

SCHEDULE 3

Regulation 45

Restrictions on Persons Taking Part in Proceedings of the Temporary Governing Body or their Committees

Pecuniary interests

1.—(1) For the purposes of regulation 45(2), a pecuniary interest in a contract, proposed contract or other matter includes a case where—

- (a) a relevant person was nominated or appointed to office by a person with whom the contract was made or is proposed to be made;
- (b) a relevant person is a partner of a person with whom the contract was made or is proposed to be made; or
- (c) a relative of a relevant person (including his spouse or someone living with that person as if he or she were that person's spouse), to the knowledge of that person has, or would be treated as having, such an interest.

(2) For the purposes of regulation 45(2), a relevant person shall not be treated as having a pecuniary interest in any matter—

- (a) provided his interest in the matter is no greater than the interest of the generality of those paid to work at the new school;
- (b) by reason only of the fact that he was nominated or appointed to office by, he is a member of, or is employed by, any public body; or
- (c) by reason only of that fact that he is a member of a corporation or other body if he has no financial interest in any securities of that corporation or other body.

(3) Temporary governors shall not, by reason of their pecuniary interest in the matter, be prevented from considering and voting upon proposals for the temporary governing body to take out insurance protecting their members against liabilities incurred by them arising out of their office and the temporary governing body are not, by reason of the pecuniary interest of their members, to be prevented from obtaining such insurance and paying the premiums.

Office of temporary governor, chair, vice-chair or clerk

2.—(1) This sub-paragraph applies where a relevant person is present at a meeting of the temporary governing body at which a subject of consideration is—

- (a) his own appointment, reappointment, suspension or removal as a member of the temporary governing body;
- (b) his own appointment or removal from office as clerk to, or chair, or vice-chair, of the temporary governing body;
- (c) if he is a temporary sponsor governor, any determination under paragraph 2 of Schedule 5 to the Constitution Regulations as to the provision in the instrument of government for sponsor governors.

(2) In any case where sub-paragraph (1) applies, the relevant person's interests shall be treated for the purpose of regulation 45(2) as being in conflict with the temporary governing body's interests.

Pay or appraisal of persons working at the new school

3.—(1) This sub-paragraph applies where a relevant person who is paid to work at a new school other than as head teacher is present at a meeting of the school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the new school.

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(2) This sub-paragraph applies where a head teacher or head teacher designate of a new school is present at a meeting of the school at which a subject of consideration is his own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the relevant person's interests shall be treated for the purpose of regulation 45(2) as being in conflict with the temporary governing body's interests.