

## SCHEDULES

### SCHEDULE 3

#### GOVERNING BODIES OF INSTITUTIONS OF FURTHER EDUCATION

##### *Status and name*

- 1.—(1) The governing body of an institution of further education shall not—
- (a) be regarded as the servant or agent 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.
- (2) Subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to the governing body of an institution of further education.
- (3) The name of an institution of further education shall be such as is specified in the instrument of government of the institution and the governing body shall be known as “the Governing Body of” that institution.

##### *Membership*

- 2.—(1) The instrument of government of an institution of further education shall provide for the governing body to consist of not less than 12 nor more than 18 member, of whom—
- (a) not less than one-half shall be persons appearing to the Department to be, or to have been, engaged or employed in business, industry or any profession;
  - (b) one shall be the principal of the institution;
  - (c) not less than one nor more than two shall be elected by persons employed at the institution from among such persons;
  - (d) one shall be elected by students of the institution from among such students;
  - <sup>F1</sup>(e) .....
  - (f) not more than two may be persons co-opted by the other members of the governing body.
- (2) The instrument of government of an institution of further education shall provide—
- (a) for the members of the governing body to be appointed by the Department after consultation with such bodies or persons as appear to the Department to be appropriate;
  - (b) that where two persons are to be elected in pursuance of sub-paragraph (1)(c)—
    - (i) one shall be elected by teachers employed at the institution from among such teachers; and
    - (ii) one shall be elected by other persons employed at the institution from among such other persons;
  - (c) that any election to be held in pursuance of sub-paragraph (1)(c) or (d) shall be conducted in accordance with rules made by the governing body.

[<sup>F2</sup>(3) The Department may by order amend sub-paragraphs (1) and (2).]

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| <b>F1</b> | Sch. 3 para. 2(1)(e) omitted (29.11.2016) by virtue of <a href="#">The Further Education (Governing Body of Institution of Further Education) Order (Northern Ireland) 2016 (S.R. 2016/391)</a> , arts. 1, 2 (with art. 3) |
| <b>F2</b> | Sch. 3 para. 2(3) inserted (1.8.2006) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(2), <b>38(1)</b>                                                                     |

#### *Chairman and other officers*

- 3.—(1) The instrument of government of an institution of further education shall provide for—
- (a) the appointment, tenure of office and removal from office of a chairman of the governing body;
  - (b) the eligibility of persons for appointment as chairman.
- (2) The instrument of government of an institution of further education may provide for the appointment, tenure of office and removal from office of other officers of the governing body.

#### *Eligibility and tenure of office*

- 4.—(1) Subject to sub-paragraph (2), the instrument of government of an institution of further education shall provide for—
- (a) the eligibility of persons for membership of the governing body;
  - (b) the tenure of office, and removal from office, of members of the governing body.
- (2) If it appears to the Department that the affairs of the governing body of any institution of further education have been or are being mismanaged—
- (a) the Department may by order remove all or any of the members of the governing body (other than the principal of the institution); and
  - (b) new members shall be appointed to the governing body in place of those so removed.
- (3) Where the Department exercises the power conferred by sub-paragraph (2) to remove members of the governing body, it shall give notice in writing of such removal to any members so removed and to the governing body.

#### *Payments to members*

5.—[<sup>F3</sup>(1)] The articles of government of an institution of further education may provide, for the governing body to pay travelling and subsistence allowances to its members and the members of committees of the governing body.

[<sup>F4</sup>(2) The articles of government of an institution of further education may provide for the governing body to pay remuneration to the members of the governing body (or such of those members as may be specified or described in the articles) of such amounts or at rates not exceeding such amounts or rates and on such conditions as the Department, with the approval of the Department of Finance and Personnel, may determine.]

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| <b>F3</b> | Sch. 3 para. 5 renumbered (1.8.2006) as Sch. 3 para. 5(1) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(2), <b>39</b> |
| <b>F4</b> | Sch. 3 para. 5(2) inserted (1.8.2006) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(2), <b>39</b>                     |

### *Proceedings*

6.—(1) Subject to any provision made by the articles of government of an institution of further education, the governing body of an institution of further education may regulate its own proceedings and those of any committee established by it.

(2) The validity of any proceedings of a governing body, or of any committee of the body, shall not be affected by—

- (a) a vacancy amongst the members; or
- (b) any defect in the appointment of any member.

(3) The articles of government of an institution of further education—

- (a) shall make provision about the procedures of the governing body and of the institution;
- (b) shall make provision for the admission, suspension and expulsion of students;
- (c) shall provide for the authentication of the application of the seal of the governing body;
- (d) may authorise the governing body to make rules for the government and conduct of the institution including, in particular, provision about the conduct of students and employees.

### *Committees, etc.*

7.—(1) The articles of government of an institution of further education—

- (a) shall provide for the governing body to establish an Audit Committee; and
- (b) may provide for the governing body to establish other committees.

(2) The articles of government shall regulate the constitution and functions of committees of the governing body.

### *Delegation of functions*

8. The articles of government of an institution of further education may provide for the delegation of functions of the governing body to—

- (a) a committee of the governing body;
- (b) the principal of the institution; or
- (c) such other person as may be specified by or determined in accordance with the articles.

### *Evidence of documents*

9.—(1) In any legal proceedings a document purporting—

- (a) to be a document made or issued by the governing body of an institution of further education; and
- (b) to be duly executed under the seal of the body, or to be signed by the chairman of the body or the principal of the institution,

shall be received in evidence and shall be treated, without further proof, as being so made or issued unless the contrary is shown.

(2) In any legal proceedings an extract from the minutes of the proceedings of any meeting of the governing body of an institution of further education signed by the chairman of the body or by the principal of the institution shall be evidence of the matters stated therein.

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Northern Ireland) Order 1997. (See end of Document for details)

### *Staff*

**10.—**(1) The articles of government of an institution of further education shall make provision for the arrangements concerning the appointment, appraisal, promotion, suspension and dismissal of the principal and other employees of the institution.

(2) Subject to any provision so made, the governing body of an institution of further education may appoint such employees as it thinks fit.

(3) The terms and conditions of the employees of the governing body of an institution of further education (other than those to whom sub-paragraph (4) applies) shall be such as may be determined by the governing body after consultation with representatives of the employees concerned.

(4) The terms and conditions of employees to whom this sub-paragraph applies shall be such as may be determined by the governing body subject to the approval of the Department.

(5) Sub-paragraph (4) applies to—

- (a) the principal and a vice principal of the institution; and
- (b) such other employees as the Department may direct.

**Changes to legislation:**

There are currently no known outstanding effects for the The Further Education (Northern Ireland) Order 1997.