

2003 No. 523

EDUCATION, ENGLAND

**The Education (Governors' Allowances) (England) Regulations
2003**

<i>Made</i> - - - -	<i>3rd March 2003</i>
<i>Laid before Parliament</i>	<i>12th March 2003</i>
<i>Coming into force</i> - -	<i>1st September 2003</i>

In exercise of the powers conferred on the Secretary of State by section 19(3) and 210(7) of the Education Act 2002(a), and sections 519 and 569(4) of, and paragraph 19 of Schedule 9 to, the Education Act 1996(b), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Governors' Allowances) (England) Regulations 2003 and shall come into force on 1st September 2003.

(2) These Regulations shall apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996;

“the 1998 Act” means the School Standards and Framework Act 1998(c);

“the 2002 Act” means the Education Act 2002;

“associate member” means a person appointed by the governing body as a member of one or more of its committees but who is not a member of the governing body for the purposes of section 18 of the 2002 Act;

“governing body” in relation to a maintained school includes a temporary governing body constituted under section 34 of the 2002 Act; and

“governor” in relation to a maintained school includes a member of a temporary governing body.

(2) In these Regulations, a reference to “receipt” includes a reference to other evidence establishing the amount of the expenditure.

(a) 2002 c.32.

(b) 1996 c.56. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. Section 519 is amended by paragraph 139 of Schedule 30 to the 1998 Act. For the meaning of “regulations” see section 579(1) of the 1996 Act and section 212(1) of the 2002 Act, and for the meaning of “prescribed” see section 579(1) of the 1996 Act.

(c) 1998 c.31.

Revocation of the Education (Governors' Allowances) Regulations 1999

3. The Education (Governors' Allowances) Regulations 1999(a) are hereby revoked in relation to England with effect from 1st September 2003.

Schools with delegated budgets

4.—(1) The governing body of a maintained school which has a delegated budget may determine, in accordance with the provisions of a scheme made by it for the purposes of these Regulations, to pay to a member of that governing body or any associate member thereof payments by way of allowance referred to in paragraph (2).

(2) The payments by way of allowance referred to in paragraph (1) are in respect of expenditure necessarily incurred by that person for the purpose of enabling him to perform any duty as a governor or as an associate member being either payments made under regulation 7 or payments at a rate determined by the governing body and made on provision of a receipt for the relevant amount.

(3) A scheme referred to in paragraph (1) may not make different provision in relation to members of the governing body and associate members thereof or in relation to different categories of governor.

Schools without delegated budgets and other institutions

5.—(1) The allowances referred to in paragraph (2) are hereby prescribed as allowances which a local education authority may, in accordance with the provisions of a scheme made by them for the purposes of section 519 of the 1996 Act, pay to—

- (a) a governor of a maintained school which does not have a delegated budget;
- (b) a person appointed to represent the local education authority on the governing body of any institution providing higher education or further education (or both);
- (c) a person appointed to represent the local education authority on the governing body of any independent school or special school which is not maintained by that authority.

(2) The payments by way of allowance referred to in paragraph (1) are in respect of expenditure necessarily incurred by that person for the purpose of enabling him to perform any duty as a governor or as a person appointed to represent the local education authority being payments either made under regulation 7 or payments at a rate determined by the authority and made on provision of a receipt for the relevant amount.

6.—(1) Where a maintained school does not have a delegated budget, the allowances referred to in paragraph (2) may be paid by the local education authority to an associate member of the governing body in accordance with the provisions of a scheme made by the authority for that purpose.

(2) The payments by way of allowance referred to in paragraph (1) are in respect of expenditure necessarily incurred by that person for the purposes of enabling him to perform any duty as an associate member being payments either made under regulation 7 or payments at a rate determined by the authority and made on provision of a receipt for the relevant amount.

Travel payments for private vehicles

7. Payments for travel expenses incurred through the use of private cars, pedal cycles and motorcycles shall be at a rate not exceeding the Inland Revenue Authorised Mileage Rate (b) as published from time to time.

(a) S.I. 1999/703.

(b) The Inland Revenue Authorised Mileage Rate is provided in paragraph 4 of Schedule 12AA to the Income and Corporation Taxes Act 1988 (c. 1). Paragraph 4 was inserted by section 57(2) and (4) of, and Part 1 of Schedule 12 to, the Finance Act 2001 (c. 9).

3rd March 2003

David Miliband
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for allowances to be paid to governors and associate members of governing bodies by the governing bodies of maintained schools which have delegated budgets. Travel expenses must be paid at a rate not exceeding the maximum level of the Inland Revenue Authorised Mileage Rate. Other expenses must be paid on provision of a receipt at a rate determined by the governing body, and will be limited to the amount shown on the receipt.

The Regulations also make provision for allowances to be paid by the local education authority to the following: governors of a maintained school which does not have a delegated budget, and persons appointed to represent the local education authority at an institution providing higher education or further education (or both), or on the governing body of an independent school or non-maintained special school.

STATUTORY INSTRUMENTS

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