

SCHEDULE 1

(introduced by section 2)

INSTRUMENTS AND ARTICLES OF GOVERNMENT

In the Further and Higher Education Act 1992, for Schedule 4 substitute—

“SCHEDULE 4

INSTRUMENTS AND ARTICLES OF GOVERNMENT

- 1 This Schedule applies in relation to—
 - (a) a further education corporation,
 - (b) the governing body of a designated institution, and
 - (c) a sixth form college corporation.
- 2 In this Schedule—

“the body” means—

 - (a) in the case of a further education corporation or a sixth form college corporation, the corporation, and
 - (b) in the case of the governing body of a designated institution, the governing body;

“the institution” means—

 - (a) in the case of a further education corporation, the institution which the corporation are established to conduct;
 - (b) in the case of the governing body of a designated institution, the institution;
 - (c) in the case of a sixth form college corporation, the relevant sixth form college;

“instrument” means an instrument of government or articles of government.
- 3 (1) An instrument must provide for—
 - (a) the number of members of the body,
 - (b) the eligibility of persons for membership,
 - (c) the members to include—
 - (i) staff and students at the institution, and
 - (ii) in the case of a sixth form college corporation, parents of students at the institution aged under 19, and
 - (d) the appointment of members, if the institution is in England, or the appointment or election of members, if the institution is in Wales.

(2) In the case of an institution in Wales the provision made by an instrument must include provision—

 - (a) for the members of the body to include—
 - (i) the chief executive,
 - (ii) at least two other members of staff at the institution,
 - (iii) at least two students at the institution, and
 - (iv) one or more representatives of local employers or businesses,
 - (b) for at least one of the members who are members of staff to be a member of the teaching staff, and at least one to be a member of the non-teaching staff,

- elected at an election open to all members of staff from those nominated by any member of staff, and
- (c) for the members who are students to be elected at an election open to all the students at the institution from those nominated by any student or (if the body so determines) to be elected at an election open to all the members of an association which represents students at the institution, and is recognised by the body, from those nominated by any member of the association.
- 4 (1) An instrument must make provision about the procedures of the body and the institution.
- (2) In particular, an instrument must specify how the body may resolve for its dissolution and the transfer of its property, rights and liabilities.
- 5 (1) An instrument must make provision for there to be—
- (a) a chief executive of the institution, and
- (b) a clerk to the body.
- (2) An instrument must make provision about the respective responsibilities of the body, the chief executive and the clerk.
- (3) The responsibilities of the body must include—
- (a) in the case of a sixth form college corporation to which section 33J applies, the preservation and development of the educational character and mission of the institution and the oversight of its activities;
- (b) in the case of any other sixth form college corporation, a further education corporation or a governing body, the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- (c) in any case, the effective and efficient use of resources, the solvency of the institution and the body and the safeguarding of their assets.
- 6 An instrument must require the body to publish arrangements for obtaining the views of staff and students on the matters for which the body are responsible under paragraph 5(3)(a) or (b).
- 7 In the case of an institution in Wales, an instrument must require the body to consult persons in the locality of the institution receiving education or training, employers in that locality and bodies representing persons living in that locality as to the education provided at the institution and the planning of its curriculum.
- 8 An instrument must permit the body to change their name with the approval of—
- (a) in the case of an institution in England, the Secretary of State;
- (b) in the case of an institution in Wales, the Welsh Ministers.
- 9 An instrument must specify how the body may modify or replace the instrument of government and articles of government.
- 10 An instrument must prohibit the body from making changes to the instrument of government or articles of government that would result in the body ceasing to be a charity.
- 11 An instrument must provide for—
- (a) a copy of the instrument to be given free of charge to every member of the body,

Status: This is the original version (as it was originally enacted).

- (b) a copy of the instrument to be given free of charge, or at a charge not exceeding the cost of copying, to anyone else who requests it, and
 - (c) a copy of it to be available for inspection at the institution on request, during normal office hours, to every member of staff of, and student at, the institution.
- 12 An instrument must provide for the authentication of the application of the seal of the body.”