
STATUTORY INSTRUMENTS

1994 No. 2003

The Education (Initial Government of Grant-maintained Special Schools) Regulations 1994

First governors

- 5.—(1) Paragraph 8 shall have effect in relation to the initial instrument of government as if—
- (a) in sub-paragraph (2), for “such number of first governors as will secure that they outnumber the other governors” there were substituted—
 - “such number of first governors (being a number which will secure that they outnumber the other governors) as is specified in the proposals made under section 183(3)(a) or, as the case may be, 186 of this Act”;
 - (b) in sub-paragraph (5), there were inserted at the beginning “Subject to sub-paragraph (5A) below”; and
 - (c) after sub-paragraph (5) there were inserted—
 - “(5A) Except where either of the provisions specified in sub-paragraph (5B) below apply, the initial instrument of government shall provide for a first governor to hold office for such term as was specified in the proposals made under section 183(3)(a) or, as the case may be, 186 of this Act as the proposed term of office for governors of that category.
 - (5B) The provisions referred to in sub-paragraph (5A) above are—
 - (a) paragraph 11(3) of this Schedule, and
 - (b) where paragraph 6(5) of Schedule 5 to this Act applies in relation to the governing body of a grant-maintained special school by virtue of regulations made under paragraph 14 of this Schedule⁽¹⁾, that provision.”.
- (2) Paragraph 8 shall have effect in relation to first governors holding office before the date of implementation of the proposals as if—
- (a) in sub-paragraph (3), there were inserted at the beginning “Subject to sub-paragraphs (3A) and (3B) below”;
 - (b) after sub-paragraph (3) there were inserted—
 - “(3A) In the case of a governing body incorporated in pursuance of proposals under section 186 of this Act, the instrument of government, notwithstanding sub-paragraph (3) above, shall have effect in relation to the determination of the persons who are to be the first governors on the incorporation date—
 - (a) as if—
 - (i) it required the first governors to include, where it is reasonably practicable, at least two persons who on the date of their selection or nomination are registered parents of registered pupils at the school, and

(1) See regulation 21 of the Education (Grant-maintained Special Schools) Regulations 1994 (S.I.1994/653). See also regulation 6(4)(b) below.

- (ii) it required the first governors to include at least two persons with experience of education for those with special educational needs, but one person might satisfy both requirements, and
 - (b) as if it required the first governors to include a person who appears to those selecting or nominating him to be a member of the local business community (and such a person might also satisfy one or both of the requirements of paragraphs (a)(i) and (ii) above).
- (3B) In the case of a governing body incorporated in pursuance of proposals under section 183(3)(a) of this Act—
 - (a) any provision of the instrument made by virtue of sub-paragraph (3)(a)(i) above shall not apply in relation to the appointment before the date of implementation of the proposals of any first governor, and
 - (b) any provision of the instrument made by virtue of sub-paragraph (3)(b) above shall apply, in relation to the determination of the persons who are to be first governors on the incorporation date, as if references to the governing body were references to the funding authority.”;
- (c) in sub-paragraph (4), there were inserted at the beginning “Subject to sub-paragraphs (4A) and (4B) below,”; and
- (d) after sub-paragraph (4) there were inserted—
 - “(4A) In the case of a governing body incorporated in pursuance of proposals under section 183(3)(a) of this Act, “first governor” includes a person who—
 - (a) became a member of the governing body on the incorporation date in relation to the school, and
 - (b) was appointed by the funding authority as a person appearing to them to be committed to the good government and continuing viability of the proposed school.
 - (4B) In the case of a governing body incorporated in pursuance of proposals under section 186 of this Act, “first governor” includes a person who—
 - (a) became a member of the governing body on the incorporation date in relation to the school, and
 - (b) was selected or nominated under regulations made under section 186 of this Act⁽²⁾ as a person appearing to those selecting or nominating him to be committed to the good government and continuing viability of the proposed school.”.

(2) See regulation 18 of the Education (Grant-maintained Special Schools) Regulations 1994 (S.I. 1994/653, amended by S.I. 1994/1231).