
STATUTORY INSTRUMENTS

2003 No. 348

School Governance (Constitution) (England) Regulations 2003

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the School Governance (Constitution) (England) Regulations 2003 and shall come into force on 20th March 2003, except for paragraph (2) of regulation 2, and regulation 34 and Schedule 7, which will come into force on 1st September 2003.

(2) These Regulations apply only in relation to England.

Revocations savings and amendments

2.—(1) The Education (School Government) (Transition to New Framework) Regulations 1998(1) are hereby revoked.

(2) Regulations 1 to 20 and regulation 58 of the Education (School Government) (England) Regulations 1999(2) are revoked with effect from 1st September 2003, except for the following provisions which remain in force in respect of every maintained school until a new instrument of government is made for the school in accordance with regulation 33—

Regulation 1 except for the words “and new schools” in paragraph (3);

Regulation 2(1) except for the definitions of “the First Transitional Regulations”, “new school” “School Organisation Regulations”, “the Second Transitional Regulations” and “selection panel”;

Regulation 2(2) except for the definitions of “temporary governing body” and “temporary governors”;

Regulation 3 except for the words “or temporary governing body (however constituted)” and “or (as the case may be) new school”;

Regulation 4 except for the words in brackets, for which are substituted the words “in accordance with the 1998 Act”;

Regulation 5(1) (a) except for the words “or will maintain” and “or a new school”; and after the words “for which an instrument of government has been made” are added the words “in accordance with the 1998 Act”;

Regulation 5(2) (i) (iii) and (iv), except for the words “and (b)” and the words “or, in the case of a new school which has not opened, the diocesan authority which will be the appropriate diocesan authority when the school opens”;

Regulation 6(1) and Schedule 1;

(1) [SI 1998/2763](#).

(2) [SI 1999/2163](#).

Regulations 9 to 12 and Schedules 2 to 4;

Regulation 15 except for the words “Subject to Part VIII (transitional provisions), Schedule 5 sets”, for which are substituted “Paragraphs (12) to (16) of Schedule 5 to these Regulations and Schedule 6 of the School Government (Constitution) (England) Regulations 2003 set”, and paragraphs (12) to (16) of Schedule 5;

Regulations 16, except in paragraph (1) for the words “Part VIII (transitional provisions) and to”;

Regulations 17;

Regulation 18 except in paragraph (1) for the words “and to Part VIII (transitional provisions)”;

Regulations 19 and 20.

(3) Paragraph (1) of regulation 31 of the Education (New Schools) (England) Regulations 1999⁽³⁾, is amended by substituting the words “Part 5 of the School Governance (Constitution) (England) Regulations 2003” for the words “Schedule 12 to the 1998 Act”.

Interpretation

3.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996⁽⁴⁾;

“the 1998 Act” means the School Standards and Framework Act 1998⁽⁵⁾;

“the 2002 Act” means the Education Act 2002;

“parent” includes any individual who has or has had parental responsibility for, or cares, or has cared for, a child or young person under the age of 18.

(2) Any reference in these Regulations to—

(a) the governing body or to the governing body of a school is a reference to the governing body of any maintained school to which the provision applies;

(b) a governor is a reference to a member of a governing body of any school to which the provision applies;

(c) the local education authority is a reference to the local education authority that maintains the school.

(3) [SI 1999/2262](#); this regulation is also amended by regulation 8 of the Education Act 2002 (Transitional Provisions etc) (England) Regulations 2002 ([SI 2002/2113](#)).

(4) [1996 c. 56](#).

(5) [1998 c. 31](#).