

OXFORD BROOKES UNIVERSITY
Statutory Authority

January 1997 Amended December 1997

Oxford Brookes University

A Higher Education Corporation

Section 121 of the Education Reform Act 1988 empowered the Secretary of State to designate certain institutions as higher education corporations independent of local education authorities (Appendix 1). Oxford Polytechnic, which became Oxford Brookes University, was one of the institutions subsequently incorporated by the Secretary of State (Appendix 2).

General Powers

The 1988 Act, Section 124, set out the powers of the incorporated institutions (Appendix 3).

The Power to Award Degrees

The Further and Higher Education Act 1992, Section 76, established the right of the Privy Council to specify an institution as competent to award its own degrees, certificates and diplomas at undergraduate and postgraduate level (Appendix 4). Oxford Polytechnic was so specified by order of the Council (Appendix 5).

The 1988 Act, Section 214 made it an offence to award a degree unless the institution was a university or other recognised body (Appendix 6). Section 216 empowered the Secretary of State to designate those bodies which were universities or other recognised bodies (Appendix 7). The Education (Recognised Bodies) Order 1997 so designates Oxford Brookes University (Appendix 8).

The Title "Oxford Brookes University"

The Further and Higher Education Act 1992, Section 77, made provision for the Privy Council to approve a change of name for eligible institutions and to grant the title of "university" (Appendix 9). The Council approved the change of name of "Oxford Polytechnic" to "Oxford Brookes University" (Appendix 10).

Governance

The governing structure of the University was approved by Privy Council in 1993 (Appendix 11). The Articles of Government for Oxford Brookes University were approved by the Privy Council (Appendix 12) and adopted by the Board of Governors in 1995 (Appendix 13).

Charitable Status

The 1988 Act, Section 64, established higher education corporations as exempt charities.

This is embodied in the Charities Act 1993, Section 3 (5)(a) which establishes that exempt charities are listed in Schedule 2 and are not required to be registered (Appendix 14).

Schedule 2(h) designates higher education corporations as exempt charities (Appendix 15).

Appendices

1 Education Reform Act 1988: Section 121

Initial incorporation of higher education institutions maintained by local education authorities.

2 The Education (Higher Education Corporations) Order 1988: SI 1988 /1799

Oxford Polytechnic became a higher education corporation, independent of the local education authority.

3 Education Reform Act 1988: Section 124

Setting out the powers of a higher education corporation.

4 Further and Higher Education Act 1992: Section 76

Setting out the power to award degrees.

5 Order in Council: Power to Award Degrees

Privy Council approval, given 4 June 1992, allowing Oxford Polytechnic to grant awards.

6 Education Reform Act 1988: Section 214

Makes it an offence to award a degree unless an institution is a university or other recognised body.

7 Education Reform Act 1988: Section 216

Empowers the Secretary of State to designate recognised bodies.

8 The Education (Recognised Bodies) Order 1998: SI 1997/1

Designates Oxford Brookes University as a recognised body.

9 Further and Higher Education Act 1992: Section 77

Concerning the use of "university" in the title of an institution.

10 Privy Council Office: Change of Title to "Oxford Brookes University"

Privy Council's letter dated 16 November 1992 conferring approval of the change of title to "Oxford Brookes University".

11 Order in Council: Instrument of Government

The University's Instrument of Government approved by the Privy Council, 26 April 1993.

12 Privy. Council Office: Approval of Articles

Letter dated 24 May 1995 approving Articles of Government.

13 Articles of Government

The University's Articles of Government adopted by the Board of Governors 26 May 1995.

14 Charities Act 1993: Section 3 (5)

Establishes the principle of an exempt charity which does not require registration.

15 Charities Act 1993: Schedule 2

Designates higher education corporations as exempt charities.

The following appendices are hereby certified as true copies of the originals.

Signed:

Date:

Ms E N Winders
Clerk to the Board of Governors

OXFORD BROOKES UNIVERSITY
LIZ WINDERS
DIRECTOR, ACADEMIC & STUDENT AFFAIRS CLERK TO THE HOARD OF
GOVERNORS GIPSY LANE CAMPUS HEADINGTON
OXFORD

APPENDICES
Appendix 1

Education Reform Act 1988 c. 40 127

CHAPTER II

REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

The higher education corporations

121. - (1) Before such date as may be appointed for the purposes of this section the Secretary of State shall by order specify each institution maintained by a local education authority which appears to him to fall within subsection (2) below, and on that date a body corporate shall be established for the purpose of conducting each institution so specified as from the transfer date applicable in relation to bodies corporate established under this section.	Initial incorporation of higher education institutions maintained by local education authorities.
---	---

(2) An institution falls within this subsection if on 1st November 1985 either -

- (a) its full-time equivalent enrolment number for courses of advanced further education exceeded 350 and also exceeded 55 per cent of its total full-time equivalent enrolment number, or
- (b) its full-time equivalent enrolment number for such courses exceeded 2,500.

(3) Where an institution maintained by a local education authority has been established since that date by a merger of two or more institutions existing on that date, the institution shall be treated as falling within subsection (2) above if it would have done so if the merger had taken place before that date.

(4) References in this Part of this Act to courses of advanced further education are references to courses designated by Schedule 2 to the Education (Schools and Further Education) Regulations 1981 as courses of advanced further education. S.I. 1981/1086

Appendix 2

STATUTORY INSTRUMENTS

1988 No. 1799

EDUCATION, ENGLAND AND WALES

The Education (Higher Education Corporations) Order 1988

Made	20th October 1988
Laid before Parliament	28th October 1988
Coming into force	20th November 1988

In exercise of the powers conferred by sections 121(1), 126(1) and 232(5) of, and paragraph 4 of Schedule 7 to, the Education Reform Act 1988(a) the Secretary of State for Education and Science, having consulted in accordance with the said paragraph such associations of local authorities as appeared to him to be concerned, hereby makes the following Order:

1. This Order may be cited as the Education (Higher Education Corporations) Order 1988 and shall come into force on 20th November 1988.
2. In this Order "the nominating authority" means the local authority entitled to nominate one or more local authority nominees as initial nominee members of a corporation.
3. The institutions specified in the Schedule to this Order are institutions maintained by local education authorities which appear to the Secretary of State to fall within section 121(2) of the Education Reform Act 1988.
4. In relation to the higher education corporations established under section 121 of the said Act of 1988 by virtue of this Order the transfer date for the purposes of section 126 of that Act shall be 1st April 1989.
5. In relation to each such higher education corporation the local authority specified in the said Schedule in respect of the institution the corporation is established to conduct shall be the nominating authority for the number of initial nominee members so specified.

