (2) For the purposes of this clause the principal office of a company registered outside the United Kingdom or of a firm carrying on business outside the United Kingdom or of a firm carrying on business outside the United Kingdom is its principal office within the United Kingdom.
 - (3) If the name or address of any owner or occupier of land on whom any

notice or document is to be given or served under or by virtue of Part I of the 1992 Act cannot, after reasonable inquiry, be ascertained, the notice or document may be given or served;

- (a) by addressing it to him or her as "the owner" or, as the case may be, "the occupier" of the land (which shall be described on the notice or document); and
 - (b) by leaving it either in the hands of a person who is or appears to be resident or employed on the land or conspicuously affixed to some building or object on or near the land.
- (4) This clause shall not apply to any notice or document in relation to the service of which provision is made by rules of court.

COLLEGE DEVELOPMENT PLAN

- 30
- (1) The college development plan to be submitted to the Funding Council in terms of clause 3(f) shall be prepared in respect of the academic year commencing in the next following financial year and the succeeding two academic years.
 - (2) The college development plan shall contain a statement of -
 - (a) the number of persons the Board estimates will be students of the College;
 - (b) the programmes of learning of further education (within the meaning of section 1(5)(b) of the 1980 Act) which the Board proposes to provide or secure the provision of;
 - (c) the capital expenditure proposed by the Board and their estimate of the recurrent expenditure and income of the College; and
 - (d) such other matters as may be determined by the Funding Council, as regards each academic year to which the plan relates.
 - (3) In preparing their development plan, the Board -
 - (a) shall have regard to any guidance issued to them by the Funding Council; and
 - (b) shall pay due regard to stakeholders in whose areas the College is situated.
 - (4) A development plan prepared in pursuance of this section shall be in such a form as the Funding Council may determine.

PART IV

ACADEMIC BOARD

- 31 (1) The Board shall establish an Academic Board for the purpose of advising the Principal on the standards, planning, co-ordination, development and oversight of the academic work of the College, including arrangements for the admission, assessment and examination of students and the procedures for the expulsion of students for academic reasons.
- (2) The Academic Board shall be chaired by the Principal (or his or her nominee in his or her absence) and shall in addition comprise such other members of staff and students of the College as the Board of Management may determine.

Annex 1

ELECTION RULES AND PROCEDURES FOR APPOINTMENT OF BOARD MEMBERS

Part I

APPLICATION

- 1 These rules apply to
- (a) the election of teaching staff and non-teaching staff members of the Board and in this respect are made under paragraph 3(6) of schedule 2 to the 1992 Act; and
 - (b) the nomination and appointment of other members of the Board.

Part II

Election of Teaching and Non-Teaching Staff Members

TIMING OF ELECTIONS

- 2 (1) In the event of an election requiring to be held because of the expiry of the periods of office of the respective members of the Board the procedures set out in rule 4 or rule 5 as the case may be and rule 6 shall be completed not later than one month prior to the date of expiry.
- (2) In the event of a casual vacancy arising at any time more than six months prior to the expiry of the member's period of office the procedures set out in rule 4 or rule 5 as the case may be and rule 6 shall be completed as soon as may be but in any event, not more than six weeks after the vacancy occurs.

RETURNING OFFICER

3. The Returning Officer shall be the Secretary to the Board or if the Secretary is unable to act such other person as the Board may appoint for the purpose.

TEACHING STAFF

- 4 (1) The Returning Officer shall send a notice to each member of the permanent teaching staff of the College requesting nominations for membership of the Board.
- (2) Such nominations must be received by the Returning Officer by the date specified in the notice, not being less than seven days from the date of the notice.
- (3) Each nomination must be signed by the nominee, the proposer and one other person all of whom must be permanent teaching staff of the College.
- (4) The Returning Officer shall thereafter issue ballot papers with the names of the valid nominees thereon to each member of the permanent teaching staff of the College.
- (5) The completed ballot papers shall be returned to the Returning Officer

by the date and time specified in the ballot paper not being less than seven days from the date of issue of the ballot paper.

