



School Standards and Framework Act 1998

1998 CHAPTER 31

PART I

MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

CHAPTER IV

INTERVENTION IN SCHOOLS CAUSING CONCERN

Intervention by Secretary of State

18 Power of Secretary of State to appoint additional governors.

[^{F1}(1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—

- (a) subsection (4)(school with serious weaknesses), or
- (b) subsection (6)(school requiring special measures),

the Secretary of State may appoint such number of additional governors as he thinks fit; and he may nominate one of those governors to be the chairman of the governing body in place of any person who has been elected as chairman of that body.]

(2) Before making any such appointment in relation to a voluntary aided school, the Secretary of State shall consult—

- (a) in the case of a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority; or
- (b) in any other case, the person who appoints the foundation governors.

(3) A governor appointed under this section—

- (a) shall hold office as governor for such term, and

Status: Point in time view as at 01/09/2003. This version of this provision has been superseded.

Changes to legislation: School Standards and Framework Act 1998, Section 18 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) if nominated as chairman of the governing body, shall be chairman of that body for such period,
as the Secretary of State may determine.
- (4) The Secretary of State may pay to any governor appointed under this section such remuneration and allowances as the Secretary of State may determine.
- (5) In relation to any appointment made by the Secretary of State by virtue of subsection (1) to the governing body of a school, the instrument of government for the school shall have effect as if [F2](despite anything in Part II of Schedule 9)[F2](despite anything in regulations under section 19 of the Education Act 2002)] it provided for the Secretary of State to appoint such number of additional governors as he thinks fit.
- (6) Where the Secretary of State has exercised his power under this section in relation to a school, then—
- (a) in any such case—
- (i) the local education authority may not exercise their power under paragraph 1 of Schedule 15 to suspend the governing body’s right to a delegated budget, and
- (ii) if they have already exercised that power or their power under section 17(1), the Secretary of State shall, if requested to do so by the governing body, revoke the suspension; and
- (b) in the case of a voluntary aided school, nothing in [F3]paragraph 14 of Schedule 9][F3]regulations under section 19 of the Education Act 2002] shall be read as authorising the appointment of foundation governors for the purpose of outnumbering the other governors as augmented by those appointed by the Secretary of State under this section.
- (7) The revocation of a suspension under subsection (6)(a) shall—
- (a) be notified to the local education authority in writing; and
- (b) take effect from such date as is specified in that notification.

Textual Amendments

- F1** S. 18(1) substituted (2.9.2002 for E. and 19.12.2002 for W.) by [Education Act 2002 \(c. 32\), ss. 56\(1\), 216](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2002, art. 4](#); [S.I. 2002/3185, art. 4](#), Sch. Pt. 1
- F2** Words in s. 18(5) substituted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 94\(2\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/1667, art. 4](#); [S.I. 2005/2910, art. 4](#), Sch.
- F3** Words in s. 18(6)(b) substituted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 94\(3\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/1667, art. 4](#); [S.I. 2005/2910, art. 4](#), Sch.

Modifications etc. (not altering text)

- C1** S. 18(1) modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\), reg. 4\(b\)](#)
- S. 18(1) modified (W.) (19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\), reg. 3\(b\)](#)

Status:

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