SCHEDULE

Institution	Nominating authoring	Number of initial nominee members
Bath College of Higher Education	The County Council of Avon	1
City of Birmingham Polytechnic	The Council of the City of Birmingham	1
Bolton Institute of Higher Education	The Council of the Metropolitan Borough of Bolton	3
Bretton Hall College of Higher Education	The Council of the City of Wakefield	1
Brighton Polytechnic	The County Council of East Sussex	1
	The County Council of West Sussex	1
	The Council of the Borough of Brighton	1
Bristol Polytechnic	The County Council of Avon	1
	The Council of the District of North Avon	1
Bulmershe College of Higher Education	The Council of the Royal County of Berkshire	1
Charlotte Mason College of Education	The County Council of Cumbria	2
	The Council of the District of South Lakeland	1
Coventry Polytechnic	The Council of the City of Coventry	1
	The County Council of Warwickshire	1
Crewe and Alsager College of Higher Education	The County Council of Cheshire	1
Dorset Institute of Higher Education	The County Council of Dorset	1
Ealing College of Higher Education	The Council of the London Borough of Ealing	1
Edge Hill College of Higher Education	The County Council of Lancashire	2
Essex Institute of Higher Education	The County Council of Essex	1
Hatfield Polytechnic	The County Council of Hertfordshire	2
The Polytechnic, Huddersfield	The Council of the Metropolitan Borough of Kirklees	1
Humberside College of Higher Education	The County Council of Humberside	3
Kent Institute of Art and Design	The County Council of Kent	2
Kingston Polytechnic	The Council of the Royal Borough of Kingston upon Thames	1
	The County Council of Surrey	1
Lancashire Polytechnic	The County Council of Lancashire	1
	The County Council of Cumbria	1
	The Council of the Borough of	1

	Preston	
Leeds Polytechnic	The Council of the City of Leeds	1
	The Council of the City of Wakefield	1
Leicester Polytechnic	The County Council of Leicestershire	1
	The Council of the City of Leicester	1
Liverpool Polytechnic	The Council of the City of Liverpool	1
The London Institute	The Council of the London Borough of Camden	1
	The Council of the City of Westminster	2
Loughborough College of Art and Design	The Council of the Borough of Charnwood	1
	The County Council of Leicestershire	1
Manchester Polytechnic	The Council of the City of Manchester	1
Middlesex Polytechnic	The Council of the London Borough of Barnet	1
	The Council of the London Borough of Enfield	1
	The Council of the London Borough of Haringey	1
Nene College	The County Council of Northamptonshire	1
Newcastle Polytechnic	The Council of the City of Newcastle Upon Tyne	2
	The Council of the Metropolitan Borough of Gateshead	1
North East London Polytechnic	The Council of the London Borough of Barking & Dagenham	1
	The Council of the London Borough of Newham	1
	The Council of the London Borough of Redbridge	1
North Riding College	The County Council of North Yorkshire	1
	The County Council of Cleveland	1
	The County Council of Humberside	1
Oxford Polytechnic	The County Council of Oxfordshire	1
Plymouth Polytechnic	The County Council of Devon	1
	The County Council of Cornwall	1
	The Council of the City of Plymouth	1
Portsmouth Polytechnic	The County Council of Hampshire	2
	The Council of the City of Portsmouth	1
Ravensbourne College of Design	The Council of the London	2

and Communication	Borough of Bromley	
Royal Northern College of Music	The County Council of Lancashire	
	The County Council of Cheshire	
	The Council of the City of Manchester	2
	The Council of the City of Salford	
Sheffield City Polytechnic	The Council of the City of Sheffield	3
South West London College	The Council of the London Borough of Wandsworth	1
Staffordshire Polytechnic	The County Council of Staffordshire	1
Sunderland Polytechnic	The Council of the Metropolitan Borough of Sunderland	1
	The County Council of Durham	1
Teeside Polytechnic	The County Council of Cleveland	2
	The County Council of North Yorkshire	1
Thames Valley College of Higher Education	The Council of the Royal County of Berkshire	3
Trent Polytechnic	The County Council of Nottinghamshire	1
	The Council of the City of Nottingham	1
West Midlands College of Higher Education	The Council of the Metropolitan Borough of Walsall	1
	The Council of the Metropolitan Borough of Dudley	1
	The Council of the Metropolitan Borough of Wolverhampton	1
West Surrey College of Art and Design	The County Council of Surrey	1
The Polytechnic, Wolverhampton	The Council of the Metropolitan Borough of Walsall	1
	The Council of the Metropolitan Borough of Dudley	1
	The Council of the Metropolitan Borough of Wolverhampton	1
Worcester College of Higher Education	The County Council of Hereford and Worcester	2

20th October 1988

Kenneth Baker
Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies those local education authority maintained institutions which appear to the Secretary of State to satisfy the criteria set out in section 121(2) of the Education Reform

Act 1988. The Southampton Institute of Higher Education is omitted from the list of specified institutions. The Education Reform Act 1988 (Commencement No.2) Order 1988 (S.I. 1988/1794) excludes the same institution when bringing into force section 121 of that Act. By virtue of section 121(2), paragraph 1 of Schedule 7 to that Act and the Education Reform Act 1988 (Commencement No.2) Order 1988 bodies corporate by the names of those specified institutions are established on 21st November 1988 for the purpose of conducting those institutions as from the transfer date. 1st April 1989 is specified as the transfer date, defined in section 123(2) of the 1988 Act as the date for transfer of local education authority property, rights and liabilities to those corporations. The Order also specifies the local authority or authorities able to nominate local authority nominees to become members of each such corporation.

Appendix 3

Education Reform Act 1988

Powers of a higher education corporation.

124.-(1) A higher education corporation shall have power –

- (a) to provide higher education;
- (b) to provide further education; and
- (c) to carry out research and to publish the results of the research or any other material arising out of or connected with it in such manner as the corporation think fit.

(2) A higher education corporation shall also have power to do anything which appears to the corporation to be necessary or expedient for the purpose of or in connection with the exercise of any of the powers conferred on the corporation by subsection (1) above, including in particular power

(a) to conduct an educational institution for the purpose of carrying on activities undertaken in exercise of any of those powers and, in particular, to assume the conduct as from the transfer date applicable in relation to the corporation of the institution in respect of which the corporation is established and for that purpose to receive any property, rights and liabilities transferred to the corporation under section 126 of this Act;

(b) to provide facilities of any description appearing to the corporation to be necessary or expedient for the purposes of or in connection with carrying on any such activities (including boarding accommodation and recreational facilities for students and staff and facilities to meet the needs of disabled students);

(c) to supply goods and services;

(d) to acquire and dispose of land and other property;

(e) to enter into contracts, including in particular

(i) contracts for the employment of teachers and other staff for the purposes of or in connection with carrying on any such activities; and

(ii) contracts with respect to the carrying on by the corporation of any such activities;

(f) to form or take part in forming a body corporate for carrying on any such activities;

(g) to borrow such sums as the corporation think fit for the purposes of carrying on any activities they have power to carry on or . meeting any liability transferred to them under section 126 of this Act and, in connection with such borrowing, to grant any mortgage, charge or other security in respect of any land or other property of the corporation; .

(h) to invest any sums not immediately required for any of the purposes mentioned in paragraph (g) above;

(i) to accept gifts of money, land or other property and apply it, or hold and administer it on trust for, any of those purposes; and

(j) to do anything incidental to the conduct of an educational institution providing higher or further education.

(3) The power under subsection (2) (j) above includes in particular power -

(a) to found scholarships or exhibitions; and

(b) to make grants and give prizes.

(4) In subsection (2) (b) above “disabled student” means a student who is a person to whom section 29 of the National Assistance Act 1948 applies.

Appendix 4

Further and Higher Education Act 1992

Power to award degrees etc.

