

Status: Point in time view as at 10/07/2003.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 4 is up to date with all changes known to be in force on or before 05 September 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)

SCHEDULES

SCHEDULE 4

Section 24.

SCHOOL ORGANISATION COMMITTEES

Interpretation

- 1 In this Schedule—
- “committee” means a school organisation committee;
 - “the relevant authority”, in the case of any such committee, means the local education authority by whom the committee are established.

Election of chairmen and appointment of members

- 2 Regulations may make provision with respect to—
- (a) the election by a committee of one of their number to be chairman, and one to be vice-chairman, of the committee;
 - (b) the period for which the chairman and vice-chairman are to be elected; and
 - (c) the appointment and tenure of office of, and the vacation of office by, members of a committee.

Allowances for members

- 3 (1) For the purpose of the payment of financial loss allowance under section 173(4) of the ^{M1}Local Government Act 1972, that provision shall apply, with any necessary modifications, to any member of a committee as it applies to any member of a parish or community council; and a committee shall be included in the bodies to which section 174 of that Act (travelling and subsistence allowances) applies.
- (2) In section 174(1) of that Act, in its application to a committee in accordance with sub-paragraph (1), the reference to payments at rates determined by the body in question shall be read as a reference to payments at rates determined by the relevant authority.

Marginal Citations

M1 1972 c. 70.

Financial and other assistance by LEA

- 4 (1) The relevant authority in the case of a committee shall—
- (a) defray the expenses of the committee in accordance with sub-paragraphs (2) to (5); and
 - (b) make arrangements for them to be provided with accommodation and with such services as the authority consider appropriate.

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- (2) Before the beginning of each financial year a committee shall submit to the relevant authority a statement of the estimated expenses of the committee in respect of that year (including estimates of any allowances payable to their members by virtue of paragraph 3).
- (3) Where they have received such a statement the relevant authority shall approve it, either without modification or with such modifications as they may specify.
- (4) Once they have approved the statement under sub-paragraph (3) the relevant authority shall (subject to sub-paragraphs (5) and (6)) defray the expenses of the committee, in respect of the financial year in question, up to the total amount of the expenses set out in the statement as so approved.
- (5) The relevant authority are not required by sub-paragraph (4) to defray any expenses of the committee which do not relate to an activity of the committee mentioned in the statement.
- (6) If they consider it appropriate to do so, the relevant authority may—
 - (a) defray the expenses of the committee in respect of a financial year up to an amount which exceeds the total amount referred to in sub-paragraph (4);
 - (b) defray any expenses of the committee to which sub-paragraph (5) applies.

Proceedings

- 5 (1) Regulations may make provision as to the meetings and proceedings of a committee.
- (2) Regulations under this paragraph may in particular—
 - (a) provide that, in any prescribed circumstances, the members within each category of members of a committee are to have collectively a single vote;
 - (b) require all decisions of a prescribed description which are taken by a committee (in accordance with regulations made by virtue of paragraph (a)) to be unanimous decisions of those voting.
- (3) Regulations under this paragraph must, however, include provision—
 - (a) for the members within each category of members of a committee to have collectively a single vote in relation to any decision to which this sub-paragraph applies;
 - (b) requiring any such decision which is taken by a committee to be a unanimous decision of those voting.
- (4) Sub-paragraph (3) applies to any decision of a committee as to whether or not—
 - (a) to give any approval under section 26(5) or to prepare such a plan as is mentioned in section 26(6)(d)(ii);
 - (b) to give any approval under paragraph 3 of Schedule 6 or to—
 - (i) modify any proposals,
 - (ii) specify any date, or
 - (iii) make any determination,
 under paragraph 5(2)(a) or (b) or (3) of that Schedule;
 - (c) to make, vary or revoke a transitional exemption order under paragraph 21 of that Schedule or paragraph 16 of Schedule 7;
 - (d) to give any approval under paragraph 8 of Schedule 7;

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(e) [^{F1}to make any decision authorised by or by virtue of paragraph 6 of Schedule 23.]

(5) Where regulations under paragraph 2(2) of Schedule 8 provide for either of the following provisions, namely paragraph 3 or 5(2)(a) of Schedule 6, to have effect in relation to proposals published under paragraph 2 or 3 of Schedule 8, the reference to that provision in sub-paragraph (4) above shall include a reference to it as it so has effect.

Textual Amendments

F1 Sch. 4 para. 5(4)(e) repealed (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

- 6 The validity of any proceedings of a committee shall not be affected by any vacancy among the members or by any defect in the appointment of a member.
- 7 Subject to any provision made by or under this Schedule, a committee may regulate their own procedure.
- 8 When taking any decision a committee shall have regard (so far as relevant) to the obligations which, by virtue of—
- (a) Part III of the ^{M2}Sex Discrimination Act 1975, ^{F2} . . .
 - (b) Part III [^{F3}or section 71]of the ^{M3}Race Relations Act 1976, [^{F4}or
 - (c) Chapter 1 of Part 4 of the Disability Discrimination Act 1995,]
- are owed by any local education authority or governing body which will be affected by the decision.

Textual Amendments

- F2** Word in Sch. 4 para. 8(a) repealed (1.9.2002) by 2001 c. 10, ss. 42(1)(6), 43(3), Sch. 8 Pt. 2 para. 23(2)(a), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1
- F3** Words in Sch. 4 para. 8(b) inserted (2.4.2001) by 2000 c. 34, s. 9(1), Sch. 2 para. 30 (with s. 10(5)); S.I. 2001/566, art. 2(1)
- F4** Sch. 4 para. 8(c) and the preceding word "or" inserted (1.9.2002) by 2001 c. 10, ss. 42(1), 43(3), Sch. 8 Pt. 2 para. 23(2)(b) (with s. 43(12)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

Marginal Citations

- M2** 1975 c. 65.
M3 1976 c. 74.

Indemnity

- 9 The relevant authority in the case of a committee shall indemnify the members of the committee against any reasonable legal costs and expenses reasonably incurred by those members in connection with any decision or action taken by them in good faith in pursuance of their functions as members of the committee.

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Default powers of Secretary of State

- 10 Each of sections 496 and 497 of the ^{M4}Education Act 1996 (default powers of Secretary of State) shall apply in relation to a committee as it applies in relation to a body falling within subsection (2) of that section.

Marginal Citations

M4 1996 c. 56.

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