
STATUTORY INSTRUMENTS

1994 No. 2281

EDUCATION, ENGLAND AND WALES

**The Education (Government of Groups of
Grant-maintained Schools) Regulations 1994**

<i>Made</i>	- - - -	<i>1st September 1994</i>
<i>Laid before Parliament</i>		<i>5th September 1994</i>
<i>Coming into force</i>	- -	<i>1st October 1994</i>

In exercise of the powers conferred on the Secretary of State by sections 127(5)(c) and 187(2) of the Education Act 1993(1) the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Government of Groups of Grant-maintained Schools) Regulations 1994 and shall come into force on 1st October 1994.

(2) In these Regulations—

“the Act” means the Education Act 1993.

Applications and modifications pursuant to section 127(5)(c)

2. Where proposals for the purposes of subsection (1)(a) or (b) of section 127 of the Act(2) are approved sections 119 to 123 of the Act, Schedule 8 (as modified, where appropriate, by regulation 3 below) to the Act and the instrument of government of a group shall have effect in relation to any person who becomes a member of the governing body of a group—

(i) before the date of implementation of the proposals, or

(ii) before the date on which the first instrument under section 57(1) of the Act for the governing body comes into effect,

with the following modifications:—

(1) 1993 c. 35; for the definition of “prescribed” and “regulations” see section 305(1). Section 127 is in Chapter IX of Part II of the Act which is modified by the Education (Groups including Grant-maintained Special Schools) Regulations 1994 (S.I.1994/779).

(2) The relevant regulations made under this section are the Education (Groups of Grant-maintained Schools) Regulations 1994 (S.I. 1994/1041).

- (a) section 119(2) shall have effect, in relation to any person who becomes a member of the governing body of a group before the date on which the first instrument under section 57(1) of the Act comes into effect, as if for the words “not be” there were substituted the words “be as specified in the proposals not being”, and
- (b) section 119(5) shall have effect in relation to a person who was elected, appointed or nominated before the date of incorporation of the governing body as if the reference to four years were to four years from the date of incorporation;
- (c) section 120(1) shall have effect, in relation to any person who becomes a member of the governing body of a group before the date on which the first instrument under section 57(1) of the Act comes into effect, as if there were added at the end of the subsection the words “in accordance with the proposals”.
- (d) section 120(4) shall have effect in relation to a person who was elected, appointed or nominated before the date of incorporation of the governing body of the group as if the reference to four years were to four years from the date of incorporation;
- (e) in section 122(3) for the words “may be specified in the instrument” there are substituted the words “is specified in the proposals”; and
- (f) in relation to Schedule 8:—
 - (i) references to the governing body are to a governing body or governing bodies required under any enactment⁽³⁾, or under any proposals, to select initial core governors and any requirement imposed by that Schedule in relation to the appointment of core governors by the governing body shall apply to such selection;
 - (ii) that Schedule shall have effect, in relation to any person who becomes a member of the governing body of a group before the date on which the first instrument under section 57(1) of the Act comes into effect, so that the number of core governors appointed by a governing body or governing bodies or, as the case may be, externally appointed shall be in accordance with the proposals being a number which meets the requirements in that Schedule;
 - (iii) paragraph 2(3) shall have effect, in relation to any person who becomes a member of the governing body of a group before the date on which the first instrument under section 57(1) of the Act comes into effect as if for “instrument of government” there were substituted “proposals”.

Modification of Schedule 8 in relation to grant-maintained special schools

3.—(1) Paragraph 4 of Schedule 8 to the Act shall be modified in relation to groups containing one or more grant-maintained special schools as follows to the extent described:

- (a) For sub-paragraph (3) there is substituted:—
 - (a) “(3) In the case of a group containing one or more grant-maintained special schools the appropriate number of the core governors must (on the date or dates on which they respectively take office), if reasonably practicable, be parents of registered pupils at schools in the group;
 - (b) in the case of a group consisting only of grant-maintained special schools, not less than two core governors must be persons with experience of education for those with special educational needs;
 - (c) in the case of a group not falling within (b) above or (d) below, which contains one or more grant-maintained special schools—

(3) see regulation 27 of the Education (Groups of Grant-maintained Schools) Regulations 1994 (S.I. 1994/1041).

- (i) at least one of the core governors must be a person appearing to the governing body to be a member of the local community, and
- (ii) at least one of the core governors must be a person with experience of education for those with special educational needs;
- (d) in the case of a group consisting of one or more schools falling within paragraph 2(2)(a) above and one or more grant-maintained special schools only, at least one of the core governors must be a person with experience of education for those with special educational needs;”
- (b) Sub-paragraph (5) shall not apply in the case of a group containing one or more grant-maintained special schools.
- (c) at the end of the paragraph there shall be added:
 - “(8) One person may satisfy any number of the requirements in sub-paragraphs (3)(a), (3)(b), (3)(c)(i) or (3)(c)(ii) above.”.

Application of Schedule 11 to groups containing grant-maintained special schools

4. Paragraphs 1(2) and 4 of Schedule 11 to the Act shall apply in relation to the articles of government of a grant-maintained special school in a group but otherwise the provisions of that Schedule shall not apply in relation to such a school in a group.

24th August 1994

Eric Forth
Minister of State,
Department for Education

1st September 1994

John Redwood
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply with modifications sections 119 to 123 of and Schedule 8 to the Education Act 1993 (“the Act”) and the instrument of government in relation to people who become governors of proposed groups before the proposals are implemented or before the date on which the first instrument comes into effect under section 57(1) of the Act. The Regulations also modify Schedules 8 and 11 of the Act in relation to groups containing one or more grant-maintained special schools.