

## SCHEDULES

### SCHEDULE 2

Article 4

#### THE GOVERNING BODY OF THE COLLEGE

##### *Status and name*

- 1.—(1) The governing body shall not—
- (a) be regarded as the servant or agent of the Crown;
  - (b) have any status, immunity or privilege of the Crown,
- and its property shall not be regarded as property of, or held on behalf of, the Crown.
- (2) Subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply to the governing body.

##### *Membership*

- 2.—(1) The instrument of government shall provide for the governing body to consist of not less than 12 nor more than 18 members, of whom—
- (a) not less than one-half shall be persons appearing to the Department to be, or to have been, engaged or employed in business, industry or any profession;
  - (b) one shall be the principal of the college;
  - (c) two shall be elected by staff employed at the college of whom—
    - (i) one shall be elected by teachers so employed from among such teachers; and
    - (ii) one shall be elected by other staff so employed from among such other staff;
  - (d) one shall be elected by students of the college from among such students;
  - (e) not more than two may be persons co-opted by the other members of the governing body.
- (2) The instrument of government shall provide—
- (a) for the members of the governing body to be appointed by the Department after consultation with such bodies or persons as appear to the Department to be appropriate;
  - (b) that any election to be held in pursuance of sub-paragraph (1)(c) or (d) shall be conducted in accordance with rules made by the governing body.

##### *Chairman and other officers*

- 3.—(1) The instrument of government shall provide for—
- (a) the appointment, tenure of office and removal from office of a chairman of the governing body;
  - (b) the eligibility of persons for appointment as chairman.
- (2) The instrument of government may provide for the appointment, tenure of office and removal from office of other officers of the governing body.

### *Eligibility and tenure of office*

- 4.—(1) Subject to sub-paragraph (2), the instrument of government shall provide for—
- (a) the eligibility of persons for membership of the governing body;
  - (b) the tenure of office, and removal from office, of members of the governing body.
- (2) If it appears to the Department that the affairs of the governing body have been or are being mismanaged—
- (a) the Department may by order remove all or any of the members of the governing body (other than the principal of the college); and
  - (b) new members shall be appointed to the governing body in place of those so removed.
- (3) Where the Department exercises the power conferred by sub-paragraph (2) to remove members of the governing body, it shall give notice in writing of such removal to any members so removed and to the governing body.

### *Payments to members*

5. The articles of government may provide, for the governing body to pay travelling and subsistence allowances to its members and the members of committees of the governing body.

### *Proceedings*

- 6.—(1) Subject to any provision made by the articles of government, the governing body may regulate its own proceedings and those of any committee established by it.
- (2) The validity of any proceedings of a governing body, or of any committee of the body, shall not be affected by—
- (a) a vacancy amongst the members; or
  - (b) any defect in the appointment of any member.
- (3) The articles of government may—
- (a) make provision about the procedures of the governing body and of the college;
  - (b) make provision for the admission, suspension and expulsion of students;
  - (c) provide for the authentication of the application of the seal of the governing body;
  - (d) authorise the governing body to make rules for the government and conduct of the college including, in particular, provision about the conduct of students and staff.

### *Committees, etc.*

- 7.—(1) The articles of government—
- (a) shall provide for the governing body to establish an Audit Committee; and
  - (b) may provide for the governing body to establish other committees.
- (2) The articles of government shall regulate the constitution and functions of committees of the governing body.

### *Delegation of functions*

8. The articles of government may provide for the delegation of functions of the governing body to—
- (a) a committee of the governing body;
  - (b) the principal of the college; or

- (c) such other person as may be specified by or determined in accordance with the articles.

### *Evidence of documents*

**9.**—(1) In any legal proceedings a document purporting—

- (a) to be a document made or issued by the governing body; and
- (b) to be duly executed under the seal of the body, or to be signed by the chairman of the body or the principal of the college,

shall be received in evidence and shall be treated, without further proof, as being so made or issued unless the contrary is shown.

(2) In any legal proceedings an extract from the minutes of the proceedings of any meeting of the governing body signed by the chairman of the body or by the principal of the college shall be evidence of the matters stated therein.

### *Staff*

**10.**—(1) The articles of government shall make provision for the arrangements concerning the appointment, appraisal, promotion, suspension and dismissal of the principal and other staff of the college.

(2) Subject to any provision so made, the governing body may appoint such staff as it thinks fit.

(3) The terms and conditions of the staff of the governing body (other than those to whom sub-paragraph (4) applies) shall be such as may be determined by the governing body after consultation with representatives of the staff concerned.

(4) The terms and conditions of staff to whom this sub-paragraph applies shall be such as may be determined by the governing body subject to the approval of the Department.

(5) Sub-paragraph (4) applies to—

- (a) the principal of the college; and
- (b) such other staff as the Department may direct.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Colleges of Education (Northern Ireland) Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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

- Order words substituted by [2014 c. 12 \(N.I.\) Sch. 3 para. 1\(1\)\(a\)](#)
- Order words substituted by [2014 c. 12 \(N.I.\) Sch. 3 para. 1\(1\)\(b\)](#)

**Commencement Orders yet to be applied to the The Colleges of Education (Northern Ireland) Order 2005**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2015/35 art. 2](#) commences ([2014 c. 12 \(N.I.\)](#))