
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the new arrangements for the constitution of governing bodies of maintained schools, including maintained nursery schools, in England. After 1st September 2003, all governing bodies of new schools must be constituted in accordance with these Regulations. An existing governing body may, until 1st September 2006 choose whether to retain its existing Instrument of Government or to adopt a new one in accordance with these Regulations.

Part 1 provides for the Regulations to come into force on 20th March 2003, sets out the Regulations that are to be revoked or amended (mainly Parts I to III and Part VIII of the Education (School Government) (England) Regulations 1999 [SI 1999/2163](#)) and contains the interpretation provisions.

Part 2 describes the various categories of governor. Regulation 4 and Schedule 1 deal with parent governors and set out the basis on which a person may qualify to stand for election and to vote for a parent governor or to be appointed as a parent governor.

Regulation 5 deals with staff governors. This category includes both teaching and non-teaching staff and the head teacher of the school. The head teacher is a staff governor by virtue of his position but may resign his governorship (or withdraw his resignation) at any time. Schedule 2 deals with the election process for the other staff governors.

Regulation 6 deals with the appointment of LEA governors.

Regulation 7 sets out who is eligible for appointment as a community governor. Schedule 3 sets out provisions that apply to the appointment of community governors in special schools.

Regulation 8 deals with the appointment of foundation governors, including ex officio foundation governors and substitute governors. Regulation 9 and Schedule 4 deal with the nomination process for, and the appointment of, partnership governors.

Regulation 10 and Schedule 5 make provision for the appointment of an entirely new (and optional) category of sponsor governor.

Regulation 11 provides for the appointment of persons who are not governors (known as associate members) to committees of the governing body.

Part 3 sets out the general principles by which the size and composition of school governing bodies shall be determined. Regulations 13 to 16 set out the specific requirements for the constitution of the governing bodies of each category of school.

Regulation 17 sets out the requirements to be observed by a person wishing to exercise the power of nominating or appointing a governor. If there is any dispute between persons jointly entitled to nominate or appoint a governor, the appointment shall be made by the Secretary of State under regulation 18. Regulation 19 provides for surplus governors to serve out their term of office.

Part 4 deals with qualifications and term of office. Regulation 20 and Schedule 6 set out the circumstances in which a governor (or associate member) shall be disqualified from standing for election, being appointed or continuing in office as a governor.

Regulation 21 provides that (with some exceptions) a governor's term of office shall be a maximum of 4 years. In the event that an ex officio foundation governor is unable or unwilling to take up office, a substitute governor may be appointed. Regulation 22 sets out the procedure for resigning as a governor. Regulations 23 to 26 provide for the removal of governors who have been appointed (rather than elected) to office.

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

Part 5 deals with the procedure for making, reviewing and varying instruments of government and the content of instruments. The first instrument of government of a maintained nursery school will be prepared and made by the LEA. Regulation 28 sets out the duty to have regard to guidance given by the Secretary of State in this regard. Regulation 32 sets out the duty to provide copies of the instrument of government to every member of the governing body, the head teacher, the trustees of the school (if any) and the diocesan authority or other appropriate religious body (in the case of faith schools). Regulation 33 lays a duty on LEAs to ensure that all schools have an instrument of government that conforms to these Regulations by 31st August 2006.

Part 6 and Schedule 7 enable governors appointed or elected to office prior to or on 1st September 2003 to continue in office when an instrument of government made in accordance with these Regulations comes into effect.