76 -(1) The Privy Council may by order specify any institution which provides higher education as competent to grant in pursuance of this section either or both of the kinds of award mentioned in subsection (2)(a) and (b) below.

(2) The kinds of award referred to in subsection (1) above are –

a) awards granted to persons who complete an appropriate course of study and satisfy an appropriate assessment, and

(b) awards granted to persons.. who complete an appropriate programme of supervised research and satisfy an appropriate assessment,

and in this section "award" means any degree, diploma, certificate or other academic award or distinction and "assessment" includes examination and test.

(3) An institution for the time being specified in such an order may grant any award of a kind mentioned in subsection (2)(a) or (b) above which it is competent to grant by virtue of the order to persons who complete the appropriate course of study or, as the case may be, programme of supervised research on or after the date specified in the order.

(4) An institution specified in such an order may also-

(a) grant honorary degrees, and

(b) grant degrees to members of the academic and other staff of the institution.

(5) Any power conferred on an institution to grant awards in pursuance of this section includes power -

(a) to authorise other institutions to do so on behalf of the institution,

(b) to do so jointly with another institution, and

(c) to deprive any person of any award granted to him by or on behalf of the institution in pursuance of this section (or, in the case of an award granted to him by the institution and another institution jointly, to do so jointly with the other institution).

(6) It shall be for the institution to determine in accordance with any relevant provisions of the instruments relating to or regulating the institution the courses of study or programmes of research, and the assessments, which are appropriate for the grant of any award and the terms and conditions on which any of the powers conferred under this section may be exercised.

(7) Section 124D of the Education Reform Act 1988 applies in relation orders under subsection (1) above as it applies in relation to the exercise of powers for the purposes of Part II of that Act.

At the Council Chamber, Whitehall

THE 4th DAY OF JUNE 1992

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE PRIVY COUNCIL

Their Lordships, in exercise of the powers conferred upon Them by section 76 of the Further and Higher Education Act 1992(a) and all other powers enabling Them in that behalf, are pleased to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.-{ I) This Order may be cited as the Power to Award Degrees etc, (England. and Wales) Order of Council 1992 and shall come into force forthwith.

(2) In this Order "the Act" means the Further and Higher Education Act 1992.
Competence to grant awards

2.-(1) With effect from 1st September 1992, the institutions specified in Schedule 1 to this Order shall be competent to grant awards of the kind mentioned in paragraph (a) of section 76(2) of the Act.

(2) With effect from 1st September 1992, the institutions specified in Schedule 2 to this Order shall be competent to grant awards o the kind mentioned in paragraphs (a) and (b) of section 76(2) of the Act.

Change of name of institution specified in this Order

3. If any institution specified in Schedule 1 or Schedule 2 to this Order changes its name, that institution as re-named shall continue to be competent to exercise the power to grant awards conferred on it by article 2 above.

G. I. de Denev Clerk of the Privy Council

SCHEDULE 2 Article 2(2)

INSTITUTIONS COMPETENT TO GRANT AWARDS UNDER PARAGRAPHS (a) AND (h)
OF SECTION 76(2) OF THE ACT

Anglia Polytechnic
Birmingham Polytechnic
Bournemouth Polytechnic
Brighton Polytechnic
Bristol Polytechnic
City of London Polytechnic
Coventry Polytechnic
Hatfield Polytechnic
The Polytechnic of Huddersfield
Humberside Polytechnic
Kingston Polytechnic
Lancashire Polytechnic
Leeds Polytechnic
Leicester Polytechnic
The Liverpool Polytechnic
Manchester Polytechnic
Middlesex Polytechnic
Newcastle Polytechnic
Nottingham Polytechnic
Oxford Polytechnic
The Polytechnic of Central London
Polytechnic of East London
The Polytechnic of North London
The Polytechnic of Wales/Politechnig Cymru
Polytechnic of West London
Polytechnic South West Portsmouth
Polytechnic Sheffield City
Polytechnic South Bank
Polytechnic Staffordshire
Polytechnic Sunderland
Polytechnic Teesside
Polytechnic Thames
Polytechnic
Wolverhampton Polytechnic

SCHEDULE I Article 2(1)

INSTITUTIONS COMPETENT TO GRANT AWARDS UNDER SECTION 76(3)(a) OF THE
ACT

Bolton Institute of Higher Education
Cheltenham and Gloucester College of Higher Education
Derbyshire College of Higher Education
Luton College of Higher Education
West Surrey College of Art and Design

Appendix 6

Education Reform Act 1988

PART IV Unrecognised degrees

214.-(1) Any person who, in the course of business, grants, offers to grant or issues any invitation relating to any award

(a) which may reasonably be taken to be an award granted or to be granted by a United Kingdom institution; and

(b) which either

(i) is described as a degree; or

(ii) purports to confer on its holder the right to the title of bachelor, master or doctor and may reasonably be taken to be a degree;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Subsection (1) above does not apply as respects anything done in relation to any recognised award; and for the purposes of this section a "recognised award" means

(a) any award granted or to be granted by a university, college or other body which is authorised by Royal Charter or Act of Parliament to grant degrees;

(b) any award granted or to be granted by any body for the time being permitted by any body falling within paragraph (a) above to act on its behalf in the granting of degrees; or

(c) such other award as the Secretary of State may by order designate as a recognised award for the purposes of this section.

Appendix 7

216.-(1) For the purposes of sections 214 and 215 of this Act, any body for the time being designated by order made by the Secretary of State as appearing to him to be a recognised body shall be conclusively presumed to be such a body.

(2) The Secretary of State shall compile, maintain and publish by order a list including the name of every body which appears to him to fall for the time being within subsection (3) below.

(3) A body falls within this subsection if it is not a recognised body and either

(a) provides any course which is in preparation for a degree to be granted by a recognised body and is approved by or on behalf of the recognised body; or

(b) is a constituent college, school or hall or other institution of a university which is a recognised body.

(4) In this section "recognised body" means a body falling within section 214(2)(a) or (b) of this Act.

STATUTORY INSTRUMENTS

1997 No. 1

EDUCATION, ENGLAND AND WALES EDUCATION, SCOTLAND

The Education (Recognised Bodies) Order 1997

Made - - 13th January 1997
Coming into force 5th February 1997

In exercise of the powers conferred by section 216(1) of the Education Reform Act 1988(a) the Secretary of State for Education and Employment hereby makes the following Order:

1. This Order may be cited as the Education (Recognised Bodies) Order 1997 and shall come into force on 5th February 1997.
2. The bodies which are specified in the Schedule to this Order are hereby designated as bodies which appear to the Secretary of State to be recognised bodies.
3. The Education (Recognised Bodies) Order 1993(b) is hereby revoked.

