

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY INSTRUMENTS

# 2013 No. 1624

## The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

PROSPECTIVE

### PART 4

#### Meetings and Proceedings of Governing Bodies

##### Restrictions on persons taking part in proceedings

**16.** In this regulation and in Schedule 1—

- (a) “relevant person” means a governor, an associate member, the head teacher (whether or not that person is a governor) or any person appointed as clerk to the governing body or to a committee.
- (b) Subject to sub-paragraph (d), where in relation to any matter—
  - (i) there may be a conflict between the interests of a relevant person and the interests of the governing body,
  - (ii) a fair hearing is required and there is any reasonable doubt about a relevant person’s ability to act impartially, or
  - (iii) a relevant person has a pecuniary interest,that person, if present at a meeting of the school at which the matter is the subject of consideration, must disclose his or her interest, withdraw from the meeting and not vote on the matter in question.
- (c) Nothing in this regulation or in Schedule 1 may be construed as precluding—
  - (aa) the governing body, or a committee, from allowing a person who appears to them to be able to give evidence to attend any hearing conducted by them into any matter and to present his or her evidence; or
  - (bb) the governing body, or a committee, from hearing representations from a relevant person acting in a capacity other than that of a relevant person; or
  - (cc) a relevant person from entering into a contract with the governing body from which the relevant person is entitled to profit.
- (d) A person who is acting as the clerk to a meeting of the school is not required to withdraw from a meeting by this regulation or Schedule 1 unless the person’s appointment to office, remuneration, or disciplinary action against that person is the subject of the consideration, but if this regulation or Schedule 1 would have otherwise required the person to withdraw, that person must not act in any capacity other than that of a clerk.

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (e) Where there is any dispute as to whether a relevant person is required by this regulation or by Schedule 1 to withdraw from a meeting of the school and not vote, that question must be determined by the other governors present at the meeting.
- (f) Schedule 1 makes provision about pecuniary interests and other specified conflicts of interest.

---

#### Commencement Information

**II** Reg. 16 in force at 1.9.2013, see [reg. 1\(1\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- reg. 16 coming into force by [S.I. 2013/1624 reg. 1\(1\)](#)
- reg. 16 substituted by [S.I. 2014/1257 reg. 4\(4\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 14(6A) inserted by [S.I. 2014/1257 reg. 4\(3\)](#)
- reg. 26(2)(c) inserted by [S.I. 2013/2688 reg. 2\(3\)\(c\)](#)
- reg. 26(10) inserted by [S.I. 2013/2688 reg. 3](#)