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STATUTORY INSTRUMENTS

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**1997 No. 1772**

**The Further Education (Northern Ireland) Order 1997**

*Governing bodies – constitution, etc.*

**Constitution of governing body and conduct of institution**

11.—(1) For every institution of further education there shall be—

- (a) an instrument providing for the constitution of the governing body of the institution (to be known as the instrument of government); and
- (b) an instrument in accordance with which the governing body and the institution are to be conducted (to be known as the articles of government).

(2) Schedule 3 (which makes general provision concerning governing bodies of institutions of further education) shall have effect.

(3) The instrument of government and articles of government of an institution of further education—

- (a) shall comply with the requirements of Schedule 3; and
- (b) may make any provision authorised to be made by that Schedule and such other provision as may be necessary or desirable.

**Making and amendment of instruments of government and articles of government**

12.—(1) The initial instrument of government and articles of government of an institution shall be made by order of the Department after consultation with such persons or bodies as appear to it to be appropriate.

(2) The Department may—

- (a) if the governing body of an institution of further education submits a draft of an instrument of government or articles of government to have effect in place of the existing instrument or articles, by order make a new instrument of government or articles of government in terms of the draft or in such terms as it thinks fit;
- (b) if such a body submits draft amendments of the existing instrument of government or articles of government, by order amend the existing instrument or articles in terms of the draft or in such terms as it thinks fit.

(3) The Department shall not—

- (a) make a new instrument of government or articles of government otherwise than in terms of a draft submitted under paragraph (2)(a), or
- (b) amend an existing instrument of government or articles of government otherwise than in terms of a draft submitted under paragraph (2)(b),

unless it has consulted the governing body.

(4) The Department may direct all governing bodies or any particular governing body specified in the direction to submit—

- (a) a draft under paragraph (2)(a) making such provision as is specified in the direction; or
  - (b) a draft under paragraph (2)(b) making such amendments as are so specified.
- (5) Before giving any direction under paragraph (4) to any governing body the Department shall consult that body.
- (6) In this Article—
- (a) references to the initial instrument of government and articles of government of an institution are to the instrument and articles which are to have effect—
    - (i) as from the establishment of the governing body of the institution, in the case of an institution established under Article 6 or an institution formed by an amalgamation under Article 7;
    - (ii) as from the date on which the institution is recognised by the Department (within the meaning of Article 8), in the case of an institution recognised by virtue of paragraph (1) of that Article;
    - (iii) as from the transfer date, in the case of an institution to which Article 10 applies;
  - (b) references to the existing instrument of government or articles of government of an institution of further education are references to the instrument of government or articles of government for the time being having effect in relation to the institution under this Article.