
WELSH STATUTORY INSTRUMENTS

2010 No. 638

**The Federation of Maintained Schools and
Miscellaneous Amendments (Wales) Regulations 2010**

PART 5

QUALIFICATIONS AND TENURE OF OFFICE

Term of office

33.—(1) Subject to paragraphs (2) to (9), a governor holds office for a fixed period of four years from the date of his or her election or appointment.

(2) Paragraph (1) does not apply to any governor who is the head teacher of the federation or a federated school, or to any ex officio foundation governor, who may hold office for as long as he or she holds the position from which his or her governorship derives.

(3) Paragraph (1) does not apply to any foundation governor whose term of office is to be determined by the person who appointed him or her, up to a maximum of four years.

(4) Paragraph (1) does not apply to any additional governor, additional foundation governor or interim executive member appointed under sections 16(1), 16A(2), 18(3) or 18A(4) of the 1998 Act whose term of office is to be determined by the person who appointed him or her, up to a maximum of four years.

(5) Paragraph (1) does not apply to any teacher governor or staff governor who is to hold office for a period of two years from the date of his or her appointment.

(6) Paragraph (1) does not apply to any parent governor of a maintained nursery school who is to hold office for a fixed period of two years from the date of his or her election or appointment.

(7) Paragraph (1) does not apply to any associate pupil governor who is to hold office for a period of one year from the date of his or her appointment. Nothing in this paragraph prevents an associate pupil governor from being re-appointed at the expiration of his or her term of office.

(8) A substitute governor may hold office until the earlier of the following—

- (a) the expiry of four years from the date when his or her appointment takes effect;
- (b) the date when the original governor (not having been removed from office under regulation 35(2)) gives written notice to the clerk to the governing body to the effect that he or she is able and willing to act as a foundation governor; or

(1) Amended by section 56 of, and Schedule 5 and Schedule 21 to, the 2002 Act and by section 61 of, and Schedule 9 to, the Education Act 2005 (c. 18). Further amended by sections 71 and 184 of, and Part 2 of Schedule 7 and Part 4 of Schedule 18 to, the Education and Inspections Act 2006 (c. 40).

(2) Inserted by section 57 of the 2002 Act. Amended by section 61 of, and Schedule 9 to, the Education Act 2005 (c. 18). Further amended by sections 71 and 184 of, and Part 2 of Schedule 7 and Part 4 of Schedule 18 to, the Education and Inspections Act 2006 (c. 40).

(3) Amended by section 56 and section 215 of, and Schedule 21 to, the 2002 Act and by section 61 of, and Schedule 9 to, the Education Act 2005 (c. 18). Further amended by sections 71 and 184 of, and Part 2 of Schedule 7 and Part 4 of Schedule 18 to, the Education and Inspections Act 2006 (c. 40).

(4) Inserted by section 58 of the 2002 Act. Amended by section 6 of, and Schedule 9 to, the Education Act 2005 (c. 18). Further amended by section 71 of, and Schedule 7 to, the Education and Inspections Act 2006 (c. 40).

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- (c) the date when a person other than the original governor takes office in the post by virtue of which the ex officio foundation governorship exists.
- (9) This regulation does not prevent a governor from—
- (a) being elected or appointed for a further term, save as otherwise provided in these Regulations;
 - (b) resigning his or her office in accordance with regulation 34(1);
 - (c) being removed from office under regulations 35 to 37; or
 - (d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.
- (10) In this regulation “the original governor” (“*y llywodraethwr gwreiddiol*”) means the ex officio foundation governor in whose place the substitute governor is appointed to act.