

2006 No. 2198

EDUCATION, ENGLAND

**The Education (Disqualification Provisions: Bankruptcy and
Mental Health) (England) Regulations 2006**

<i>Made</i>	- - -	<i>8th August 2006</i>
<i>Laid before Parliament</i>		<i>15th August 2006</i>
<i>Coming into force</i>	- -	<i>8th September 2006</i>

The Secretary of State for Education and Skills makes the following regulations in exercise of powers conferred by section 21(5) of the School Standards and Framework Act 1998(a) and sections 12, 19(1) and (3), 34(5) and 210(7) of the Education Act 2002(b):

Citation and commencement

1. These Regulations may be cited as the Education (Disqualification Provisions: Bankruptcy and Mental Health) (England) Regulations 2006 and shall come into force on 8th September 2006.

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) has effect.

8th August 2006

Jim Knight
Minister of State
Department for Education and Skills

SCHEDULE

Regulation 2

Amendment of Disqualification Provisions

Education (Foundation Body) (England) Regulations 2000

1. For paragraph 1 of Schedule 4 to the Education (Foundation Body) (England) Regulations 2000(c) (disqualification for holding office), substitute—

(a) 1998 c.31; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.
(b) 2002 c.32; by virtue of the definition of “regulations” in section 212(1), these powers may be used by the Secretary of State only in relation to England.
(c) S.I. 2000/2872 to which there are amendments not relevant to these Regulations.

“1. A person shall be disqualified for holding, or for continuing to hold, office as a member of a foundation body at any time when he is detained under the Mental Health Act 1983.”.

School Companies Regulations 2002

2. In Schedule 1 to the School Companies Regulations 2002(a) (individuals who cannot be members of a school company)—

(a) for paragraph 1 substitute—

“1. A person—

(a) whose estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

(b) who is the subject of a bankruptcy restrictions order or an interim order.”;

(b) omit paragraph 2; and

(c) for paragraph 13 substitute—

“13. A person who is detained under the Mental Health Act 1983.”.

School Companies (Private Finance Initiative Companies) Regulations 2002

3. In the Schedule to the School Companies (Private Finance Initiative Companies) Regulations 2002(b) (individuals who cannot be members of a school PFI company)—

(a) for paragraph 1 substitute—

“1. A person—

(a) whose estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

(b) who is the subject of a bankruptcy restrictions order or an interim order.”;

(b) omit paragraph 2; and

(c) for paragraph 13 substitute—

“13. A person who is detained under the Mental Health Act 1983.”.

School Governance (Constitution) (England) Regulations 2003

4. For paragraph 6 of Schedule 6 (qualifications and disqualifications) to the School Governance (Constitution)(England) Regulations 2003(c) substitute—

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

(a) his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

(b) he is the subject of a bankruptcy restrictions order or an interim order.”.

New Schools (General) (England) Regulations 2003

5. For paragraph 5 of Schedule 2 to the New Schools (General) (England) Regulations 2003(d) (qualifications and disqualifications) substitute—

(a) S.I. 2002/2978 to which there are amendments not relevant to these Regulations.
(b) S.I. 2002/3177 to which there are amendments not relevant to these Regulations.
(c) S.I. 2003/348 to which there are amendments not relevant to these Regulations.
(d) S.I. 2003/1558 to which there are amendments not relevant to these Regulations.

“5. A person shall be disqualified from holding or continuing to hold office as a temporary governor of a new school if—

- (a) his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
- (b) he is the subject of a bankruptcy restrictions order or an interim 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 8th September 2006.

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 certain offices under four sets of regulations. These amendments reflect changes made by the introduction of the new civil regime of bankruptcy orders introduced by the Enterprise Act 2002.

These Regulations also insert a new paragraph relating to disqualification in respect of the Mental Health Act 1983, to the Education (Foundation Body) Regulations 2000, the School Companies (Private Finance Initiative Companies) Regulations 2002 and the School Companies Regulations 2002.

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