
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which come into force on 8th January 1992, amend the Education (School Government) Regulations 1989.

The Regulations substitute a new regulation 5 of the 1989 Regulations (regulation 2). Regulation 5 as substituted, disqualifies a person for holding more than two governorships, which are held either by election or appointment, and two governorships held ex officio. In the case of governorships, which are held either by election or appointment, regulation 5 as substituted does not have effect to disqualify a person for continuing to hold office as a governor of a school, if he was elected or appointed before the date of coming into force of these regulations, until the expiry of his term of office. In the case of ex officio governorships, a person holding such office at more than two schools may designate by notice in writing two such governorships which he may then continue to hold. Further, a person may continue to hold office as an ex officio member of a governing body not so designated, where he became such before the coming into force of these Regulations; but he is to be disqualified for continuing to hold such office after 31st August 1992.

The Regulations amend regulation 6 of the 1989 Regulations so as to change, from five to three years, the number of years for which a person is to be disqualified for holding office as a governor as a result of his making a composition or arrangement with his creditors (regulation 3). The Regulations amend regulation 8 of the 1989 Regulations, by changing from twelve months to six months the provision made by those Regulations as to the period after which, if a person has failed to attend meetings of a governing body during that time, he is to be disqualified for continuing to hold office (regulation 4). The Regulations also amend regulation 13 by substituting two-thirds for three-quarters as the number required for a quorum of governors to make the appointments referred to in regulation 13(3) of the 1989 Regulations (regulation 5). The Regulations amend regulation 20 of the 1989 Regulations extending to the operation of that provision from and special agreement schools to all schools to which those Regulations apply (regulation 6).

The Regulations amend regulation 25(2) of the 1989 Regulations so as to provide that a governing body may not delegate under regulation 25(1) its functions under paragraph 1(8) to (10) of Schedule 3 to the Education Reform Act 1988 (appointment of a head teacher or deputy head teacher) (regulation 7). The Regulations also amend regulation 26 of the 1989 Regulations so as to enable the governing body to confer voting rights on persons who are not members of the governing body, where a governing body delegates the function imposed on them under section 42 of the Education (No.2) Act 1986 (use of school premises outside school hours) (regulation 8).