Gillian Shephard
Secretary of State for Education and Employment
13th January 1997

SCHEDULE

Article 2

University of Aberdeen
University of Abertay Dundee
Anglia Polytechnic University
Archbishop of Canterbury
The Aston University
University of Bath
Bath College of Higher Education
University of Birmingham
Bolton Institute of Higher Education
Bournemouth University
University of Bradford
University of Brighton
University of Bristol
Brunel University
University of Buckingham
Buckinghamshire College
University of Cambridge
Canterbury Christ Church College
University of Central England in Birmingham
University of Central Lancashire
Cheltenham and Gloucester College of Higher Education
City University
Coventry University
Cranfield University
De Montfort University

University of Derby
University of Dundee
University of Durham
University of East Anglia
University of East London
University of Edinburgh
University of Essex
University of Exeter
University of Glamorgan (Prifysgol Morgannwgj)
University of Glasgow
Glasgow Caledonian University
University of Greenwich
Harper Adams Agricultural College
Heriot-Watt University
University of Hertfordshire
University of Huddersfield
University of Hull
University of Keele
University of Kent at Canterbury
Kingston University
University of Lancaster
University of Leeds
Leeds Metropolitan University
University of Leicester
University of Lincolnshire and Humberside
University of Liverpool
Liverpool John Moores University
University of London
London Guildhall University London Institute, The
Loughborough University
University of Luton
University of Manchester
University of Manchester Institute of Science and Technology
Manchester Metropolitan University, The
Middlesex University
Napier University, Edinburgh
Nene College
University of Newcastle upon Tyne
University of North London
University of Northumbria at Newcastle
University of Nottingham
Nottingham Trent University,
The Open University
University of Oxford
Oxford Brookes University
University of Paisley
University of Plymouth
University of Portsmouth
Presbyterian Theological Faculty, Ireland
Queen Margaret College, Edinburgh
Queen's University of Belfast, The
University of Reading
Robert Gordon University, The
Roehampton Institute London
Royal Agricultural College

Royal College of Art
Royal College of Music
Royal Scottish Academy of Music and Drama, Glasgow, The
University of Salford
University of Sheffield
Sheffield Hallam University
South Bank University
University of Southampton
University of St Andrews
Staffordshire University
University of Stirling
University of Strathclyde
University of Sunderland
University of Surrey
Surrey Institute of Art & Design, The
University of Sussex
University of Teesside
Thames Valley University
University of Ulster
University of Wales
University of Warwick
University of the West of England Bristol
University of Westminster
University of Wolverhampton
University of York

Schools, Colleges and Institutes of the University of London permitted by the University to award University of London degrees

Birkbeck College
Charing Cross and Westminster Medical School
Courtauld Institute of Art
Goldsmiths College
Heythrop College
Imperial College of Science, Technology and Medicine
Institute of Education
Kings College London
London Business School
London School of Economics and Political Science
London School of Hygiene and Tropical Medicine
Queen Mary and Westfield College
Royal Free Hospital School of Medicine
Royal Holloway and Bedford New College
Royal Postgraduate Medical School
Royal Veterinary College, The
School of Advanced Study, The
School of Oriental and African Studies School of Pharmacy, The
School of Slavonic and East European Studies
St George's Hospital Medical School
United Medical and Dental Schools of Guy's and St Thomas' Hospitals
University College London
Wye College

EXPLANATORY NOTE

(This note is not part of the Order)

This Order lists all those bodies which appear to the Secretary of State to be recognised bodies within section 214(2)(a) or (b) of the Education Reform Act 1988. These are universities, colleges or other bodies which are authorised by Royal Charter or by or under Act of Parliament to grant degrees and other bodies for the time being permitted by the aforementioned bodies to act on their behalf in the granting of degrees. An award granted by such a body is not an award of a kind referred to in section 214(1), which makes it an offence to grant, offer to grant, or issue any invitation relating to certain unrecognised degrees and awards.

This Order updates and replaces the list of bodies contained in the Education (Recognised Bodies) Order 1993, which is revoked. It includes a number of institutions which have been authorised to award degrees under section 76 of the Further and Higher Education Act 1992(a), and section 48 of the Further and Higher Education (Scotland) Act 1992(6). It also includes a number of schools, colleges and institutes of London University which have been permitted by the University to award University of London degrees.

(a) 1992 c.13. (b) 1992 c.37.

E1.10

Appendix 9

Further and Higher Education Act 1992

77.-(1) Where-

a) power is conferred by an enactment or instrument to change the name of any educational institution or any body corporate carrying on such an institution, and

(b) the educational institution is within the higher education sector,

then, if the power is exercisable with the consent of the Privy Council, it may (whether or not the institution would apart from this section be a university) be exercised with the consent of the Privy Council so as to include the word "university" in the name of the institution and, if it is carried on by a body corporate, in the name of the body.

(2) The reference in subsection (1) above to a power to change the name of an institution or body includes any power (however expressed and whether or not subject to any conditions or restrictions) in the exercise of which the name of the institution or body may be changed; but the power as extended by that subsection has effect subject to any such conditions or restrictions.

(3) In exercising any power exercisable by virtue of this section to consent to a change in any name the Privy Council shall have regard to the need to avoid names which are or may be confusing.

(4) Any educational institution whose name includes the word "university" by virtue of the exercise of any power as extended by subsection (1) above is to be treated as a university for all purposes.

Appendix 10



PRIVY COUNCIL OFFICE WHITEHALL. LONDON SW1A 2AT

071-270-0510

Our Ref: 350(26)

16 November 1992

Brian Summers, Esq.,
Deputy Director (Corporate Services), Oxford Polytechnic,
Gipsy Lane, Headington, Oxford, OX3 0BP.

Dear Mr Summers

I write to say that the Privy council, in exercise of the powers conferred by section 77 of the Further and Higher Education Act 1992, have been pleased to consent to your Governing Body's resolution of 14 October changing the name of the corporation to "Oxford Brookes University".

Yours sincerely,
Andrew

Clerk of the Privy Council



At the Council Chamber, Whitehall

THE 26th DAY OF APRIL 1993

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 authorised to be made by the said Schedule 7A and such other provision as may be necessary or desirable:

AND WHEREAS the Oxford Brookes 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 Oxford Brookes University higher education corporation as set out in the Schedule to this Order, which shall come into force forthwith.

N. H. Nicholls

SCHEDULE

INSTRUMENT OF GOVERNMENT REFERRED TO IN THE FOREGOING ORDER

1. INTERPRETATION

(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 Corporation" means the Oxford Brookes University higher education corporation.

"the Board of Governors" means the members of the Corporation;

(a) 1988 c.40. section 124A was inserted by section 71 of the Further and Higher Education Act 1992 (c.13).

"the University" means the Oxford Brookes University conducted by the Corporation;

"the Principal" means the Vice-Chancellor and 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 Corporation;

"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 Corporation unless otherwise specified.

(2) References in this Instrument in relation to the Board of Governors, to a variable category of members are references to any category of members in relation to which the number applicable in accordance with paragraph 3 below is subject to variation.

2. NAME OF THE CORPORATION

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

3. 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 Principal, unless he chooses not to be a member.

(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 the appointing authority to have experience of, and to have shown capacity in, industrial, commercial or employment matters or the practice of any profession.

(4) The co-opted member required by sub-paragraph 3(2)(c) above shall be a person who has experience in the provision of education.

(5) A person (other than a person appointed in pursuance of sub-paragraph 3(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.

(6) 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.

(7) 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.

4. 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 3(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.

(5) Such a determination may be varied by a subsequent determination.

5. APPOINTMENT OF MEMBERS OF THE BOARD OF GOVERNORS

(1) Subject to the provisions of section 124C of the Act no appointment of members of the Board of Governors may be made before the first determination of the membership in accordance with paragraph 4(1) above takes effect.

