
STATUTORY INSTRUMENTS

2005 No. 1963

The Colleges of Education (Northern Ireland) Order 2005

PART II

THE COLLEGE

Duties and powers of the governing body

Restrictions on exercise of principal powers of governing body

8.—(1) The powers of the governing body under Article 7(1)(b) (charging of fees for education or research) shall not be exercised otherwise than in accordance with—

- (a) the statutory provisions for the time being regulating the charging of such fees; and
- (b) any other arrangements approved or determined by the Department.

(2) The powers of the governing body under—

- (a) Article 7(1)(j) (formation of companies);
- (b) Article 7(1)(k) (collaborative arrangements),
- (c) Article 7(1)(n) (investment);

shall be exercised in accordance with any arrangements approved or determined by the Department.

(3) The powers of the governing body under Article 7(1)(f) (provision of meals and refreshments) shall be so exercised as to give effect to arrangements approved or determined by the Department for the remission in whole or in part of charges which would otherwise be made in respect of meals or refreshments provided to students of the college.

(4) The governing body shall not, without the prior consent of the Department—

- (a) borrow money from any source, give any guarantee or indemnity or create any trust or security over or in respect of any of its property;
- (b) effect any material change in the character of the college;
- (c) enter into an externally financed development agreement, that is to say an agreement—
 - (i) the purpose or main purpose of which is the provision of facilities in connection with the carrying on of any activities which the governing body has power to carry on; and
 - (ii) in connection with which a person proposes to make a loan to, or provide any other form of finance for, any party to the agreement other than the governing body; or
- (d) acquire any land.

(5) The consent of the Department under paragraph (4) may be given subject to such conditions as the Department may determine.

(6) Subject to paragraph (9), the governing body shall not dispose of any property to which this paragraph applies without the prior consent of the Department.

(7) Property to which paragraph (6) applies is—

- (a) property transferred to the governing body under this Order;
 - (b) property acquired by the governing body wholly or partly with assets which represent or in any way derive from any part of the proceeds of or any consideration for the disposal of property so transferred; and
 - (c) property acquired, improved or maintained wholly or partly, directly or indirectly, out of funds provided by a Northern Ireland department or from the proceeds of or any consideration for the disposal of any property so acquired, improved or maintained.
- (8) The consent of the Department under paragraph (6) may be given in respect of a particular disposal of property or of disposals of any class or description and may be given subject to such conditions as the Department may determine.
- (9) The consent of the Department is not required for the disposal of land which is or forms part of property to which paragraph (6) applies where the disposal is in consequence of the compulsory acquisition of such land by any authority in pursuance of any power of compulsory acquisition under any statutory provision; but the governing body shall inform the Department of any such compulsory acquisition.
- (10) Where any property to which paragraph (6) applies is disposed of, the governing body shall pay to the Department such portion of the proceeds or value of the consideration for the disposal, after deduction of such expenses as appear to the Department to have been reasonably incurred in the disposal, as the Department may, after consultation with the governing body, determine.