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STATUTORY INSTRUMENTS

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**2012 No. 1034**

**The School Governance (Constitution)  
(England) Regulations 2012**

**PART 1**

**Introduction**

**Citation, commencement and application**

1. These Regulations may be cited as the School Governance (Constitution) (England) Regulations 2012 and come into force on 1st September 2012.
2. These Regulations apply to a governing body if—
  - (a) the governing body are constituted under an instrument of government that takes effect on or after 1st September 2012; or
  - (b) where the governing body are constituted under an instrument of government that takes effect before 1st September 2012, the governing body or local authority decide under regulation 32(2) of the School Governance (Constitution) (England) Regulations 2007<sup>(1)</sup> (“the Constitution Regulations 2007”) that the instrument of government should be varied.
3. These Regulations apply only in relation to maintained schools in England<sup>(2)</sup>.

**Revocation of Constitution Regulations 2007, saving and transitional provisions**

- 4.—(1) The Constitution Regulations 2007 are revoked subject to paragraph (2).
- (2) The Constitution Regulations 2007 continue to apply to a governing body constituted under an instrument of government that takes effect before 1st September 2012 unless and until these Regulations apply to the governing body by virtue of regulation 2(b).
- (3) A decision by a governing body under regulation 32(2) of the Constitution Regulations 2007 is to be treated for the purposes of these Regulations as a decision of the governing body under regulation 30(2) of these Regulations.

**Interpretation**

- 5.—(1) In these Regulations—
  - “EA 1996” means the Education Act 1996<sup>(3)</sup>;
  - “SSFA 1998” means the School Standards and Framework Act 1998<sup>(4)</sup>;
  - “EA 2002” means the Education Act 2002;

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(1) [S.I. 2007/957](#), as amended by [S.I. 2009/1924](#), [S.I. 2010/1172](#) and [S.I. 2010/2582](#)

(2) By virtue of the definition of “regulations” in section 212(1) of EA 2002, these Regulations made by the Secretary of State apply only in relation to England.

(3) [1996 c.56](#).

(4) [1998 c.31](#).

“parent” includes any individual who has or has had parental responsibility for, or cares or has cared for, a child or young person under the age of 19;

“nominating body” means any person who nominated the governor in question; and

“qualifying foundation school” means a foundation or a foundation special school which has a foundation which meets any one or more of the conditions in section 23A(2),(3) and (4) of the SSFA 1998<sup>(5)</sup>.

(2) Any reference in these Regulations to—

- (a) “a governor” is a reference to a member of a governing body of any school to which the provision applies;
- (b) “the local authority” is a reference to the local authority who maintain the school; and
- (c) “a foundation” or to “a school having a foundation” is to be read in accordance with section 21 of SSFA 1998.

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<sup>(5)</sup> Section 23A was inserted by section 33(1) of the Education and Inspections Act 2006 (c.40) and has been amended by S.I. 2010/1158 and S.I. 2011/1396.