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*Status:* This version of this schedule contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Diocesan Boards of Education Measure 2021, SCHEDULE 2. (See end of Document for details)

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## SCHEDULES

PROSPECTIVE

### SCHEDULE 2

Section 3(10)

#### DBE: GOVERNANCE

##### *Composition*

- 1 (1) The DBE for a diocese consists of—
- (a) the bishop of the diocese, and
  - (b) at least 10 other members.
- (2) The joint DBE for two or more dioceses consists of—
- (a) each of the diocesan bishops concerned, and
  - (b) a sufficient number of other members to give a total membership of at least 12.
- (3) In the case of a DBE which is a separately registered charity, each member is, by virtue of that membership, a charity trustee of the DBE.
- (4) In the case of a DBE which is a company limited by guarantee or a CIO, each member of the DBE, and no other person, is a member of the company or CIO.
- (5) In a case where the Board of Finance is designated as the DBE for the diocese, each member of the committee established by virtue of section 3 must be a person who is not disqualified from being a charity trustee.
- (6) A person other than the bishop of the diocese may become a member of the DBE by being—
- (a) appointed by the bishop,
  - (b) elected by the diocesan synod, or
  - (c) co-opted by the DBE.
- (7) A scheme under section 4 for the designation of a body as a joint DBE must include provision for the appointment, election or co-option of members; and that provision must include—
- (a) provision for each of the diocesan bishops concerned to appoint at least one person, and
  - (b) provision for each of the diocesan synods concerned to elect at least one person.
- (8) In the application of this paragraph to a joint DBE, sub-paragraph (6) has effect subject to the provision which, for the purposes of sub-paragraph (7), is included in the scheme under section 4.

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- (9) In making an appointment or co-option to the DBE for a diocese or selecting candidates for election to it, regard must be had to the desirability of securing that a variety of relevant skills is available among the members.
- (10) A scheme under section 3 must include provision as to the term of office of a member of the DBE, including the circumstances in which a person ceases to hold office and the grounds on which a person may be removed or suspended from office; and the scheme may for that purpose make different provision depending on whether a person became a member by virtue of sub-paragraph (6)(a), (b) or (c).
- (11) A conflict of loyalty which would or might arise as a result of a member of the DBE for a diocese also being a director of the Board of Finance or a member of the diocesan synod, or both, is authorised by virtue of this sub-paragraph if—
- (a) the conflict relates to a duty of loyalty owed to the Board of Finance or diocesan synod and does not involve a direct or indirect benefit of any nature to the member or a connected person, and
  - (b) the member in question declares the conflict.
- (12) In sub-paragraph (11)(a), “connected person”, in relation to a member of the DBE of a diocese, has the meaning it has in accordance with section 188 of the Charities Act 2011 in relation to a charity trustee.

**Commencement Information**

- I1** [Sch. 2](#) comes into force in relation to each diocese on the day certified in relation to that diocese under s. 23(1), see [s. 24\(4\)](#)

*Chair*

- 2 (1) The chair of the DBE for a diocese is, subject to sub-paragraph (2)—
- (a) the bishop of the diocese, or
  - (b) another member of the DBE appointed by it after consultation with the bishop.
- (2) In the case of a joint DBE, the chair is a member of the joint DBE appointed by it after consultation with the diocesan bishops concerned; and the member so appointed may be one of the bishops.

**Commencement Information**

- I2** [Sch. 2](#) comes into force in relation to each diocese on the day certified in relation to that diocese under s. 23(1), see [s. 24\(4\)](#)

*Committees and delegation*

- 3 (1) The DBE for a diocese (except in a case where the Board of Finance is designated as the DBE for the diocese) may delegate functions to—
- (a) an officer or member of staff of the DBE, or
  - (b) a committee established by the DBE.

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- (2) Where the Board of Finance is designated as the DBE for the diocese by a scheme under section 3, the committee established by virtue of that section may delegate functions exercisable by it by virtue of paragraph 3(3) of Schedule 1 to—
  - (a) an officer or member of staff of the Board of Finance, or
  - (b) a sub-committee established by the committee.
- (3) The members of a committee referred to in sub-paragraph (1)(b) or a sub-committee referred to in sub-paragraph (2)(b) may include persons who are not members of the DBE.
- (4) The director of education for a diocese may not be a member of a committee or sub-committee of the DBE but may attend any meeting which a committee or sub-committee holds; and, at any meeting which the director of education attends, he or she may speak but may not vote.
- (5) Each DBE must set terms of reference in relation to the delegation of functions.
- (6) A scheme under section 3 must include provision requiring a committee or sub-committee of the DBE to report its proceedings to the DBE.

#### Commencement Information

- I3** [Sch. 2](#) comes into force in relation to each diocese on the day certified in relation to that diocese under s. 23(1), see s. 24(4)

#### *Proceedings*

- 4 The DBE for a diocese may regulate its own procedure and the procedure and membership of any committee or sub-committee (as the case may be), subject to—
  - (a) the provisions of this Measure,
  - (b) the provisions of the scheme under section 3 which provides for the designation of a body as the DBE, and
  - (c) the provisions of the designated body's governing instrument or, where the Board of Finance is the designated body, such provisions as may be made by the Board by virtue of paragraph 3(5) of Schedule 1.

#### Commencement Information

- I4** [Sch. 2](#) comes into force in relation to each diocese on the day certified in relation to that diocese under s. 23(1), see s. 24(4)

- 5 The validity of proceedings of the DBE for a diocese is not affected by a vacancy among its members or a defect in the appointment, election or co-option of a member.

#### Commencement Information

- I5** [Sch. 2](#) comes into force in relation to each diocese on the day certified in relation to that diocese under s. 23(1), see s. 24(4)

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*Application of charity law*

- 6 Nothing in this Measure, so far as relating to membership of the DBE for a diocese, affects the application of any enactment providing for the disqualification of a person from being a charity trustee.

**Commencement Information**

- I6** [Sch. 2](#) comes into force in relation to each diocese on the day certified in relation to that diocese under s. 23(1), see s. 24(4)

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