
STATUTORY INSTRUMENTS

2012 No. 1035

**The School Governance (Federations)
(England) Regulations 2012**

PART 1

GENERAL PROVISIONS

Citation, commencement and application

1. These Regulations may be cited as the School Governance (Federations) (England) Regulations 2012 and come into force on 1st September 2012.

2.—(1) These Regulations apply to governing bodies of maintained schools in England that are either federated governing bodies or are proposing to federate, subject to paragraph 2.

(2) Parts 3 and 4 of these Regulations apply to a governing body only if—

(a) the governing body are constituted under an instrument of government that takes effect on or after 1st September 2012; or

(b) where the governing body are constituted under an instrument of government that takes effect before 1st September 2012, the governing body or local authority—

(i) review the instrument of government on or after that date, and

(ii) decide under regulation 32(2) of the School Governance (Constitution) (England) Regulations 2007⁽¹⁾ that the instrument of government should be varied.

Revocation, saving and transitional provisions

3. The School Governance (Federations) (England) Regulations 2007⁽²⁾ are revoked subject to regulation 4(1).

4.—(1) Regulations 1 to 3 and 13 to 30 of the School Governance (Federations) (England) Regulations 2007 continue to apply to a federated governing body constituted under an instrument of government that takes effect before 1st September 2012 unless and until Parts 3 and 4 of these Regulations apply to the governing body by virtue of regulation 2(2).

(2) A decision by a governing body under regulation 32(2) of the School Governance (Constitution) (England) Regulations 2007 is to be treated for the purposes of these regulations as a decision of the governing body under regulation 30(2) of the School Governance (Constitution) (England) Regulations 2012⁽³⁾.

⁽¹⁾ [S.I. 2007/957](#), as amended by [S.I. 2009/1924](#), [S.I. 2010/1172](#), [S.I. 2010/2582](#) and [S.I. 2012/YY](#).

⁽²⁾ [S.I.2007/960](#) as amended by [S.I. 2007/3464](#), [S.I. 2009/1556](#), [S.I. 2010/1172](#) and [S.I. 2011/1725](#).

⁽³⁾ [S.I. 2012/1034](#).

Interpretation

5.—(1) In these Regulations—

“ERA 1988” means the Education Reform Act 1988(4);

“SSFA 1998” means the School Standards and Framework Act 1998(5);

“EA 2002” means the Education Act 2002;

“EIA 2006” means the Education and Inspections Act 2006(6);

“AA 2010” means the Academies Act 2010(7);

“appropriate diocesan authority” has the meaning given by section 142(1) and (4) of SSFA 1998;

“appropriate religious body”, in relation to a school designated under section 69(3) of SSFA 1998 as having a religious character that is not a Church of England school or a Roman Catholic Church school, means the body or person, if any, that represents the specified religion or religious denomination and that is prescribed under section 88F(3)(e) of SSFA 1998;

“the Constitution Regulations 2012” means the School Governance (Constitution) (England) Regulations 2012;

“day” means school day as defined by section 579 of the Education Act 1996;

“the federation date” means the date on which governing bodies federate;

“governing body” means a governing body incorporated under section 19(1) of EA 2002 or these Regulations as appropriate;

“the local authority” means the local authority by which a maintained school is, or a proposed school is to be, maintained;

“new school” has the same meaning as in the New Schools Regulations;

“the New Schools Regulations” means the School Governance (New Schools) (England) Regulations 2007(8)

“parent” includes any individual who has or has had parental responsibility for, or cares or has cared for, a child or young person under the age of 19;

“relevant local authority” means the local authority in which a federated school is situated and which is responsible for maintaining that school;

“the Procedures Regulations” means the School Governance (Procedures) (England) Regulations 2003(9);

“qualifying foundation school” means a foundation or a foundation special school which has a foundation which meets any one or more of the conditions in section 23A(2),(3) and (4) of the SSFA 1998(10); and

“the Staffing Regulations” means the School Staffing (England) Regulations 2009(11).

(4) 1988 c.40.

(5) 1998 c.31.

(6) 2006 c.40.

(7) 2010 c.32.

(8) S.I. 2007/958 as amended by S.I. 2007/3464, S.I. 2009/1924, S.I. 2010/1172 and S.I. 2010/2582.

(9) S.I. 2003/1377 as amended by S.I. 2003/1916, S.I. 2003/1963, S.I. 2004/450, and by S.I. 2007/959.

(10) Section 23A(1)(a) was inserted by section 33(1) of the Education and Inspections Act 2006 (c.40) and has been amended by S.I. 2010/1158 and S.I. 2011/1396.

(11) S.I. 2009/2680 as amended by S.I. 2010/1172.