



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER IV

##### GRANT-MAINTAINED SCHOOLS

##### *Control over alteration and change of site*

#### **89 Change of character or enlargement of grant-maintained school**

- (1) Subject to subsection (2) below, where the governing body of a grant-maintained school intend to make a significant change in the character, or significant enlargement of the premises, of the school they shall publish proposals for that purpose in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals.
- (2) No proposals shall be published under this section for the purpose of making a significant change in the religious character of such a school unless the trustees of the school (if any) have given their consent in writing to the change in question.
- (3) Proposals published under this section shall include particulars—
  - (a) of the time or times at which it is intended to implement the proposals; and
  - (b) of the number of pupils intended to be admitted to the school in each relevant age group in the first school year in relation to which the proposals have been wholly implemented.
- (4) For the purposes of subsection (3)(b) above—
  - (a) pupils intended to be admitted to the school for nursery education shall be disregarded; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) pupils already so admitted intended to be transferred to a reception class at the school shall be treated as intended to be admitted to the school on their transfer.
- (5) Proposals published under this section shall be accompanied by a statement—
  - (a) describing any effect the implementation of the proposals would have on provision at the school for pupils who have special educational needs; and
  - (b) explaining the effect of subsection (6) below.
- (6) Before the end of the period of two months beginning with the date of publication of the proposals, any of the following may submit objections to the proposals to the Secretary of State—
  - (a) any ten or more local government electors;
  - (b) the governing body of any school affected by the proposals; and
  - (c) any local education authority concerned.
- (7) The proposals shall require the approval of the Secretary of State; and he may reject them, approve them without modification or, after consultation with the governing body by whom they were made, approve them with such modifications as he thinks desirable.
- (8) It shall be the duty of the governing body of a grant-maintained school to implement any proposals with respect to the school which have been approved by the Secretary of State under this section; but the Secretary of State may, at the request of the governing body, modify any proposals which they are required to implement by virtue of this subsection.
- (9) Neither the governing body of a grant-maintained school nor any other person shall do or undertake anything for which proposals are required to be published and submitted in accordance with this section until such proposals have been so published and submitted and approved by the Secretary of State.
- (10) The Secretary of State may in any case allow such steps to be taken by the governing body of a grant-maintained school pending compliance with the requirements of this section and the giving by him of his approval of any such proposals as he considers reasonable in the circumstances of the case.
- (11) No decision taken at a meeting of the governing body of a grant-maintained school that would result in the submission of proposals under this section shall have effect unless it is confirmed at a second meeting of the governing body held not less than twenty-eight days after the first.

## **90 Approval of school premises on change of character or enlargement**

- (1) Where the governing body of a grant-maintained school submit proposals under section 89 of this Act, they shall, at such time and in such form and manner as the Secretary of State may direct, submit to him for his approval—
  - (a) particulars of the access provision made or to be made with respect to the premises or proposed premises of the school indicating the extent to which the provision conforms with the minimum requirements of the Design Note so far as they are relevant to school premises; and
  - (b) such other particulars with respect to the premises or proposed premises of the school as he may require.

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- (2) In subsection (1)(a) above—
- “access provision”, in relation to school premises, means provision as to the means of access both to and within the premises; and
- “the Design Note” means Design Note 18 “Access for Disabled People to Educational Buildings” published in 1984 on behalf of the Secretary of State, or any document replacing that Note prescribed by regulations under the Town and Country Planning Act 1971.
- (3) Where the proposals are approved, the governing body shall implement the proposals in accordance with the particulars submitted under this section as approved by the Secretary of State.
- (4) In section 63(2) of the 1944 Act (exemption from building regulations, etc.) references to plans approved by the Secretary of State shall include references to any particulars submitted to and approved by him under this section.

## **91 Change of site**

The Secretary of State may by order authorise the transfer of a grant-maintained school to a new site; and no such school shall be transferred to a new site without the authority of an order under this section.