

SCHEDULE 1

Regulation 5

Individuals who cannot be members of a school company

The following individuals shall not be admitted or permitted to remain as members of a school company—

1. A person who has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded;
2. A person who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it;
3. A person who is subject to a disqualification order under the Company Directors Disqualification Act 1986(1);
4. A person who has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy or which he by his conduct contributed to or facilitated;
5. A person who has been removed under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(2) (powers of Court of Session to deal with management of charities), from being concerned in the management or control of any body;
6. A person who is included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted which is kept for the purposes of regulations made under section 218 of the Education Reform Act 1988;
7. A person who is disqualified from being the proprietor of any independent school or from being a teacher or other employee in any school by virtue of any order made under section 470 or section 471 of the Education Act 1996;
8. A person who is subject to a direction under section 142 of the 2002 Act which prohibits him from carrying out work to which that section applies, unless the direction specifies that he may carry out work to which that section applies if certain conditions or circumstances are fulfilled and the conditions or circumstances in relation to him being a member of a school company are fulfilled;
9. A person who either during his membership of the company, or in the period of five years ending with the date on which his membership of the company would otherwise have taken effect has been convicted, whether in the United Kingdom or anywhere else, of an offence, the facts of which give rise to a criminal offence under English law, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
10. A person who within the period of 20 years ending with the date on which his membership of the company would otherwise have taken effect has been convicted as stated in paragraph 9 of any offence and has had passed on him a sentence of imprisonment for a period of not less than two and a half years;
11. A person who at any time has been convicted as stated in paragraph 9 of any offence and has had passed on him a sentence of imprisonment for a period of not less than five years;
12. A person who has not attained the age of 18;

(1) 1986 c. 46.

(2) 1990 c. 40.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

13. A person who is liable to be detained under the Mental Health Act 1983⁽³⁾;
14. A person who is employed by the governing body of a maintained school or who is employed by a local education authority.

26th November 2002

David Miliband
Minister of State
Department for Education and Skills

⁽³⁾ 1983 c. 20.