Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

**Note:** The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

**Group 1: Role of rector**

27, 31

**Group 2: Role of chairing member and co-chair**

28, 29, 1, 30, 40

**Group 3: Functions and membership of committee determining relevant criteria**

32, 2, 33, 34, 35, 3, 4, 11

**Debate to end no later than 1 hour after proceedings begin**

**Group 4: Senior lay member: advertisement of position**

36, 12, 37, 13, 38, 14, 15

*Notes on amendments in this group*

Amendment 36 pre-empts amendments 12 and 37
Amendment 12 pre-empts amendment 37
Amendment 13 pre-empts amendments 38, 14 and 15

**Group 5: Senior lay member: interview of applicants**

16, 17
Group 6: Senior lay member: election to position
18, 5, 6, 7, 8, 39, 19

Notes on amendments in this group
Amendments 18 and 5 are direct alternatives
Amendment 39 pre-empts amendment 19

Debate to end no later than 1 hour and 50 minutes after proceedings begin

Group 7: Senior lay member: remuneration
20, 21, 9

Group 8: Resignation and removal of chairing member and ordinary members of governing body
22, 23, 24

Group 9: Composition of governing body: trade union involvement
41, 42, 44, 45, 46, 47

Debate to end no later than 2 hours and 25 minutes after proceedings begin

Group 10: Remuneration committee
43, 49

Group 11: Specified percentage of women appointed to the governing body
48

Group 12: Exemptions from Part 1
25

Group 13: Powers of the senatus academicus and principal
10

Debate to end no later than 3 hours after proceedings begin
Amendments in debating order

**Group 1: Role of rector**

**Chic Brodie**

27 In section A1, page 1, line 11, at beginning insert <Except where there is a rector with the functions referred to in section A2(1).>

**Chic Brodie**

31 In section A2, page 2, line 6, leave out from beginning to second <to> in line 7 and insert <The rector has the functions described in section A1(2) in relation to the governing body of>

**Group 2: Role of chairing member and co-chair**

**Chic Brodie**

28 In section A1, page 1, line 14, after <body> insert <when issues of policy affecting the institution are being considered>

**Chic Brodie**

29 In section A1, page 1, line 15, after <meetings> insert <in relation to such matters>

**Liz Smith**  
**Supported by: Liam McArthur**

1 In section A1, page 1, leave out lines 18 and 19 and insert <subject to such functions of the senior lay member as are provided for by virtue of any enactment or in accordance with the governing document of the institution.>

**Chic Brodie**

30 In section A1, page 1, line 23, after <are> insert <subject to section (Co-chair of governing body).>

(5) Subsection (3) is

**Chic Brodie**

40 After section 1A, insert—

<Co-chair of governing body>

**Co-chair of governing body**

(1) The members of the governing body of a higher education institutions are to elect one of their members as a co-chair of the governing body (the “elected co-chair”).

(2) The elected co-chair has—

(a) the duty to preside at meetings of the governing body when it is considering matters other than those to be presided over by the senior lay member (or, as the case may be, rector),

(b) a deliberative and casting vote at such meetings in relation to such matters,
(c) joint responsibility with the senior lay member (or, as the case may be, rector) for—

   (i) the leadership and effectiveness of the governing body,

   (ii) ensuring that there is an appropriate balance of authority between the
governing body and the principal of the institution.

(3) In the absence of the senior lay member (or, as the case may be, rector), the elected co-
chair has the functions described in paragraphs (a) and (b) of section A1(2).

(4) Another member of the governing body of a higher education institution may be
selected by the governing body to exercise any of the functions mentioned in subsection
(2) in the absence of the elected co-chair or while the position is vacant.

(5) The governing body of a higher education institution may—

   (a) conduct an election for the position of elected co-chair in such manner as it sees
   fit, and

   (b) apply, with such modifications as it sees fit, any of the other provisions of sections
   A8, A9 and 1A in respect of the position of elected co-chair.>

Group 3: Functions and membership of committee determining relevant criteria

Chic Brodie

32 In section A3, page 2, line 15, after <committee> insert <appointed by it>

Liz Smith

2 In section A3, page 2, line 18, at end insert—

<having regard to any principles which appear to the Scottish Further and Higher
Education Funding Council to constitute good practice in relation to higher education
institutions in accordance with section 9A of the Further and Higher Education
(Scotland) Act 2005.>

Chic Brodie

33 In section A3, page 2, line 19, after first <the> insert <availability.>

Chic Brodie

34 In section A3, page 2, line 25, at end insert—

< The committee is to consist of no more than 6 members.>

Clare Adamson

35 In section A3, page 2, line 25, at end insert—

< Each time the process for filling the position is undertaken, the committee must make
publically available a report indicating by way of overview (and without disclosing
individual identities or confidential information)—

   (a) the number of applicants for the position,>
(b) so far as consent to disclosure has been received by the committee from the applicants, the characteristics listed in section 149(7) of the Equality Act 2010 with respect to—

(i) the applicants,
(ii) the applicants invited to an interview for the position,
(iii) the applicants entitled to stand as candidates in an election for the position following such an interview.

