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## STATUTORY INSTRUMENTS

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# 2005 No. 1963

## The Colleges of Education (Northern Ireland) Order 2005

### PART II

#### THE COLLEGE

##### *Duties and powers of the governing body*

##### **Principal powers of governing body**

- 7.—(1) The governing body shall have the power—
- (a) to provide or secure the provision of education (and in particular education relevant to the initial or further training of teachers) and to secure the carrying on of research related to such education;
  - (b) to charge fees for or in connection with the provision under sub-paragraph (a) of any form of education or the securing of any research;
  - (c) to provide to students of the college such assistance of a financial or other nature (including waiving or granting remission of fees) as it may consider appropriate;
  - (d) to manage the college, and for that purpose to receive any property, rights and liabilities transferred to it under this Order;
  - (e) to provide, or secure the provision of, facilities of any description appearing to it to be necessary or expedient for the purpose of or in connection with the carrying on of any activities it has power to carry on (including residential accommodation and recreational facilities for students and staff of the college and facilities to meet the needs of students who have learning difficulties and disabled students and staff);
  - (f) to provide meals and refreshments for students and staff of the college;
  - (g) to supply goods and services in connection with the provision of education by it and make charges for such goods and services;
  - (h) to acquire, hold and dispose of land and other property;
  - (i) 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 activities it has power to carry on;
    - (ii) contracts with respect to the carrying on by it of any such activities; and
    - (iii) contracts to secure the provision by others of facilities in connection with the carrying on by it of any such activities, including externally financed development agreements as defined in Article 8(4)(c).
  - (j) to form or promote, or to join with any other person in forming or promoting, companies [<sup>F1</sup>under the Companies Act 2006];

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**Changes to legislation:** *The Colleges of Education (Northern Ireland) Order 2005, Section 7 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (k) to enter into collaborative arrangements with other educational institutions or bodies and community groups on such terms as it thinks fit and to exercise its decision-making in relation to such arrangements through any joint body established for the purposes of the arrangements;
  - (l) to borrow such sums as it thinks fit for the purpose of carrying on any activities it has power to carry on or meeting any liability transferred to it under this Order and, in connection with such borrowing, to grant such security as it thinks fit;
  - (m) to give such guarantee or indemnity in relation to the obligations of a company to which sub-paragraph (j) applies or any other person on such terms and conditions (including the giving of security in respect of its obligations under such guarantee or indemnity) as it thinks fit;
  - (n) to invest any sums not immediately required by it for the purpose of carrying on any activities it has power to carry on or meeting any liability transferred to it under this Order;
  - (o) 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 activities it has power to carry on; and
  - (p) to do all such other things as are calculated to facilitate or are incidental or conducive to the carrying on of any activities it has power to carry on.
- (2) For the purposes of paragraph (1)(g), goods and services are supplied in connection with the provision of education by the governing body if—
- (a) they result from the provision of education or anything done by the governing body under this Order for the purpose of or in connection with the provision of education,
  - (b) they result from the use of, or are provided by making available, the facilities of the governing body or the expertise of persons employed by it in the fields in which they are so employed, or
  - (c) they result from ideas of a person employed by the governing body, or of one of its students, arising out of the provision of education by it.
- (3) The Department may by order amend the provisions of paragraph (1) by varying, adding to or removing the powers for the time being conferred by that paragraph.
- (4) Before making any order under paragraph (3), the Department shall consult—
- (a) the governing body; and
  - (b) any other persons with whom consultation appears to the Department to be appropriate.
- (5) The exercise by the governing body of any power conferred by this Article is subject to Article 8; and an order under paragraph (3) may make such consequential amendments to Article 8 as appear to the Department to be necessary or expedient.

<p><b>F1</b> Words in <a href="#">art. 7(1)(j)</a> substituted (1.10.2009) by <a href="#">Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941)</a>, art. 2(1), <a href="#">Sch. 1 para. 254</a> (with art. 10)</p>
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[View outstanding changes](#)

**Commencement Orders yet to be applied to the The Colleges of Education (Northern Ireland) Order 2005**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2015/35 art. 2 commences \(2014 c. 12 \(N.I.\)\)](#)