(2) The Board of Governors are the appointing authority in relation to the appointment of any member of the Board of Governors other than an independent member.

(3) Where an appointment of an additional independent member of the Board of Governors falls to be made in consequence of a determination in accordance with paragraph 4 above, the appointing authority in relation to the appointment -

(a) shall be the Board of Governors if the appointment is made within the period of three months beginning with the date of the determination; or

(b) if the appointment is not made within that period, shall be the current independent members of the Board of Governors.

(4) 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

(b) the appointing authority in relation to the appointment of his successor

(i) shall be the Board of Governors if the appointment is made not less than three months before the expiry of that term; or

(ii) if the appointment is not so made, shall be the current independent members of the Board of Governors.

(5) Where a vacancy in the office of an independent member of the Board of Governors arises on the death of any such member or on any such member ceasing to hold office in accordance with the Instrument, the appointing authority in relation to the appointment of his successor-

(a) shall be the Board of Governors if the appointment is made within the period of three months beginning with the date of death or the date on which the office becomes vacant (as the case may be); or

(b) if the appointment is not made within that period, shall be the current independent members of the Board of Governors.

(6) No appointment of an independent member of the Board of Governors by the Board of Governors in accordance with sub-paragraph 5(3)(a), 5(4)(b)(i) and 5(5)(a) above shall be made unless the appointment has been approved by the current independent members of the Board of Governors.

(7) 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.

6. 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 3(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.

7. OFFICERS

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

8. 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.

9. ALLOWANCES

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

10. SEAL OF CORPORATION

(1) The application of the seal of the Corporation 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 Corporation Seal shall be held under secure arrangements by the Clerk.

11. COPIES OF INSTRUMENT OF GOVERNMENT

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

Appendix 12



PRIVY COUNCIL OFFICE WHITEHALL, LONDON S W 1 A 2AT
Tel: 0171-270 0510 Fax: 0171-270 0494

Our ref. 350 (26) Your ref. B S/MJL

24 May 1995

BY FAX AND POST

Brian Summers, Esq., Deputy Vice-Chancellor, Oxford Brookes University, Gipsy Lane
Campus, Headington,
Oxford, OX3 OBP.

Dear Mr Summers,

In pursuance of section 125 of the Education Reform Act 1988 as amended, I write to inform you that the Privy Council has approved the Articles of Government for the University as submitted with your letter of 19 May (and with the revised page 6 subsequently faxed to this Office).

Once you have formally adopted the Articles, I should be grateful if a copy, bearing the date they came into force, could be sent to this office. A copy should also be sent to the Department for Education (Mr. M Spearing), Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

N.H. Nicholls

N.H. Nicholls

Clerk of the Council

OXFORD BROOKES UNIVERSITY ARTICLES OF GOVERNMENT

In exercise of the powers conferred upon it by section 125 of the Education Reform Act 1988, the Oxford Brookes higher education corporation makes the following Articles of Government in accordance with which the Oxford Brookes University shall be conducted.

1 INTERPRETATION

- 1.1 In- these Articles, unless the context otherwise requires, the words and expressions shall have the meanings ascribed to them in paragraph 1 of the Instrument of Government made by the Privy Council on the 26th day of April 1993 and the following expressions shall have the meanings indicated in this paragraph:
- "the central management team" means the team consisting of the Principal and those staff reporting directly to the Principal designated by the Principal as members of that
- "the Chair" means the Chairman. of the Corporation and "the Deputy Chair" shall be construed accordingly.
- "the deans" means those members of staff each appointed by the Principal to exercise coordinating responsibilities over the schools in a faculty either generally or for specific activities which may include quality assurance or to be responsible for the overall leadership of the- Modular Course or to assume such other overall academic responsibility as the Principal may determine.
- "the heads of schools" means those members of staff each appointed by the Principal to exercise overall control of an academic school.
- "the heads of related departments" means those members of staff each appointed by the Principal to be in overall charge of the departments responsible for the provision of library services, computing services for the schools and departments as a whole, the promotion and development of good teaching and learning practice, and welfare, counselling and careers advice to students.
- "holders of senior posts" means the Principal, the Clerk to the Board of Governors and the holders of such other posts as the Board of Governors determine and holder of a senior post shall be construed accordingly.
- "members" means members of the Corporation.
- "the staff" includes both teaching and other staff of the University.
- "staff governor" means a member of the Board of Governors appointed on the nomination of the Academic Board or as a co-opted staff nominee.
- "student governor" means a member of the Board of Governors appointed as a student nominee or a co-opted student nominee.
- "a students' union" means the association of the generality of students formed to further the interests of the students as students and/or the educational purposes of the University.

- 1.2 The Interpretation Act 1978 shall apply for the interpretation of these Articles as it applies for the interpretation of an Act of Parliament.

2 CONDUCT OF THE UNIVERSITY

- 2.1 The University shall be conducted in accordance with the provisions of the Education Acts 1944 to 1993, any subsequent Education Acts, any relevant regulations orders or directions made by the Secretary of State or by the Privy Council, and subject thereto, in accordance with the provisions of the Instrument, these Articles and any rules or bye-laws made under these Articles.

3 RESPONSIBILITIES. OF THE BOARD OF GOVERNORS, PRINCIPAL AND ACADEMIC BOARD

The Board of Governors

3.1 The Board of Governors shall be responsible for:

- a) the determination of the educational character and mission of the University and oversight of its activities;
- b) the effective and efficient use of resources, the solvency of the University and the Corporation and safeguarding their assets;
- c) approving the terms of reference for external auditors;
- d) approving financial standing orders;
- e) approving annual estimates of income and expenditure;
- f) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts;
- g) the assignment and appraisal of the Principal;
- h) setting a framework for the pay and conditions of staff other than senior staff;
- i) receiving the minutes of meetings of the Academic Board.

The Principal

3.2 Subject to the responsibilities of the Board of Governors, the Principal shall be the chief executive of the University and shall be responsible for:

- a) making proposals to the Board of Governors about the educational character and mission of the University, and implementing the decisions of the Board of Governors;
- b) the organisation, direction and management of the University, and leadership of the staff;
- c) the appointment, assignment, grading, appraisal, suspension, dismissal, and determination, within the framework set by the Board of Governors, of the pay and conditions of service of staff other than the holders of senior posts;
- d) the assignment and appraisal of the holders of senior posts, other than the Principal;
- e) the determination, after consultation with the Academic Board, of the University's academic activities, and the determination of its other activities;
- f) preparing annual estimates of income and expenditure, for consideration by the Board of Governors, and the management of the budget and resources, within the estimates approved by the Board of Governors;
- g) the maintenance of student discipline and, within the rules and procedures provided for within these Articles, the suspension or expulsion of students on disciplinary grounds and implementing decisions to expel students for academic reasons.

3.3 The Principal may delegate his or her powers to any other member of staff.

The Academic Board

3.4 Subject to the provisions of these Articles, to the overall responsibility of the Board of Governors, and to the responsibilities of the Principal, the Academic Board (see Article 8) shall be responsible:

- a) subject to the requirements of validating and accrediting bodies, for. general issues relating to the research, scholarship, teaching and courses at the

institution, including criteria for the admission of students; the appointment and removal of internal and external examiners; policies and procedures for assessment and examination of the academic performance of students; the content of the curriculum.; academic standards and the validation and review of courses; the procedures for the award of qualifications and honorary academic titles; and the procedures for the exclusion of students for academic reasons;

- b) for considering the development of the academic activities of the University and the resources needed to support them and for advising the Principal and the Board of Governors thereon;
- c) for advising on such other matters as the Board of Governors or the Principal may refer to the Academic Board.

