
STATUTORY INSTRUMENTS

1993 No. 3107

EDUCATION, ENGLAND AND WALES

**The Education (School Government)
(Amendment) Regulations 1993**

Made - - - - *9th December 1993*
Laid before Parliament *10 December 1993*
Coming into force - - *1st January 1994*

In exercise of the powers conferred by sections 8(6) and (7) and 63 of the Education (No.2) Act 1986⁽¹⁾, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (School Government) (Amendment) Regulations 1993 and shall come into force on 1st January 1994.

(2) Any reference in these Regulations to the principal Regulations is a reference to the Education (School Government) Regulations 1989⁽²⁾.

Amendment of principal Regulations

2. In paragraph (4) of regulation 5 of the principal Regulations—

(a) the word “or” at the end of sub-paragraph (a) shall be deleted;

(b) the word “or” shall be inserted after the word “officio;” in sub-paragraph (b); and

(c) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(c) is a governor of a school by virtue of his having been appointed under section 214(1) or (5) of the Education Act 1993⁽³⁾.”

3. In regulation 9 of the principal Regulations—

(a) In paragraph (3)—

(i) the word “or” at the end of sub-paragraph (b) shall be deleted;

⁽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, amended by S.I. 1991/2845.

⁽³⁾ 1993 c. 35.

- (ii) for the full stop at the end of sub-paragraph (c) there shall be substituted the words “; or”; and
- (iii) after sub-paragraph (c) there shall be inserted the following sub-paragraph—
 - “(d) in the case of the chairman, he is removed from office in accordance with paragraph (3A) below.”.
- (b) After paragraph (3) there shall be inserted the following paragraph—
 - (a) “(3A) The governing body may remove the chairman from office in accordance with the provisions of this paragraph.
 - (b) A resolution to remove the chairman from office which is passed at a meeting of the governing body shall not have effect unless—
 - (i) it is confirmed by a resolution passed at a second meeting of the governing body held not less than fourteen days after the first meeting; and
 - (ii) the matter of the chairman’s removal from office is specified as an item of business in the agenda for each of those meetings.
 - (c) Where a governing body includes a member appointed under section 214(1) or (5) of the Education Act 1993(4), sub-paragraph (d) below shall apply instead of sub-paragraph (b) above.
 - (d) A resolution to remove the chairman from office which is passed at a meeting of the governing body shall not have effect unless the matter of the chairman’s removal from office is specified as an item of business in the agenda for that meeting.
 - (e) Before the governing body vote at the relevant meeting on whether to remove the chairman from office, the governor proposing his removal shall at that meeting state his reasons for so doing and the chairman shall be given an opportunity to make a statement in response.
 - (f) In sub-paragraph (e), the reference to the relevant meeting is—
 - (i) in any case to which sub-paragraph (b) applies, to the second meeting held to consider the chairman’s removal; and
 - (ii) in any case to which sub-paragraph (d) applies, to any meeting held to consider the chairman’s removal from office.
 - (g) The proviso to paragraph (2) of regulation 19 shall not apply in relation to any meeting referred to in this paragraph.”.
- 4. In regulation 13 of the principal Regulations—
 - (a) In paragraph (3)—
 - (i) the word “or” at the end of sub-paragraph (c) shall be deleted;
 - (ii) the word “or” shall be inserted after the word “26;” in sub-paragraph (d) and
 - (iii) after sub-paragraph (d) there shall be inserted the following sub-paragraph—
 - “(e) subject to paragraph (4), removing or confirming the removal of the chairman from office in accordance with paragraph (3A) of regulation 9.”.
 - (b) After paragraph (3) there shall be inserted the following paragraph—
 - “(4) In any case to which paragraph (3A)(c) of regulation 9 applies sub-paragraph (3) (e) shall have effect as if the reference to two-thirds were a reference to one-half.”.

5. In regulation 14 of the principal Regulations after paragraph (1) there shall be inserted the following paragraph—

“(1A) Where the question is as to whether a ballot of parents should be held on the question of whether grant-maintained status should be sought for the school, it shall be determined by way of a vote involving the marking in secret of a voting paper by each member present and voting.”.

6. In regulation 19 of the principal Regulations—

(a) in paragraph (2) after the words “Provided that” there shall be inserted the words “, subject to paragraph (2A),”; and

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) A meeting of the governing body of a school shall not consider whether a ballot of parents should be held on the question of whether grant-maintained status should be sought for the school unless consideration of that question is a specific item of business on the agenda for the meeting, and in relation to any such meeting, the proviso to paragraph (2) above shall not apply.”.

6th December 1993

John Patten
Secretary of State for Education

9th December 1993

John Redwood
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st January 1994, further amend the Education (School Government) Regulations 1989.

The Regulations insert a provision allowing governors appointed under section 214(1) or (5) of the Education Act 1993 (appointment of additional governors to schools requiring special measures) to hold office without being caught by the disqualification provisions of Regulation 5 of the principal Regulations as being members of governing bodies of more than two schools (regulation 2).

The Regulations also insert provisions allowing the chairman of a governing body to be removed from office by resolution of the governing body including special provisions in the case of governing bodies where a governor has been appointed under section 214(1) or (5) of the Education Act 1993 (regulations 3 and 4).

They also insert a provision requiring the governing body of a school to hold a secret vote when deciding whether a ballot of parents should be held on the question of seeking grant-maintained status (regulation 5).

The Regulations also insert a new regulation 19(2A) which provides that a meeting of the governing body of a school shall not consider whether a ballot of parents should be held on the question of seeking grant-maintained status unless consideration of that issue is a specific item of business on the agenda. It also disapplies the provision to regulation 19(2) to meetings considering that issue, so that at least seven clear days' notice of such a meeting is required (regulation 6).