

Appendix A - Self-declaration form

Criteria for Disqualification - Persons Not Eligible for Appointment

The following provides the basis for disqualification and non-eligibility for appointment to the role of the board member from the Further and Higher Education (Scotland) Act 2005.

Paragraph 6(1) and 6(2) of schedule 2B to the 2005 Act, as inserted by section 11(2) of the 2013 Act.

6 (1) A person is not eligible for appointment as a member of the Board if the person:

- ✦ has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine;
- ✦ is an undischarged bankrupt; or
- ✦ has been removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any regional Board).

6 (2) For the purposes of sub-paragraph (1)(b), “undischarged bankrupt” means a person:

- ✦ whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);
- ✦ who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);
- ✦ who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986;
- ✦ who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts;
- ✦ who has been adjudged bankrupt (and has not been discharged); or
- ✦ who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.

The following provides the basis for disqualification and non-eligibility for appointment to the role of the board member from the Charities (Regulation and Administration) (Scotland) Act 2023.

- ✦ You have a conviction for an offence involving dishonesty.
- ✦ You are disqualified as a company director.
- ✦ You have an undischarged bankruptcy or protected trust deed or have been removed as a trustee by the Court.
- ✦ You have a conviction of offences under bribery legislation.
- ✦ You have a conviction under proceeds of crime legislation.
- ✦ You have a conviction for perverting the course of justice.
- ✦ You have a conviction of terrorism or association with proscribed terrorist group.
- ✦ You have had misconduct or negligence as a public official.
- ✦ You have had disobedience with an order of court and
- ✦ You have any sexual offences subject to notification.

By submitting my completed application, I am declaring:

- ✦ I can meet the time commitment for the role.
- ✦ I have read and understood the criteria for disqualification and that I am not disqualified from taking up a public appointment.
- ✦ I will work within the Principles of Public Life in Scotland (Nolan).
- ✦ I agree to be bound by the Board Members' Code of Conduct and other relevant legislators or regulatory framework as is required by the Board of Management.
- ✦ I understand the College's purpose and rules set out in its governing documents.
- ✦ I am aware of my duties and responsibilities as a charity Trustee.
- ✦ I have no unmanageable conflict of interests in respect of the appointment.
- ✦ That the information provided is, to the best of my knowledge and belief, true and complete.

Name:

Signature:

Date: