



Education Act 1996

1996 CHAPTER 56

PART IX

ANCILLARY FUNCTIONS

CHAPTER I

ANCILLARY FUNCTIONS OF SECRETARY OF STATE

Membership of education committees

499 Power to direct appointment of members of education committees.

- (1) Subsection (2) applies to any local authorities which in accordance with section 102(1) of the ^{M1}Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.
- (2) The Secretary of State may by directions to any local authorities to which this subsection applies require—
 - (a) every such committee, or
 - (b) any such committee of a description specified in the direction,to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts.
- (3) Subsection (4) applies to any two or more local authorities which in accordance with section 102(1) of the ^{M2}Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.
- (4) The Secretary of State may by directions to any local authorities to which this subsection applies require—

Status: Point in time view as at 04/04/2005.

Changes to legislation: Education Act 1996, Cross Heading: Membership of education committees is up to date with all changes known to be in force on or before 25 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) every such committee, or
 - (b) any such committee of a description specified in the direction,
- to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts or in such area as may be specified in the direction.
- (5) The power of the Secretary of State to give directions under subsection (2) or (4) shall be exercisable in relation to any sub-committees which—
- (a) are appointed by the authorities concerned or any such committee as is mentioned in that subsection, and
 - (b) are so appointed wholly or partly for the purpose of discharging the authorities' functions as mentioned in subsection (1) or (3) or the committee's functions with respect to education,
- as it is exercisable in relation to the committees themselves.
- ^{F1}(6) Regulations may require—
- (a) any such committee as is mentioned in subsection (1) or (3), and
 - (b) any sub-committee appointed by any authorities within subsection (1) or (3), or by any committee within paragraph (a) of this subsection, for the purpose mentioned in subsection (5)(b),
- to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools in relation to which the committee or sub-committee acts.
- (7) Regulations may make provision for—
- (a) the number of persons who are to be elected for the purposes of subsection (6) in the case of any local education authority;
 - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election;
 - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected;
 - (d) the term of office of persons so elected and their voting rights;
 - (e) the application to any such committee or sub-committee, with or without any modification, of any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority;
 - (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
- (8) Regulations may also make provision—
- (a) enabling the Secretary of State to determine, where he considers it expedient to do so in view of the small number of maintained schools in relation to which a committee or sub-committee acts, that the requirement imposed on the committee or sub-committee by virtue of subsection (6) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools;
 - (b) for any regulations under subsection (7) to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed.

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[^{F2}(9) In subsections (6) and (8)—

- (a) “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school, and
- (b) “parent governor” means a governor elected or appointed as a parent governor under regulations made under section 19 of the Education Act 2002 (governing bodies).]]

Textual Amendments

- F1** S. 499(6)-(9) added (1.10.1998) by 1998 c. 31, s.9 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I
- F2** S. 499(9) substituted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 50 (with ss. 210(8), 214(4)); S.I. 2003/2071, art. 2 (with art. 2(2)); S.I. 2005/2910, art. 4, Sch.

Marginal Citations

- M1** 1972 c. 70.
- M2** 1972 c. 70.

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