

**Changes to legislation:** Education Reform Act 1988, Paragraph 7 is up to date with all changes known to be in force on or before 18 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 7

#### [<sup>F1</sup>HIGHER EDUCATION CORPORATIONS IN WALES ESTABLISHED BEFORE THE APPOINTED DAY]

##### Textual Amendments

- F1** Sch. 7 heading substituted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), Sch. 8 para. 21(a); S.I. 2018/1226, reg. 4(o)

##### *Subsequent appointments*

- 7 (1) Appointments of members of a corporation at any time after the appointment by the Secretary of State of the first members shall be subject to this paragraph.
- (2) No such appointment may be made before the first determination of the corporation under paragraph 6 above takes effect.
- (3) The corporation are the appointing authority for the purposes of this Schedule in relation to the appointment of any member of the corporation other than an independent member.
- (4) Where an appointment of an additional independent member of the corporation falls to be made in consequence of a determination under paragraph 6 above, the appointing authority for the purposes of this Schedule in relation to the appointment—
- (a) shall be the corporation if the appointment is made within the period of three months beginning with the date of the determination; or
  - (b) if the appointment is not made within that period, shall be the current independent members of the corporation.
- (5) Where a vacancy in the office of an independent member of the corporation arises on any existing independent member ceasing to hold office on the expiry of his term of office—
- (a) his successor shall not be appointed more than six months before the expiry of that term; and
  - (b) the appointing authority for the purposes of this Schedule in relation to the appointment of his successor—
    - (i) shall be the corporation if the appointment is made not less than three months before the expiry of that term; or
    - (ii) if the appointment is not so made, shall be the current independent members of the corporation.
- (6) Where a vacancy in the office of an independent member of the corporation arises on the death of any such member or on any such member ceasing to hold office

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under paragraph 8(2) or 10 below, the appointing authority for the purposes of this Schedule in relation to the appointment of his successor—

- (a) shall be the corporation if the appointment is made within the period of three months beginning with the date of death or the date of the notice under paragraph 8(2) or 10 below (as the case may be); or
- (b) if the appointment is not made within that period, shall be the current independent members of the corporation.

(7) No appointment of an independent member of the corporation by the corporation under sub-paragraph (4)(a), (5)(a) or (6)(a) above shall be made unless the appointment has been approved by the current independent members of the corporation.

[<sup>F1</sup>(8) If the number of independent members of the corporation falls below the number needed in accordance with its articles of government for a quorum, the Secretary of State is the appointing authority in relation to the appointment of such number of independent members as is required for a quorum]

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#### **Textual Amendments**

- F1** Sch. 7 para. 7(8) added (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 71\(3\)\(a\)](#); [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\(3\)\(b\)](#)