
STATUTORY INSTRUMENTS

1992 No. 3351

EDUCATION, ENGLAND AND WALES

**The College of St. Mark and St. John
Scheme (Modification) Order 1992**

Made - - - - 22nd December
1992

WHEREAS

(1) The Charity called the College of St. Mark and St. John is administered under the provisions of a scheme made by the Charity Commissioners for England and Wales on 18th December 1975 (“the Scheme”);

(2) the College of the charity (“the College”), being an institution designated under section 129 of the Education Reform Act 1988(1) (“the Act”) as an institution eligible to receive support from funds administered by the Polytechnics and Colleges Funding Council, is an institution to which section 129B(2) of the Act applies;

(3) the College is conducted by a company called The College of St. Mark and St. John Foundation (“the Company”) and section 129B of the Act, as it applies to the College, requires the Articles of Association of the Company (“the Articles”) to incorporate provision with respect to the constitution of the governing body of the College (“the instrument of government”) and provision with respect to the conduct of the College (“the articles of government”);

(4) the Company intends to amend the Articles so as to incorporate the instrument of government and the articles of government as required by section 129B of the Act;

(5) the Scheme contains provisions which will be incompatible with or which will duplicate the contents of the instrument of government and the articles of government to be incorporated in the Articles;

(6) the Privy Council consider it requisite that, in order to ensure consistency between the Scheme and the instrument of government and the articles of government, the Scheme be modified in exercise of the powers conferred by section 157(1) of the Act(3); and

(7) the Privy Council have consulted such persons as they are required to consult by section 157(3) of the Act:

Now, therefore, in exercise of the powers conferred on Them by section 157(1) of the Act, the Privy Council hereby make the following Order:

(1) 1988 c. 40; section 129 was amended by section 72 of the Further and Higher Education Act 1992 (c. 13).

(2) Section 129B was inserted by section 73(1) of the Further and Higher Education Act 1992.

(3) Subsections (1) to (3) of section 157 were substituted by section 75 of the Further and Higher Education Act 1992.

1. This Order may be cited as the College of St. Mark and St. John Scheme (Modification) Order 1992 and shall come into force forthwith.

2. The Scheme shall have effect from the time the Articles are amended to incorporate the instrument of government and the articles of government, and while the College is an institution to which section 129B of the Act applies, with the following modifications—

(a) after clause 9 there shall be inserted the following clause—

“**9A.** Governing Body of College The governing body of the College shall be the Council of Management of the Company and the College (hereinafter referred to as “the Council”) constituted by the instrument of government incorporated in the Articles of Association of the Company.”;

(b) for clause 10(2) there shall be substituted the following sub-clause—

“(2) The College shall be conducted in accordance with the articles of government incorporated in the Articles of Association of the Company.”;

(c) after clause 11 there shall be inserted the following clause—

“**11A.** Members of the Council not to be personally interested. Except in special circumstances with the approval in writing of the Commissioners no member of the Council shall receive any remuneration or be interested in the supply of work or goods at the cost of the Charity: provided that this provision shall not operate to prevent the payment of salary or other emoluments to the Principal or Deputy Principal of the College or any Academic Staff Members or Support Staff Members of the Council or the award of any scholarship, grant or other award to a Student Member of the Council.”.

22nd December 1992

N. H. Nicholls
Clerk of the Privy Council