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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**

*Management of the college*

**Transfer of management of college to incorporated governing body**

3.—(1) With effect from the transfer date—

- (a) the college shall cease to be managed in accordance with arrangements under Article 66(1) of the 1986 Order;
- (b) there shall be established under this Order for the college a body corporate to be known as the governing body of the college; and
- (c) the college shall be under the management of the governing body.

(2) Schedule 1 (which provides for the transfer of certain property, rights, liabilities and staff to the governing body established under this Order and makes other provision consequential on, related to, or for the purpose of facilitating, the transfer effected by paragraph (1)) shall have effect.

**Constitution of governing body and conduct of college**

4.—(1) There shall be—

- (a) an instrument providing for the constitution of the governing body (to be known as the instrument of government); and
- (b) an instrument in accordance with which the governing body and the college are to be conducted (to be known as the articles of government).

(2) Schedule 2 (which makes general provision concerning the governing body) shall have effect.

(3) The instrument of government and articles of government of the college—

- (a) shall comply with the requirements of Schedule 2; and
- (b) may make any provision authorised to be made by that Schedule and such other provision as may be necessary or desirable.

**Making and amendment of instrument of government and articles of government**

5.—(1) The initial instrument of government and articles of government of the college shall be made by order of the Department after consultation with such persons as appear to it to be appropriate.

(2) The Department may—

- (a) if the governing body submits a draft of an instrument of government or articles of government to have effect in place of the existing instrument or articles, by order make a new instrument of government or articles of government in terms of the draft or in such terms as it thinks fit;
  - (b) if that body submits draft amendments of the existing instrument of government or articles of government, by order amend the existing instrument or articles in terms of the draft or in such terms as it thinks fit.
- (3) The Department shall not—
- (a) make a new instrument of government or articles of government otherwise than in terms of a draft submitted under paragraph (2)(a), or
  - (b) amend an existing instrument of government or articles of government otherwise than in terms of a draft submitted under paragraph (2)(b),
- unless it has consulted the governing body.
- (4) The Department may direct the governing body to submit—
- (a) a draft under paragraph (2)(a) making such provision as is specified in the direction; or
  - (b) a draft under paragraph (2)(b) making such amendments as are so specified.
- (5) Before giving any direction under paragraph (4) to the governing body the Department shall consult that body.
- (6) In this Article—
- (a) references to the initial instrument of government and articles of government of the college are to the instrument and articles which are to have effect as from the transfer date;
  - (b) references to the existing instrument of government or articles of government of the college are references to the instrument of government or articles of government for the time being having effect in relation to the college under this Article.