
WELSH STATUTORY INSTRUMENTS

2005 No. 2914

**The Government of Maintained
Schools (Wales) Regulations 2005**

PART 10

Restrictions on persons taking part in proceedings

63.—(1) In this regulation and in Schedule 7—

- (a) “relevant person” (“*person perthnasol*”) means a governor, a member of a committee who is not a governor, the head teacher (whether or not he or she is a governor) or any person appointed as clerk to the governing body or to a committee; and
- (b) any reference to “meeting of the school” (“*cyfarfod o'r ysgol*”) is a reference to a meeting of the governing body or of a committee, including a selection panel established under Schedules 16 or 17 to the 1998 Act.

(2) Subject to paragraph (4), where—

- (a) in relation to any matter 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 in relation to any matter; or
- (c) a relevant person has a pecuniary interest in any matter;

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 in Schedule 7 is to be construed as precluding—

- (a) the governing body, or a committee, from—
 - (i) 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
 - (ii) hearing representations from a relevant person acting in a capacity other than that of a relevant person; or
- (b) a relevant person from entering into a contract with the governing body from which he or she 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 7 unless his or her appointment to office, his or her remuneration, or disciplinary action against him or her is the subject of consideration, but if this regulation or Schedule 7 would have otherwise required him or her to withdraw, he or she may not act in any capacity other than that of a clerk.

(5) Where there is any dispute as to whether a relevant person is required by this regulation, or by Schedule 7 to withdraw from a meeting of the school and not vote, that question is to be determined by the other governors present at the meeting.

(6) Schedule 7 makes provision about pecuniary interests and other specified conflicts of interest.