3.5 The Academic Board may establish such committees as it considers necessary for carrying out its responsibilities, and may delegate powers to such committees provided that each establishment and delegation is approved by the Principal and the Board of Governors. The number of members of any such committee and the terms on which they are to hold and vacate office shall be determined by the Academic Board. All committees of the Academic Board shall include students of the University, unless the business of the committee includes matters relating to any named or identifiable member of staff, prospective member of staff, student or prospective student and the Academic Board determines that it would be inappropriate for students to be members of that committee.

4 APPOINTMENT OF CLERK TO THE BOARD OF GOVERNORS

4.1 The Board of Governors shall appoint a Clerk to act as secretary to the Board of Governors.

5 PROCEDURES FOR THE APPOINTMENT OF MEMBERS OF THE CORPORATION

Rules

- 5.1 The Board of Governors shall make rules specifying the- procedures to be adopted for the appointment of members of the Corporation. These rules shall:
- a) define the procedures for securing nominations for members and voting on those nominations. These procedures may involve postal ballots and voting other than by a simple majority;
 - b) determine the periods of office to be served by members;
 - c) secure that no independent member is appointed by the Corporation unless the approval of the Independent Members' Committee has been received.

Independent Members' Committee

- 5.2 The Corporation shall establish a committee of the Corporation to be known as the independent Members' Committee, consisting of the independent members of the 'Corporation for the time being.
- 5.3 The requirement for notice of a meeting shall be the same as the requirement for notice of an extraordinary meeting of the Board of Governors.
- 5.4 The quorum for any meeting shall be the minimum number of independent members required to be present for a quorum to exist at a meeting of the Board of Governors.
- 5.5 The Committee shall be the appointing authority in those cases where the Act provides for the current independent members to be the appointing authority.

- 5.6 The approval by the Committee of the appointment of an independent member shall be deemed to be the approval by the current independent members of the appointment of an independent member where the Corporation is the appointing authority. Such approval shall require a simple majority of those present and voting. An abstention shall not count as a vote.
- 5.7 A resolution in writing to which all the members of the Committee have signified agreement in writing shall be valid as if the same has been passed at a meeting of the Committee.
- 6 PROCEDURES FOR MEETINGS OF THE BOARD OF GOVERNORS, AND THE CHAIR AND DEPUTY CHAIR

The Board of Governors

- 6.1 Meetings of the Board of Governors shall be conducted in accordance with such Standing Orders as may be agreed by the Board of Governors from time to time. Those Standing Orders shall provide for the following:

- a) the quorum for the meetings of the Board of Governors shall be [X] members of whom [Y] shall be independent members. The value of [X] and [Y] shall be determined in accordance with the following table:

Total size of Board of Governors as determined by the Corporation	[X]	[Y]
12 or 13	5	3
14 to 16	6	4
17 to 18	7	4
19 to 21	8	5
22 or 23	9	5
24 or 25	10	6

If a meeting is quorate, but less than half the members present are independent members, a majority of the independent members present shall be able to require, before or immediately after a decision is taken, that the decision be deferred to the next ordinary or extraordinary meeting. If the decision is deferred after it has been taken the decision will not take effect until and unless it is ratified at the next meeting. No decision shall be deferred more than once under this provision;

- b) members shall not be bound in their speaking and voting by mandates given to them by other bodies or persons;
- c) at the first meeting following 1 September in each year the Board of Governors shall elect from among its members, a Chair and Deputy Chair of the Corporation to preside at its meetings until such time as a further election is required by this paragraph. Such elections will be conducted in accordance with rules approved by the Board. If both the Chair and Deputy Chair are absent from any meeting the members present shall elect one of their number to preside at the meeting. If either the Chair or Deputy Chair resigns that position or ceases to be a member a new Chair or Deputy Chair shall be elected to serve for the remainder of the period of

office of the member who has resigned or ceased to be a member. The Chair or Deputy Chair or the person presiding at the meeting may not be members who are staff governors or student governors;

- d) the Board of Governors shall from time to time decide on the frequency of its meetings but shall hold at least three meetings in each year. At least twelve days' notice shall be given of each meeting, save that an extraordinary meeting may be called on the requisition of the Chair or such group of members as would constitute a quorum at a meeting of the Board of Governors, and two days' notice shall be required of that meeting unless the business to be transacted is subject to the provisions of paragraph (e) below in which case five days' notice will be required. An agenda shall be circulated for an ordinary meeting not less than five days before the meeting is to take place and only the business included in that agenda shall be transacted at that meeting, except that where an urgent matter is notified to the Clerk not less than 24 hours before the commencement of the meeting and the Chair consents, or the Board agrees by resolution that the matter should be considered at the meeting, and the matter is not subject to the provisions of paragraph (e) below, such a matter may be dealt with at the meeting. The business to be transacted at an extraordinary meeting shall be only that detailed in the notice of the meeting. Papers to be considered at a meeting shall normally be circulated with the agenda or notice of the meeting and only in exceptional cases shall be circulated less than two days before the meeting.
- e) none of the following items of business may be considered at an extraordinary meeting for which only two days' notice has been given or as urgent business at an ordinary meeting:
 - i) the dissolution of the Corporation;
 - ii) the determination of the educational character and. mission of the University;
 - iii) the approval of the annual estimates;
 - iv) the entering into any contract or acquiring or disposing of any assets of the Corporation;
 - v) the appointment or dismissal of the holders of senior posts;
 - vi) the variation or revocation of these Articles or the making, variation or revocation of rules or bye-laws;
 - vii) the appointment or removal from office of a member.
- f) the periods of time described in paragraphs (d) and (e) above shall not include the day on which the notice, agenda or papers are placed in the postal service or the internal mail of the University or the day on which the meeting is to- be held. The address to which any notice, agenda or papers are to be dispatched for each member shall be that nominated by each member. The accidental omission to give notice of a meeting to, or to dispatch the agenda or papers to, or the non-receipt of such communication by, a person entitled to receive them shall not invalidate any resolution passed, or proceeding had, at any meeting;
- g) unless these Articles or Standing Orders provide otherwise, every matter for determination.. by the Board of Governors shall be determined by the majority of the members present and voting at a meeting. Voting shall normally be by a show of hands but in such circumstances as may be prescribed by Standing Orders, or at any time by resolution of the Governors, shall be by secret ballot. An abstention shall not count as a vote. Where appropriate a decision of the Board of Governors will be deemed to be a decision of the Corporation.

