



Education Act 1993

1993 CHAPTER 35

PART II

GRANT-MAINTAINED SCHOOLS

CHAPTER X

GENERAL AND MISCELLANEOUS

Further education

128 Provision of further education in grant-maintained schools

It shall be the duty of the governing body of any grant-maintained school which provides—

- (a) part-time education suitable to the requirements of persons of any age over compulsory school age, or
- (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years,

to secure that it is not provided at any time in a room where pupils are at that time being taught except in such circumstances as may be prescribed.

Provision of benefits and services by local education authority

129 Provision of benefits and services for pupils by local education authority

(1) Where—

- (a) a local education authority are under a duty, or have power, to provide any benefits or services for pupils, and

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- (b) the duty is to be performed, or the power may be exercised, both in relation to pupils at schools maintained by a local education authority and in relation to pupils at grant-maintained schools,

the authority shall in performing the duty, or exercising the power, treat pupils at grant-maintained schools no less favourably (whether as to the benefits or services provided or as to the terms on which they are provided) than pupils at schools maintained by a local education authority.

(2) Where—

- (a) a local education authority are under a duty, or have power, to provide any benefits or services for persons, other than pupils, receiving education at a school, and

- (b) the duty is to be performed, or the power may be exercised, both in relation to such persons at schools maintained by a local education authority and in relation to such persons at grant-maintained schools,

the authority shall in performing the duty, or in exercising the power, treat such persons at grant-maintained schools no less favourably (whether as to the benefits or services provided or as to the terms on which they are provided) than such persons at schools maintained by a local education authority.

Transfer and disposal of premises

130 Transfer of premises to trustees

- (1) Where grant under section 53(2) of this Act or capital grant is paid to the governing body of a grant-maintained school established in pursuance of proposals published under section 49 of this Act in respect of the provision of a site for the school or of school buildings, a requirement shall be imposed under section 53 or, as the case may be, Chapter VI for the purpose of securing that the site or buildings in question are held on trust by trustees of the school.

- (2) Where buildings are to be provided for any grant-maintained school which are to—

- (a) form part of the school premises, and
 (b) be constructed partly on land held by the governing body and partly on land held on trust for the purposes of the school by persons other than the governing body,

the governing body shall transfer to those persons the land held by the governing body on which the buildings are to be constructed; and section 68(7)(b) of this Act does not apply to a transfer required by this subsection.

- (3) In this section “site” does not include playing fields.

131 Disposal of premises on transfer of school to new site

- (1) Where—

- (a) the funding authority pay capital grant in respect of a transfer of a grant-maintained school to a new site authorised under Chapter VII, and
 (b) the governing body or any trustees of the school possess, or are or may become entitled to, a sum representing the proceeds of disposal of other premises which have been used for the purposes of the school,

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- the governing body or (as the case may be) the trustees or their successors shall pay to the Secretary of State the whole of that sum, if it is equal to or less than the amount of the capital grant, and otherwise so much of it as is required to repay that amount.
- (2) Any sum paid under subsection (1) above shall, in a case where any interest in the new site has vested in any trustees of the school, be treated for the purposes of section 14 of the Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.
- (3) Where trustees of a grant-maintained school are required to pay any sum to the Secretary of State under subsection (1) above in a case where any interest in the new site is or is to be held by the governing body, then—
- (a) if the interest or, as the case may be, all the interests held by any persons for the purposes of the school in the previous site were freehold interests held by the trustees, the governing body shall transfer their interest in the new site to the trustees, and
 - (b) if in any other case the trustees held any interest in the previous site, the governing body shall if directed to do so by the Secretary of State transfer to the trustees their interest in the whole of the new site or such part of it as may be specified in the direction.
- (4) Where trustees of a grant-maintained school are required to pay any sum to the Secretary of State under subsection (1) above in a case in which they may also be required to pay any sum to a local education authority under paragraph 8 of the First Schedule to the Education Act 1946 in respect of the disposal of the same premises, that paragraph shall have effect as if—
- (a) in relation to that disposal, the reference to the purchase money paid in respect of the acquisition of the premises were a reference to so much of the amount of that purchase money as remains after deducting the amount of the payment under subsection (1) above, and
 - (b) any premises transferred to the trustees in pursuance of subsection (3) above were premises conveyed by the authority as mentioned in that paragraph.
- (5) In subsection (3)(a) above “site” does not include playing fields.

