



# Education Act 2002

## 2002 CHAPTER 32

### PART 3

#### MAINTAINED SCHOOLS

#### CHAPTER 1

##### GOVERNMENT OF MAINTAINED SCHOOLS

### 19 Governing bodies

(1) Each maintained school shall have a governing body, which shall be a body corporate constituted in accordance with regulations.

[<sup>F1</sup>(1A) Regulations must provide for a governing body of a maintained school in England to consist of—

- (a) persons elected or appointed as parent governors,
- (b) the head teacher of the school,
- (c) a person elected as a staff governor,
- (d) a person appointed as a local authority governor,
- (e) in the case of a foundation school, a foundation special school or a voluntary school, persons appointed as foundation governors or partnership governors, and
- (f) such other persons as may be prescribed.]

(2) Regulations shall provide for a governing body [<sup>F2</sup>of a maintained school in Wales] to consist of—

- (a) persons elected or appointed as parent governors,
- (b) persons elected or appointed as staff governors,
- (c) persons appointed as [<sup>F3</sup>local authority] governors,
- (d) except in the case of a voluntary aided school, persons appointed as community governors,

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- (e) in the case of a foundation school<sup>F4</sup>... or a voluntary school, persons appointed as foundation governors or partnership governors, and
  - (f) such other persons as may be prescribed.
- (3) Regulations may make provision as to—
- (a) the number of governors, or of governors falling within any category,
  - (b) the person or persons by whom, and the manner in which, governors are to be elected or appointed,
  - (c) eligibility for election or appointment as governors of any category, or for voting in an election of such governors,
  - (d) the term of office of governors,
  - (e) resignation or removal from office of governors,
  - (f) the payment of allowances to governors,
  - (g) meetings and proceedings of governing bodies,
  - (h) the election by the governors of a chairman and vice chairman of the governing body,
  - (i) the establishment by a governing body of committees,
  - (j) the appointment of persons other than governors to serve on committees of governing bodies,
  - (k) the delegation of functions by governing bodies, and
  - (l) other matters relating to the constitution or procedure of governing bodies.
- (4) Regulations made by virtue of subsection (3)(a) must secure that the majority of the governors of a voluntary aided school are persons appointed as foundation governors.
- [<sup>F5</sup>(4A) Regulations made by virtue of subsection (3)(c) in relation to a maintained school in England may include provision for eligibility criteria for the school's local authority governor to be such as may be specified by the school's governing body.
- (4B) Regulations made by virtue of subsection (3)(e) in relation to a maintained school in England may include provision allowing the head teacher of the school to resign from office as a governor (and to withdraw any such resignation).]
- (5) Subsection (3)(k) has effect subject to the provisions of any scheme under section 48 of the School Standards and Framework Act 1998 (c. 31) ([<sup>F6</sup>local authorities]' financial schemes) which relates to the school.
- (6) Schedule 1 (which contains general provisions relating to the governing body as a body corporate) shall have effect.
- (7) In discharging any function conferred by regulations under this section, a [<sup>F3</sup>local authority] or the governing body of a maintained school shall have regard to any guidance given from time to time—
- (a) in relation to England, by the Secretary of State, or
  - (b) in relation to Wales, by the National Assembly for Wales.
- (8) [<sup>F7</sup>In relation to maintained schools in England,] subsection (1) has effect subject to section 24; and regulations under this section may include provision with respect to the governing bodies of federations.
- [<sup>F8</sup>(9) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under this section

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may include provision with respect to the governing bodies of federations (within the meaning of section 21(1) of that Measure).]

#### Textual Amendments

- F1** S. 19(1A) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 38(2)**, 82(3); S.I. 2012/1087, art. 3 (with art. 5)
- F2** Words in s. 19(2) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 38(3)**, 82(3); S.I. 2012/1087, art. 3 (with art. 5)
- F3** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **art. 1, Sch. 2 para. 11(2)**
- F4** Words in s. 19(2)(e) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 21(2)**; S.I. 2013/1800, art. 3(j)
- F5** S. 19(4A)(4B) inserted (1.9.2012) by Education Act 2011 (c. 21), **ss. 38(4)**, 82(3); S.I. 2012/1087, art. 3 (with art. 5)
- F6** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **art. 1, Sch. 2 para. 11(3)**
- F7** Words in s. 19(8) inserted (28.4.2014) by Education (Wales) Measure 2011 (nawm 7), **ss. 19(2)(a)**, 33(2); S.I. 2014/1066, art. 2
- F8** S. 19(9) inserted (28.4.2014) by Education (Wales) Measure 2011 (nawm 7), **ss. 19(2)(b)**, 33(2); S.I. 2014/1066, art. 2

#### Modifications etc. (not altering text)

- C1** S. 19(1) excluded (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **2(a)**
- C2** S. 19(6) applied (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 11**

#### Commencement Information

- I1** S. 19(1) in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, **art. 4** (with Sch. para. 4)
- I2** S. 19(1)-(5)(7) in force at 31.10.2005 for W. by S.I. 2005/2910, art. 4, **Sch.**
- I3** S. 19(2)-(5)(7) in force at 1.3.2003 except in relation to W. by S.I. 2003/124, **art. 2**
- I4** S. 19(6) in force at 1.10.2002 for E. by S.I. 2002/2439, **art. 3** (with transitional provisions and savings in art. 4, Sch.)
- I5** S. 19(6) in force at 1.9.2003 for specified purposes for W. by S.I. 2003/1718, art. 5, **Sch. Pt. II**
- I6** S. 19(6) in force at 31.10.2005 for W. so far as not already in force by S.I. 2005/2910, art. 4, **Sch.**
- I7** S. 19(8) in force at 1.4.2003 for specified purposes except in relation to W. by S.I. 2003/124, **art. 4**
- I8** S. 19(8) in force at 1.9.2003 so far as not already in force except in relation to W. by S.I. 2003/1667, **art. 4**
- I9** S. 19(8) in force at 12.4.2010 for W. by S.I. 2010/707, **art. 3(a)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)