- h) any resolution of the Board of Governors may be rescinded or varied at a subsequent meeting if notice of the proposal to rescind or vary it has been given with the notice of the meeting or included in the agenda;
- i) a resolution in writing to which every member has signified agreement in writing shall be valid as if the same had been passed at a meeting of the Board of Governors;
- j) if any member has a pecuniary, family or other personal interest in any contract, proposed contract or other matter and is present at a meeting of the Board of Governors at which the contract or other matter is the subject of consideration, the member shall at the meeting, and as soon as practical after commencement, disclose the fact and, unless otherwise agreed by resolution of the meeting, withdraw from the meeting before consideration of that item, not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it;
- k) a majority of the independent members present at a meeting may require all or any of the staff Governors and student Governors to withdraw from a meeting at any time during the consideration of any matter concerning a named or identifiable member of staff, prospective member of staff, student or prospective student or when any such matter is being voted upon;
- l) the agenda for every meeting of the Board of Governors, draft minutes approved by the Chair, signed minutes of such meetings and any report, document or other paper considered or to be considered at any meeting shall, in each case as soon as may be, be made available at the University to any member of staff or student of the University;
- m) there shall be excluded from any requirement for minutes, documents or papers to be made available in pursuance of paragraph (1) above, any material relating to:
 - i) a named or identifiable member of staff, prospective member of staff, student or prospective student;
 - ii) any matter which by reason of its nature the Clerk, Chair or the Board of Governors are satisfied should be dealt with on a confidential basis;
- n) any meeting of the Board of Governors may, by resolution of the Board of Governors, be adjourned to such day, time and place as may be determined, or if there is no quorum 20 minutes after the time appointed for the meeting to commence, shall stand adjourned to such day, time and place as may be determined by the Chair. No business shall be transacted at an adjourned meeting other than the business which was due to have been transacted at the original meeting.

The Chair and Deputy Chair

- 6.2 The Chair shall perform such duties as are required or permitted by these Articles or rules or bye-laws made in accordance with these Articles. The Deputy Chair may act for the Chair in any capacity if the Chair is not for the time being available.

7 DELEGATION OF FUNCTIONS AND COMMITTEES OF THE CORPORATION

- 7.1 Subject to the following provisions of this Article, the Board of Governors may establish a committee of the Corporation, which may include persons who are not members of the Corporation, with the exception of those committees described in Articles 5.2, 7.2 and 12.6, for any purpose or function, other than those assigned

elsewhere in these Articles to the Principal or to the Academic Board, and may delegate powers to such a committee or to the Chair or to the Principal.

7.2 The Board of Governors shall establish a committee or committees to determine or advise on such matters relating to employment policy or finance as the Board may remit to them. The members of the committee or committees shall be drawn from the Board of Governors other than staff or student Governors.

7.3 The Board of Governors shall not, however, delegate the following:

- a) the determination of the educational character and mission of the University;
- b) the approval of the annual estimates of income and expenditure;
- c) ensuring the solvency of the University and the Corporation and the safeguarding of their assets;
- d) the appointment or dismissal of holders of senior posts;
- e) the varying or revoking of these Articles or its rules and bye-laws.

7.4 Meetings of Committees of the Corporation shall be conducted in accordance with such Standing Orders as may be approved by the Board of Governors. Such Standing Orders shall include a statement of the quorum for meetings of the Committee, the provisions of Article 6.1(b), and the provisions of 6.1 (1) as if the words "Board of Governors" were replaced by "Committee of the Corporation", the words "member" or "members" replaced by "member of the committee" or "members of the committee" as appropriate, and provisions for the withdrawal of staff and students.

8 ACADEMIC BOARD

8.1 There shall be an Academic Board comprising the Principal (who shall be the Chair) and such other members of staff and students as may from time to time be approved by the Board of Governors, including co-opted members. The Principal may nominate a Deputy Chair from among the members of the Academic Board to take the Chair in his or her place. The period of appointment of members and the selection or election arrangements shall be subject to the approval of the Board of Governors.

9 PROCEEDINGS OF THE ACADEMIC BOARD

9.1 The business of the Academic Board shall be conducted in accordance with Standing Orders approved by the Board of Governors following consultation with the Academic Board. The Standing Orders shall secure that:

- a) the Academic Board from time to time decides on the frequency of its meetings but meets at least three times a year,
- b) the quorum for meetings is one-third of the membership approved by the Board of Governors for the time being, rounded up to the nearest whole number,
- c) the draft minutes of the Academic Board, once approved by the Principal, are received by the Governing Body.

10 APPOINTMENT AND PROMOTION OF STAFF

- 10.1 Each member of staff shall serve under a contract of employment with the Corporation.
- 10.2 Upon the occurrence of a vacancy or expected vacancy in the post of Principal, the post shall be advertised nationally.

11 CONDUCT OF STAFF

- 11.1 After consultation with the staff, the Board of Governors shall make rules relating to the conduct of staff.

Academic Freedom

- 11.2 In making rules under Article 11:1, the Board of Governors shall ensure that academic staff of the University have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University.

12 SUSPENSION AND DISMISSAL OF STAFF

Suspension

- 12.1 The Chair of the Corporation may suspend from duty, with pay, the holder of a senior post for misconduct or other good and urgent cause. The Chair shall report such suspension in writing to the members of the Board of Governors within two working days or as soon thereafter as practicable.
- 12.2 The Principal may suspend from duty, with pay, any member of the staff of the University, other than the holder of a senior post for misconduct or other good and urgent cause.
- 12.3 Anyone who is suspended from duty under Articles 12.1 or 12.2 shall be entitled to receive from the Chair or the Principal respectively, written notification of the suspension, setting out the grounds for it.
- 12.4 Procedures for the suspension of staff under Articles 12.1 or 12.2 shall be specified in rules made by the Board of Governors after consultation with the staff. The rules shall include provision that:
 - a) any person who has been under suspension for three weeks or more may appeal in writing to the Board of Governors against the suspension, save that no such right of appeal shall lie if the person is the subject of a reference to a Special Committee under Article 12.5 or of a notification from the Principal under Article 12.12;
 - b) any appeal made under (a) shall be considered as soon as practicable;
 - c) a suspension against which an appeal is made shall continue to operate pending the determination of the appeal.

Dismissal

(i) Holders of senior posts including the Principal and the Clerk to the Board of Governors

- 12.5 If the Chair of the Corporation, or a majority of the members of the Board of Governors, considers that it may be appropriate for the Board to dismiss the holder of a senior post, the Chair shall refer the matter to a Special Committee of the Corporation, which shall be convened as soon as practicable to examine the case for dismissal and to make a report to the Board of Governors.
- 12.6 The Special Committee shall consist of three independent members appointed by the Chair. Neither the Chair nor the Deputy Chair shall serve on the Special Committee.
- 12.7 The person whose dismissal is to be considered by the Special Committee shall have the right to make representations to the Committee, including oral representations, for which purpose he or she may be accompanied and represented by a friend.
- 12.8 The Special Committee shall prepare a written report for consideration by the Board of Governors, a copy of which shall be sent to the person to whom it relates. The report shall set out the facts relating to the case and any considerations which the Committee considers should be taken into account in the Board's consideration of the matter. The report should not contain recommendations as to the decision to be taken by the Board.
- 12.9 The Board of Governors shall consider the report of the Special Committee and take such action as it considers appropriate, which may include the dismissal of the person concerned. In cases of gross misconduct this may take immediate effect. The person concerned shall have the right to make representations to the Board of Governors including oral representations, for which purpose he or she may be accompanied and represented by a friend.
- 12.10 The Board of Governors shall make rules specifying procedures for the conduct of the Special Committee and other aspects of the procedure set out in Articles 12.5 to 12.9.

