

Changes to legislation: Further and Higher Education Act 1992, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 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 4

INSTRUMENTS AND ARTICLES OF GOVERNMENT

- [^{F1}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.

Textual Amendments

- F1** Sch. 4 substituted (1.9.2014) by Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), Sch. 1; S.I. 2014/1706, art. 3(b)

- 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.

Textual Amendments

- F1** Sch. 4 substituted (1.9.2014) by Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), Sch. 1; S.I. 2014/1706, art. 3(b)

- 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

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- (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.

Textual Amendments

F1 Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 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.

Textual Amendments

F1 Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 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;

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- (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.

Textual Amendments

F1 Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 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).

Textual Amendments

F1 Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(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.

Textual Amendments

F1 Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 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.

Textual Amendments

F1 Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 9 An instrument must specify how the body may modify or replace the instrument of government and articles of government.

Textual Amendments

F1 Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 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.

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- 11 An instrument must provide for—
- (a) a copy of the instrument to be given free of charge to every member of the body,
 - (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.

Textual Amendments

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- 12 An instrument must provide for the authentication of the application of the seal of the body.]

Textual Amendments

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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. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)