



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 1

GOVERNMENT OF MAINTAINED SCHOOLS

20 Instruments of government

- (1) For every maintained school there shall be an instrument (known as the instrument of government) which determines the constitution of the governing body and other matters relating to the school.
- (2) Regulations shall make provision with respect to the making of instruments of government, the matters to be dealt with in such instruments, the form of such instruments, and the review and variation of such instruments.
- (3) Regulations under subsection (2) may require any person responsible for the making, review or variation of an instrument of government to have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales.
- (4) [^{F1}In relation to maintained schools in England,] subsection (1) has effect subject to section 24; and regulations under subsection (2) may include provision with respect to instruments of government for federations.
- [^{F2}(4A) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under subsection (2) may include provision with respect to instruments of government for federations (within the meaning of section 21(1) of that Measure).]
- (5) The governing body of a maintained school shall not conduct the school under a name other than the one for the time being set out in the school's instrument of government.

Changes to legislation: Education Act 2002, Section 20 is up to date with all changes known to be in force on or before 03 April 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) View outstanding changes

Textual Amendments

- F1** Words in s. 20(4) inserted (28.4.2014) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), **ss. 19(3)(a)**, [33\(2\)](#); [S.I. 2014/1066](#), [art. 2](#)
- F2** S. 20(4A) inserted (28.4.2014) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), **ss. 19(3)(b)**, [33\(2\)](#); [S.I. 2014/1066](#), [art. 2](#)

Modifications etc. (not altering text)

- C1** S. 20(1) excluded (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. [1\(1\)](#), **2(b)**

Commencement Information

- I1** S. 20(1)(5) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I2** S. 20(1)-(3)(5) in force at 31.10.2005 for W. by [S.I. 2005/2910](#), [art. 4](#), **Sch.**
- I3** S. 20(2)(3) in force at 1.3.2003 except in relation to W. by [S.I. 2003/124](#), **art. 2**
- I4** S. 20(4) in force at 1.4.2003 for specified purposes except in relation to W. by [S.I. 2003/124](#), **art. 4**
- I5** S. 20(4) in force at 1.9.2003 so far as not already in force except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I6** S. 20(4) in force at 12.4.2010 for W. by [S.I. 2010/707](#), **art. 3(b)**

Changes to legislation:

Education Act 2002, Section 20 is up to date with all changes known to be in force on or before 03 April 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)