SUPPORT STAFF

- 5
- (1) The Returning Officer shall send a notice to each member of the permanent support staff of the College requesting nominations for membership of the Board.
 - (2) Such nominations must be received by the Returning Officer by the date specified in the notice, not being less than seven days from the date of the notice.
 - (3) Each nomination must be signed by the nominee, the proposer and one other person all of whom must be permanent support staff of the College.
 - (4) The Returning Officer shall thereafter issue ballot papers with the names of the valid nominees thereon to each member of the permanent support staff of the College.
 - (5) The completed ballot papers shall be returned to the Returning Officer by the date and time specified in the ballot paper not being less than seven days from the date of issue of the ballot paper.

COUNTING OF VOTES

- 6
- (1) The Returning Officer shall offer each nominee the opportunity to be present or represented at the counting of votes.
 - (2) The counting of votes shall take place within 24 hours of the time set for the return of ballot papers and shall be done by the Returning Officer in the presence of such nominees or their representatives as have chosen to attend.
 - (3) The nominee receiving most votes shall be declared elected.
 - (4) In the event of a tie the election shall be decided by lot among the nominees with the most numbers of votes.
 - (5) In the event of elections for teaching staff and support staff members being held concurrently, the counting votes shall be done as a separate and consecutive process for each election.
 - (6) The Returning Officer may use such staff of the College as may be necessary to assist in the counting of votes.
 - (7) The names of the persons elected shall be reported to the next meeting of the Board after the election.

Part III

STUDENT MEMBER

- 7
- (1) This rule applies to the nomination and appointment to the Board of a

- person from among the students of the College.
- (2) In the event of the expiry of office of such a person on 31 August following his or her appointment -
- (a) the Secretary to the Board shall prior to said 31 August or as soon as practicable thereafter invite from the students' association of the College a nomination of such a person as member of the Board, and
- (b) the Secretary to the Board shall report such nomination to the next meeting of the Board but, notwithstanding the date of said meeting if the nomination is received not later than said 31 August the nominee shall become a member of the Board from 1 September thereafter. If the nomination is received after said 1 September the nominee shall become a member of the Board on the date the nomination is received.
- (3) In the event of a casual vacancy arising in the office of such a person then -
- (a) the Secretary to the Board shall, within 3 weeks of the vacancy occurring, seek from the students' association of the College a nomination of such a person as member of the Board unless a nomination of such a person to fill the casual vacancy has already been made by the students' association; and
- (b) the Secretary to the Board shall report such nomination to the next meeting of the Board but, notwithstanding the date of said meeting, the nominee shall become a member of the Board on the date the nomination is received.

MEMBERS REPRESENTING BUSINESS OR THE PROFESSIONS

- 8 (1) This rule applies to the nomination and appointment to the Board of persons (not being members of staff or full-time students of the College) having experience of and capacity in industrial, commercial or employment matters or the practice of any profession and who must comprise not less than one half of the total number of members of the Board.
- (2) In the event of the expiry of the period of office of such a person and the Board determining to fill the resultant vacancy by the appointment of such a person the procedures set out in paragraphs 4 to 6 of this rule shall be completed prior to the expiry date.
- (3) In the event of
- (a) the total number of members of the Board being less than 16 and the Board determining that an additional member or additional members should be appointed from amongst such persons, or
- (b) a casual vacancy in the office held by such a person arising more than 6 months prior to the expiry of the period of office and the Board determining to or it being necessary to fill the vacancy to comply with the provisions of clauses 9(1) or (5) of the constitution (minimum number of members of the Board

and the complement of such persons on the Board).

the procedures set out in paragraphs 4 and 5 of this rule, and in the College's Procedure for the Appointment of Board Members shall be put into effect as soon as may be but in any event not later than 2 weeks after the Board's determination or 6 weeks after the vacancy occurring.

