
STATUTORY INSTRUMENTS

1997 No. 1772

The Further Education (Northern Ireland) Order 1997

Duties and powers of governing bodies

Principal powers of governing body

- 14.—(1) The governing body of an institution of further education shall have the power—
- (a) to provide or secure the provision of further education and (subject to Article 16) higher education;
 - [^{F1}(aa) to provide secondary education—
 - (i) for registered pupils of a grant-aided school in accordance with arrangements entered into under Article 21 of the Education (Northern Ireland) Order 2006;
 - (ii) for children who are not registered pupils at any grant-aided school in accordance with arrangements entered into with a board under Article 83(2)(b) of the Education (Northern Ireland) Order 1998]
 - (b) to charge fees for or in connection with the provision by virtue of sub-paragraph (a) of any form of further or higher education;
 - (c) to provide to students of the institution such assistance of a financial or other nature (including waiving or granting remission of fees) as it may consider appropriate;
 - (d) to manage the institution, 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 institution 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 institution;
 - (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 15(3)(c).
 - (j) to form or promote, or to join with any other person in forming or promoting, companies[^{F2} under the Companies Act 2006];

- [^{F3}(jj) 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 collaboration under this sub-paragraph;]
- (k) 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^{F3}. . . as it thinks fit;
- [^{F3}(kk) 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;]
- (l) 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;
- (m) 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
- (n) 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 a 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—
- (a) amend the provisions of paragraph (1) by varying, adding to or removing the powers for the time being conferred by that paragraph; or
- (b) direct that paragraph (1) shall apply, in relation to any governing body specified in the order, with such variations, additions or omissions as may be so specified.
- (4) Before making any order under paragraph (3), the Department shall consult—
- (a) the governing bodies of institutions of further education to which the order applies; and
- (b) any other bodies with which consultation appears to the Department to be appropriate.
- (5) The exercise by a governing body of any power conferred by this Article is subject to Article 15; and an order under paragraph (3) may make such consequential amendments to Article 15 as appear to the Department to be necessary or expedient.

F1 Art. 14(1)(aa) substituted (26.1.2007) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(4)(a), **21(4)**; S.R. 2007/42, **art. 2**

F2 Words in art. 14(1)(j) substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 170** (with art. 10)

F3 SR 2003/110

Changes to legislation:

There are currently no known outstanding effects for the The Further Education (Northern Ireland) Order 1997, Section 14.