



# Education Act 1993

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

### CHAPTER II

#### PROCEDURE FOR ACQUISITION OF GRANT-MAINTAINED STATUS

##### *Approval and implementation of proposals*

### **33 Withdrawal, approval or rejection of proposals**

- (1) Proposals published under section 32 of this Act may not be withdrawn except with the consent of the Secretary of State and subject to such conditions as he may impose (which may, in particular, require further proposals to be published under that section within such period as the Secretary of State may specify).
- (2) The Secretary of State—
  - (a) may reject any proposals published under section 32 of this Act, or
  - (b) where a school in respect of which such proposals are made is eligible for grant-maintained status on the date of publication of the proposals, may approve them without modification or, after consultation with the existing governing body, approve them with such modifications as he thinks desirable.
- (3) Where the Secretary of State rejects any proposals published under section 32 of this Act in respect of a school which is eligible for grant-maintained status on the date of his determination, he may require the governing body to publish further proposals under section 32 of this Act within such period as he may specify.
- (4) Where the Secretary of State imposes a requirement under subsection (1) or (3) above for the publication of further proposals, section 32(2) of this Act and Schedule 3 to

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*Status: This is the original version (as it was originally enacted).*

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this Act shall apply as they apply in the case mentioned in section 32(1), but with the following modifications—

- (a) the reference in section 32(2) to the period of four months beginning with the date on which the result of the ballot is determined shall be taken as a reference to the period specified by the Secretary of State for submission of the further proposals required, and
- (b) the reference in paragraph 2(1)(a) of Schedule 3 to the ballot shall be read as referring to the last ballot held in accordance with section 28 of this Act in relation to the school before the requirement in question was imposed.

### **34 Incorporation of governing body**

- (1) Where any proposals are approved under section 33 of this Act, then—
  - (a) the persons who, immediately before the proposals are approved, are named in them as initial governors, and
  - (b) the existing head teacher (as a governor ex officio),
 shall on that date be incorporated as the governing body of the school under the name given in pursuance of paragraph 4(1)(g) of Schedule 3 to this Act.
- (2) Where any proposals are approved under section 33 of this Act, then, in relation to the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals—
  - (a) the governing body incorporated under this section are referred to in this Part of this Act as the “new governing body”, and
  - (b) any reference in any enactment or instrument or document to the governing body of the school, other than an express reference to the new governing body or the governing body incorporated under this section or a reference in Chapter V, shall be read as a reference to the existing governing body, not the new governing body.
- (3) On the date of implementation of the proposals—
  - (a) the local education authority whose duty it was immediately before that date to maintain the school as a county or voluntary school shall cease to have that duty, and
  - (b) any special agreement relating to the school shall cease to have effect.

### **35 Exercise of powers before proposed date of implementation**

Schedule 4 to this Act (which makes provision in relation to the period after approval and before the date of implementation) shall have effect in relation to any school where proposals are approved under section 33 of this Act.