

SCHEDULE 1

Regulation 4

Instrument of government

The instrument of government for adoption by the foundation body shall specify—

- (a) the name of the foundation body;
- (b) the names of the schools in the group;
- (c) the composition of the foundation body consisting of—
 - (i) one governor member appointed by each school in the group, and
 - (ii) a number of community members equal to one less than the total number of governor members;
- (d) provisions as to meetings (the first to be held within 12 months from the formation date and with no more than 13 months between each subsequent meeting); and
- (e) any particular character, mission or ethos for the group accepted by its members.

SCHEDULE 2

Regulation 11

Disqualification for holding office

Mental disorder

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 or she is liable to be detained under the Mental Health Act 1983(1) .

Bankruptcy

2. A person shall be disqualified for holding, or continuing to hold, office as a member of a foundation body if—

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been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded;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

Disqualification of company directors

3. 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 or she 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).

Disqualification of charity trustees

4. A person shall be disqualified for holding, or continuing to hold, office as a member of a foundation body if—

(1) 1983 c. 20.
(2) 1986 c. 46.
(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Status: This is the original version (as it was originally made).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.

- (a) that person has been removed from the office of charity trustee or 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 or she was responsible or to which he or she was privy, or which he or she by his or her conduct contributed to or facilitated; or
- (b) he or she 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

5.—(1) A person shall be disqualified for holding or continuing to hold office as a member of a foundation body at any time when he or she is included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted.

(2) In sub-paragraph (1), “the list” (“*y rhest*”) means the list kept for the purposes of regulations made under section 218(6) of the Education Reform Act 1988⁽⁵⁾.

Persons disqualified for being proprietors of independent schools

6. A person shall be disqualified for holding or continuing to hold office as a member of a foundation body at any time when he or she is, by virtue of an order made under section 470 or 471 of the Education Act 1996, disqualified for being the proprietor of any independent school or for being a teacher or other employee in any school.

Criminal convictions

7.—(1) Subject to sub-paragraph (5) below, a person shall be disqualified for holding, or for continuing to hold, office as a member of a foundation body where any of sub-paragraphs (2) to (4) or (6) below apply to him or her.

(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 that person’s appointment would otherwise have taken effect; or
- (b) since that person’s appointment,

he or she has been convicted, whether in the United Kingdom or elsewhere, of any offence and has had passed on him or her 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 that person’s appointment would otherwise have taken effect, that person has been convicted as aforesaid of any offence and has had passed on him or her a sentence of imprisonment for a period of not less than two and a half years.

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

(5) For the purposes of sub-paragraphs (2) to (4) above, there shall be disregarded 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.

(4) 1990 c. 40.

(5) Section 218 of the 1988 Act has been amended by paragraph 17 of Schedule 30 to the 1998 Act.

- (6) This sub -paragraph applies to a person who—
- (a) within the period of five years ending with the date immediately preceding the date on which his or her appointment would otherwise have taken effect; or
 - (b) since his or her appointment,

has been convicted under section 547 of the Education Act 1996 (nuisance and disturbance on education premises) of an offence which took place on the premises of a school maintained by a local education authority or a grant maintained school and has been sentenced to a fine.

Failure to attend meetings

8.—(1) A member of a foundation body who, without the consent of the foundation body concerned, has failed to attend two consecutive meetings of that body, shall, from the day after the second meeting, be disqualified for continuing to hold office as a member of that foundation body.

(2) Where a member of a foundation body has sent an apology to the clerk before a meeting which that member does not propose to attend, the minutes of the meeting shall record the foundation body's consent or otherwise to his or her absence and a copy of the minutes shall be sent to the member concerned at his or her normal place of residence.

(3) A member of a foundation body who has been disqualified under sub-paragraph (1) above shall not be qualified for nomination or appointment as a member of that foundation body during the twelve months immediately following his or her disqualification under sub-paragraph (1).

Notice to clerk

9. Where, by virtue of any of paragraphs 1 to 7, a member becomes disqualified for holding, or for continuing to hold, office as a member, he or she shall give written notice of that fact to the clerk.