- (4) The Secretary to the Board shall write to such bodies as the Board shall have previously determined, to seek nominations as members of the Board of persons to whom this rule applies.
- (5) In the event of the Board determining that a particular person known to them is such a person as is stated in paragraph (1) the Secretary to the Board shall write to such person seeking his or her consent to appointment as a member of the Board. This procedure may be in addition to or instead of that specified in paragraph (4).
- (6) The Secretary to the Board shall submit such nominations and consent to a meeting of the Board and the Board shall make such appointments to membership of the Board in accordance with the College's Procedure for the Appointment of Board Members.
- (7)
 - (a) Appointments in the circumstances to which paragraph (2) applies shall take effect from the expiry of the period of office of the previous member.
 - (b) Appointments in the circumstances to which paragraph (3) applies shall have immediate effect.

REMAINING MEMBERS

- 9
 - (1) This rule shall apply if the Board decides to appoint a person or persons who appear to the Board to have, or to represent persons who have, an interest in the work of the College, having regard to the interests of the authority in relation to the provision of any form of further education in the authority's area.
 - (2) In the event of such a person being a member of the Board, and the Board determining that on the expiry of his or her period of office, the resultant vacancy will be filled by the appointment of such a person, the procedures set out in paragraphs (5) to (7) shall be completed prior to the expiry date.
 - (3) In the event the expiry of the period of office of such a person as is mentioned in paragraph (1) of rule 8 and the Board determining that the resultant vacancy will be filled by such a person as is mentioned in paragraph (1) of this rule the procedures set out in paragraphs (5) to (7) shall be completed prior to the expiry date.
 - (4) In the event of the Board determining to appoint such a person either as an additional member of the Board, where the total number of members of the Board is less than 16, or to fill a casual vacancy on the Board, the procedures set out in paragraphs (5) and (6) shall be put into effect not later than 2 weeks after the Board's determination.
 - (5) The Secretary to the Board shall write to such bodies or persons as

the Board may have previously determined to seek nominations as members of the Board of persons to whom this rule applies.

- (6) In the event of the Board determining that a particular person known to them is such a person as is stated in paragraph (1) the Secretary to the Board shall write to such person seeking his or her consent to appoint as a member of the Board. This procedure may be in addition to or instead of that specified in paragraph (4).
- (7) The Secretary to the Board shall submit such nominations and consent to a meeting of the Board and the Board shall make such appointments to membership of the Board as they see fit.
- (8)
 - (a) Appointments in the circumstances to which paragraphs (2) and (3) apply shall take effect from the expiry of the period of office of the previous member.
 - (b) Appointments in the circumstances to which paragraph (4) applies shall have immediate effect.

Part IV

CO-OPTEEES

- 10 (1) Following a decision by a majority of the Board to appoint co-optees, members of the Board will be invited to submit nominations to the Chair to be considered and voted upon at the next Board meeting. Co-optees shall be distinguished from members of the Board appointed to fill a casual vacancy and their appointment shall generally be considered where the Board wishes to utilise the skills and experience of a particular person who may not otherwise wish to or be capable of serving as a full member of the Board.
- (2) Any nomination should be:
 - (a) based upon the skill and expertise of the nominated individual; and
 - (b) signed by the nominating Board member, a second Board member and the individual nominated.
- (3) Following appointment, a co-optee to the Board shall hold office for a period of one year, which will be renewable, provided that the total number of years of any previous periods of appointment as a co-optee (whether or not consecutive) does not exceed 8.
- (5) Co-optees may be removed in accordance with clause 16 of the Constitution and Articles of Governance.

Annex 2

STANDING ORDERS FOR REGULATING THE MEETINGS AND PROCEEDINGS OF THE BOARD

Ordinary Meetings

- 1 Ordinary meetings of the Board of Management shall be held at least four times per calendar year, on such date and time to be determined by the Chair and intimated to the Secretary to the Board for inclusion on the Calendar of Board of Management and Board Committee Meetings.

Special Meetings

- 2 The Secretary to the Board shall call a special meeting of the Board at any time on being required to do so by the Chair or on receiving a requisition in writing for that purpose specifying the business to be transacted at the meeting and signed by at least one fourth of the whole number of members of the Board which meeting shall be held within fourteen days of the receipt of the requisition.

