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STATUTORY INSTRUMENTS

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**1996 No. 2050**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Government)  
(Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>31st July 1996</i>
<i>Laid before Parliament</i>		<i>9th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

In exercise of the powers conferred by sections 8(6) and (7) and 63(3) of the Education (No. 2) Act 1986(1), the Secretary of State for Education and Employment, 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 1996 and shall come into force on 1st September 1996.

(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. The principal Regulations shall be further amended in accordance with the following provisions of these Regulations.

3. In the proviso to paragraph (3) of regulation 9 (Chairmen and Vice-chairmen of governing bodies and meetings), after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) he is employed as a teacher or otherwise at the school in question;”.

4. In paragraph (3) of regulation 10 (Chairmen and Vice-chairmen of temporary governing bodies and meetings), the word “or” at the end of sub-paragraph (b) shall be omitted and after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) he is employed as a teacher or otherwise at the new school; or”.

5. In regulation 13 (Quorum)—

(a) for paragraph (1) there shall be substituted the following paragraph—

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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, amended by S.I. 1991/2845 and 1993/3107.

- “(1) Subject to paragraphs (2) (3) and (4), the quorum for a meeting of the governing body of a school, and any vote on any matter thereat, shall be any three members of that body or, where greater, any one-third (rounded up to a whole number) of the membership thereof when complete.”;
- (b) in paragraph (2), there shall be added at the end “and any vote on any matter thereat (other than a matter specified in paragraph (3)).”.
6. In paragraph (2) of regulation 14 (Proceedings and minutes), for sub-paragraphs (a), (b) and (c) there shall be substituted the following sub-paragraphs—
- “(a) withdraw from the meeting; and
- (b) in the case of a member, not vote on any question with respect to a specified matter.”.
7. In regulation 23 (Power of chairman or vice-chairman of governing body to act in cases of urgency), after paragraph (3) there shall be added the following paragraph—
- “(4) Where any function of the governing body of a school has been exercised by the chairman or vice-chairman of the governing body of the school in exercise of the power in paragraph (1) above, the chairman or vice-chairman, as the case may be, shall report any action or decision taken in relation to that function to the next meeting of the governing body.”.
8. In the Schedule (Withdrawal from meetings)—
- (a) for sub-paragraph (1) of paragraph 2 there shall be substituted the following sub-paragraph—
- “(1) Subject to sub-paragraphs (4) and (5), if a person has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the governing body at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and withdraw from the meeting during the consideration or discussion of the contract or matter and he shall not vote on any question with respect to the contract or matter.”;
- (b) after sub-paragraph (4) of paragraph 2 there shall be inserted the following sub-paragraph—
- “(5) No provision in this paragraph shall prevent members of the governing body considering and voting upon proposals for the governing body to take out insurance protecting its members against liabilities incurred by them arising out of their office or the governing body obtaining such insurance and paying the premiums.”;
- (c) in paragraph 3, for sub-paragraph (2) there shall be substituted the following sub-paragraph—
- “(2) The person first mentioned in sub-paragraph (1) shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.”;
- (d) in paragraph 4, for sub-paragraph (2) there shall be substituted the following sub-paragraph—
- “(2) The person first mentioned in sub-paragraph (1) shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.”;
- (e) in paragraph 7, for the words from “save and so far as” to the end of the paragraph there shall be substituted the words “shall withdraw from the meeting during such consideration or discussion.”.

26th July 1996

*Gillian Shephard*  
Secretary of State for Education and  
Employment

31st July 1996

*William Hague*  
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.

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## EXPLANATORY NOTE

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

These regulations, which come into force on 1st September 1996, further amend the Education (School Government) Regulations 1989 (“the principal Regulations”).

Regulations 9 and 10 of the principal Regulations are amended to provide that a governor who is employed at the school must cease to hold office as chairman or vice-chairman of the governing body.

Regulation 13 of the principal Regulations is amended to state that the quorum requirements apply to any vote at a governing body meeting as well as to the meeting itself.

Regulation 23 of the principal Regulations is amended to provide that if the chairman or vice chairman takes action under his emergency powers, he must report back to the full governing body.

Regulation 14 of, and the Schedule to, the principal Regulations are amended to provide that the governing body no longer have discretion to permit a governor who has an interest in a matter under discussion to stay and listen to the discussion. The Schedule is also amended to provide that the provisions relating to withdrawal from meetings in which members of the governing body have a pecuniary interest do not prevent members of the governing body considering or obtaining insurance protecting them against liabilities arising out of their office.