(ii) Other Members of Staff

- 12.11 The Principal may dismiss any member of the staff of the University other than the holder of a senior post and, in cases of gross misconduct, that dismissal may take immediate effect without any need for prior notice.
- 12.12 Where the Principal is considering dismissing a member of staff and the circumstances described in Article 12.11 do not prevail he shall notify the member of staff concerned in writing that dismissal is under consideration. That staff member shall be given an opportunity to make representations to the Principal (including oral representations, for which purpose he or she may be accompanied and represented by a friend) before any decision to dismiss is taken by the Principal.
- 12.13 Where a staff member has been dismissed pursuant to Article 12.11 or a decision to dismiss has been taken pursuant to Article 12.12 that staff member may appeal against the dismissal or decision,, as the case may be, to the Board of Governors or to a committee of the Corporation. In the case of an appeal against a decision to dismiss the dismissal shall not take effect until the appeal has been determined.

12.14 Procedures for the dismissal of staff by the Principal and for the consideration of appeals against dismissal shall be specified in rules made by the Board of Governors after consultation with the staff.

12.15 Rules concerning the suspension or dismissal of staff made in accordance with Articles 12.4 and 12.14 may allow the Principal to delegate his or her powers of suspension or dismissal to other members of staff. In such cases the right to make representations to the Principal in accordance with Articles 12.12 or to receive written notification from the Principal in accordance with Articles 12.3 and 12.12, shall be construed as a right to make representations to, or a right to receive written notification from, the member of staff to whom the Principal has delegated his or her powers.

13 GRIEVANCE PROCEDURES

13.1 After consultation with the staff the Board of Governors shall make rules specifying procedures for staff to seek redress of any grievances relating to their employment.

14 STUDENTS

14.1 There shall be a students' union which shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Board of Governors and shall present audited accounts annually to the Board of Governors. No amendment to or rescission of that constitution, in part or in whole, shall be valid unless and until approved by the Board of Governors.

14.2 The Board of Governors, after consultation with the Academic Board and representatives of the students, shall make rules with respect to the conduct of students, including procedures for suspension and expulsion. These rules shall secure an appropriate opportunity for individual students to raise matters of proper concern to them at all levels in the University.

14.3 In exercise of their responsibilities under Article 3.4a, the Academic Board, after consultation with the Board of Governors and representatives of the students, shall determine procedures for the expulsion of a student for an unsatisfactory standard of work or other academic reason.

15 FINANCIAL MATTERS

Fees

15.1 The Board of Governors shall determine the tuition and other fees payable to the Corporation, or establish a framework for the determination of those fees (subject to any terms and conditions attached to grants, loans or other payments paid or made by the appropriate Higher Education Funding Council).

Accounts, Estimates and Audit

15.2 The Board of Governors shall keep accounts and records, and appoint auditors in accordance with the provisions of the Act.

15.3 Annual estimates of income and expenditure and a balance sheet shall be prepared by the Principal for the consideration and approval of the Board of Governors.

Financial Standing Orders

15.4 The Board of Governors shall approve such financial standing orders as it considers necessary to secure the proper financial management of the University and to safeguard its assets. Those standing orders shall include determination of the authority required for.

- a) the acquisition and disposal of land and other property including interests in land or other property;
- b) entering into contracts of employment;
- c) entering into contracts for the provision of supplies and services both to and by the Corporation;
- d) the borrowing of monies and the grant of any mortgage, charge or other security in respect of any land or other property of the Corporation;
- e) the acceptance of gifts of money, land or other property,
- f) the investment of surplus funds.

16 RULES AND BYE-LAWS

16.1 The Board of Governors shall have power to make rules and bye-laws concerning such matters with regard to the government and conduct of the University as it shall think fit, and to amend or rescind those rules and bye-laws. Such rules and bye-laws shall be subject to the provisions of these Articles of Government.

17 COPIES OF ARTICLES, RULES AND BYE-LAWS

17.1 A copy of these Articles, and any rules or bye-laws, shall be given to every Governor and shall be available for inspection upon request to every member of staff and every student.

18 AMENDMENT TO ARTICLES

18.1 These Articles may be amended or replaced by resolution of the Corporation either with the approval of the Privy Council or as required by the Privy Council, after consultation with the Corporation, in accordance with section 125 of the Act

19 DATE OF ARTICLES

These Articles shall come into operation on 27th May 1995.

Given under the Common Seal of Oxford Brookes University on this 26th day of May 1995



PBAGNALL
Chairman of the Board of Governors



C BOOTH
Vice-Chancellor

Appendix 14

PART II

REGISTRATION AND NAMES OF CHARITIES

Registration of charities

3.-(1) The Commissioners shall continue to keep a register of charities, which shall be kept by them in such manner as they think fit.

(5) The following charities are not required to be registered –

(a) any charity comprised in Schedule 2 to this Act (in this Act referred to as an "exempt charity");

(b) any charity which is excepted by order or regulations;

(c) any charity which has neither

- (i) any permanent endowment, nor
- (ii) the use or occupation of any land, and whose income from all sources does not in aggregate amount to more than £1,000 a year;

and no charity is required to be registered in respect of any registered place of worship.

Appendix 15

Sections 3 and 96.

SCHEDULE 2

EXEMPT CHARITIES

The following institutions, so far as they are charities, are exempt charities within the meaning of this Act, that is to say

- (a) any institution which, if the Charities Act 1960 had not been passed, would be exempted from the powers and jurisdiction, under the Charitable Trusts Acts 1853 to 1939, of the Commissioners or Minister of Education (apart from any power of the Commissioners or Minister to apply those Acts in whole or in part to charities otherwise exempt) by the terms of any enactment not contained in those Acts other than section 9 of the Places of Worship Registration Act 1855;
- (b) the universities of Oxford, Cambridge, London, Durham and Newcastle, the colleges and halls in the universities of Oxford, Cambridge, Durham and Newcastle, Queen Mary and Westfield College in the University of London and the colleges of Winchester and Eton;
- (c) any university, university college, or institution connected with a university or university college, which Her Majesty declares by Order in Council to be an exempt charity, for the purposes of this Act;
- (d) a grant-maintained school;
- (e) the National Curriculum Council;
- (f) the Curriculum Council for Wales;
- (g) the School Examinations and Assessment Council;
- (h) a higher education corporation;
- (i) a successor company to a higher education corporation (within the meaning of section 129(5) of the Education Reform Act 1988) at a time when an institution conducted by the company is for the time being designated under that section;
- (j) a further education corporation;
- (k) the Board of Trustees of the Victoria and Albert Museum; (1) the Board of Trustees of the Science Museum;
- (m) the Board of Trustees of the Armouries;
- (n) the Board of Trustees of the Royal Botanic Gardens, Kew;
- (o) the Board of Trustees of the National Museums and Galleries on Merseyside;
- (p) the trustees of the British Museum and the trustees of the Natural History Museum;
- (q) the Board of Trustees of the National Gallery;

- (r) the Board of Trustees of the Tate Gallery ;
- (s) the Board of Trustees of the National Portrait Gallery;
- (t) the Board of Trustees of the Wallace Collection;