



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER IV

##### GRANT-MAINTAINED SCHOOLS

*Proposals under section 12 or 13 of the 1980 Act in respect of schools eligible for grant-maintained status*

- 73 Proposals for alteration, etc., of schools eligible for grant-maintained status.**
- (1) Before formulating in respect of any school which is eligible for grant-maintained status any proposals for a purpose mentioned in section 12(1)(c) or (d) of the 1980 Act (proposals to cease to maintain certain schools or to make significant changes in the character, or enlargements of the premises of, a county school), the local education authority shall consult the governing body of the school.
  - (2) No proposals shall be published under section 12 or 13 of that Act in respect of any school in respect of which proposals for acquisition of grant-maintained status have been approved.
  - (3) Subsection (4) below applies in any case where either—
    - (a) after proposals for acquisition of grant-maintained status have been published in respect of any school which is eligible for grant-maintained status but before those proposals are withdrawn or determined proposals under section 12 or 13 of that Act in respect of the school are first published for the purposes of that section; or
    - (b) after proposals under section 12 or 13 of that Act in respect of any such school have first been published for the purposes of that section but before

*Status: Point in time view as at 01/02/1991.*

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those proposals are withdrawn or determined the governing body of the school publish proposals for acquisition of grant-maintained status for the school.

- (4) In any case to which this subsection applies—
- (a) the proposals under section 12 or 13 of that Act shall require the approval of the Secretary of State where they would not do so apart from this provision; and
  - (b) the Secretary of State shall consider both sets of proposals together but shall not determine the proposals under section 12 or 13 of that Act until he has made his determination with respect to the proposals for acquisition of grant-maintained status.
- (5) If in any such case the Secretary of State approves the proposals for acquisition of grant-maintained status, he shall reject the proposals under section 12 or 13 of that Act in respect of the school.
- (6) Where proposals under section 12 or 13 of that Act in respect of any school which is eligible for grant-maintained status have first been published for the purposes of that section and have not been withdrawn or determined, the Secretary of State—
- (a) may determine a period of suspension in relation to the proposals; and
  - (b) may from time to time by a further determination extend any period of suspension previously determined under this subsection.
- (7) A determination under subsection (6) above may be made in relation to all cases to which that subsection applies or in relation to any particular case; and a determination under that subsection which extends the period of suspension previously so determined may be made before or after the expiry of that period.
- (8) Where it is for the local education authority to determine proposals to which a period of suspension determined under subsection (6) above applies, the proposals shall not be determined until the end of that period; and in such a case section 12(7) of the 1980 Act (which requires the authority to make such a determination within four months after the submission of proposals to the Secretary of State) shall have effect as if for the reference to the submission of the proposals to the Secretary of State there were substituted a reference to the end of that period.
- (9) Where proposals to which a period of suspension determined under that subsection applies require the approval of the Secretary of State, he may suspend his consideration of the proposals—
- (a) where proposals for acquisition of grant-maintained status for the school are published before the end of the period of suspension, until the end of the period of two months beginning with the date of publication of those proposals; or
  - (b) in any other case, until the end of the period of suspension.
- (10) Where the Secretary of State makes a determination under subsection (6) above in relation to proposals under section 12 or 13 of the 1980 Act made in respect of any school, he shall give written notification of the determination—
- (a) to the governing body of the school; and
  - (b) in the case of proposals under section 12 of that Act, to the local education authority.
- (11) The power of the Secretary of State under subsection (6) above shall not apply in relation to proposals under section 12 or 13 of that Act published on or after such date

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as may be appointed for the purposes of this section by order made by the Secretary of State.

(12) Where—

- (a) proposals under section 12 or 13 of that Act with respect to a change in the character or an enlargement of the premises of any school have been approved; and
- (b) the school becomes a grant-maintained school before those proposals have been implemented;

those proposals shall be treated for the purposes of this Chapter as if they had been published and approved under section 89 of this Act.

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**Modifications etc. (not altering text)**

C1 S. 73(2)(12) modified (1.1.1994) by S.I. 1993/3103, reg. 3 Sch.2

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