Notice of Meetings

- 3 All meetings shall be called by a summons (with agenda and supporting papers) to attend the meeting specifying the business to be transacted thereat and signed by the Secretary to the Board which shall be left at or sent by post and electronic mail at least three clear days before the meeting of the Board to the usual place of residence of every member of the Board or to such other address as any member may notify.

Quorum

- 4 The quorum of members of the Board shall be not less than one fourth of the whole number of members.

Quorum not present

- 5 If twenty minutes after the time appointed for a meeting of the Board a quorum of members is not then present the meeting shall stand adjourned and the College Secretary shall minute that owing to the want of the necessary quorum no business was done. No business shall be transacted at a meeting of the Board unless a quorum of members is present.

Where there is not a quorum present at a meeting of the Board or a Board Committee the members may determine that the scheduled business be considered informally and recommendations minuted. Such recommendations would not be effective until ratified or amended at a subsequent quorate meeting of the Board or committee.

Business at Meetings

- 6 At a meeting of the Board no business other than that specified in the summons agenda shall be considered except in the case of business either required by or under any enactment to be transacted at a meeting of the Board or as hereinafter

provided. Business which has not been specified in the summons may be considered at the end of the meeting provided that in the opinion of the Chair the same is relevant, competent and urgent and two-thirds of the members present and voting agree that it should be taken up without further notice.

Order of Business

- 7 The order of business at every meeting of the Board shall be as follows, viz:
- (a) the Chair of the Board or, in his or her absence, a Vice-Chair, whom failing another member of the Board chosen by the members of the Board present shall chair the meeting;
 - (b) the sederunt shall be taken, and apologies for non-attendance shall be recorded;
 - (c) formal declarations of interest in respect of the business to be discharged by the meeting shall be declared as prescribed in the Board's Code of Conduct;
 - (d) the summons calling the meeting shall be read or held as read;
 - (e) minutes of the previous meetings of the Board, of which copies have been previously sent to each member of the Board shall be submitted, held as read, corrected if need be, and signed by the Chair;
 - (f) business remaining from the last meeting (if any);
 - (g) minutes of Committees and Sub-Committees shall be submitted, held as read, and so far as not reported for information, be formally moved, and be held to be approved unless objections are taken to any portion thereof when so submitted. In the discretion of the Chair, questions may be put on the minutes of Committees and Sub-Committees but a minute shall not be regarded as opposed merely because of any question so put;
 - (h) any correspondence, communications or other business specially brought forward by direction of the Chair;
 - (i) questions concerning any competent and relevant subject that does not arise out of the minutes submitted for approval or for information shall be read and answered;
 - (j) the minutes or portions of the minutes, if any, previously objected to as provided for in paragraph (g);
 - (k) notices of motion in the order in which they have been received;
 - (l) the business of the meeting specified in the summons or agenda;
 - (m) the date of the next meeting.

Powers to vary order of business

- 8 The Board may at any meeting vary the order of business so as to give precedence to business of special urgency.

Powers of the Chair - Adjournment on disorder

- 9 Deference shall at all times be paid to the authority of the Chair. When he or she moves to speak, the member, if any, who is addressing the meeting, shall defer to the Chair. It shall be the duty of the Chair to preserve order and to secure that members obtain a fair hearing. He or she shall decide all matters of order, competency and relevancy and his or her ruling shall be final and shall not be open to discussion. The Chair shall also decide between two or more members indicating a desire to speak by calling on the member whom he or she first observed to speak. The Chair may and, if requested by any member, shall be entitled, in the event of disorder arising, to adjourn the meeting to a time the Chair may then or afterwards, fix. Should the Chair leave his or her seat, this shall indicate the meeting is adjourned. In the event of the Chair leaving his or her seat in other circumstances, the chairing of the meeting shall be taken over in terms of Standing Order 7(a).

Casting Vote

- 10 The Chair shall have both a deliberative and a casting vote.

Rules of Order

- 11 All meetings will be conducted in accordance with Robert's Rules of Order Revised, Articles I-VIII

Withdrawal from meeting of Members with a Material Interest

- 12 Where, whether before or during any meeting of the Board, any member of the Board becomes aware that he or she or any person connected with him or her has an interest in or relating to any matter to be or being considered by the Board he or she shall declare such interest and withdraw from the meeting during such consideration and shall not vote on any question relating to the matter.

