

## STATUTORY INSTRUMENTS

# 2013 No. 1624

## The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

PROSPECTIVE

### PART 3

#### Appointment, Functions and Removal of Officers

##### **Election of the chair and vice-chair**

7.—(1) Subject to section 67 of the EIA 2006 (power of Secretary of State to appoint additional governors), the governing body must elect a chair and a vice-chair from among their number.

(2) Prior to the election of the chair and vice-chair, the governing body must determine the date on which the term of office of the chair and vice-chair will end.

(3) A governor who is employed at the school as a teacher or as any other member of the school's staff is not eligible to be chair or vice-chair of the governing body of that school.

(4) The chair or vice-chair may at any time resign their office by giving notice in writing to the clerk to the governing body.

(5) The chair or vice-chair ceases to hold office—

- (a) if that person ceases to be a member of the governing body;
- (b) if that person is employed at the school as a teacher or as another member of the school's staff; or
- (c) if that person is removed from office in accordance with regulation 9 or replaced by a chair nominated by the Secretary of State pursuant to section 67 of the EIA 2006.

(6) Where a vacancy arises in the office of the chair or vice-chair, the governing body must elect one of their number to fill that vacancy at their next meeting.

(7) Where the chair is absent from any meeting or there is at the time a vacancy in the office of the chair, the vice-chair is to act as chair for all purposes.

##### **Commencement Information**

**II** Reg. 7 in force at 1.9.2013, see [reg. 1\(1\)](#)

##### **Delegation of functions to the chair or vice-chair in cases of urgency**

8.—(1) Where paragraph (2) applies, the chair may exercise—

- (a) any function of the governing body which can be delegated to an individual; and
- (b) any function that under regulation 19(2) cannot otherwise be delegated to an individual.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The circumstances are that the chair is of the opinion that a delay in exercising the function would be likely to be seriously detrimental to the interests of—

- (a) the school;
- (b) any pupil<sup>(1)</sup> at the school, or their parent; or
- (c) a person who works at the school.

(3) In paragraph (2), “delay” means delay until the earliest date on which it would be reasonably practicable for a meeting of the governing body, or of a committee to which the function in question has been delegated, to be held.

(4) Where it appears to the vice-chair that—

- (a) the circumstances mentioned in paragraph (2) apply, and
- (b) the chair (whether by reason of vacancy in the office or otherwise) would be unable to exercise the function in question before the detriment referred to in that paragraph is suffered,

the reference in paragraph (1) to the chair is to be read as if it were a reference to the vice-chair.

#### Commencement Information

**I2** Reg. 8 in force at 1.9.2013, see [reg. 1\(1\)](#)

#### Removal of the chair or vice-chair from office

**9.—(1)** The governing body may by resolution remove the chair from office, unless the chair has been nominated by the Secretary of State pursuant to section 67 of the EIA 2006.

(2) The governing body may by resolution remove the vice-chair from office.

(3) A resolution to remove the chair or vice-chair from office will not have effect unless the matter is specified as an item of business on the agenda for the meeting.

(4) Before the governing body resolve to remove the chair or vice-chair from office, the governor proposing the chair or the vice-chair’s removal must at that meeting state their reasons for doing so and the chair or vice-chair, as the case may be, must be given an opportunity to make a statement in response, before withdrawing from the meeting.

#### Commencement Information

**I3** Reg. 9 in force at 1.9.2013, see [reg. 1\(1\)](#)

#### Appointment and removal of the clerk to the governing body

**10.—(1)** This regulation is without prejudice to any rights and liabilities which the clerk may have under any contract with the governing body or with the local authority.

(2) In fulfilling their duty under regulation 6(3) the governing body must ensure that the clerk is not—

- (a) a governor; or
- (b) the head teacher of the school.

(1) “Pupil” is defined at section 3 of the 1996 Act.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Notwithstanding regulation 6(3), the governing body may, if the clerk fails to attend a meeting of the school, appoint any one of their number (who is not the head teacher) to act as clerk for the purposes of that meeting.

(4) The governing body may remove the clerk to the governing body from office.

(5) If at any time the school does not have a delegated budget, the local authority may remove the clerk to the governing body and appoint a substitute, provided the local authority consults the governing body before taking such action.

---

#### **Commencement Information**

**I4** Reg. 10 in force at 1.9.2013, see [reg. 1\(1\)](#)

### **Functions of the clerk to the governing body**

**11.** The clerk to the governing body must—

- (a) attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation 15(1);
- (b) maintain a register of members of the governing body and of associate members and report any vacancies to the governing body; and
- (c) perform such other tasks as may be determined by the governing body from time to time.

---

#### **Commencement Information**

**I5** Reg. 11 in force at 1.9.2013, see [reg. 1\(1\)](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Pt. 2-5 applied (with modifications) by SI 2007/2978 reg. 21 Sch. 3 (as substituted) by [S.I. 2013/1624 Sch. 3 para. 1\(2\)\(3\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 14(6A) inserted by [S.I. 2014/1257 reg. 4\(3\)](#)
- reg. 26(2)(c) inserted by [S.I. 2013/2688 reg. 2\(3\)\(c\)](#)
- reg. 26(10) inserted by [S.I. 2013/2688 reg. 3](#)