

Changes to legislation: Education Reform Act 1988, SCHEDULE 8 is up to date with all changes known to be in force on or before 20 March 2024. 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

SCHEDULES

SCHEDULE 8

Sections 134 and 197.

THE FUNDING COUNCILS AND THE ASSETS BOARD

Modifications etc. (not altering text)

- C1** Power to amend Sch. 8 conferred (1.2.1999) by 1998 c. 31, s. 137(4)(a) (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), Sch. 1.
- C2** Sch. 8 repealed (1.4.1993 with effect in so far as it relates to the Universities Funding Council and the Polytechnics and Colleges Funding Council) by 1992 c. 13, s. 93(1), Sch. 8 Pt. I para. 60; S.I. 1992/831, art. 2, Sch. 3.

Preliminary

- 1 References below in this Schedule to the Corporation are references to each of the following bodies—
- (a) the Universities Funding Council;
 - (b) the Polytechnics and Colleges Funding Council; and
 - (c) the Education Assets Board.

Supplementary powers

- 2 (1) Subject to sub-paragraph (2) below, the Corporation shall have power to do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular power—
- (a) to acquire and dispose of land and other property;
 - (b) to enter into contracts;
 - (c) to invest any sums not immediately required for the purpose of the discharge of their functions; and
 - (d) to accept gifts of money, land or other property.
- (2) Sub-paragraph (1) above does not confer power to borrow money, except in the case of the Education Assets Board; but the power of that Board to borrow money shall be subject to the approval of the Secretary of State in the case of each transaction.

Chief officer

- 3 (1) One of the members of the Corporation shall be the chief officer of the Corporation.
- (2) The first chief officer of the Corporation shall be appointed as such by the Secretary of State and shall hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief officer shall be appointed by the Corporation with the approval of the Secretary of State on such terms and conditions (including terms with respect

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to tenure and vacation of office) as the Corporation may with the approval of the Secretary of State determine.

(4) On approval by the Secretary of State of the person to be appointed on any occasion as chief officer of the Corporation and the terms and conditions of his appointment, the Secretary of State shall—

- (a) if that person is not already a member of the Corporation, appoint him as a member for the same term as the term of his appointment as chief officer; or
- (b) if he is already such a member but his term of appointment as such ends before the term of his appointment as chief officer, extend his term of appointment as a member so that it ends at the same time as the term of his appointment as chief officer.

Qualifications of members and tenure of office

4 (1) A person shall hold and vacate office as a member or as chairman or chief officer of the Corporation in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman of the Corporation.

5 If the Secretary of State is satisfied that a member of the Corporation—

- (a) has been absent from meetings of the Corporation for a period longer than six consecutive months without the permission of the Corporation; or
- (b) is unable or unfit to discharge the functions of a member;

the Secretary of State may by notice in writing to that member remove him from office; and thereupon the office shall become vacant.

Salaries, allowances and pensions for members

6 (1) The Corporation—

- (a) shall pay to the members of the Corporation such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine; and
- (b) shall pay, or make such payments towards the provision of, such pension to or in respect of any member of the Corporation as the Secretary of State may determine.

(2) If a person ceases to be a member of the Corporation and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Corporation to make to that person a payment of such amount as the Secretary of State may determine.

^{F1}(3)

Textual Amendments

F1 Sch. 8 para. 6(3) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 20(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I.

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House of Commons disqualification

- 7 In Part III of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate places the following entries—

“Any member of the Universities Funding Council in receipt of remuneration.

Any member of the Polytechnics and Colleges Funding Council in receipt of remuneration.

Any member of the Education Assets Board in receipt of remuneration.”.

Marginal Citations

M1 1975 c. 24.

Staff

- 8 (1) The Corporation may appoint such employees as the Corporation think fit.
- (2) The Corporation shall pay to their employees such remuneration and allowances as the Corporation may determine.
- (3) The employees shall be appointed on such other terms and conditions as the Corporation may determine.
- (4) A determination under sub-paragraph (2) or (3) above requires the approval of the Secretary of State ^{F2}. . . .
- (5) Employment with the Corporation shall be included among the kinds of employment to which a scheme under section 1 of the ^{M2}Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of “Other Bodies” there shall be inserted—

“Universities Funding Council.

Polytechnics and Colleges Funding Council.

Education Assets Board.”

- (6) The Corporation shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to sub-paragraph (5) above in the sums payable out of money provided by Parliament under that Act.
- (7) Where an employee of the Corporation is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Corporation the [^{F3}Secretary of State] may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the Corporation (whether or not any benefits are payable to or in respect of him by virtue of paragraph 6 above).

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Textual Amendments

- F2** Words in [Sch. 8 para. 8\(4\)](#) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), [Sch. 30 para. 20\(b\)\(i\)](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), [Sch. 1 Pt. I](#).
- F3** Words in [Sch. 8 para. 8\(7\)](#) substituted (1.10.1998) by 1998 c. 31, s. 140(1), [Sch. 30 para. 20\(b\)\(ii\)](#) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), [Sch. 1 Pt. I](#).

Marginal Citations

- M2** 1972 c. 11.

Committees

- 9 (1) The Corporation may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the Corporation.
- (3) Such a committee may include persons who are not members of the Corporation.
- (4) The Corporation shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

Scottish and Welsh Committees of Universities Funding Council

- 10 The Universities Funding Council shall establish committees under paragraph 9 above for the purpose of advising the Council on the exercise of their functions in relation to universities in Scotland and universities in Wales respectively.

Delegation of Functions

- 11 The Corporation may authorise the chairman, the chief officer or any committee established under paragraph 9 above to exercise such of their functions as they may determine.

Proceedings

- 12 Without prejudice to any other rights the Secretary of State may require to be accorded to him as a condition of any grants made to the Corporation under section 134 of this Act—
- (a) a representative of the Secretary of State shall be entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Corporation or of any committee of the Corporation; and
 - (b) the Secretary of State shall be entitled to receive copies of any documents distributed to members of the Corporation or of any such committee.
- 13 The validity of any proceedings of the Corporation or of any committee of the Corporation shall not be affected by a vacancy among the members or by any defect in the appointment of a member.
- 14 Subject to the preceding provisions of this Schedule, the Corporation shall have power to regulate their own procedure and that of any of their committees.

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Application of seal and proof of instruments

- 15 The application of the seal of the Corporation shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the Corporation to act for that purpose and of one other member.
- 16 Every document purporting to be an instrument made or issued by or on behalf of the Corporation and to be duly executed under the seal of the Corporation, or to be signed or executed by a person authorised by the Corporation to act in that behalf shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

Accounts

- 17 (1) It shall be the duty of the Corporation—
- (a) to keep proper accounts and proper records in relation to the accounts;
 - (b) to prepare in respect of each financial year of the Corporation a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
 - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (3) In this paragraph “financial year” means the period beginning with the date on which the Corporation is established and ending with the second 31st March following that date, and each successive period of twelve months.

Modifications etc. (not altering text)

- C3** Sch. 8 para. 17 modified (6. 5. 1992) by Further and Higher Education Act 1992 (c. 13), s. 64(4); S.I. 1992/831, art. 2, Sch.1.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)