

2007 No. 959

EDUCATION, ENGLAND

**The School Governance (Procedures) (England) (Amendment)
Regulations 2007**

<i>Made</i> - - - -	<i>22nd March 2007</i>
<i>Laid before Parliament</i>	<i>4th April 2007</i>
<i>Coming into force</i> - -	<i>25th May 2007</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the power conferred by sections 19(3) and 210(7) of the Education Act 2002(a).

Citation and commencement

1. These Regulations may be cited as the School Governance (Procedures) (England) (Amendment) Regulations 2007 and come into force on 25th May 2007.

Amendment of the School Governance (Procedures) (England) Regulations 2003

2. The School Governance (Procedures) (England) Regulations 2003(b) are amended as follows—

- (a) in regulation 3(1) after the definition of “the 2002 Act” insert the following definition—
““the 2006 Act” means the Education and Inspections Act 2006;”;
- (b) in regulation 3(1), for the definition of “the Constitution Regulations” substitute—
““the Constitution Regulations” means the School Governance (Constitution) (England) Regulations 2007(c);”;
- (c) in regulations 5(1), 5(5)(c), 5(6) and 7(1), for “section 18 of the 1998 Act” insert “section 67 of the 2006 Act(d);”;
- (d) for regulation 9(e)(i) substitute—
“(i) regulations 19 (*Notification of appointments*) and 23 (*Resignation*) of, and paragraph 12 of Schedule 6 (*Notification to clerk*) to, the Constitution Regulations; and”;
- (e) in regulation 11(5)(b) omit “or”;
- (f) in regulation 11(5)(c) after “the 1998 Act” insert “or”;
- (g) after regulation 11(5)(c) insert the following sub-paragraph—

(a) 2002 c.32; by virtue of the definition of “regulations” in section 212(1), these Regulations made by the Secretary of State apply only in relation to England.
(b) SI 2003/1377. Other amendments made to the School Governance (Procedures) (England) Regulations 2003 are not relevant to these Regulations.
(c) SI 2007/957.
(d) Section 67 of the 2006 Act comes into force 1st April 2007.

- “(d) a decision to change the name of the school,”;
- (h) in regulation 12(2), before the words “Every question to be decided” insert “Subject to paragraph (4A),”;
- (i) after regulation 12(4), insert the following paragraph—
- “(4A) No decision to change the name of the school shall have effect unless—
- (a) the matter in question is specified as an item of business on the agenda for a meeting of the governing body of which notice has been given in accordance with regulation 11(4); and
- (b) all of the members of the governing body vote in favour of the change of name, provided that where any governor is unable to attend the meeting at which the change in name is to be considered, he may vote by proxy where such proxy is a governor or associate member whose appointment is in writing and signed by the governor so unable to attend.”
- (j) for regulation 17(1)(a) substitute—
- “(a) section 30 of the 1998 Act and sections 15 and 16 of the 2006 Act (*Discontinuance of maintained schools*);
- (ba) paragraph 21(4) of Schedule 2 to the 2006 Act (*approved proposals not to be implemented*);”;
- (k) for regulation 17(1)(b) substitute—
- “(b) section 19 of the 2006 Act (*Alteration of maintained schools*);”;
- (l) for regulation 17(1)(d) substitute—
- “(d) section 88 of the 2006 Act (*Responsibility of governing bodies for discipline*)(a);”;
- (m) for regulation 17(1)(e) substitute—
- “(e) sections 88, 89, 89A, 89D, 90(8) or 90A of the 1998 Act(b) and section 3(1)(cc) of the Diocesan Boards of Education Measure 1991(c) (which relate to the determination of admission arrangements), section 90(1) of the 1998 Act (which relates to the reference to the schools adjudicator of objections about admission arrangements), or section 94 of the 1998 Act(d) (in so far as it relates to the making of appeal arrangements by the governing body); and”;
- (n) after regulation 17(1)(e) insert the following sub-paragraph—
- “(f) regulation 15 (*Suspension of governors*).”.

Jim Knight
Minister of State

Department for Education and Skills

22nd March 2007

(a) Section 88 of the 2006 Act comes into force 1st April 2007.
 (b) Section 89A was inserted by section 47 of the 2002 Act, section 89D was inserted by section 46 of the 2006 Act, section 90(8) was substituted by section 47(4) of the 2006 Act and section 90A was inserted by section 47(3) of the 2006 Act.
 (c) No. 2 of 1991. Section 3(1)(cc) was inserted by paragraph 13 of Schedule 4 to the 2002 Act.
 (d) Section 94 was amended by section 50 of the 2002 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Governance (Procedures) (England) Regulations 2003 to provide for a specific procedure in relation to any decision to change the name of the school.

Regulation 2(g) inserts a new sub-paragraph (d) into regulation 11(5) to provide that the power of the chair to direct that a meeting be held within a shorter period than that specified in regulation 11(4) shall not apply in relation to any meeting at which a change in the name of the school is to be considered.

Regulation 2(h) provides that the general rule, whereby decisions are made by the majority of governors present and voting, does not apply in respect of decisions to change the name of the school.

Regulation 2(i) inserts a new paragraph (4A) into regulation 12 which provides that the governing body can only decide to change the name of the school where all the members of the governing body vote in favour of such a change. Where any governor is unable to attend the meeting at which the name change is to be considered, he may vote by proxy, provided that such proxy is a governor or associate member whose appointment is in writing and signed by the governor unable to attend.

Regulation 2(n) inserts a new sub-paragraph into regulation 17(1) to provide that the governing body cannot delegate its functions under regulation 15 (suspension of governors). Regulation 2(m) substitutes regulation 17(1)(e) to provide that the governing body cannot delegate its functions relating to admissions arrangements.

They also amend (in paragraphs (b) and (d) of regulation 2) the references in the School Governance (Procedures) (England) Regulations 2003 to the School Governance (Constitution) (England) Regulations 2003, which have been revoked and replaced with the School Governance (Constitution) (England) Regulations 2007.

Regulations 2(j), (k) and (l) amend the references in the School Governance (Procedures) (England) Regulations 2003 to provisions of the School Standards and Framework Act 1998, which have been replaced by provisions of the Education and Inspections Act 2006.

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