Annex 3

DELEGATION SCHEME

Part I

Introduction

This scheme specifies the functions the performance of which is delegated by the Board in terms of section 12(4) of the Further & Higher Education (Scotland) Act 1992 as repeated in clause 25(1) of the Constitution.

All delegations must be exercised in accordance with the law and having regard to any lawful direction and guidance by the Scottish Government.

The delegations are dealt with in 3 main sections:-

- 1 Delegations to the Chair;
- 2 Delegations to Committees;
- 3 Delegations to members of staff.

A delegate is accountable for all delegated functions and so the committees or the persons or the holders of posts specifically named in this scheme remain fully accountable for the functions delegated to them irrespective of how these functions are discharged.

It is open to any delegate, however, to decline to exercise a function in a particular instance with good cause.

Part II

Delegations to the Chair of the Board

The Chair of the Board is authorised:-

- (1) in the absence of the Principal and Vice Principals to take such measures as may be required in emergencies subject to reporting to the appropriate Committee or to the Board as soon as possible thereafter on any items for which approval of the Committee or the Board would normally be necessary;
- (2) to deal with urgent items of business after consultation with the Chair of the relevant Committee and with the Principal;
- (3) to undertake visits within Scotland in furtherance of the duties of the office of Chair of the Board;
- (4) to incur expenditure up to a maximum of £1000 annually or as subsequently approved by the Board of Management to meet the expenses of the office of Chair of the Board on the provision of reasonable hospitality to representatives of other colleges, organisations or others;
- (5) to sign and date the Report of the Board on the Annual Accounts in terms of the accounts direction given by the Scottish Executive / SFC, under paragraph 18 of schedule 2 to the Further & Higher Education (Scotland) Act 1992;
- (6) to sign all deeds and other documents binding the Board for all purposes to which paragraph 20 of schedule 2 to the Further & Higher Education (Scotland) Act 1992 applies;
- (7) to initiate disciplinary action against the Principal or to suspend the Principal with pay in circumstances which may result in disciplinary action being taken against the Principal;
- (8) to conduct the annual appraisal of the Principal's performance.

Part III

Delegations to Committees

General Delegations to Committees

There is delegated to each committee of the Board all of the functions relative to:

- (1) the respective terms of reference of those Committees, and
- (2) any minute of the Board making a special delegation to a Committee.

Each Committee may exercise and perform on behalf of and in the name of the Board, all the powers and duties of the Board in relation to the functions so delegated.

Exclusions from Delegations to Committees

There shall be excluded from the delegations to any Committee the following:-

- (a) determining the objectives of the Board;
- (b) matters of new policy or variation of existing policy;
- (c) borrowing money and in connection with such borrowing granting securities or giving guarantees or indemnities;
- (d) any functions the exercise of which is clearly reserved to the Board in terms of any direction by the Scottish Executive;
- (e) the final approval of the Financial Forecast Return (FFR) of
 - (i) revenue and expenditure, and
 - (ii) capital expenditure for work authorised by the Board;
- (f) the final approval of the College Development Plan;
- (g) the disposal of heritable property;
- (h) the appointment of Board members;
- (i) removal from office of Board members;
- (j) appointment of and disciplinary action against the Principal;
- (k) delegation of functions of the Board;
- (l) the acceptance of endowments, gifts of money, land or other property and
 - (i) determining their application to, or
 - (ii) setting up a trust to hold or administer them for the purpose of carrying on any of the activities which the Board have power to carry on; and
- (m) the making, amendment and revocation of the Constitution and Articles of Government of the Board including Standing Orders, Election Rules and this Delegation Scheme.

Part IV

Delegations to Members of Staff

The functions listed here are delegated to the Principal (unless otherwise clearly stated). The Principal may in turn delegate particular functions to other members of staff, but shall remain accountable to the Board of Management for the exercise of these functions. In exercising any delegated function the authorised member of staff will take account of any appropriate departmental practice or procedure, of any managerial instruction and of any other similar consideration.

