

Status: Point in time view as at 07/07/2005.

Changes to legislation: Higher Education Act 2004, SCHEDULE 5 is up to date with all changes known to be in force on or before 10 June 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)

SCHEDULES

SCHEDULE 5

Section 31

THE DIRECTOR OF FAIR ACCESS TO HIGHER EDUCATION: SUPPLEMENTARY PROVISIONS

Status, appointment and remuneration of Director

- 1 The Director and his staff are not to be regarded as servants or agents of the Crown.
- 2 (1) The Director is to hold and vacate office in accordance with the terms of his appointment, but—
- (a) may not be appointed for a term of more than three years, and
 - (b) may at any time resign by giving written notice to the Secretary of State.
- (2) The previous appointment of a person as Director does not affect his eligibility for re-appointment.
- 3 There are to be paid to the Director such remuneration and allowances as the Secretary of State may determine.

Staff

- 4 (1) The Director may appoint such staff as he may determine.
- (2) The remuneration and other conditions of service of any person appointed under this paragraph are to be determined by the Director.

Arrangements with Higher Education Funding Council for England

- 5 The Director and the Higher Education Funding Council for England may enter into arrangements with each other for the provision to the Director by the Council, on such terms as may be agreed, of staff, accommodation or services.

Finance

- 6 The Secretary of State may make payments to the Director.

Reports

- 7 (1) The Director must provide to the Secretary of State, as soon as possible after the end of each financial year, a report on how he has performed his functions during that year.
- (2) The Secretary of State may by direction require the Director, either in a report under sub-paragraph (1) or in a special report, to report to him on such matters related to access to higher education as may be specified in the direction.

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- (3) The Secretary of State must lay before each House of Parliament a copy of each report provided to him under this paragraph; and the Director must publish the report once it has been so laid.
- (4) In this paragraph and paragraph 8 “financial year” means—
- (a) the period beginning with the date on which the first Director takes office and ending with the next 31st March, and
 - (b) each subsequent period of twelve months ending with 31st March.

Accounts

- 8 (1) It is the duty of the Director—
- (a) to keep proper accounts and proper records in relation to the accounts,
 - (b) to prepare in respect of each financial year a statement of the accounts in such form as the Secretary of State may direct, and
 - (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General must examine, certify and report on each statement received by him in pursuance of this paragraph, and must lay copies of each statement and of his report before each House of Parliament.

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