



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART II

#### HIGHER AND FURTHER EDUCATION

#### <sup>F1</sup>CHAPTER III

##### *Government and conduct of maintained further and higher education institutions*

#### **152 Provision required in instrument and articles of government.**

- (1) The instrument of government of any institution to which section 151 of this Act applies shall provide for the governing body to consist of not more than twenty-five members selected and appointed or (as the case may be) co-opted in accordance with the instrument of government, of whom—
  - (a) not less than fifty per cent. shall be members of one or other of the categories mentioned in subsection (2) below; and
  - (b) not more than twenty per cent. shall be persons selected and appointed by the local education authority.
- (2) The categories of members referred to in subsection (1)(a) above are—
  - (a) members selected from among persons appearing to the person or persons selecting them—
    - (i) to be, or to have been, engaged or employed in business, industry or any profession or in any other field of employment relevant to the activities of the institution; or
    - (ii) to represent persons so engaged or employed; and
  - (b) members co-opted by the governing body.
- (3) The instrument of government shall provide that persons who are—
  - (a) members of, or of any committee or sub-committee of, any local authority or local education authority; or

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Education Reform Act 1988, Section 152 is up to date with all changes known to be in force on or before 20 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)*

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- (b) employed by any local authority or local education authority;  
 are disqualified for being members of the governing body of either category mentioned in subsection (2) above.
- (4) The provision made by the instrument of government by virtue of subsection (3)(a) above shall not be such as to disqualify a member of the governing body for being such a member by reason only of the fact that he becomes, by virtue of that office, a member of a committee or sub-committee of a local authority or local education authority.
- (5) The articles of government of any such institution—
- (a) shall determine the functions to be exercised respectively, in relation to the institution, by the local education authority, the governing body, the principal, and the academic board (if any); and
  - (b) may regulate the constitution and functions of committees of the governing body and of any academic board of the institution, and of sub-committees of such committees, and provide for the delegation of functions of the governing body and any such academic board to such committees, to the principal or to such other persons as may be specified by or determined in accordance with the articles.
- (6) Notwithstanding any provision made by the instrument of government by virtue of any of the preceding provisions of this section, the local education authority concerned shall appoint all the members of the governing body of any such institution as first constituted in accordance with this section.
- (7) In making those appointments, the authority—
- (a) shall first appoint all members other than members of the category mentioned in subsection (2)(b) above; and
  - (b) shall appoint as the members of that category persons nominated in accordance with the instrument of government by the members already appointed.
- (8) In the case of the initial members within the category mentioned in subsection (2)(a) above, the local education authority shall appoint persons nominated by bodies—
- (a) determined by the authority in accordance with subsection (9) below; and
  - (b) approved by the Secretary of State.
- (9) In determining the bodies who are to be entitled to nominate such persons for appointment, the authority shall consult—
- (a) the governing body of the institution; and
  - (b) such bodies representing business or industrial interests, the professions, trade unions or persons engaged in any field of employment relevant to the activities of the institution as the authority consider appropriate.
- (10) In determining the provision to be included in any instrument or articles of government for an institution to which section 151 of this Act applies, a local education authority shall take into account any guidance given by the Secretary of State as to the provisions he regards as appropriate for inclusion in any such instrument or articles.

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**Modifications etc. (not altering text)**

**C2** Ss. 151, 152 modified by S.I. 1989/1470, art. 2(1)

**Status:**

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**Changes to legislation:**

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