WELSH STATUTORY INSTRUMENTS

2005 No. 2915 (W.212)

EDUCATION, WALES

The Governor Allowances (Wales) Regulations 2005

Made - - - -	*18 October 2005*
Coming into force - -	*31 October 2005*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 19(3), 34(5)(b), 210(7) and 214(1) of the Education Act 2002(**1**), and sections 519 and 569(4) of the Education Act 1996(**2**), makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Governor Allowances (Wales) Regulations 2005 and they come into force on 31 October 2005.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"governing body" ("*corff llywodraethu*") in relation to a maintained school includes a temporary governing body constituted under section 34 of the Education Act 2002 Act;

"governor" ("*llywodraethwr*") in relation to a maintained school includes a member of a temporary governing body; and

a reference to "receipt" ("*derbynneb*") includes a reference to any evidence establishing the amount of the expenditure.

Revocation

3. The Education (Governors' Allowances) Regulations 1999(**3**) are revoked in relation to Wales.

(**1**) 2002 c. 32. For the meaning of "regulations" *see* section 212(1).

(**2**) 1996 c. 56. The functions of the Secretary of State under sections 519 and 569(4) were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). Section 519 was amended by paragraph 139 of Schedule 30 to the School Standards and Framework Act 1998 Act. For the meaning of "regulations" and "prescribed" see section 579(1).

(**3**) S.I.1999/703.

Schools with delegated budgets

4.—(1) The governing body of a maintained school which has a delegated budget may make payments by way of allowance in accordance with this regulation to a member of that governing body or of any committee of that governing body.

(2) Payments made under paragraph (1) must be in accordance with the provisions of a scheme made by the governing body for the purpose of these Regulations and such scheme may not make different provision in relation to members of the governing body and members of committees of the governing body or in relation to different categories of governor or committee member.

(3) Payments may only be made under paragraph (1) in respect of expenditure necessarily incurred by a member of the governing body for the purpose of enabling him or her to perform his or her duty as a governor or as a member of a committee of the governing body.

(4) Subject to regulation 7, payments under paragraph (1) must be at a rate determined by the governing body and made on provision of a receipt for the relevant amount.

Schools without delegated budgets and other institutions

5.—(1) The allowances referred to in paragraph (2) are prescribed as allowances which a local education authority may, in accordance with the provisions of a scheme made by them for the purposes of section 519 of the Education Act 1996, pay to—

(a) a governor of a maintained school which does not have a delegated budget;

(b) a person appointed to represent the local education authority on the governing body of any institution providing higher education or further education (or both);

(c) a person appointed to represent the local education authority on the governing body of any independent school or special school which is not maintained by that authority.

(2) The payments by way of allowance referred to in paragraph (1) are in respect of expenditure necessarily incurred by that person for the purpose of enabling him or her to perform any duty as a governor or as a person appointed to represent the local education authority being payments at a rate determined by the authority, subject to regulation 7, and made on provision of a receipt for the relevant amount.

6.—(1) Where a maintained school does not have a delegated budget, the local education authority may pay the allowances referred to in paragraph (2) below to members of committees of the governing body who are not governors in accordance with the provisions of a scheme made by the authority for that purpose.

(2) The payments by way of allowance referred to in paragraph (1) are in respect of expenditure necessarily incurred by that person for the purposes of enabling him or her to perform any duty as a member of a committee being payments at a rate determined by the authority, subject to regulation 7, and made on provision of a receipt for the relevant amount.

(3) A scheme referred to in paragraph (1) may not make different provision in relation to different categories of committee member.

Travel and subsistence payments

7. Payments under these Regulations for travel or subsistence expenses may not exceed such rates as may be specified from time to time by the National Assembly for Wales in regulations under section 100 of the Local Government Act 2000 (**4**).

(**4**) 2000 c. 22. *See* the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002, S.I. 2002/1895 (W. 196).