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STATUTORY INSTRUMENTS

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**2014 No. 1257**

**The School Governance (Constitution and Federations)  
(England) (Amendment) Regulations 2014**

**Amendment to the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013**

4.—(1) The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013<sup>(1)</sup> are amended as follows.

(2) In regulation 13(7) for “subject to the exceptions at regulations 14(5), 14(6) and 17(2) of these Regulations” substitute “subject to the exceptions at regulations 14(5), 14(6), 14(6A) and 17(2) of these Regulations”.

(3) After regulation 14(6) insert—

“(6A) No decision to remove excess governors under regulation 15(2) to (4) of the School Governance (Constitution) (England) Regulations 2012<sup>(2)</sup> or regulation 22A(2) to (4) of the School Governance (Federations) (England) Regulations 2012<sup>(3)</sup> has effect unless the matter is specified as an item of business on the agenda for the meeting.”.

(4) For regulation 16, substitute—

“16.—(1) In this regulation and in Schedule 1, “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.

(2) Subject to paragraph (4), where in relation to any matter—

- (a) there may be a conflict between the interests of a relevant person and the interests of the governing body,
- (b) a fair hearing is required and there is any reasonable doubt about a relevant person’s ability to act impartially, or
- (c) 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.

(3) Nothing in this regulation or Schedule 1 may be construed as precluding—

- (a) 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;
- (b) 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

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(1) [S.I. 2013/1624](#).  
(2) [S.I. 2012/1034](#).  
(3) [S.I. 2012/1035](#).

(c) a relevant person from entering into a contract with the governing body from which the relevant person is entitled to profit.

(4) 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.

(5) Where there is any dispute as to whether this regulation or Schedule 1 requires a relevant person to withdraw from a meeting of the school and not vote, that question must be determined by the other governors present at the meeting.

(6) Schedule 1 makes provision about pecuniary interests and other specified conflicts of interest.”

(5) In regulation 25(1), omit the words “and to Schedule 1”.

(6) In paragraphs 1(2), 2(2) and 3(3) of Schedule 1, for “regulation 16(b)” substitute “regulation 16(2)”.