STATUTORY INSTRUMENTS

2015 No. 1458

EDUCATION, ENGLAND

The National College for High Speed Rail (Government) Regulations 2015

Made - - - -	*2nd July 2015*
Laid before Parliament	*3rd July 2015*
Coming into force - -	*30th July 2015*

The Secretary of State for Business, Innovation and Skills makes the following Regulations in exercise of the powers conferred by sections 20(2) and 21(1) of, and Schedule 4 to, the Further and Higher Education Act 1992(**1**).

1. These Regulations may be cited as the National College for High Speed Rail (Government) Regulations 2015 and come into force on 30th July 2015.

2. The instrument of government and the articles of government of the further education corporation called "the National College for High Speed Rail" are set out in Schedules 1 and 2 to these Regulations respectively.

Nick Boles
Minister of State for Skills
Department for Business, Innovation and Skills

2nd July 2015

(**1**) 1992 c.13; section 20(2) was amended by section 2(1) of the Further and Higher Education (Governance and Information) (Wales) Act 2014 anaw. 1. See section 61(1) for the definition of "regulations".

SCHEDULE 1 Regulation 2

INSTRUMENT OF GOVERNMENT

CONTENTS

1. Interpretation of the terms used
2. Composition of the Corporation
3. Determination of membership numbers
4. Appointment of the members of the Corporation
5. Appointment of the Chair and Vice-Chair
6. Appointment of the Clerk to the Corporation
7. Persons who are ineligible to be members
8. The term of office of a member
9. Termination of membership
10. Members not to hold interests in matters relating to the institution
11. Meetings
12. Quorum
13. Proceedings of meetings
14. Minutes
15. Public access to meetings
16. Publication of minutes and papers
17. Copies of the Instrument of Government
18. Change of name of the Corporation
19. Application of the seal

Signature

Explanatory Note

Interpretation of the terms used

1. In this Instrument of Government—

(a) any reference to "the Principal" shall include a Chief Executive or a person acting as Principal or Chief Executive;

(b) "the Clerk" means the Clerk to the Corporation;

(c) "the Corporation" means the further education corporation to which this Instrument applies;

(d) "the institution" means the institution which the Corporation is established to conduct and any institution for the time being conducted by the Corporation in exercise of its powers under the Further and Higher Education Act 1992;

(e) "this Instrument" means this Instrument of Government;

(f) "meeting" includes a meeting at which the members attending are present in more than one room or location, provided that by the use of telephone or video-conferencing facilities it is possible for every person present at the meeting to communicate with each other;

(g) "necessary skills" means skills and experience, other than professional qualifications, specified by the Corporation as appropriate for members to have;

(h) "the Secretary of State" means the Secretary of State for Business, Innovation and Skills or any successor responsible for further education;

(i) "staff matters" means the remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement of staff;

(j) "staff member" and "student member" have the meanings given to them in clause 2;

(k) "the students' union" means any association of students formed to further the educational purposes of the institution and the interests of students, as students;

(l) a "variable category" means any category of members whose numbers may vary according to clauses 2 and 3.

Composition of the Corporation

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

(a) up to fourteen members who appear to the Corporation to have the necessary skills to ensure that the Corporation carries out its functions under article 3 of the Articles of Government;

(b) the Principal of the institution, unless the Principal chooses not to be a member;

(c) at least one and not more than three members who are members of the institution's staff and have a contract of employment with the institution and who have been nominated and elected as set out in paragraphs (3), (4) or (5) ("staff member"); and

(d) at least one and not more than three members who are students at the institution and have been nominated and elected by their fellow students, or if the Corporation so decides, by a recognised association representing such students ("student member").

(2) A person who is not for the time being enrolled as a student at the institution, shall nevertheless be treated as a student during any period of authorised absence from the institution for study, travel or for carrying out the duties of any office held by that person in the institution's students' union.

(3) Where the Corporation has decided or decides that there is to be one staff member, the member may be a member of the academic staff or the non-academic staff and shall be nominated and elected by all staff.

(4) Where the Corporation has decided or decides that there are to be two staff members—

(a) one may be a member of the academic staff, nominated and elected only by academic staff, and the other may be a member of the non-academic staff, nominated and elected only by non-academic staff, or

(b) each may be a member of the academic or non-academic staff, nominated and elected by all staff.

(5) Where the Corporation has decided that there are to be three staff members—

(a) all may be members of the academic or non-academic staff, nominated and elected by all staff,

(b) one may be a member of the academic or the non-academic staff, nominated and elected by all staff, one may be a member of the academic staff, nominated and elected by academic staff only, and one may be a member of the non-academic staff nominated and elected by non-academic staff only,

(c) two may be members of the academic staff, nominated and elected by academic staff only, and one may be a member of the non-academic staff, nominated and elected by non-academic staff only, or

(d) one may be a member of the academic staff, nominated and elected by academic staff only, and two may be members of the non-academic staff, nominated and elected by non-academic staff only.

