

SCHEDULE 6

(Regulation 20)

Qualifications and disqualifications

General

1.—(1) No person is qualified to be a governor unless he is aged 18 or over at the date of his election or appointment.

(2) This provision does not apply to an associate member appointed under regulation 11.

2. No person shall at any time hold the office of more than one governor of the same school.

3. Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a school does not disqualify him from election or appointment or from continuing as a governor of any other category at that school.

Mental disorder

4. A person is disqualified from holding or for continuing to hold office as a governor of a school at any time when he is liable to be detained under the Mental Health Act 1983⁽¹⁾.

Failure to attend meetings

5.—(1) This paragraph applies to any governor who is not a governor by virtue of his office.

(2) A governor, who, without the consent of the governing body, has failed to attend the meetings thereof for a continuous period of six months beginning with the date of the first such meeting he failed to attend, is, on the expiry of that period, disqualified from continuing to hold office as a governor of that school.

(3) A foundation governor (other than an ex officio foundation governor), LEA governor, community governor, partnership governor or sponsor governor who has been disqualified as a governor of a school under sub-paragraph (2) is not qualified for election nomination or appointment as a governor of any category at that school during the twelve months immediately following his disqualification under sub-paragraph (2).

Bankruptcy

6. A person is disqualified from holding or continuing to hold office as a governor of a school if—

- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) he has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it.

Disqualification of company directors

7. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when he is subject to a disqualification order under the Company Directors Disqualification Act 1986 ⁽²⁾ or to an order made under section 429(2)(b) of the Insolvency Act 1986 ⁽³⁾ (failure to pay under county court administration order).

(1) 1983 c. 20.

(2) 1986 c. 46; as amended by the Insolvency Act 2000 (2000 c. 39).

(3) 1986 c. 45.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Disqualification of charity trustees

8. A person is disqualified from holding or from continuing to hold office as a governor of a school if—

- (a) he has been removed from the office of trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or to which he contributed or which he facilitated by his conduct; or
- (b) he has been removed, under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽⁴⁾ (*powers of Court of Session to deal with management of charities*), from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted

9. A person is disqualified from holding or from continuing to hold office as a governor of a school at any time when he is—

- (a) included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999⁽⁵⁾;
- (b) subject to a direction of the Secretary of State under section 142 of the 2002 Act;
- (c) disqualified from working with children under sections 28 and 29 of the Criminal Justice and Court Services Act 2000⁽⁶⁾; or
- (d) by virtue of an order made under section 470 or section 471 of the 1996 Act⁽⁷⁾, is disqualified from being the proprietor of any independent school or from being a teacher or other employee in any school.

Criminal convictions

10.—(1) Subject to sub-paragraph (6) below, a person is disqualified from holding, or continuing to hold, office as a governor of a school where any of sub-paragraphs (2) to (4) or (6) below apply to him.

(2) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with the date immediately preceding the date on which his appointment or election as governor would otherwise have taken effect or, as the case may be, on which he would otherwise have become a governor by virtue of his office, or
- (b) since his appointment or election as governor or, as the case may be, since he became a governor by virtue of his office,

he has been convicted, whether in the United Kingdom or elsewhere, of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person if within the period of 20 years ending with the date immediately preceding the date on which his appointment or election as governor would otherwise have taken effect or, as the case may be, on which he would otherwise have become a governor by

(4) 1990 c. 40; the functions of the Lord Advocate under this section transferred to the Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (SI 1999/678).

(5) 1999 c. 14; as amended by the Care Standards Act 2000 (2000 c. 14).

(6) 2000 c. 43.

(7) As amended by the Care Standards Act 2000.

virtue of his office, he has been convicted as aforesaid of any offence and has had passed on him a sentence of imprisonment for a period of not less than two and a half years.

(4) This sub-paragraph applies to a person if he has at any time been convicted as aforesaid of any offence and he has had passed on him a sentence of imprisonment for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4) above, any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.

(6) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with the date immediately preceding the date on which his appointment or election as governor would otherwise have taken effect or, as the case may be, on which he would otherwise have become a governor by virtue of his office, or
- (b) since his appointment or election as governor or, as the case may be, since he became a governor by virtue of his office,

he has been convicted under section 547 of the 1996 Act⁽⁸⁾ or under section 85A of the Further and Higher Education Act 1992⁽⁹⁾ (nuisance and disturbance on educational premises) of an offence and has been sentenced to a fine.

Refusal to make an application for a criminal records certificate

11. A person is disqualified from holding or continuing to hold office as a governor at any time when he refuses a request by the clerk to the governing body to make an application under section 113 of the Police Act 1997⁽¹⁰⁾ for a criminal records certificate.

Notification to clerk

12. Where, by virtue of any paragraphs 6 to 10—

- (a) a person is disqualified from holding, or for continuing to hold, office as a governor of a school; and
- (b) he is, or is proposed to become, a governor,

he shall give notice of that fact to the clerk to the governing body.

⁽⁸⁾ As amended by the 1998 Act and by section 206 and Schedule 20 of the 2002 Act.

⁽⁹⁾ 1992 c. 13; inserted by section 206 and Schedule 20 of the 2002 Act.

⁽¹⁰⁾ 1997 c. 50; as amended by the Protection of Children Act 1999, the Care Standards Act 2000 and the 2002 Act.