The Academic Regulations Appendix 1: Instrument of Government

2021-2022



Edge Hill University

The Academic Regulations

Appendix 1: Instrument of Government

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Summary

Appendix 1: The Instrument of Government is the legal document, approved by the Privy Council, that sets out the primary terms and conditions for membership of the Board of Governors under the Education Reform Act 1988.

Glossary of Terms

Term	**Meaning**
Co-opted members	Have been made a member through the choice of the present members.
Quorum	The minimum number of members of a committee that must be present at any of its meetings to make the proceedings of that meeting valid.

Purpose

This policy sets out the legal framework within which Edge Hill University operates.

Regulations

At the Council Chamber, Whitehall

THE 9th DAY OF MAY 2007

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE

PRIVY COUNCIL

WHEREAS section 124A(3) and (4) of the Education Reform Act 1988(a) (hereinafter referred to as "the Act") provide that the Privy Council may by Order make an instrument of government of any higher education corporation with respect to which Schedule 7 to the Act has effect, and that the said instrument of government shall comply with the requirements of Schedule 7A to the Act and may make any provision authorized to be made by the said Schedule 7A and such other provision as may be necessary or desirable.

AND WHEREAS the Edge Hill University higher education corporation is a higher education corporation with respect to which the said Schedule 7 has effect:

NOW, THEREFORE, Their Lordships, in exercise of the powers conferred on Them by the said section 124A(3) are pleased to, and do hereby, make an instrument of government for the Edge Hill University higher education corporation as set out in the Schedule to this Order, which shall come into force forthwith.

SCHEDULE

INSTRUMENT OF GOVERNMENT REFERRED TO IN THE FOREGOING ORDER

1. Interpretation

Edge Hill University is a Higher Education Corporation as defined under the provisions of the Education Reform Act 1988

(1) In this Instrument, the following words and expressions shall have the meanings indicated in this paragraph -

"the Act" means the Education Reform Act 1988 as amended from time to time:

"the University" means Edge Hill University:

"the Board of Governors" means the Governing Body of Edge Hill University;

"the Vice Chancellor" means the Chief Executive of the University;

"the Academic Board" means the Academic Board of the University constituted in accordance with the Articles;

"the Instrument means the Instrument of Government of the University;

"the Articles" means the Articles of Government in accordance with which the University is conducted;

"the Clerk" means the person appointed to the office of the Clerk to the Board of Governors under the Articles;

"the Secretary of State" means the Secretary of State for Education; and

"the appointing authority" means the Board of Governors of the University unless otherwise specified.

2. Name of the University

(1) The Board of Governors may, by resolution, change the name of the University with the consent of the Privy Council.

3. Powers

(1) The powers of the University shall be those of a body corporate created by the Act and shall be exercisable by the Board of Governors, subject to any relevant regulations, orders or directions made by the Secretary of State or Privy Council.

4. Membership of the Board of Governors

(1) The Board of Governors shall consist of –

(a) not less than twelve and not more than twenty-four members appointed in accordance with the following provisions; and

(b) the Vice Chancellor.

(2) Of the appointed members –

(a) up to thirteen shall be independent members

(b) up to two may be teachers at the University nominated by the Academic Board and up to two may be students of the University nominated by the students thereof: and

(c) at least one and not more than nine shall be co-opted members nominated by the members of the Board of Governors who are not co-opted members.

(3) Independent members shall be persons appearing to be external to the University, independent in character and judgement and having no relationship with the University that could affect their judgement.

(4) A person (other than a person appointed in pursuance of sub-paragraph 4(2)(b) above) who is -

(a) employed at the University (whether or not as a teacher);

(b) a full-time student at the University; or

(c) an elected member of any local authority,

Is not eligible for appointment as a member of the Board of Governors otherwise than as a co-opted member.

(5) For the purposes of this paragraph, a person who is not for the time being enrolled as a student at the University shall be treated as such a student during any period when he has been granted leave of absence from the University for the purposes of study or travel or for carrying out the duties of any office held by him in the students' union at the University.

(6) It shall be for the appointing authority to determine any question as to whether any person is qualified in accordance with the preceding provisions of this paragraph for appointment as a member of the Board of Governors of any description or category.

5. Determination of Membership Numbers

(1) The Board of Governors shall make a determination with respect to their membership numbers.

(2) Such a determination shall fix the number of members of each variable category of which the Board of Governors are to consist, subject to the limits applicable in relation to that category in accordance with paragraph 4(2) above.

(3) In making such a determination, the Board of Governors shall secure that at least half of all the members of the Board of Governors, when constituted in accordance with the determination, will be independent members.

(4) Such a determination shall not have effect so as to terminate the appointment of any person who is a member of the Board of Governors at the time when it takes effect.

6. Appointment of Members of the Board of Governors

(1) With the exception of 4(1)(b) and subject to the terms of 4(2)(b) and (c), the Board of Governors is the appointing authority in relation to the appointment of any member of the Board of Governors.

(2) Where a vacancy in the office of an independent member of the Board of Governors arises on any existing independent member ceasing to hold office on the expiry of his term of office -

(a) his successor shall not be appointed more than six months before the expiry of that term; and

(3) If the number of independent members of the Board of Governors falls below the number needed in accordance with the Articles for a quorum, the Secretary of State is the appointing authority in relation to the appointment of such number of independent members as is required for a quorum.

7. Tenure of Office of Members of the Board of Governors

(1) The Board of Governors shall determine the period of office of members in each of the variable categories set out in paragraph 4(2) above. Such members shall hold and vacate office in accordance with the terms of their appointment and shall, on ceasing to be a member on completion of their period of office, be eligible for reappointment.

(2) A member of the Board of Governors may at any time by notice in writing to the Clerk resign his office, which will thereupon become vacant from the date of receipt of the notice or date of resignation specified therein whichever shall be the later.

(3) If at any time the Board of Governors are satisfied that any member of the Board of Governors -

(a) has been absent from meetings of the Board of Governors for a period of twelve months without the permission of the Board of Governors; or

(b) is unable or unfit to discharge the functions of a member,

the Board of Governors may by notice in writing to that member remove him from office; and thereupon the office shall become vacant.

(4) Where a member of the Board of Governors appointed as an Academic Board nominee or a student nominee, or a member of staff or student appointed as a co-opted member of the Board of Governors, ceases before the end of his period of office to be a member of staff or a student of the University, as the case may be, his office shall thereupon become vacant.

8. Officers

(1) The Board of Governors shall appoint from among their members a Chairman and any other officers which the Board may determine.

9. Committees

(1) The Board of Governors may establish committees and permit such committees to include persons who are not members of the Board of Governors.

10. Allowances

(1) The Board of Governors shall determine any allowances to be paid to members of the Board of Governors

11. Seal of Corporation

(1) The application of the seal of the University shall be authenticated by the signature of the Chairman of the Board of Governors or some other member authorised generally or specially by the Board of Governors to act for that purpose together with that of any other member of the Board of Governors.

(2) The University Seal shall be held under secure arrangements by the Clerk.

12. Copies of Instrument of Government

(1) Copies of the Instrument of Government shall be provided to each member of the Board of Governors.

Key to Relevant Documents

This policy refers to the following documents, which you may find useful.

- The Education Reform Act 1988
- Academic Board

Annexes

There are no annexes to this policy.

End matter

Title	Appendix 1: Instrument of Government
Policy Owner	Director of Governance & Assurance and Clerk to Governors
Lead for Updates	Director of Governance & Assurance and Clerk to Governors
Approved by	The Privy Council
Date of Approval	9 May 2007
Date for Review	This does not apply because changes can only be made via the Privy Council