

2004 No. 3264

EDUCATION, ENGLAND

**The Education (Company Directors Disqualification Act 1986:
Amendments to Disqualification Provisions) (England)
Regulations 2004**

<i>Made</i> - - - -	<i>9th December 2004</i>
<i>Laid before Parliament</i>	<i>16th December 2004</i>
<i>Coming into force</i> - -	<i>28th January 2005</i>

In exercise of the powers conferred on the Secretary of State by sections 12, 19(2) and (3), 34(5) and 210(7) of the Education Act 2002(a) and sections 21(5) and (6) and 138(7) of the School Standards and Framework Act 1998(b) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Company Directors Disqualification Act 1986: Amendments to Disqualification Provisions) (England) Regulations 2004 and shall come into force on 28th January 2005.

Disqualification Provisions

2. The Schedule to these Regulations (which makes amendments to provisions relating to the grounds on which individuals are disqualified from holding certain offices under education legislation) shall have effect.

9th December 2004

David Miliband
Minister of State
Department for Education and Skills

(a) 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.
(b) 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.

Amendment of Disqualification Provisions

Education (Foundation Body) (England) Regulations 2000 (S.I. 2000/2872)

1. For paragraph 3 of Schedule 4 (disqualification for holding office) to the Education (Foundation Body) (England) Regulations 2000 there is substituted—

“3. A person shall be disqualified from holding, or from continuing to hold, office as a member of a foundation body at any time when he is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
- (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989,
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).”.

School Companies Regulations 2002 (S.I. 2002/2978)

2. For paragraph 3 of Schedule 1 (individuals who cannot be members of a school company) to the School Companies Regulations 2002 there is substituted—

“3. A person who is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
- (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, or
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002.”.

School Companies (Private Finance Initiative Companies) Regulations 2002 (S.I. 2002/3177)

3. For paragraph 3 of Schedule 1 (individuals who cannot be members of a school PFI company) to the School Companies (Private Finance Initiative Companies) Regulations 2002 there is substituted—

“3. A person who is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
- (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, or
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002.”.

School Governance (Constitution) (England) Regulations 2003 (S.I. 2003/348)

4. For paragraph 7 of Schedule 6 (qualifications and disqualifications) to the School Governance (Constitution) (England) Regulations 2003 there is substituted—

“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) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
- (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989,
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).”.

New Schools (General) (England) Regulations 2003 (S.I. 2003/1558)

5. For paragraph 6 of Schedule 2 (qualifications and disqualifications) to the New Schools (General) (England) Regulations 2003 there is substituted—

“6. A person shall be disqualified from holding, or from continuing to hold, office as a temporary governor of a new school at any time when he is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
- (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989,
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to five sets of regulations relating to foundation bodies, school companies, school governance and new schools. The Regulations come into force on 28th January 2005.

Regulation 2 gives effect to the Schedule to the Regulations. The Schedule substitutes new paragraphs relating to the grounds on which individuals are disqualified from holding certain offices under each set of regulations. These amendments reflect changes made to the Company Directors Disqualification Act 1986 by the Insolvency Act 2000 and the Insolvency Act 2000 (Company Directors Disqualification Undertakings) Order 2004.

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