
STATUTORY INSTRUMENTS

2005 No. 1730

EDUCATION, ENGLAND

**The School Governance (Constitution, Federations and
New Schools) (England) (Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>29th June 2005</i>
<i>Laid before Parliament</i>		<i>8th July 2005</i>
<i>Coming into force</i>	- -	<i>1st August 2005</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred upon the Secretary of State by sections 19(2), (3), (8), 24, 34(5), (6) and 210(7) of the Education Act 2002⁽¹⁾ and sections 72(1) and 138(7) of the School Standards and Framework Act 1998⁽²⁾ hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as The School Governance (Constitution, Federations and New Schools) (England) (Amendment) Regulations 2005 and shall come into force on 1st August 2005.

Amendment of the School Governance (Constitution) (England) Regulations 2003

2. In the School Governance (Constitution) (England) Regulations 2003⁽³⁾—
- (a) in regulations 13(2), 14(2), 15(2), 16(2)(a) after the words “up to two sponsor governors” there shall be inserted the words “or, where the school is a secondary school⁽⁴⁾, up to four sponsor governors”;
 - (b) in regulation 16(2)(b) after the words “up to two” in brackets there shall be inserted the words “or, where the school is a secondary school, up to four”;
 - (c) in regulation 29(1)(j) for the words “which has” there shall be substituted the words “designated under section 69(3) of the 1998 Act as having”; and

(1) 2002 c. 32; by virtue of the definition of “regulations” in section 212(1), these Regulations made by the Secretary of State apply only in relation to England.

(2) 1998 c. 31; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England; section 72 is amended by paragraph 106 of Schedule 21 to the 2002 Act.

(3) SI 2003/348.

(4) Within the meaning of section 5 of the Education Act 1996 (c. 56).

- (d) in paragraph 2 of Schedule 5 after the words “not exceeding two” there shall be inserted the words “or four, as the case may be,”.

Amendment of The School Governance (Federations) (England) Regulations 2004

- 3.** In The School Governance (Federations) (England) Regulations 2004⁽⁵⁾—
- (a) in regulations 22(2), 23(2), 24(2), 25(2)(b), 26(2) and 27(3) after the words “up to two sponsor governors” there shall be inserted the words “or, where the federation contains secondary schools⁽⁶⁾ only, up to four sponsor governors”;
 - (b) in regulation 25(2)(a) after the words “up to two” in brackets there shall be inserted the words “or, where the federation contains secondary schools only, up to four”;
 - (c) in paragraph 9(2) of Schedule 1 after the words “up to two” in brackets there shall be inserted the words “or, where the federation contains secondary schools only, up to four”;
 - (d) in paragraph 12 of Schedule 1 after the words “temporary sponsor governors” there shall be inserted the words “or, where the federation contains new secondary schools only, up to four temporary sponsor governors”;
 - (e) in paragraph 2 of Schedule 6 after the words “not exceeding two” there shall be inserted the words “or four, as the case may be,”.

Amendment of the New Schools (General) (England) Regulations 2003

- 4.** In the New Schools (General) (England) Regulations 2003⁽⁷⁾—
- (a) in regulation 16(2) for the words “one or two” there shall be substituted the words “up to two or four (as the case may be)”;
 - (b) in regulations 19(2), 20(2), 21(2)(a) and 22(2) after the words “temporary sponsor governors” there shall be inserted the words “or, where the proposed school is to be a secondary school⁽⁸⁾, up to four temporary sponsor governors”;
 - (c) in regulation 21(2)(b) after the words “up to two” in brackets there shall be inserted the words “or, where the school is to be a secondary school, up to four”.

29th June 2005

Jacqui Smith
Minister of State
Department for Education and Skills

(5) [SI 2004/2042](#).

(6) Within the meaning of section 5 of the Education Act 1996 (c. 56).

(7) [SI 2003/1558](#).

(8) Within the meaning of section 5 of the Education Act 1996 (c. 56).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to three sets of regulations relating to school governance. The Regulations come into force on 15th July 2005.

Regulation 2(a) amends the School Governance (Constitution) (England) Regulations 2003 to allow the governing bodies of secondary schools to appoint up to four sponsor governors (rather than two).

Regulation 2(c) makes a minor amendment to regulation 29(1)(j) of the School Governance (Constitution) (England) Regulations 2003 to clarify the original intention of the provision.

The other paragraphs of regulation 2 set out various consequential amendments to the School Governance (Constitution) (England) Regulations 2003.

Regulation 3 provides for amendments to The School Governance (Federations) (England) Regulations 2004 in order to ensure consistency with the governance principles of the School Governance (Constitution) (England) Regulations 2003.

Regulation 4 provides for amendments to the New Schools (General) (England) Regulations 2003 in order to ensure consistency with the governance principles of the School Governance (Constitution) (England) Regulations 2003.