

SCHEDULE 6

Regulation 19

Appointment of sponsor governors

1. In this Schedule, “sponsor” in relation to a federation means—
 - (a) a person who gives or has given substantial financial assistance (which for these purposes includes benefits in kind) to the federation or to a federated school other than pursuant to statutory obligation; or
 - (b) any other person (not being otherwise represented on the governing body of a federation) who provides or has provided substantial services to the federation or to a federated school,provided that, in either case, such person is not entitled to appoint the foundation governors nor connected to any person so entitled.
2. For the purposes of paragraph 1, a person is connected with a person entitled to appoint foundation governors where—
 - (a) he is a partner or relative (including a spouse or someone living with that person as if he or she were that person’s spouse); or
 - (b) either or both persons are a body corporate and one owns at least one-fifth of the other’s equity share capital (within the meaning of the Companies Act 1985⁽¹⁾), or is entitled to exercise or control the exercise of more than one-fifth of the voting power of the other at any general meeting.
3. Where the federation has one or more sponsors, the governing body of a federation may determine that the instrument of government is to provide for the governing body of a federation to appoint such number of sponsor governors, not exceeding two, or four, as the case may be, nominated in accordance with paragraph 4.
4. The governing body of a federation must seek nominations for such appointments from the federation’s or federated school’s sponsor or (as the case may be) from one or more of the federation’s or federated school’s sponsors.

(1) The Companies Act 1985 has been prospectively repealed by the Companies Act 2006.