

Changes to legislation: Education Reform Act 1988, Cross Heading: Initial constitution is up to date with all changes known to be in force on or before 09 April 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) View outstanding changes

SCHEDULES

SCHEDULE 7

[^{F1}HIGHER EDUCATION CORPORATIONS IN WALES ESTABLISHED BEFORE THE APPOINTED DAY]

Textual Amendments

- F1** Sch. 7 heading substituted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), Sch. 8 para. 21(a); S.I. 2018/1226, reg. 4(o)

Initial constitution

- 2 (1) Paragraphs 3 and 4 below provide for the initial constitution of a corporation and are subject to paragraph 6 below.
- (2) References below in this Schedule, in relation to a corporation, to a variable category of members are references to any category of members in relation to which the number applicable in accordance with paragraphs 3 and 4 below is subject to variation.
- 3 (1) A corporation shall consist of—
- (a) not less than twelve and not more than twenty-four members appointed in accordance with the following provisions of this Schedule; and
 - (b) the person who is for the time being the principal of the institution, unless he chooses not to be a member.
- (2) Of the appointed members—
- (a) up to thirteen (referred to below in this Schedule as the independent members) shall be persons appearing to the appointing authority to have experience of, and to have shown capacity in, industrial, commercial or employment matters or the practice of any profession;
 - (b) not less than four and not more than eight (referred to below in this Schedule as the initial nominee members) shall be persons nominated in accordance with this Schedule otherwise than by other members of the corporation;
 - (c) at least one and not more than four (referred to below in this Schedule as the additional nominee members) shall be persons nominated in accordance with this Schedule by the members of the corporation who are either independent members or initial nominee members and the principal of the institution (if he is a member).
- (3) The members of the corporation for the time being shall be known as the board of governors of the institution.
- 4 (1) The initial nominee members of a corporation shall consist of—
- (a) at least one and not more than three local authority nominees;
 - (b) one teacher nominee;

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- (c) one general staff nominee; and
 - (d) one student nominee;
- and may include up to two academic nominees.

(2) In this Schedule—

“local authority nominee” means a person, other than a person employed at the institution (whether or not as a teacher) or a student at the institution, nominated by a local authority specified in relation to the corporation in an order made by the Secretary of State;

“teacher nominee” means a teacher at the institution nominated by the teachers at the institution;

“general staff nominee” means a person employed at the institution otherwise than as a teacher and nominated by the persons so employed;

“student nominee” means a student at the institution nominated by the students at the institution; and

“academic nominee” means a teacher at the institution nominated by the academic board.

(3) Of the additional nominee members of a corporation—

- (a) the one required by paragraph 3(2)(c) above shall be a person who has experience in the provision of education; and
- (b) the three others permitted by paragraph 3(2)(c) are—
 - (i) one person who has such experience; and
 - (ii) two persons who need not have such experience.

(4) In the case of any corporation, a person who is—

- (a) employed at the institution (whether or not as a teacher);
- (b) a full-time student at the institution; or
- (c) an elected member of any local authority;

is not eligible for appointment as an independent member or as an additional nominee member of the corporation.

(5) For the purposes of this paragraph, a person who is not for the time being enrolled as a student at the institution shall be treated as such a student during any period when he has been granted leave of absence from the institution for the purposes of study or travel or for carrying out the duties of any office held by him in the student union at the institution.

(6) It shall be for the appointing authority to determine any question as to whether any person is qualified in accordance with the preceding provisions of this paragraph for appointment as a member of a corporation of any description or category.

(7) Before making an order specifying local authorities in relation to any corporation for the purposes of sub-paragraph (1)(a) above, the Secretary of State shall consult such associations of local authorities as appear to him to be concerned.

[^{F1}(8) In this paragraph “local authority” includes a non-metropolitan district council for an area for which there is a county council.]

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Textual Amendments

- F1** Sch. 7 para. 4(8) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 4(7)**

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)