
STATUTORY INSTRUMENTS

1993 No. 3188

EDUCATION, ENGLAND AND WALES

**The Education (Grant-maintained Schools)
(Initial Sponsor Governors) Regulations 1993**

Made - - - - *16th December 1993*
Laid before Parliament *17th December 1993*
Coming into force - - *1st January 1994*

In exercise of the powers conferred on the Secretary of State by sections 77 and 301(6) of the Education Act 1993⁽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 and commencement

1. These Regulations may be cited as the Education (Grant-maintained Schools) (Initial Sponsor Governors) Regulations 1993 and shall come into force on 1st January 1994.

Interpretation

2. In these Regulations—

“the Act” means the Education Act 1993; and

“relevant particulars”, in relation to a proposed initial sponsor governor, means—

- (a) his name and address;
- (b) the term of office proposed for him in accordance with paragraph 10 of Schedule 5 to the Act; and
- (c) the name and address of the proposed sponsor who selected or, as the case may be, nominated him to be an initial sponsor governor.

Determination of initial sponsor governors

3.—(1) This paragraph applies where—

- (a) proposals are required to be published under section 32 of the Act in respect of any school; and

(b) any person is to be named in the proposals as a proposed sponsor of the school.

(2) Where only one person is to be named in the proposals as a proposed sponsor of the school, he shall select the person or persons who are to be the initial sponsor governors.

(3) Where more than one person is to be named in the proposals as a proposed sponsor of the school, each such person shall select the number of initial sponsor governors to be specified in relation to him in the proposals.

(4) Any selection required under, as the case may be, paragraph (2) or (3) above shall be made, if possible, before the date of publication of the proposals and otherwise as soon as possible after that date.

(5) The existing governing body of the school shall secure that any selection required by paragraph (2) or (3) above is carried out in accordance with that paragraph and paragraph (4) above.

(6) Any person selected under paragraph (2) or (3) above shall, if possible, be named in the proposals as published as a proposed initial sponsor governor.

(7) In the case of any person so selected who is not named in the proposals as published, the existing governing body of the school shall—

(a) give the Secretary of State notice in writing of the relevant particulars in respect of the person selected before such date as may be specified in directions given by the Secretary of State; and

(b) within the period of seven days beginning with the date of his selection, publish notice thereof in accordance with regulation 4 below.

(8) Where the Secretary of State is notified of any particulars under paragraph (7) above, he shall modify the proposals by including in them the particulars notified to him.

Publication of notice of selection

4.—(1) Where the existing governing body of the school are required in accordance with regulation 3(7)(b) above to publish notice of a person who has been selected to be an initial sponsor governor, that notice shall be published by being—

(a) posted at or near the main entrance of the school, or (if there is more than one main entrance) all of them;

(b) posted in the same place within the area served by the school as that in which the proposals as published were posted in accordance with paragraph 1(1)(b) of Schedule 3 to the Act; and

(c) made available for inspection at all reasonable times at the same place as that at which the proposals as published were made available for inspection in accordance with paragraph 1(1)(c) of that Schedule.

(2) Any such notice shall give the relevant particulars of the person in respect of whom the notice is required to be published.

Replacement of proposed initial sponsor governors

5.—(1) Where proposals published under section 32 of the Act are pending in respect of any school and a person selected under regulation 3 above or nominated in accordance with this paragraph to be an initial sponsor governor—

(a) dies;

(b) becomes prospectively disqualified for holding office as such a governor on the proposed governing body; or

(c) notifies the existing governing body that he is no longer willing to serve on the proposed governing body,
the Secretary of State shall modify the proposals by including in them (in substitution, where appropriate, for any particulars they supersede) the relevant particulars in respect of a person nominated by the relevant proposed sponsor.

(2) For the purposes of paragraph (1) above—

- (a) proposals published under section 32 of the Act are to be regarded as pending until either the proposals are withdrawn or the Secretary of State makes his determination in respect of them under section 33 of the Act; and
- (b) the reference to the relevant proposed sponsor is to the person who selected or, as the case may be, nominated the person first mentioned in paragraph (1) above to be an initial sponsor governor.

(3) The existing governing body of the school shall—

- (a) give the Secretary of State notice in writing of the occurrence of any event within paragraph (1) above;
- (b) secure the making of any nomination required for the purposes of that paragraph; and
- (c) give the Secretary of State written notification of the relevant particulars in respect of any person so nominated.

6th December 1993

John Patten
Secretary of State for Education

16th 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 make provision with respect to the determination of the persons who are to be the initial sponsor governors on the governing body of a school which acquires grant-maintained status in pursuance of proposals which include the name of a proposed sponsor.

The Regulations require the initial sponsor governors to be selected by the proposed sponsor or sponsors of the school, if possible, before the date of publication of the proposals (regulation 3). The Regulations require the existing governing body to give the Secretary of State notice in writing of any person selected as an initial sponsor governor after that date. The existing governing body are also required to publish notice of any such selection. The Regulations make provision as to the contents of such a notice and the manner of its publication (regulation 4).

The Regulations also contain provision for the replacement of an initial sponsor governor if, before the determination of the proposals for acquisition of grant-maintained status, he dies, becomes prospectively disqualified for holding office or he notifies the existing governing body that he is no longer willing to serve on the proposed governing body (regulation 5). In those circumstances, it is the duty of the existing governing body to secure that the person who made the original appointment selects a person to replace him.