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STATUTORY INSTRUMENTS

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**1994 No. 2003**

**The Education (Initial Government of Grant-maintained Special Schools) Regulations 1994**

**Parent governors**

2.—(1) Paragraph 5(1) shall have effect in relation to the initial instrument of government as if for “not less than three nor more than five parent governors” there were substituted—

“such number of parent governors (being not less than three nor more than five) as is specified in the proposals made under section 183(3)(a) or, as the case may be, 186 of this Act”.

(2) Paragraph 5 shall have effect in relation to parent governors holding office, elected or appointed, before the date of implementation of the proposals as if—

(a) in sub-paragraph (2), for “sub-paragraph (5) below” there were substituted “sub-paragraphs (3A), (5) and (9) below and any provisions contained in regulations made under section 186 of this Act”

(b) after sub-paragraph (3), there were inserted—

“(3A) For the purposes of this paragraph “parent governor” includes, in the case of a governing body incorporated in pursuance of proposals under section 186 of this Act, any person who, in accordance with that section, became such a governor on the incorporation date in relation to the school.”;

(c) in sub-paragraph (4), there were inserted at the beginning “Subject to sub-paragraphs (4A) and (4B) below”;

(d) after sub-paragraph (4) there were inserted—

“(4A) In the case of a governing body incorporated in pursuance of proposals under section 186 of this Act the instrument of government shall, until every person who became a parent governor on the incorporation date in relation to the school has ceased to hold office, provide—

(a) where a person who became a parent governor on the incorporation date in relation to the school was a governor of that category on the governing body of the school immediately before that date, for that person to hold office for the remainder of his term of office on the former governing body, and

(b) where a person who became a parent governor on the incorporation date in relation to the school was elected, appointed or nominated to hold office as such under regulations made under that section, for that person to hold office for a term of four years beginning with the incorporation date.

(4B) In the case of a governing body incorporated in pursuance of proposals under section 183(3)(a) of this Act, the instrument of government must, until every parent governor appointed before the date of implementation of the proposals has ceased to hold office, provide for any such governor to hold office—

(a) until the end of the first school term following the date of implementation of the proposals, or

(b) (if that period would exceed four years) for a term of four years.”; and

(e) after sub-paragraph (6) there were added—

“(7) Sub-paragraph (5) above does not apply, in the case of a governing body incorporated in pursuance of proposals under section 183(3)(a) of this Act, to vacancies arising before the date of implementation of the proposals.

(8) In the case of a governing body incorporated in pursuance of proposals under section 186 of this Act, in relation to the election of a person as a parent governor to that governing body during the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals—

(a) section 15(2) to (6) of the Education (No. 2) Act 1986 (qualifications and arrangements for election of parent and teacher governors) shall apply as it applies in relation to the election of a parent governor to the existing governing body of the school, and

(b) the governing body incorporated in pursuance of proposals under section 186 of this Act shall inform the authority responsible for election arrangements under that Act of any vacancy arising for a parent governor,

and the instrument of government shall have effect accordingly.

(9) In the case of a governing body incorporated in pursuance of proposals under section 183(3)(a) of this Act, the instrument of government shall have effect as if—

(a) before the date of implementation of the proposals the governing body had power to appoint as parent governors persons who satisfy the requirements specified in sub-paragraph (10) below, and

(b) the first appointments were to be made before that date.

(10) The requirements referred to in sub-paragraph (9)(a) above are that—

(a) the person appointed is a parent of a child who is likely to become a registered pupil at the school in question, or

(b) where it is not reasonably practicable to appoint such a person—

(i) in the case of a school established in a hospital, the person appointed is the parent of one or more children of compulsory school age, or

(ii) in the case of a school not so established, the person appointed is a parent of one or more children of compulsory school age with special educational needs or, if that is also not reasonably practicable, the person appointed is the parent of a person of any age with special educational needs.”.