Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER IV

GRANT-MAINTAINED SCHOOLS

Government, powers and conduct

[F1]53 . . . . . .

Textual Amendments

F1 S. 53 repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 126, **Sch. 21 Pt.I**; S.I. 1993/3106, art. 4, **Sch.1** Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, **art.2**).

[F2]54 . . . . . .

Textual Amendments

F2 S. 54 repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 126, **Sch. 21 Pt.I**; S.I. 1993/3106, art. 4, **Sch.1** Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, **art.2**).

[F3]55 . . . . . .

Status: *Point in time view as at 01/01/1994.*
Changes to legislation: *Education Reform Act 1988, Cross Heading: Government, powers and conduct is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F3 S. 55 repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 126, **Sch. 21 Pt.I**; S.I. 1993/3106, art. 4, **Sch.1** Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, **art.2**).

[F4]56 . . . . . .

Textual Amendments

F4 S. 56 repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 126, **Sch. 21 Pt.I**; S.I. 1993/3106, art. 4, **Sch.1** Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, **art.2**).

57 Powers of the governing body.

(1) The governing body of a grant-maintained school shall have power to conduct a school of the same description, subject to any changes authorised under section 89 or 91 of this Act, as the school immediately before it became a grant-maintained school.

(2) The school conducted by the governing body of a grant-maintained school shall be regarded for the purposes of subsection (1) above as remaining of the same description as the school immediately before it became a grant-maintained school if no changes are made in the character or premises of the school which require to be authorised under either of those sections.

(3) Subject to subsection (4) below and to any provision made by the instrument or articles of government of the school, the governing body of such a school shall have power to do anything which appears to them to be necessary or expedient for the purpose of or in connection with the conduct of the school as for the time being constituted, including in particular power—

(a) to assume the conduct as from the incorporation date in relation to the school of the school as constituted immediately before that date, and for that purpose to receive any property, rights and liabilities transferred to the governing body under section 74 of this Act;

(b) to acquire and dispose of land and other property;

(c) to enter into contracts, including in particular contracts for the employment of teachers and other staff;

(d) to invest any sums not immediately required for the purposes of meeting the expenses of conducting the school or any liability transferred to the governing body under section 74 of this Act; and

(e) to accept gifts of money, land or other property and apply it, or hold and administer it on trust, for any such purposes.

(4) Subsection (3) above does not confer power to borrow money; and the power under paragraph (b) of that subsection to dispose of land—

(a) does not include power to grant any mortgage, charge or other security in respect of any land; and

(b) may only be exercised with the written consent of the Secretary of State.

(5) Without prejudice to subsection (3) above, but subject to any provision made by the instrument or articles of government of the school, the governing body of a grant-

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maintained school shall also have power to provide education at the school which is neither primary nor secondary education, provided that

[[F5](a) it is part-time education suitable to the requirements of persons of any age over compulsory school age, or full-time education suitable to the requirements of persons who have attained the age of nineteen years; or

(b)**]**

they do so as agents for a local education authority under arrangements made with the authority for the purpose.

Textual Amendments

F5 S. 57(5)(a) and word inserted (1. 8. 1993) by Further and Higher Education Act 1992 (c. 13), **s. 13(1)**; S.I. 1992/831, art. 2, **Sch.4**.

[F6]58 . . . . . .

Textual Amendments

F6 S. 58 repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 126, **Sch. 21 Pt.I**; S.I. 1993/3106, art. 4, **Sch.1** Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, **art.2**).

[F7]59 . . . . . .

Textual Amendments

F7 S. 59 repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 126, **Sch. 21 Pt.I**; S.I. 1993/3106, art. 4, **Sch.1** Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, **art.2**).

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