
WELSH STATUTORY INSTRUMENTS

2008 No. 168

**The Collaboration Between Maintained
Schools (Wales) Regulations 2008**

Restrictions on persons taking part in proceedings

9.—(1) In this regulation and in the Schedule “relevant person” (“*person perthnasol*”) means a member of the joint committee, a head teacher (whether or not he or she is a member of the joint committee) or any person appointed as clerk to the joint committee.

(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 a collaborating 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 joint committee 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 the Schedule is to be construed as precluding—

- (a) the joint committee from—
 - (i) allowing a person who appears to it to be able to give evidence to attend any hearing conducted by it 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;
- (b) a relevant person from entering into a contract with a collaborating 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 joint committee is not required to withdraw from a meeting by this regulation or the Schedule 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 the Schedule would have otherwise required him or her to withdraw, he or she must not act in any capacity other than that of clerk.

(5) Where there is any dispute as to whether a relevant person is required by this regulation to withdraw from a meeting of the joint committee and not vote that question must be determined by the other members of the joint committee present at the meeting.

(6) The Schedule makes provision for pecuniary interests and other specified conflicts of interest.