Liz Smith
3  In section A3, page 2, line 28, leave out <of the institution> and insert <members of the governing body>.

Liz Smith
4  In section A3, page 2, line 29, leave out <students of the institution> and insert <student members of the governing body>.

Angela Constance
11 In section A3, page 2, line 30, leave out <make provision for> and insert <contain provision about>.

Group 4: Senior lay member: advertisement of position

Gordon MacDonald
36 In section A4, page 2, line 35, leave out from <by> to end of line 38 and insert <widely by the governing body, in a manner suitable for bringing the vacancy to the attention of a broad range of persons.>.

Liam McArthur
12* In section A4, page 2, line 36, leave out from <including> to end of line 38 and insert <as the governing body sees fit, having regard to principles which appear to the Scottish Further and Higher Education Funding Council to constitute good practice in relation to higher education institutions in accordance with section 9A of the Further and Higher Education (Scotland) Act 2005.>.

Chic Brodie
37 In section A4, page 2, line 37, at end insert—

<() through appropriate media outlets considered to be particularly relevant to students and staff of the institution, and>.

Liam McArthur
13 In section A4, page 3, leave out lines 6 to 12.

Chic Brodie
38 In section A4, page 3, leave out line 8.
Angela Constance

14 In section A4, page 3, line 9, leave out <what> and insert <that>

Angela Constance

15 In section A4, page 3, line 11, leave out <what> and insert <that>

Group 5: Senior lay member: interview of applicants

Liam McArthur

16 In section A5, page 3, line 20, leave <applicant must> and insert <application will be considered further by the committee in terms of how well the applicant meets the relevant criteria, together with other additional relevant information contained in the application and, having considered all of the applications made in accordance with subsection (1)(a), the committee will produce a shortlist of candidates to>

Liam McArthur

17 In section A5, page 3, line 21, leave out from beginning to <is> in line 22 and insert—

<(  ) At such interviews the committee is to assess—

(a) how well each of the shortlisted applicants performs at interview,

(b) the overall suitability of the applicants to hold the position.

(  ) Having completed interviews of all applicants, the committee is to produce a list of those applicants who are>

Group 6: Senior lay member: election to position

Angela Constance

18 In section A6, page 3, line 29, leave out <convened> and insert <arranged by the governing body>

Liz Smith
Supported by: Liam McArthur

5 In section A6, page 3, line 29, leave out <convened> and insert <held>

Liz Smith
Supported by: Liam McArthur

6 In section A6, page 3, line 29, leave out <more than> and insert <at least>

Liz Smith
Supported by: Liam McArthur

7 In section A6, page 3, line 32, leave out subsection (2)
**Liz Smith**  
**Supported by: Liam McArthur**

8 In section A6, page 4, line 1, leave out from <is> to <the> in line 2 and insert <may make such rules as it sees fit concerning the procedures and conduct of an election for the position of senior lay member, including rules about the institution’s contribution to expenses that are incurred by any>.

**Chic Brodie**

39 In section A7, page 4, line 10, leave out subsections (2) to (5) and insert—

< ( ) An election under section A6 is to be conducted on the basis of a single transferable vote system, to be specified by the governing body of the institution after consulting the Electoral Reform Society.>

**Liam McArthur**

19 In section A7, page 4, line 11, leave out subsections (3) to (5) and insert—

< ( ) A vote under subsection (1) is a vote by a person with membership of a body listed in paragraph (a), (b) or (c) of subsection (1) to elect a person or persons to vote on behalf of that body in an election under section A6 for the position of senior lay member of the governing body of a higher education institution.>

< ( ) Rules for the operation of the election and qualification for membership of the bodies listed in paragraphs (a), (b) and (c) of subsection (1) are to be made by the governing body of the institution.>

**Group 7: Senior lay member: remuneration**

**Angela Constance**

20 In section A9, page 4, line 28, leave out <reasonable remuneration and allowances to the person> and insert <such remuneration and allowances to the person as the governing body considers to be reasonable>.

