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STATUTORY INSTRUMENTS

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**1991 No. 2845**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Government)  
(Amendment) Regulations 1991**

*Made* - - - - *17th December 1991*  
*Laid before Parliament* *18th December 1991*  
*Coming into force* - - *8th January 1992*

In exercise of the powers conferred on the Secretary of State by sections 8(6) and (7) and 63 of, and paragraph 10(4) of Schedule 2 to, the Education (No. 2) Act 1986<sup>(1)</sup>, 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:

1.—(1) These Regulations may be cited as the Education (School Government) (Amendment) Regulations 1991 and shall come into force on 8th January 1992.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered of the Education (School Government) Regulations 1989<sup>(2)</sup>.

2. For regulation 5 and the heading thereto there shall be substituted the following regulation—

**“Disqualification from membership of more than two governing bodies**

5.—(1) A person shall be disqualified for holding office as a governor of a school if, were he to be appointed or elected to that office, he would, on the date on which the appointment or election would have taken effect, be a member of the governing bodies of more than two schools:

Provided that this paragraph shall not have effect to disqualify a person for continuing to hold office as a governor of a school until the expiry of his term of office, if he was appointed or elected to that office before 8th January 1992.

(2) A person who on 8th January 1992 is, or (by virtue of offices taken up after that date) becomes, an ex officio member of the governing bodies of more than two schools shall be disqualified for continuing to hold as such save—

(a) such one or two of those bodies as may for the time being be designated by him for the purposes hereof by notice in writing given to the clerk to the governing body (or to each such governing body, as the case may be) so designated and to

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(1) 1986 c. 61; section 8(7) was amended by section 116 of the Education Reform Act 1988 (c. 40).  
(2) S.I.1989/1503.

the clerk to each of any other governing body of which apart from this regulation he would otherwise have been an ex officio member; and

(b) a governing body (not designated as aforesaid) of which he became an ex officio member before 8th January 1992; so however that he shall cease to be qualified for continuing to hold office by virtue of this sub-paragraph after 31st August 1992.

(3) A notice given under paragraph (2)(a) shall specify as the date from which it has effect a date not earlier than two months after the date of the notice.

(4) Where a person—

(a) is a temporary governor of a school by virtue of his having been appointed under a provision made by virtue of Schedule 2 to the 1986 Act; or

(b) is a governor or temporary governor ex officio;

he shall not be regarded for the purposes of paragraph (1) as being a member of more than two governing bodies by reason of his being such a governor.

(5) Where a group of two or more schools have a single governing body by virtue of section 9 of the 1986 Act, that group shall be treated for the purposes of this regulation as if it were a single school.”.

3. In paragraph (3) of regulation 6 for “five” there shall be substituted the word “three”.

4. In paragraph (2) of regulation 8 for “twelve” there shall be substituted the word “six”.

5. In paragraph (3) of regulation 13 for the expression “three-quarters” there shall be substituted the expression “two-thirds”.

6. In regulation 20 there shall be substituted for the words “an aided or special agreement” the word “a”.

7. In paragraph (2) of regulation 25 after sub-paragraph (s) there shall be inserted the following sub-paragraph—

“(ss) paragraph 1(8) to (10) of Schedule 3 to the 1988 Act (which relates to the appointment by the governing body of a head teacher of deputy head teacher);”.

8. In regulation 26—

(a) in paragraph (3) after the words “Provided that” there shall be inserted the words “, subject to paragraph (6A),”; and

(b) after paragraph (6) there shall be inserted the following paragraph—

“(6A) Where the governing body have delegated (whether in all or specified circumstances) the function imposed on them under section 42 of the 1986 Act (which relates to the use of school premises outside school hours) to a committee in accordance with regulation 25(1), the members of that committee who are not members of the governing body shall, if the governing body so determine, be entitled to vote in any proceedings of the committee concerning the exercise of that function.”.

17th December 1991

*Kenneth Clarke*  
Secretary of State for Education and Science

17th December 1991

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

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

These Regulations which come into force on 8th January 1992, amend the Education (School Government) Regulations 1989.

The Regulations substitute a new regulation 5 of the 1989 Regulations (regulation 2). Regulation 5 as substituted, disqualifies a person for holding more than two governorships, which are held either by election or appointment, and two governorships held ex officio. In the case of governorships, which are held either by election or appointment, regulation 5 as substituted does not have effect to disqualify a person for continuing to hold office as a governor of a school, if he was elected or appointed before the date of coming into force of these regulations, until the expiry of his term of office. In the case of ex officio governorships, a person holding such office at more than two schools may designate by notice in writing two such governorships which he may then continue to hold. Further, a person may continue to hold office as an ex officio member of a governing body not so designated, where he became such before the coming into force of these Regulations; but he is to be disqualified for continuing to hold such office after 31st August 1992.

The Regulations amend regulation 6 of the 1989 Regulations so as to change, from five to three years, the number of years for which a person is to be disqualified for holding office as a governor as a result of his making a composition or arrangement with his creditors (regulation 3). The Regulations amend regulation 8 of the 1989 Regulations, by changing from twelve months to six months the provision made by those Regulations as to the period after which, if a person has failed to attend meetings of a governing body during that time, he is to be disqualified for continuing to hold office (regulation 4). The Regulations also amend regulation 13 by substituting two-thirds for three-quarters as the number required for a quorum of governors to make the appointments referred to in regulation 13(3) of the 1989 Regulations (regulation 5). The Regulations amend regulation 20 of the 1989 Regulations extending to the operation of that provision from and special agreement schools to all schools to which those Regulations apply (regulation 6).

The Regulations amend regulation 25(2) of the 1989 Regulations so as to provide that a governing body may not delegate under regulation 25(1) its functions under paragraph 1(8) to (10) of Schedule 3 to the Education Reform Act 1988 (appointment of a head teacher or deputy head teacher) (regulation 7). The Regulations also amend regulation 26 of the 1989 Regulations so as to enable the governing body to confer voting rights on persons who are not members of the governing body, where a governing body delegate the function imposed on them under section 42 of the Education (No.2) Act 1986 (use of school premises outside school hours) (regulation 8).