

1990 No. 532

**EDUCATION, ENGLAND AND WALES**

**The Education (Governing Bodies of Institutions of  
Higher and Further Education) Regulations 1990**

|                               |                       |
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| <i>Made - - - -</i>           | <i>8th March 1990</i> |
| <i>Laid before Parliament</i> | <i>9th March 1990</i> |
| <i>Coming into force</i>      | <i>1st April 1990</i> |

In exercise of the powers conferred on the Secretary of State by sections 61, 62 and 63(3) of the Education (No. 2) Act 1986 (a), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:-

**Citation and Commencement**

1. These Regulations may be cited as the Education (Governing Bodies of Institutions of Higher and Further Education) Regulations 1990 and shall come into force on 1st April 1990.

**Interpretation**

2. In these Regulations -

“further education” has the meaning assigned to it by section 41 of the Education Act 1944(b);

“higher education” is to be construed in accordance with section 120(1) of the Education Reform Act 1988(c);

“relevant institution” means an institution which is maintained by a local education authority and which provides higher education or further education (or both);

“student governor” means a person elected by, or chosen to represent, students of a relevant institution of which he is a student as a member of the governing body thereof; and

“governors’ training course” means a course provided for members of the governing bodies of relevant institutions for the purpose of training them in their duties as governors.

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(a) 1986 c.61; section 61(1) was amended by paragraph 104 of Schedule 12 to the Education Reform Act 1988 (c.40). For matters to be prescribed, see section 67(3) of the 1986 Act and section 114(1) of the Education Act 1944 (c.31), and for the transfer of functions to the Secretary of State see S.I. 1964/490, 1970/1536 and 1978/274. (b) 1944 c.31; section 41 was substituted by section 120(2) of the Education Reform Act 1988 (c.40). (c) 1988 c.40.

### **Revocation of earlier Regulations**

3. The Education (Governing Bodies of Institutions of Further Education) Regulations 1987(a) are hereby revoked.

### **Publication of minutes and papers**

4.—(1) Subject to paragraph (2) below, a copy of –

- (a) the agenda for every meeting of the governing body of a relevant institution;
- (b) the draft minutes of every such meeting if they have been approved by the chairman of the meeting;
- (c) the signed minutes of every such meeting; and
- (d) any report, document or other paper considered at any such meeting;

shall, in each case as soon as may be, be made available at the institution by the governing body to any person wishing to inspect them.

(2) There may be excluded from any item required to be made available in pursuance of paragraph (1) above, any material relating to –

- (a) a named teacher or other person employed at or proposed to be employed at the institution;
- (b) a named student at, or candidate for admission to, the institution; and
- (c) any matter which, by reason of its nature, the governing body are satisfied should be dealt with on a confidential basis.

### **Restrictions on participation of certain governors in proceedings of governing bodies**

5.—(1) Subject to paragraph (5) below, this regulation shall have effect for the purpose of prescribing restrictions on the participation of members of the governing body of a relevant institution who are attending courses at that institution as students, in the proceedings of the governing body of that institution.

(2) A student governor who is present at a meeting of the governing body of the relevant institution shall not, if he is under the age of eighteen, vote on any question concerning any proposal –

- (a) for the expenditure of money by the governing body; or
- (b) under which the governing body, or any members of the governing body, would enter into any contract, or would incur any debt or liability (whether immediate, contingent or otherwise).

(3) Any governor such as is mentioned in paragraph (4) below and who is present at a meeting of the governing body of the relevant institution at which the subject of discussion is the appointment, remuneration, conditions of service, promotion, suspension, dismissal or retirement of a member or prospective member of the staff of the institution shall –

- (a) where the instrument of government for the institution contains a provision requiring such a governor, in the circumstances mentioned in this paragraph, to withdraw from the meeting if any one member of the governing body present at the meeting so requires, and a member present at the meeting does so require, withdraw from the meeting;
- (b) where the instrument of government for the institution contains the provision mentioned in sub-paragraph (a) above but no member of the governing body present at the meeting requires the withdrawal of such governors therefrom, take no part in the consideration or discussion of the matter in question and not vote on any question with respect to the matter; and
- (c) where the instrument of government for the institution does not contain the provision mentioned in paragraph (a) above, withdraw from the meeting.

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(a) S.I. 1987 No. 1160.

(4) The governors referred to in paragraph (3) above are –

(a) student governors; and

(b) any other governor who is enrolled on a course or courses (other than a governors' training course) which would involve him attending, over a period of at least 12 months, more than an average of six hours a week (excluding for the purpose of calculating that average periods of vacation) at the institution of which he is a governor.

(5) The instrument of government for a relevant institution may contain provisions specifying restrictions on the participation of student governors in the proceedings of the governing body of the institution additional to those imposed by paragraphs (2) to (4) above.

8th March 1990

*John MacGregor*  
Secretary of State for Education and Science

8th March 1990

*Peter Walker*  
Secretary of State for Wales

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision with respect to the governing bodies of institutions of higher and further education which are maintained by local education authorities. They replace the Education (Governing Bodies of Institutions of Further Education) Regulations 1987, which are revoked (regulation 3).

Regulation 4 requires certain documents and papers (as specified therein), relating to the meetings of the governing bodies of such institutions, to be made available for inspection at the institution concerned.

Regulation 5 contains provisions restricting the participation, in the proceedings of the governing body of such an institution, of any member of that body who is also a student of the institution concerned; and authorises additional such restrictions to be imposed by the instruments of government for such institutions.

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