STATUTORY INSTRUMENTS

1999 No. 703

EDUCATION, ENGLAND AND WALES

The Education (Governors' Allowances) Regulations 1999

Made - - - -	*11th March 1999*
Laid before Parliament	*11th March 1999*
Coming into force	*1st April 1999*

In exercise of the powers conferred on the Secretary of State by sections 44(5) and (6), 138(7) and 144(1) of, and paragraphs 4 and 6 of Schedule 11 to, the School Standards and Framework Act 1998**(a)**, and sections 519 and 569(4) of, and paragraph 19 of Schedule 9 to, the Education Act 1996**(b)**, the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Governors' Allowances) Regulations 1999 and shall come into force on 1st April 1999.

(2) Regulations 3 to 6 shall apply in relation to expenditure incurred in financial years commencing on and after 1st April 1999.

(3) Regulation 7 shall apply in relation to expenditure incurred in financial years commencing on or before 1st April 1998.

Interpretation

2.—(1) In these Regulations–

"the 1996 Act" means the Education Act 1996;

"the 1998 Act" means the School Standards and Framework Act 1998;

"maintained school" means–

(a) in the period ending immediately before 1st September 1999–

(i) a county, voluntary or maintained special school;

(ii) a proposed such school with a temporary governing body; or

(iii) a grant-maintained or grant-maintained special school,

within the meaning of the 1996 Act;

(b) in the period commencing on 1st September 1999, a maintained school within the meaning of section 20(7) of the 1998 Act, or a proposed such school with a temporary governing body;

(a) 1998 c. 31; subsections (5) and (6) of section 44 apply in relation to county, voluntary, maintained special, grant-maintained and grant-maintained special schools, to proposed county, voluntary and maintained special schools and to temporary governing bodies and temporary governors, as defined in section 181(3) of the 1996 Act, by virtue of S.I. 1998/2670. Paragraphs 4 and 6 of Schedule 11 apply to county, voluntary, maintained special, grant-maintained and grant-maintained special schools by virtue of S.I. 1998/2670. For the meaning of "regulations" *see* section 142(1).

(b) 1996 c. 56; section 519 is amended by Schedule 30 to the 1998 Act, paragraph 139 and has effect in relation to county, voluntary, maintained special, grant-maintained and grant-maintained special schools by virtue of S.I. 1998/2916. For the meaning of "prescribed" and "regulations" *see* section 579(1).

"governing body" in relation to a maintained school includes a temporary governing body;

"governor" in relation to a maintained school includes a member of a temporary governing body.

(2) Expressions used in these Regulations set out in the first column of the following table shall have the meanings attributed to them by the provisions set out opposite thereto in the second column:

financial year	section 579(1) of the 1996 Act.
school which has a delegated budget	section 49(7) of the 1998 Act.
temporary governing body	in relation to the period ending immediately before 1st September 1999, section 181(3) of the 1996 Act and in relation to the period commencing on that date, section 44 of the 1998 Act.

Schools with delegated budgets

3.—(1) The governing body of a maintained school which has a delegated budget may determine, in accordance with the provisions of a scheme made by them for the purposes of these Regulations, to pay to a member of that governing body or any committee thereof payments by way of allowance in respect of expenditure necessarily incurred by him for the purposes of enabling him to perform any duty as a governor or as a member of that committee being payments at a rate determined by the governing body, but not exceeding in the case of travel or subsistence such rates as may be specified from time to time by the Secretary of State for the purposes of section 174 of the Local Government Act 1972**(a)**.

(2) A scheme referred to in paragraph (1) above may not make different provision in relation to members of the governing body and members of committees thereof who are not governors or in relation to different categories of governor or committee member.

Schools without delegated budgets and other institutions

4.—(1) The allowances referred to in paragraph (2) below are hereby 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 1996 Act**(b)**, pay to–

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

(b) governors of any institution providing higher education or further education (or both) which is maintained by a local education authority;

(c) persons appointed to represent the local education authority on the governing body of any such institution which is not maintained by them;

(d) persons appointed to represent the local education authority on the governing body of any independent school or special school which is not maintained by them.

(2) The payments by way of allowance referred to in paragraph (1) above are in respect of expenditure necessarily incurred by that person for the purposes of enabling him 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, but not exceeding in the case of travel or subsistence such rates as may be specified from time to time by the Secretary of State for the purposes of section 174 of the Local Government Act 1972.

5.—(1) Where a maintained school does not have a delegated budget, the allowances referred to in paragraph (2) below may be paid by the local education authority 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) above are in respect of expenditure necessarily incurred by that person for the purposes of enabling him to perform any duty as a member of the committee being payments at a rate determined by the authority, but not

(a) 1972 c. 70.
(b) Amended by paragraph 139 of Schedule 30 to the 1998 Act.

exceeding in the case of travel or subsistence such rates as may be specified from time to time by the Secretary of State for the purposes of section 174 of the Local Government Act 1972.

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

Meetings and instruments and articles of government

6.—(1) A governor shall not be prevented from considering or voting upon any proposal regarding allowances to be paid in accordance with these Regulations by reason that he has an interest in the payment of such allowances to members of the governing body generally but a member of a governing body or any committee thereof shall withdraw from a meeting during any consideration or discussion of, and shall not vote on, whether he should receive a particular allowance, the amount of any payment or any question about an allowance that has been paid to him.

(2) These Regulations shall have effect despite any contrary provision in the instrument or articles of government of any maintained school and a governing body shall not pay a member of the governing body or any committee thereof payments by way of allowance thereunder.

Expenditure incurred before 1st April 1999

7. Where a member of a governing body or any committee thereof has incurred expenditure before 1st April 1999 then any allowance payable to him by the governing body of a maintained school or a local education authority on or after that date in respect of that expenditure shall be paid in accordance with the law relating to the payment of such allowances as it existed immediately before 1st April 1999.

Amendment

8.—(1) The Education (Grant-maintained Schools) (Initial Governing Instruments) Regulations 1993**(a)** shall be amended as follows–

(a) paragraph 43(9) of Schedule 1**(b)** (allowances for independent members of staff discipline appeal committees) shall be revoked; and

(b) paragraph 11 of Appendix 3 to Schedule 1**(c)** (allowances for non-governor members of admissions or exclusions appeal committees) shall be revoked.

(2) The said paragraphs 43(9) and 11 shall continue to apply to the payment of allowances in respect of financial years ending on or before 31st March 1999.

Estelle Morris
Minister of State,
10th March 1999 Department for Education and Employment

Peter Hain
Parliamentary Under Secretary of State,
11th March 1999 Welsh Office

(a) S.I. 1993/3102.
(b) Substituted by S.I. 1996/2049.
(c) Substituted by S.I. 1996/2049.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the allowances which may be paid to governors and non-governor members of committees by the governing bodies of schools maintained by local education authorities which have delegated budgets.

In the case of schools without delegated budgets the payment of such allowances is to be in accordance with a scheme made by the local education authority.

The Regulations also make provision, for the purposes of section 519 of the Education Act 1996, for the payment by local education authorities of allowances to governors of any institution providing higher or further education which is maintained by a local education authority, or to persons appointed to represent them on the governing body of such an institution which is not maintained by them, or on the governing body of an independent school or a non-maintained special school.

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