Qualification of delegations

The delegations to the Principal and any further delegations by the Principal to other members of staff are subject always to:-

- (a) the Constitution and Articles of Government of the Board and of all policies of the Board from time to time in force;
- (b) appropriate provision for financial outlays having been made by the Board for the current year;
- (c) the right of a member of staff to consult with the Principal on any matter or to refer the matter to the Chair of the Board or to any Committee, even though it has been specifically delegated to him or her;
- (d) the exclusion from delegations to members of staff of power to deal with transactions (other than provision of a service to students of the College or customers of the College generally or approved by the Board under a Scheme or otherwise) which directly involve a member of the Board or a member of staff of the College or a person known to be connected with such member. In any such case a report on the proposed transaction shall be submitted to the appropriate Committee or to the Board for consideration and determination. A person is connected with a member of the Board or a member of staff of the College in the circumstances set out in standing order 12 relating to the withdrawal from a meeting of members with a material interest.

The Principal

The Principal is authorised

- 1 to take such measures as may be required in emergencies subject to advising the Chair where possible and reporting to the appropriate Committee or to the Board as soon as possible thereafter in relation to any items for which the approval of the Committee or of the Board would normally be necessary;
- 2 to absent himself or herself or permit any member of staff of the College to absent himself or herself occasionally and temporarily during business hours to attend to duties or services of a civic, honorary, charitable or social nature, provided that these do not interfere with the efficient discharge of his or her duties to the Board;
- 3 if he or she considers that it would be in the interest of the Board to do so, to approve the provision of reasonable hospitality to representatives of other Colleges, organizations, members of staff of the College or others, and also within any guidelines set by the Board to authorize members of staff of the College to make visits as representatives of the College;

- 4 to give a direction in special circumstances that any member of staff shall not exercise a delegated function;
- 5 to take out membership of and to attend meetings of outside bodies and professional associations where it is compatible with the duties of the Principal and in the interest of the College to do so;
- 6 to sign all deeds and other documents binding the Board for all purposes to which paragraph 20 of Schedule 2 to the 1992 Act applies;
- 7 in terms of clause 19 of the Constitution, to make available for inspection at the College copies of the agenda, draft minutes and agreed minutes of any meeting of the Board or any Committee and also of any report or other document considered by such meeting;
- 8 to issue press releases for publication and broadcasting on behalf of the College;
- 9 to arrange for publication of any document on behalf of the College;
- 10 when requested to do so by the authority, to provide to the authority as soon as is reasonably practicable such information or advice as the authority may reasonably request from the Board to facilitate the carrying out by the authority of its duty under section 65(b) of the Education (Scotland) Act 1980 (provision for recorded children over school age) to consider in relation to any recorded child what provision would benefit him or her after he or she ceases to be of school age and to make a report thereon;
- 11 to appoint staff of the College within the agreed budget approved by the Board in circumstances where the power to appoint has not been delegated to a Committee or is not reserved to the Board;
- 12 to determine an appropriate staff structure for the College, consistent with the conditions of employment which currently apply, after consultation and, where appropriate, negotiation with representatives of recognised trades unions and professional associations on behalf of the Board;
- 13 to take disciplinary action against staff of the College up to and including dismissal, subject to complying with the disciplinary procedures laid down by the Board;
- 14 to engage the services of outside persons, firms or organizations when it is necessary to carry out the functions of the Board in cases where the power to engage such services is not delegated to a Committee or is not reserved to the Board;
- 15 to grant leave of absence with salary to enable staff to undertake approved courses, or to attend approved meetings or conferences;
- 16 to grant unpaid leave of absence of up to one year to enable staff to undertake voluntary service;
- 17 to arrange programmes of in-service training for staff;
- 18 to exercise any discretionary powers available in the implementation of conditions of service in relation to all staff;
- 19 to approve the secondment of staff of the College to external agencies where the total cost for the secondment is recoverable from the external agency, and to

