WELSH STATUTORY INSTRUMENTS

2011 No. 657 (W.95)

EDUCATION, WALES

The Cardiff and Vale College Further Education Corporation (Government) Regulations 2011

Made - - - -	*7 March 2011*
Laid before the National Assembly for Wales - -	*8 March 2011*
Coming into force - -	*8 April 2011*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 20(2) and 21(1) of, and Schedule 4 to, the Further and Higher Education Act 1992(**1**) and now exercisable by them(**2**).

Title and commencement

1. The title of these Regulations is the Cardiff and Vale College Further Education Corporation (Government) Regulations 2011 and they come into force on 8 April 2011.

Instrument of Government

2. The Instrument of Government of the Cardiff and Vale College Further Education Corporation is as prescribed in Schedule 1 to these Regulations.

(**1**) 1992 c. 13; section 21(1) was amended by section 140 of and paragraph 35 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998 (c. 31). Paragraph 1 of Schedule 4 was amended by paragraphs 1 and 15(1) and (2) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). Paragraph 1A of Schedule 4 was inserted by paragraphs 1 and 44(1) and (2) of Schedule 9 to the Learning and Skills Act 2000 (c. 21). Paragraph 1A of Schedule 4 was amended by article 9(1) and paragraphs 13 and 28 of Schedule 1 to the National Council for Education and Training for Wales (Transfer of Functions to the Natiuonal Assembly for Wales and Abolition) Order 2005 (S.I.2005/3238) (W.243); by paragraphs 2 and 12 of Schedule 6 and by paragraphs 1 and 15(1) and (3) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009. Paragraph 5 of Schedule 4 was amended by paragraphs 1 and 44(1), (3) and (4) of Schedule 9 to the Learning and Skills Act 2000. There are other amendments to Schedule 4 which are not relevant to these Regulations. *See* section 61(1) of the Further and Higher Education Act 1992 for the meaning of "regulations".

(**2**) The functions of the Secretary of State under sections 20(2) and 21(1) of, and Schedule 4 to, the Further and Higher Education Act 1992 were (so far as exercisable in relation to Wales) transferred to the National Assembly for Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were then transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Articles of Government

3. The Articles of Government of the Cardiff and Vale College Further Education Corporation are as prescribed in Schedule 2 to these Regulations.

Leighton Andrews
Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

7 March 2011

SCHEDULES

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Explanatory Note

Interpretation

1.—(1) In this Instrument of Government—

"the Corporation" ("*y Gorfforaeth*") means the Cardiff and Vale College Further Education Corporation;

"Chair" ("*Cadeirydd*") means chairperson of the Corporation;

"Clerk" ("*Clerc*") means Clerk to the Corporation;

"the institution" ("*y sefydliad*") means Cardiff and Vale College and any institution for the time being conducted by the Corporation in exercise of its powers under the Further and Higher Education Act 1992(**3**);

(**3**) 1992 (c. 13).

"member" ("*aelod*") means member of the Corporation;

"Principal" ("*Pennaeth*") means the chief executive of the institution;

"staff matters" ("*materion staff*") means the appointment, remuneration, conditions of service, promotion, demotion, conduct, suspension, dismissal or retirement of any member of staff;

"student" ("*myfyriwr*") means a student enrolled at the institution and also includes a person who is not for the time being enrolled as a student at the institution but who is on a period of authorised absence from enrolment as a student at the institution for the purposes of study or travel or for carrying out the duties of any office held by that person in the institution's student union;

"Vice-Chair" ("*Is-gadeirydd*") means vice-chairperson of the Corporation;

"working day" ("*diwrnod gwaith*") means any Monday, Tuesday, Wednesday, Thursday or Friday, other than a bank holiday or other public holiday.

(2) In this Instrument of Government, in relation to members—

(a) references to a "variable category" ("*categori amrywiol*") are references to any category of members whose numbers may vary in accordance with paragraphs 2 and 4; and

(b) the following terms have the meanings given to them in paragraph 2—

"business members" ("*aelodau busnes*");

"community members" ("*aelodau cymunedol*");

"co-opted members" ("*aelodau cyfetholedig*");

"local authority members" ("*aelodau awdurdod lleol*");

"parent members" ("*aelodau rhieni*");

"staff members" ("*aelodau staff*");

"student members" ("*aelodau myfyrwyr*"); and

"Welsh Ministers Appointed Members" ("*Aelodau a Benodwyd gan Weinidogion Cymru*").

Composition of the Corporation

2.—(1) The Corporation must consist of—

(a) up to seven members who are, or have been, engaged or employed in business, industry or any profession or in any other field of employment relevant to the activities of the institution (to be known as "business members");

(b) up to three members co-opted by the members of the Corporation (to be known as "co-opted members");

(c) at least one and up to three members who are employed as and have been nominated by the staff of the institution (to be known as "staff members"). If there is more than one staff member, at least one staff member must be employed as and elected and nominated by the teaching staff and at least one staff member must be employed as and elected and nominated by the other members of staff of the institution;

(d) at least one and up to three members who are students at the institution and have been elected and nominated by the students at the institution or (as the Corporation may determine) elected and nominated by a recognised association representing the students at the institution (to be known as "student members");

(e) up to two members who are parents of students under the age of 19 years attending the institution, who have been elected and nominated by such other parents or (as the Corporation may determine) elected and nominated by a recognised association representing such parents (to be known as "parent members");

(f) at least one and up to three members nominated by local authorities specified by the Corporation (to be known as "local authority members");

(g) at least one and up to three members nominated by a community body or bodies appearing to the other members to represent the interests of a section of the local community nominated by the other members (to be known as "community members") (for the purposes of this paragraph "community body" includes any association not conducted for profit);

(h) the Principal of the institution (unless the Principal chooses not to be a member); and

(i) up to two members appointed by the Welsh Ministers in exercise of their powers under section 39 of the Learning and Skills Act 2000(**4**) (to be known as "Welsh Ministers Appointed Members").

(2) Any question as to whether a person is qualified in accordance with sub-paragraph (1) for appointment as a member to any category, must be determined by the relevant appointing authority as specified in paragraph 4.

Determination of membership numbers

3.—(1) At its first meeting, the Corporation must determine—

(a) the total number of members (excluding any Welsh Ministers Appointed Members); and

(b) the number of members in each variable category.

(2) The Corporation may at any time vary the determinations referred to in sub-paragraph (1) and any subsequent determinations under this paragraph.

(3) Any determination under this paragraph must ensure that—

(a) the number of members, excluding Welsh Ministers Appointed Members, is at least 12 and no more than 20;

(b) the number of members of each variable category is within the limits set out in paragraph 2; and

(c) the number of business members is equal to one-third of the total number of members, excluding any Welsh Ministers Appointed Members, rounded up to the nearest whole number.

(4) No determination under this paragraph has effect so as to terminate the appointment of any person who is already a member at the time when it takes effect.

Appointments

4.—(1) The Corporation is the appointing authority in relation to the appointment of any member other than—

(a) a Welsh Ministers Appointed Member;

(b) the first members, who are appointed by the Welsh Ministers; and

(c) where the number of members falls below the number needed for a quorum, such number of members as is required for a quorum.

(2) If the number of members falls below the number needed for a quorum, the Welsh Ministers are the appointing authority in relation to the appointment of such number of members as is required for a quorum.

(3) The appointing authority may decline to appoint a person if it is satisfied that—

(**4**) 2000 c. 21; section 39 was amended by section 47 of and paragraphs 1-3 of the Schedule to the Learning and Skills (Wales) Measure 2009 (nawm 1).