(6) The appointing authority, as set out in clause 4, will decide whether a person is eligible for nomination, election and appointment as a member of the Corporation under paragraph (1).

Determination of membership numbers

3.—(1) The number of members of the Corporation and the number of members of each variable category shall be that decided by the Corporation at its first meeting.

(2) The Corporation may at any time vary the determination referred to in paragraph (1) and any subsequent determination under this paragraph, provided that—

(a) the number of members of the Corporation shall not be less than twelve or more than twenty; and

(b) the numbers of members of each variable category shall be subject to the limits which apply to that category set out in clause 2.

(3) No determination under this clause shall terminate the appointment of any person who is already a member of the Corporation at the time when the determination is made.

Appointment of the members of the Corporation

4.—(1) The Secretary of State shall be the appointing authority for the first members of the Corporation. Subject thereto and subject to paragraph (2), the Corporation is the appointing authority in relation to subsequent appointments of its members.

(2) If the number of members falls below the number needed for a quorum, the Secretary of State is the appointing authority in relation to the appointment of those members needed for a quorum.

(3) The appointing authority may decline to appoint a person as a staff or student member if—

(a) it is satisfied that the person has been removed from office as a member of a further education corporation in the previous ten years; or

(b) the appointment of the person would contravene any rule or bye-law made under article 23 of the Articles of Government concerning the number of terms of office which a person may serve, provided that such rules or bye-laws make the same provision for each category of members appointed by the appointing authority; or

(c) the person is ineligible to be a member of the Corporation because of clause 7.

(4) Where the office of any member is or becomes vacant the appointing authority shall as soon as practicable take all necessary steps to appoint a new member to fill the vacancy.

Appointment of the Chair and Vice-Chair

5.—(1) The members of the Corporation shall appoint a Chair and a Vice-Chair from among themselves.

(2) Neither the Principal nor any staff or student member shall be eligible to be appointed as Chair or Vice-Chair or to act as Chair or in their absence.

(3) If both the Chair and the Vice-Chair are absent from any meeting of the Corporation, the members present shall choose someone from among themselves to act as Chair for that meeting.

(4) The Chair and Vice-Chair shall hold office for such period as the Corporation decides.

(5) The Chair or Vice-Chair may resign from office at any time by giving notice in writing to the Clerk.

(6) If the Corporation is satisfied that the Chair is unfit or unable to carry out the functions of office, it may give written notice, removing the Chair from office and the office shall then be vacant.

(7) If the Corporation is satisfied that the Vice-Chair is unfit or unable to carry out the functions of office, it may give written notice, removing the Vice-Chair from office and the office shall then be vacant.

(8) At the last meeting before the end of the term of office of the Chair, or at the first meeting following the Chair's resignation or removal from office, the members shall appoint a replacement from among themselves.

(9) At the last meeting before the end of the term of office of the Vice-Chair, or at the first meeting following the Vice-Chair's resignation or removal from office, the members shall appoint a replacement from among themselves.

(10) At the end of their respective terms of office, the Chair and Vice-Chair shall be eligible for reappointment.

(11) Paragraph (10) is subject to any rule or bye-law made by the Corporation under article 23 of the Articles of Government concerning the number of terms of office which a person may serve.

Appointment of the Clerk to the Corporation

6.—(1) The Corporation shall appoint a person to serve as its Clerk, but the Principal may not be appointed as Clerk.

(2) In the temporary absence of the Clerk, the Corporation shall appoint a person to serve as a temporary Clerk, but the Principal may not be appointed as temporary Clerk.

(3) Any reference in this Instrument to the Clerk shall include a temporary Clerk appointed under paragraph (2).

(4) Subject to clause 13, the Clerk shall be entitled to attend all meetings of the Corporation and any of its committees.

(5) The Clerk may also be a member of staff at the institution.

Persons who are ineligible to be members

7.—(1) No one under the age of 18 years may be a member, except as a student member.

(2) The Clerk may not be a member.

(3) A person who is a member of staff of the institution may not be, or continue as, a member, except as a staff member or in the capacity of Principal.

(4) Paragraph (3) does not apply to a student who is employed by the Corporation in connection with the student's role as an officer of a students' union.

(5) Subject to paragraphs (6) and (7), a person shall be disqualified from holding, or from continuing to hold, office as a member, if that person has been adjudged bankrupt or is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking within the meaning of the Insolvency Act 1986(**2**), or if that person has made a composition or arrangement with creditors, including an individual voluntary arrangement.

(6) Where a person is disqualified by reason of having been adjudged bankrupt or by reason of being the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking, that disqualification shall cease—

(a) on that person's discharge from bankruptcy, unless the bankruptcy order has before then been annulled; or

(b) if the bankruptcy order is annulled, at the date of that annulment; or

(**2**) 1986 c.45.