- approve the appointment where necessary of a temporary replacement for the duration of the secondment;
- 20 to sanction the payment of overtime in exceptional circumstances above the salary level at which the Board has determined that the normal entitlement to overtime will cease;
 - 21 to approve salary placings within salary scales;
 - 22 to administer in accordance with any policy determined by the Board disbursement of monies to students of the College;
 - 23 to administer in accordance with any policy determined by the Board the provision to students of the College of financial or other assistance;
 - 24 to set and amend as necessary the level of tuition fees, examination expenses, maintenance and contribution scales for all courses offered by the College, and to waive or grant remission of such fees or expenses in special cases within guidelines set by the Board;
 - 25 to authorise students, and to make grants to students to enable them, to attend courses and conferences and to undertake educational visits and excursions at home and abroad within the approved estimates and policies of the Board;
 - 26 to authorise leave of absence with salary for staff to accompany students of the College to such courses and conferences and on such visits and excursions as are referred to in paragraph (25) above;
 - 27 to take appropriate disciplinary action up to and including expulsion against students in accordance with any policies of the Board;
 - 28 to provide financial and other assistance to the Students' Association of the College within the terms of any scheme of establishment or policy of the Board;
 - 29 to grant the use of College accommodation to outside bodies or persons for the purpose of holding meetings and functions on such terms and conditions as are reasonable in the circumstances;
 - 30 to allocate and apportion accommodation within the College among the various departments of the College;
 - 31 to arrange for any necessary alterations or adaptations to College property at a cost of up to a maximum set from time to time by the Board in respect of one project, provided that the alteration or adaptation does not effect any material change in the character of the College;
 - 32 to apply to the appropriate authority for any necessary statutory consents;
 - 33 where it is competent and in the interest of the College to do so, to lodge with the appropriate authority objections to the grant of any permission, licence, warrant, etc;
 - 34 to determine and control the standard of furniture, furnishings and equipment within the College;
 - 35 to grant any wayleave or servitude over the property of the College on such terms as may be appropriate;

- 36 to seek and, when competitive tenders are sought, to open tenders for contracts with the Board in accordance with any guidelines set by the Board;
- 37 after all necessary approvals have been obtained, to enter into contracts on behalf of the Board or to authorise another to enter into contracts on behalf of the Board;
- 38 when it is in the interest of the Board to do so, to terminate contracts or to authorise the termination of contracts;
- 39 to check the financial standing of potential contractors;
- 40 to purchase necessary equipment at a cost of up to a maximum set from time to time by the Board;
- 41 to dispose of equipment which is surplus to requirements;
- 42 to enter into agreements for rental, hire or leasing of items of equipment when the rental, hire or leasing charge does not exceed a maximum set from time to time by the Board, and to sign agreement forms for such rentals, hires or leases approved by a Committee or by the Board;
- 43 to enter into maintenance contracts at a cost of up to a maximum set from time to time by the Board per contract in any one year, and to sign other maintenance contracts approved by a Committee or by the Board;
- 44 to enter into contracts for the supply of goods and services through the College where the value of the contract does not exceed a maximum set from time to time by the Board, and to sign other contracts for the supply of goods and services approved by a Committee or by the Board;
- 45 to provide courses as requested by outside agencies and to negotiate appropriate charges for such courses;
- 46 to administer any educational endowment which transferred to and vested in the Board in terms of section 19(1) of the 1992 Act;
- 47 to raise funds and to apply them to any of the activities which the Board has the power to carry on;
- 48 to sign cheques on behalf of the Board up to a maximum value set from time to time by the Board;
- 49 to take out any necessary insurances to protect the interests of the Board;
- 50 to settle up to a maximum set from time to time by the Board and without reference to the Board claims made against the Board where there is no insurance and whether or not a court action has been raised, subject to any necessary approvals being obtained where Treasury Indemnity applies;
- 51 to make arrangements with insurance companies concerning the settlement of claims;
- 52 on receipt of valid claims, to pay to members of the Board and its Committees and to co-optees to the Board and its Committees such allowances and expenses as are consistent with the arrangements determined by the Board.