
STATUTORY INSTRUMENTS

1999 No. 362

The Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999

PART III

NEW GRANT-MAINTAINED SCHOOLS

Removal of surplus governors

34.—(1) This regulation applies where a new GM school has more governors of any of the categories referred to in paragraph (1)(a) or (b) of regulation 33 than are required as governors of the corresponding category by the instrument of government.

(2) Any person who would by virtue of any provision made by or under the 1996 Act have or have had power to remove any such governor shall have power to remove him for the purpose of eliminating the excess referred to in paragraph (1).

(3) Where a governor is removed from office under paragraph (2), the person removing him shall give written notice thereof to the clerk to the GM transitional governing body.

(4) Where the excess referred to in paragraph (1) is not eliminated—

(a) by the required number of governors of that category resigning; or

(b) by the required number of governors of that category being removed under paragraph (2);

(in either case, with effect from a date before the reconstitution date) such number of governors of that category as is required to eliminate the excess shall cease to hold office at midnight on the reconstitution date.

(a) (5) (a) The governors who are to cease to hold office under paragraph (4) shall be determined on the basis of seniority, the governor whose current period of continuous service (whether as a governor of one or more than one category) is the shortest being the first to cease to hold office.

(b) Where the governors in question are of equal seniority, the governors who are to cease to hold office shall be determined before the reconstitution date by drawing lots or, in default, by alphabetical order according to their surnames.

(6) Any procedure set out in the instrument of government, as referred to in paragraph 17 of Schedule 9 to the 1998 Act, for removal of excess foundation governors shall not apply in relation to the reconstitution of the governing body under the instrument of government in accordance with this Part.