STATUTORY INSTRUMENTS

2017 No. 487

EDUCATION, ENGLAND

The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017

Made - - - -	*28th March 2017*
Laid before Parliament	*30th March 2017*
Coming into force in accordance with Regulation 1	

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 19(3)(a), (b), (c), (e), (l) and (8) and 210(7) of the Education Act 2002(**1**) and section 3(6) of the Academies Act 2010(**2**):

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2017.

(2) These Regulations with the exception of regulation 2(3) and 2(4) come into force on 1st May 2017.

(3) Regulation 2(3) and 2(4) comes into force on 1st September 2017.

(4) Regulation 2 applies to governing bodies of maintained schools in England and regulation 3 applies to governing bodies of federations in England.

(5) These Regulations extend to England and Wales.

Amendment of the School Governance (Constitution) (England) Regulations 2012

2.—(1) The School Governance (Constitution) (England) Regulations 2012(**3**) are amended as follows.

(2) Omit paragraph (6) of regulation 14 (additional requirements for foundation and voluntary schools).

(**1**) 2002 c.32. Section 19(3) was modified by S.I. 2004/530 and 2010/1918. Section 19(8) was amended by the Education (Wales) Measure 2011 (c. 07). For a definition of 'regulations' see section 212 of the Education Act 2002.

(**2**) 2010 c.32. Section 3(6) was inserted by the Education Act 2011 (c. 21), Part 6, section 57(2). For a definition of 'federated school' see 24(2) of the Education Act 2002 (c. 32) which applies to the Academies Act 2010 (c.32) by virtue of section 17(2) of that Act. For definitions of 'prescribed' and 'regulations' see section 579 of the Education Act 1996 (c. 56) which applies to the Academies Act 2010 (c.32) by virtue of section 17(4) of that Act.

(**3**) S.I. 2012/1034; the relevant amending instrument is S.I. 2014/1257.

(3) After regulation 24 (removal of appointed parent governors), insert—

"**Removal of elected parent governors or staff governors**

24A.—(1) Any parent governor, elected in accordance with regulation 6(1), or any staff governor, may be removed by the governing body in accordance with the procedure set out in regulation 25.".

(4) In regulation 25 (procedure for removal of governors by the governing body)—

(a) in paragraph (1), for "or 24" substitute ", 24 or 24A"; and

(b) in sub-paragraph (b) of paragraph (2), after "24" insert "or 24A".

(5) In Schedule 1 (election and appointment of parent governors)—

(a) in sub-paragraph (1) of paragraph 10, after "governor" insert "in the following order of preference";

(b) omit sub-paragraph (2) of paragraph 10;

(c) in sub-paragraph (1) of paragraph 11, after "appoint" insert "in the following order of preference"; and

(d) omit sub-paragraph (2) of paragraph 11.

(6) In Schedule 4 (qualifications and disqualifications)—

(a) after paragraph 12 (disqualification of charity trustees), insert—

"**Disqualification of elected parent or staff governors who have been removed from office**

12A. A person is disqualified from holding or continuing to hold office as a governor of a school until the date immediately after the fifth anniversary of the date of their removal as an elected parent or staff governor under these Regulations."; and

(b) omit paragraph 16 (notification to clerk).

Amendment of the School Governance (Federations) (England) Regulations 2012

3.—(1) The School Governance (Federations) (England) Regulations 2012(**4**) are amended as follows.

(2) Omit paragraph (8) of regulation 22 (additional requirements for federations comprising foundation and voluntary schools).

(3) For paragraph (1) of regulation 46 (members of the federated governing body applying for an Academy order), substitute—

"(1) For the purposes of section 3(6) of the AA 2010, the proportion and description of the members of the governing body that may make an application for an Academy order in respect of a federated school are those, being no fewer than three in number, who—

(a) together make up a proportion of the total number of members of the governing body determined in accordance with paragraph (2); and

(b) include at least 50 percent of those members of the governing body who fall within the descriptions prescribed in paragraph (3).".

(4) For sub-paragraph (b) of paragraph (3) of regulation 46, substitute "the parent governors".

(**4**) S.I. 2012/1035; relevant amending instruments are 2015/1554 and 2016/204.