132 Disposal of premises transferred under section 38

- (1) This section applies where the governing body of a grant-maintained school apply to the Secretary of State for his consent to the disposal of—
- (a) any premises transferred to the governing body under section 38(1)(a) of this Act, or
 - (b) any premises acquired wholly or partly with the proceeds of the disposal of any premises so transferred or of any premises so acquired.
- (2) Subject to subsection (3) below, the Secretary of State may—
- (a) require the premises or any part of the premises to be transferred to such local authority as the Secretary of State may specify, subject to the payment by that authority of such sum by way of consideration (if any) as he determines to be appropriate, or
 - (b) where he does not impose a requirement under paragraph (a) above, require the governing body when the premises are disposed of to pay to such local authority as the Secretary of State may specify the whole or any part of the proceeds of disposal.

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- (3) Where the occasion of the disposal is a transfer of the school to a new site in respect of which the funding authority have paid capital grant—
- (a) no requirement shall be imposed under subsection (2)(a) above, and
 - (b) the reference in subsection (2)(b) above to the proceeds of disposal shall be read as a reference to such part (if any) of those proceeds as remains after repayment of the amount of that capital grant in accordance with section 131 of this Act.

133 Disposal of premises held by trustees

- (1) This section applies where any premises—
- (a) transferred to the governing body of a grant-maintained school under section 38(1)(a) of this Act, or
 - (b) acquired by such a governing body wholly or partly with the proceeds of the disposal of any premises so transferred or of any premises so acquired,
- have been transferred by them to be held on trust by the trustees of the school.
- (2) If at any time the trustees dispose of the premises the Secretary of State may require them to pay to such local authority as he may specify the whole or any part of the proceeds of the disposal.

134 Disposal of premises provided, etc. by the funding authority

- (1) Where the governing body of a grant-maintained school apply to the Secretary of State for his consent to the disposal of—
- (a) any premises provided by the funding authority, or
 - (b) any premises acquired wholly or partly with the proceeds of the disposal of any premises so provided or of any premises so acquired,
- the Secretary of State may require the governing body when the premises are disposed of to pay to him or to the funding authority the whole or any part of the proceeds of disposal.
- (2) Where—
- (a) any premises falling within subsection (1)(a) or (b) above are transferred by the governing body to be held on trust by the trustees of the school, or
 - (b) any premises in respect of which capital grant was paid are transferred by the governing body (otherwise than in pursuance of a requirement imposed in accordance with section 130 of this Act or in pursuance of section 131(3) of this Act) to be held on trust by the trustees of the school,
- then, if at any time the trustees dispose of the premises, the Secretary of State may require them to pay to him or to the funding authority the whole or any part of the proceeds of the disposal.

135 Interpretation of sections 130 to 134

- (1) For the purposes of sections 131 and 132 of this Act, the funding authority are to be regarded as paying capital grant in respect of the transfer of a school to a new site if they pay capital grant in respect of the acquisition of the new site or the provision on that site of the school buildings or of any other buildings forming part of the new school premises.

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- (2) In sections 130 to 134 of this Act “trustees of the school” means any person (other than the governing body) holding property on trust for the purposes of the school.
- (3) For the purposes of sections 131 to 134 of this Act—
 - (a) a governing body or trustees are to be regarded as disposing of any premises if those premises are acquired from them, whether compulsorily or otherwise, and
 - (b) “proceeds of disposal”, in relation to a disposal of premises by a governing body or trustees, means the compensation or purchase money paid in respect of the acquisition from them of those premises.
- (4) In subsection (3) above—
 - (a) references to the acquisition of premises from a governing body or trustees include, in the case of any premises held under a tenancy to which Part II of the Landlord and Tenant Act 1954 (“the 1954 Act”) applies, the termination of that tenancy under that Part of that Act, and
 - (b) the reference to the purchase money paid in respect of such an acquisition includes any compensation paid by the landlord on the quitting of any such premises by the governing body or trustees (whether or not the compensation is required to be paid by section 37 of that Act (compensation where order for new tenancy precluded on certain grounds)).
- (5) In subsection (4) above, expressions to which a meaning is given for the purposes of the 1954 Act have the same meaning as in that Act.

Modification of instruments

136 Variation of trust deeds etc. by order

- (1) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to a school as, after consultation with the governing body of the school and the trustees (if any), appear to him to be requisite—
 - (a) in consequence of the approval of proposals for acquisition of grant-maintained status for the school,
 - (b) for removing any inconsistency between the provisions of that trust deed or other instrument and any provisions included or proposed to be included in any instrument or articles of government made for the school under Chapter V, or any scheme under section 69 of this Act, which it appears to him to be expedient to remove in the interests of the school, or
 - (c) in consequence of any proposals as to a change in the character or an enlargement of the premises of the school or a transfer of the school to a new site which fall to be implemented under section 100 of this Act.
- (2) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to an independent school where proposals have been approved for the establishment of a grant-maintained school in its place as, after consultation with the promoters and the trustees (if any), appear to him to be requisite—
 - (a) in consequence of the approval of the proposals, or
 - (b) for removing any inconsistency between the provisions of that trust deed or other instrument and any provisions included or proposed to be included in any instrument or articles of government made for the grant-maintained

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school under Chapter V which it appears to him to be expedient to remove in the interests of the school.

