
STATUTORY INSTRUMENTS

1994 No. 654

The Education (Governors of New Grant-maintained Schools) Regulations 1994

PART II

APPOINTMENT OF INITIAL FIRST AND FOUNDATION GOVERNORS

Appointment of initial first governors

2.—(1) This regulation applies where proposals under section 48 of the 1993 Act for the establishment of a new grant-maintained school have been approved by the Secretary of State, or adopted by the funding authority, in accordance with section 51 of that Act.

(2) Before the incorporation date the funding authority shall—

- (a) subject to paragraph (3) below, appoint the number of initial first governors specified in the proposals, and
- (b) notify the Secretary of State in writing where any such appointment is made.

(3) Before appointing any person to be an initial first governor the funding authority shall obtain the Secretary of State's consent in writing to that person's appointment.

Appointment of initial foundation governors

3.—(1) This regulation applies where proposals under section 49 of the 1993 Act for the establishment of a new grant-maintained school have been approved by the Secretary of State in accordance with section 51 of that Act.

(2) Before the incorporation date the promoters shall—

- (a) subject to paragraphs (3) and (4) below, appoint the number of initial foundation governors specified in the proposals, and
- (b) notify the Secretary of State in writing where any such appointment is made.

(3) For the purposes of paragraph (2)(a) above, no account shall be taken, in determining the number of initial foundation governors specified in the proposals, of any foundation governorship which is to be held ex officio.

(4) Before appointing any person to be an initial foundation governor the promoters shall obtain the Secretary of State's consent in writing to that person's appointment.

(5) In this regulation, "promoters" means the persons who published the proposals under section 49 of the 1993 Act.

Appointment of replacement initial first and foundation governors

4.—(1) This regulation applies where before the incorporation date a person appointed in accordance with regulation 2 or 3 to be an initial first or (as the case may be) foundation governor—

- (a) dies,

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- (b) becomes prospectively disqualified for holding office as such a governor on the governing body, or
- (c) notifies the person or persons who appointed him (“the appointing authority”) that he is no longer willing to serve on the proposed governing body.

(2) The appointing authority shall, if it is possible to do so before the incorporation date, appoint a person to be an initial first or (as the case may be) foundation governor to replace the person referred to in paragraph (1) above.

(3) Before appointing any person to be an initial first or foundation governor in accordance with this regulation the appointing authority shall obtain the Secretary of State’s consent in writing to that person’s appointment.

(4) The appointing authority shall (if possible before the incorporation date or, if not, as soon as possible thereafter) notify the Secretary of State of any appointment made in accordance with this regulation.

Interpretation of Part II

5. In this Part of these Regulations—

“initial first governor” and “initial foundation governor” shall have the meanings given to them respectively by paragraphs 7(2) and 8(2) of Schedule 7 to the 1993 Act, and

“the incorporation date” means the date specified in the proposals under section 48 or (as the case may be) 49 of the 1993 Act as the proposed incorporation date of the governing body.