**Angela Constance**

21 In section A9, page 4, line 30, leave out <that capacity> and insert <the capacity as senior lay member>.

**Liz Smith**  
**Supported by: Liam McArthur**

9 Leave out section A9 and insert—

<Payment of remuneration and allowances to senior lay member>

< (1) The governing body of a higher education institution may make such arrangements for the institution to pay remuneration or allowances to the senior lay member of that governing body as it sees fit.>
(2) Any remuneration or allowances paid to the senior lay member are to be determined by the governing body of the institution, having regard to any principles which appear to the Scottish Further and Higher Education Funding Council to constitute good practice in relation to higher education institutions in accordance with section 9A of the Further and Higher Education (Scotland) Act 2005.

(3) The senior lay member is not entitled to vote in respect of any decision of the governing body under subsection (1) or any determination by it under subsection (2).

Group 8: Resignation and removal of chairing member and ordinary members of governing body

Angela Constance
22 Leave out section 1A

Angela Constance
23 Leave out section 5A

Angela Constance
24 After section 6, insert—

Resignation and removal

(1) Rules made by the governing body of a higher education institution may contain provision about the procedure for the resignation or removal of—

(a) the person appointed to the position of senior lay member of the governing body,

(b) the other persons within the membership of the governing body.

(2) Provision as to removal is to (in particular)—

(a) prescribe grounds for removal, for example—

(i) inability to exercise the senior lay member’s functions or (as the case may be) the functions of membership generally,

(ii) misconduct (whether or not in the capacity as member),

(b) ensure that removal can be effected only by a resolution based on the grounds and passed by a specified majority of the members of the governing body,

(c) allow the person who is the subject of the resolution, if the resolution is so passed, to seek a review in order to have the resolution reconsidered or quashed.

(3) For the purpose of subsection (2)(b)—

(a) a specified majority may be a majority of any particular size,

(b) the person who is the subject of the resolution does not count in any calculation arising (and the person is not eligible to vote on the resolution).

(4) Provision under subsection (1)(a) need not be the same as provision under subsection (1)(b).>
Group 9: Composition of governing body: trade union involvement

George Adam

41 In section 4, page 5, line 38, leave out <, recognised in relation to the academic staff of the institution,>

George Adam

42 In section 4, page 6, line 1, leave out <, recognised in relation to the support staff of the institution,>

George Adam

44 In section 4, page 6, line 10, leave out from <is> to <institution> in line 11 and insert <nominating a person from among a category of staff must be one that>

George Adam

45 In section 4, page 6, line 12, leave out <so recognises it> and insert <is recognised by the institution in relation to the category of staff,>

George Adam

46 In section 4, page 6, line 14, leave out <recognises it as> and insert <appears to the institution to be>

George Adam

47 In section 4, page 6, line 14, after <staff> insert <, having regard to all relevant factors>

Group 10: Remuneration committee

Mark Griffin

43 In section 4, page 6, line 9, at end insert—

⟨( ) Where the governing body of a higher education institution establishes a remuneration committee, the membership of that committee must include at least one member of the governing body appointed by virtue of each of paragraphs (c), (d) and (e) of subsection (1).⟩

Alison Johnstone

49 After section 7, insert—

⟨Functions of remuneration committee

Functions of remuneration committee

Where the governing body of a higher education institution establishes a remuneration committee, in exercising its functions the committee must have regard to—

(a) pay settlements agreed through the New Joint Negotiating Committee for Higher Education Staff,

(b) the desirability of reducing the ratio between the remuneration of the highest paid and lowest paid employee within the institution, and⟩
(c) the overall financial situation of the institution.

**Group 11: Specified percentage of women appointed to the governing body**

*Cara Hilton*

48 In section 4, page 6, line 14, at end insert—

«( ) The governing body of a higher education institution must ensure that the number of women appointed to the governing body is at least 40 per cent of the membership of the governing body.»

**Group 12: Exemptions from Part 1**

*Liam McArthur*

25 After section 18A, insert—

<CHAPTER

EXEMPTIONS FROM PROVISIONS OF PART 1

Exemptions from provisions of Part 1

(1) If a higher education institution considers that it cannot reasonably comply with any provision of this Part, it must apply in writing to the Scottish Ministers requesting an exemption in respect of that provision.

(2) Where the Scottish Ministers receive an application under subsection (1) they must—

(a) within 2 months of receiving the application, determine whether to grant the exemption,

(b) give notice of their determination in writing to the higher education institution.

(3) Where the determination of the Scottish Ministers is to grant the exemption, notice under subsection (2)(b) must set out—

(a) the extent to which and duration for which the institution need not comply with a provision,

(b) such other conditions as the Scottish Ministers consider appropriate.»

**Group 13: Powers of the senatus academicus and principal**

*Liz Smith*

10 In the schedule, page 12, line 9, leave out from «“consist” to end of line 10 and insert «the beginning of the section to “provided;” are repealed.»