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**Changes to legislation:** There are currently no known outstanding effects for the Education Act 2011, Paragraph 43. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 12

#### FURTHER EDUCATION INSTITUTIONS: AMENDMENTS

##### *Amendments to FHEA 1992*

43 [F1For Schedule 4 substitute—

#### “SCHEDULE 4

#### INSTRUMENTS AND ARTICLES OF GOVERNMENT

##### **PART 1**

##### GENERAL

- 1 In this Schedule—
- “ instrument ” means an instrument of government or articles of government;
  - “ the institution ” means—
    - (a) in the case of a further education corporation, the institution which the corporation are established to conduct;
    - (b) in the case of the governing body of a designated institution, the institution;
    - (c) in the case of a sixth form college corporation, the relevant sixth form college.

##### **PART 2**

##### ENGLAND

- 2 This Part applies in relation to—
- (a) a further education corporation in England;
  - (b) the governing body of a designated institution in England;
  - (c) a sixth form college corporation.
- 3 In this Part “the body” means—
- (a) in the case of a further education corporation or a sixth form college corporation, the corporation;
  - (b) in the case of a governing body, the governing body.
- 4 An instrument must provide for—
- (a) the number of members of the body,
  - (b) the eligibility of persons for membership,

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- (c) the members to include—
    - (i) staff and students at the institution, and
    - (ii) in the case of a sixth form college corporation, parents of students at the institution aged under 19, and
  - (d) the appointment of members.
- 5 (1) An instrument must make provision about the procedures of the body and the institution.
- (2) In particular, an instrument must specify how the body may resolve for its dissolution and the transfer of its property, rights and liabilities.
- 6 (1) An instrument must make provision for there to be—
- (a) a chief executive of the institution, and
  - (b) a clerk to the body.
- (2) An instrument must make provision about the respective responsibilities of the body, the chief executive and the clerk.
- (3) The responsibilities of the body must include—
- (a) in the case of a sixth form college corporation to which section 33J applies, the preservation and development of the educational character and mission of the institution and the oversight of its activities;
  - (b) in the case of any other sixth form college corporation, a further education corporation or a governing body, the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
  - (c) in any case, the effective and efficient use of resources, the solvency of the institution and the body and the safeguarding of their assets.
- 7 An instrument must require the body to publish arrangements for obtaining the views of staff and students on the matters for which the body are responsible under paragraph 6(3)(a) or (b).
- 8 An instrument must permit the body to change their name with the approval of the Secretary of State.
- 9 An instrument must specify how the body may modify or replace the instrument of government and articles of government.
- 10 An instrument must prohibit the body from making changes to the instrument of government or articles of government that would result in the body ceasing to be a charity.
- 11 An instrument must provide for—
- (a) a copy of the instrument to be given free of charge to every member of the body,
  - (b) a copy of the instrument to be given free of charge, or at a charge not exceeding the cost of copying, to anyone else who requests it, and
  - (c) a copy of it to be available for inspection at the institution on request, during normal office hours, to every member of staff of, and student at, the institution.
- 12 An instrument must provide for the authentication of the application of the seal of the body.

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### PART 3

#### WALES

- 13 This Part applies in relation to further education corporations in Wales.
- 14 Provision made by an instrument in relation to the appointment of members of the corporation must take into account the members who may be appointed by the Welsh Ministers under section 39 of the Learning and Skills Act 2000.
- 15 (1) An instrument must provide for—
- (a) the number of members of the corporation,
  - (b) the eligibility of persons for membership, and
  - (c) the appointment of members.
- (2) An instrument may provide for the nomination of any person for membership by another, including by a body nominated by the Welsh Ministers.
- 16 An instrument must provide for one or more officers to be chosen from among the members.
- 17 An instrument may—
- (a) provide for the corporation to establish committees, and
  - (b) permit such committees to include persons who are not members of the corporation.
- 18 An instrument may provide for the delegation of functions of the corporation to—
- (a) officers or committees, or
  - (b) the principal of the institution.
- 19 An instrument may provide for the corporation to pay allowances to its members.
- 20 An instrument must provide for the authentication of the seal of the corporation.
- 21 An instrument must require the corporation to—
- (a) keep proper accounts and proper records in relation to the accounts, and
  - (b) prepare in respect of each financial year of the corporation a statement of accounts.
- 22 An instrument must—
- (a) provide for the appointment of a principal of the institution, and
  - (b) determine which functions exercisable in relation to the institution are to be exercised by the corporation, its officers or committees and which by the principal of the institution.
- 23 An instrument must make provision about the procedures of the corporation and the institution.
- 24 An instrument must provide—

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- (a) for the appointment, promotion, suspension and dismissal of staff, and
  - (b) for the admission, suspension and expulsion of students.
- 25 An instrument may make provision authorising the corporation to make rules or bye-laws for the government and conduct of the institution, including in particular rules or bye-laws about the conduct of students, staff or both.”]

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**Textual Amendments**

- F1** Sch. 12 para. 43 omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), s. 11(2), **Sch. 2 para. 7**; S.I. 2014/1706, art. 3(h)

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**Commencement Information**

- I1** Sch. 12 para. 43 in force at 1.4.2012 by S.I. 2012/924, **art. 2**

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