



# Education Act 1993

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

#### CHAPTER II

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

##### *Ballot of parents*

#### **28 Ballot of parents**

- (1) Where the governing body of a school are under a duty by virtue of section 25 or 26 of this Act to secure that a ballot is held, they shall secure that all necessary arrangements for the ballot are made by such body as may be prescribed.
- (2) The arrangements shall provide for a secret postal ballot.
- (3) The governing body shall secure that the prescribed body take such steps as are reasonably practicable to secure that every person who is eligible to vote in the ballot is—
  - (a) given the prescribed information,
  - (b) informed that he is entitled to vote in the ballot, and
  - (c) given an opportunity to do so.
- (4) The governing body shall make available to every person employed to work at the school for inspection (at all reasonable times and free of charge) at the school a document containing the information required by subsection (3)(a) above to be given to persons eligible to vote in the ballot.
- (5) In determining the arrangements they require to be made by the prescribed body, the governing body shall take into account any guidance given by the Secretary of State

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from time to time as to the arrangements he considers appropriate for ballots held in accordance with this section.

- (6) The governing body may promote (otherwise than as part of the arrangements made for the ballot) the case for seeking grant-maintained status for the school and, in doing so, they shall take into account any guidance given by the Secretary of State as to the action he considers appropriate for the purpose.

## **29 Persons eligible to vote in ballot**

- (1) For the purposes of this Chapter, a person is eligible to vote in a ballot held in respect of a school in accordance with section 28 of this Act if he is a registered parent of a registered pupil at the school.
- (2) In subsection (1) above, “registered” means shown in the register kept under section 80 of the Education Act 1944 as that register has effect on the date immediately following the end of the period of fourteen days beginning with the date on which the relevant resolution or request was passed or received by the governing body.
- (3) In subsection (2) above, “the relevant resolution or request” means the resolution under section 25, or request under section 26, of this Act by reference to which the ballot is required to be held (or, where the ballot is a second ballot held by virtue of section 30 of this Act, by reference to which the first ballot was required to be held).

## **30 Second ballot to be held if insufficient votes cast**

- (1) Where in any ballot held in accordance with section 28 of this Act (other than one held by virtue of this section)—
- (a) the total number of votes cast by persons eligible to vote is less than fifty per cent. of the number of persons eligible to vote, or
  - (b) the number of votes cast in favour is the same as the number of votes cast against,
- the governing body shall secure that a second ballot is held within the period of fourteen days beginning with the date immediately after that on which the result of the first ballot is determined.
- (2) In such a case—
- (a) the result of the first ballot shall be disregarded for the purposes of section 32(1) of this Act, and
  - (b) subject to the modifications mentioned in subsection (3) below, section 28 of this Act shall apply as it applies in a case where the governing body of a school are under a duty by virtue of section 25 or 26 of this Act to secure that a ballot is held.
- (3) The modifications are—
- (a) that section 28(3)(a) shall be omitted, and
  - (b) that section 28(4) shall be read as if the information there referred to were the information given for the purposes of the first ballot.

## **31 Power to declare ballot void for irregularity**

- (1) Subsection (2) below applies where it appears to the Secretary of State—

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- (a) that any requirements of section 28 or 30 of this Act have been contravened in the case of a ballot held in purported compliance with section 28 of this Act,
  - (b) that the arrangements for a ballot so held did not accord with any guidance given by him for the purposes of section 28 of this Act,
  - (c) that a governing body have acted unreasonably in the discharge of their duties under section 28 or 30 of this Act,
  - (d) that persons other than those eligible to do so have purported to vote in a ballot so held,
  - (e) that ballot papers returned for the purposes of a ballot so held have been marked by persons other than those to whom they were issued or those duly authorised to act on their behalf,
  - (f) that persons who were eligible to vote in a ballot so held have been prevented or hindered from doing so, or from doing so freely in accordance with their own opinions, by any other person, or
  - (g) that voting in a ballot so held is likely to have been influenced to a significant extent by the dissemination of information appearing to the Secretary of State to be to a material extent false or misleading.
- (2) The Secretary of State may by notice in writing given to the governing body—
- (a) declare the ballot void, and
  - (b) require that a fresh ballot be held in accordance with section 28 of this Act before such date as he may specify in the notice.
- (3) Where—
- (a) by a notice under subsection (2) above the Secretary of State requires the fresh ballot to be held in the school year following that in which fell the date which was the effective date for the register used for the ballot he declares void, and
  - (b) the notice specifies a date for the purposes of this subsection,
- section 29(1) of this Act shall have effect in relation to the fresh ballot as if “registered” meant shown in the register kept under section 80 of the Education Act 1944 as that register has effect on the date specified for the purposes of this subsection.

## **32 Publication of proposals**

- (1) Subsection (2) below applies where the result of a ballot held in accordance with section 28 of this Act shows a simple majority of votes cast (by persons eligible to vote in the ballot) in favour of seeking grant-maintained status for the school.
- (2) Before the end of the period of four months beginning with the date on which the result of the ballot is determined, the governing body shall—
- (a) publish proposals for acquisition of grant-maintained status for the school in accordance with any provisions imposed by or under paragraph 1 of Schedule 3 to this Act,
  - (b) publish any notice in respect of the proposals for the time being required by any such provisions, and
  - (c) submit to the Secretary of State a copy of the published proposals.
- (3) References in this Part of this Act to proposals published under this section, in any case where the Secretary of State has modified such proposals in pursuance of this Part of this Act, are to the proposals as so modified.

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- (4) For the purposes of this Part of this Act, proposals published under this section shall be regarded as pending in respect of a school until either the proposals are withdrawn or the Secretary of State makes his determination in respect of them.
- (5) Part I of Schedule 3 to this Act (which makes provision supplementing this section) shall have effect.