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STATUTORY INSTRUMENTS

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**2007 No. 2978**

**The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007**

**PART 5**

**QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS**

**Qualifications and disqualifications**

**16.** Schedule 2 sets out the circumstances in which a person is qualified for or disqualified from holding or continuing in office as a member.

**Term of office**

**17.—(1)** Subject to paragraphs (2) to (4), a member is to hold office for a fixed period of four years from the date of his election or appointment.

(2) Paragraph (1) does not apply to any staff member who is the teacher in charge of a unit, who may hold office for as long as he is the teacher in charge.

(3) The instrument of government may specify a shorter term of office for a particular category of member, being not less than one year.

(4) This regulation does not prevent a member from—

- (a) being elected or appointed for a further term, except as otherwise provided in these regulations;
- (b) resigning his office in accordance with regulation 18(1);
- (c) being removed from office in accordance with regulation 19; or
- (d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

**Resignation**

**18.—(1)** A member may at any time resign his office by giving written notice to the clerk to the committee.

(2) The teacher in charge of a unit may withdraw his resignation at any time by giving written notice to the clerk to the committee.

**Removal of members**

**19.—(1)** Any authority appointed member may be removed from office by the authority, who must give written notice thereof to the clerk to the committee, and to the member so removed.

(2) Any community or sponsor member may be removed from office by the committee in accordance with the procedure set out in regulation 20.

(3) A nominating body proposing the removal of a community or a sponsor member must inform the clerk to the committee, and the member in question, in writing of the reasons why it is proposing his removal.

(4) The committee may, in accordance with the procedure set out in regulation 20, remove any community member, or any sponsor member, at the request of the nominating body.

(5) In this regulation, “nominating body” means any person from whom nominations were sought for the purpose of appointing, and who nominated, the member in question.

(6) Any parent member appointed by the committee under paragraphs 7 and 8 of Schedule 1 may be removed by the committee in accordance with the procedure set out in regulation 20.

### **Procedure for removal of members by the committee**

**20.**—(1) This regulation applies in relation to the removal of a member from office in accordance with regulation 19.

(2) A resolution to remove a member from office which is passed at a meeting of the committee will not have effect unless—

- (a) in relation to the removal of a member who has been nominated by a nominating body, before the committee resolve to remove the member from office, the clerk to the committee gives the reasons for removal provided by the nominating body (as appropriate), and the member whom it is proposed to remove is given an opportunity to make a statement in response;
- (b) in relation to the removal of a community, sponsor or parent member, before the committee resolve to remove the member from office, the member or members proposing his removal state, at that meeting, their reasons for doing so, and the member who it is proposed to remove is given an opportunity to make a statement in response;
- (c) it is confirmed by a resolution passed at a second meeting of the committee held not less than fourteen days after the first meeting; and
- (d) the matter of the member’s removal from office is specified as an item of business on the agenda for each of those meetings.