



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER IV

##### GRANT-MAINTAINED SCHOOLS

##### *Miscellaneous and supplementary*

#### **104 Interpretation of Chapter IV**

(1) In this Chapter—

- (a) references to the proposed date of implementation are references—
  - (i) in relation to any school in respect of which proposals for acquisition of grant-maintained status are required to be published under section 62 of this Act, to the date specified in accordance with section 61(4)(f) of this Act in the information given for the purposes of the originating ballot to persons eligible to vote in that ballot (within the meaning of section 61); and
  - (ii) in relation to any school in respect of which such proposals are pending, to the date specified in the proposals as the proposed date of implementation;
- (b) references, in relation to any school in respect of which such proposals have been approved, to the proposals are references to the proposals as approved, subject to any modifications of those proposals under section 68 of this Act;
- (c) references to the character of a school are references to the kind of school it is determined by reference to any matter relating to—
  - (i) the provision of education at the school; or
  - (ii) the arrangements for admission of pupils to the school;

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- the alteration of which would amount to a change in the character of the school;
- (d) references to a change in the character of a school include, in particular, changes in character resulting from education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as girls or for girls as well as boys, or from the making or alteration of arrangements for the admission of pupils by reference to ability or aptitude;
  - (e) references to a relevant age group are references to an age group in which pupils are or will normally be admitted to the school in question;
  - (f) references to a governor of an elected category are references to a person who is a parent or teacher governor within the meaning of the 1986 Act or this Chapter (as the context may require);
  - (g) references, in relation to a vacancy for a governor of an elected category on the existing governing body of a school in respect of which proposals are required to be or have been published under section 62 of this Act, to the procedure applicable under the 1986 Act in relation to filling the vacancy are references—
    - (i) except where any provision made by virtue of section 5 of that Act (appointment of parent governors by governing body) applies, to the holding of an election under that Act; and
    - (ii) where any such provision applies, to the making of an appointment in accordance with that provision;
  - (h) references to the authority responsible for election arrangements under the 1986 Act in relation to a school are references to the authority or body by whom all necessary arrangements for any election of parent governors or teacher governors to the governing body of the school fall to be made under section 15(2) of that Act (which imposes responsibility for those arrangements on the local education authority in relation to county, controlled and maintained special schools and on the governing body of the school concerned in relation to aided and special agreement schools);
  - (i) references, in relation to a grant-maintained school, to the former maintaining authority shall be read, in any case where—
    - (i) the school was maintained by ILEA immediately before it became a grant-maintained school; and
    - (ii) the functions formerly exercisable by ILEA in relation to, or in relation to registered pupils at, the school are by virtue of section 166(7) of this Act exercisable by an inner London council or any other local education authority;
 as references to that council or authority; and
  - (j) references, in relation to such a school, to school property include, in the case of such property as is mentioned in section 94(7)(b)(iii) of this Act, references to any right to such property.
- (2) In relation to any proposals for acquisition of grant-maintained status required to be published under section 62 of this Act in respect of any school, the reference in subsection (1)(a) above to the originating ballot is a reference—
- (a) where subsection (1) of that section applies, to the ballot by reference to which it applies; and
  - (b) where the proposals are required to be published by virtue of a requirement imposed by the Secretary of State under subsection (4) or (12) of that section,

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to the last ballot held in accordance with section 61 of this Act in relation to the school before that requirement was imposed.

(3) In this Chapter—

“incorporation date” means, in relation to a grant-maintained school, the date on which the initial governing body of the school is incorporated under this Chapter; and

“premises” includes any interest in or easement, right or charge in, to or over premises.

(4) The following table shows provisions defining or otherwise explaining expressions used in this Chapter (other than provisions defining or explaining an expression used only in the same section)—

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dissolution date	section 94(3)(b)
eligible governor of an elected category	section 71
first governor	section 53(8) or 64(5) (as the context may require)
former maintaining authority	section 74(8) and subsection (1)(i) above.
foundation governor	section 53(8) or 64(5) (as the context may require)
governing body and initial governing body of a grant-maintained school	section 53(11) and (12)
governing body in liquidation	section 94(3)(a)
grant-maintained school formerly conducted by a governing body in liquidation	section 94(7)(c)
grant regulations	section 79(2)
parent governor	section 53(8) or 64(5) (as the context may require)
proposals for acquisition of grant-maintained status	section 52(4)(a)
pending proposals for acquisition of grant-maintained status	section 68(2)
the relevant particulars	section 62(16)
section 105 loan liabilities	section 94(7)(a)
school property	section 94(7)(b) and subsection (1)(j) above
a school which is eligible for grant-maintained status	section 52(5) to (9)
teacher governor	section 53(8) or 64(5) (as the context may require)

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(5) Any notification to the governing body of a school for the purposes of any provision of this Chapter may be given, and withdrawn, in such manner as the governing body may require.

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- (6) In subsection (1)(i) above, “ILEA” and “inner London council” have the same meanings as in Part III of this Act.