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STATUTORY INSTRUMENTS

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**1999 No. 362**

**The Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999**

**PART II**

**NEW LEA MAINTAINED SCHOOLS**

**Elections**

**19.**—(1) This regulation applies in relation to the election of governors referred to in regulation 14(3).

(2) Subject to paragraph (4), in this regulation, “appropriate authority” means—

- (a) in relation to a new LEA maintained school which will be or is a community, community special or voluntary controlled school, the local education authority, and,
- (b) in relation to a new LEA maintained school which will be or is a voluntary aided school, the temporary governing body before the appointed day and the transitional governing body on and after that day.

(3) Where a local education authority are the appropriate authority in relation to a school, that authority may delegate to the head teacher of the school any of their functions under this regulation, except their functions under paragraph (5).

(4) The local education authority shall be the appropriate authority in relation to a school within paragraph (2)(b), if the temporary governing body or the transitional governing body (as the case may be) and the local education authority so agree.

(5) The appropriate authority shall determine—

- (a) for the purposes of an election of parent governors, any question whether a person is a parent of a registered pupil at the school;
- (b) for the purposes of an election of teacher governors, any question whether a person is a teacher at the school; and
- (c) for the purposes of an election of staff governors, any question whether a person is employed under a contract of employment or a contract for services to work at the school otherwise than as a teacher.

(6) The appropriate authority shall make all necessary arrangement for, and determine all other matters relating to, an election of parent governors, teacher governors, or staff governors.

(7) The power conferred by paragraph (6)—

- (a) includes power to make provision as to qualifying dates, but
- (b) does not include power to impose any requirement as to the minimum number of votes required to be cast for a candidate to be elected.

(8) Any election of parent governors, teacher governors or staff governors which is contested shall be held by secret ballot.

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

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(9) The arrangements made under paragraph (6) shall, in the case of any election of a parent governor, provide for every person who is entitled to vote in the election to have an opportunity to do so by post, or, if he prefers, by having his ballot paper returned to the school by a registered pupil at the school.

(10) Where a vacancy for a parent governor is required to be filled by election, the appropriate authority shall take such steps as are reasonably practicable to secure that every person who is known to them to be a parent of a registered pupil at the school is—

- (a) informed of the vacancy and that it is required to be filled by election; and
- (b) informed that he is entitled to stand as a candidate, and vote, at the election; and
- (c) given an opportunity to do so.

(11) Where a local education authority are the appropriate authority, that authority shall exercise their functions under this regulation in a manner calculated to enable the temporary governing body or transitional governing body, as the case may be, to fulfil their respective duties under regulation 14(3).