- (3) Any modification made by an order under this section may be made to have permanent effect or to have effect for such period as may be specified in the order.

137 Modification of instruments relating to land held for purposes of voluntary schools

Any provision of an instrument relating to any land held for the purposes of a voluntary school which—

- (a) confers on any person an option to acquire an interest in that land, or
- (b) provides (in whatever terms) for the determination or forfeiture of any such interest,

in the event of the school's ceasing to be a voluntary school or (as the case may be) ceasing to be maintained by a specified local education authority shall, if the school becomes a grant-maintained school, have effect as if the event referred to were the school's ceasing to be a school which is either a grant-maintained school or a voluntary school.

Religious education, worship etc.: classes of grant-maintained school

138 Former county schools and certain schools established as grant-maintained schools

- (1) Subject to section 141 of this Act, this section applies in relation to a grant-maintained school if—
- (a) it was a county school immediately before it became grant-maintained,
 - (b) it was established in pursuance of proposals published under section 48 of this Act, or
 - (c) it was established in pursuance of proposals published under section 49 of this Act and neither any trust deed relating to the school nor the statement required by paragraph 8 of Schedule 3 to this Act makes provision as to the religious education for pupils at the school.
- (2) Subject to the following provisions of this section, in the case of a school to which this section applies the collective worship required in the school by section 6 of the Education Reform Act 1988 (collective worship) shall be wholly or mainly of a broadly Christian character.
- (3) For the purposes of subsection (2) above, collective worship is of a broadly Christian character if it reflects the broad traditions of Christian belief without being distinctive of any particular Christian denomination.
- (4) Every act of collective worship required by section 6 of that Act in the case of a school to which this section applies need not comply with subsection (2) above provided that, taking any school term as a whole, most such acts which take place in the school do comply with that subsection.
- (5) Subject to subsections (2) and (4) above—

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- (a) the extent to which (if at all) any acts of collective worship required by section 6 of that Act which do not comply with subsection (2) above take place in such a school,
- (b) the extent to which any act of collective worship in such a school which complies with subsection (2) above reflects the broad traditions of Christian belief, and
- (c) the ways in which those traditions are reflected in any such act of collective worship,

shall be such as may be appropriate having regard to any relevant considerations relating to the pupils concerned which fall to be taken into account in accordance with subsection (6) below.

- (6) Those considerations are—
 - (a) any circumstances relating to the family backgrounds of the pupils concerned which are relevant for determining the character of the collective worship which is appropriate in their case, and
 - (b) their ages and aptitudes.
- (7) Where under section 12 of the Education Reform Act 1988 (determination by standing advisory councils of the cases in which the requirement for Christian worship is not to apply) a standing advisory council on religious education determine that it is not appropriate for subsection (2) above to apply in the case of a school to which this section applies, or in the case of any class or description of pupils at such a school (or where they had so determined in the case of a school or pupils at a school before it became grant-maintained) then, so long as that determination has effect—
 - (a) that subsection shall not apply in relation to that school or (as the case may be) in relation to those pupils, and
 - (b) the collective worship required by section 6 of that Act (collective worship) in the case of that school or those pupils shall not be distinctive of any particular Christian or other religious denomination (but this shall not be taken as preventing that worship from being distinctive of any particular faith).
- (8) The arrangements for collective worship in a school to which this section applies required by section 6 of that Act shall be made by the head teacher after consultation with the governing body.
- (9) The provision for religious education for pupils at the school which is required by section 2(1)(a) of that Act (basic curriculum for schools) shall be provision for religious education in accordance with the appropriate agreed syllabus.
- (10) That syllabus shall not provide for religious education to be given to pupils at the school by means of any catechism or formulary which is distinctive of a particular religious denomination (but this is not to be taken as prohibiting provision in the syllabus for the study of such catechisms or formularies).
- (11) If, in the case of a secondary school so situated that arrangements cannot conveniently be made for the withdrawal of pupils from it in accordance with section 9 of that Act (religious education - exceptions etc.) to receive religious education elsewhere, the governing body are satisfied—
 - (a) that the parents of any pupils at the school desire them to receive religious education in the school in accordance with the tenets of a particular religion or religious denomination, and

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- (b) that satisfactory arrangements have been made for the provision of such education to those pupils in the school, and for securing that the cost of providing such education to those pupils in the school will not fall upon the governing body,

the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) provide facilities for the carrying out of those arrangements.

- (12) References in this section to acts of collective worship in a school to which this section applies include references to any such act which under section 6 of that Act takes place otherwise than on the school premises.

139 Former controlled schools

- (1) Subject to section 141 of this Act, this section applies in relation to a grant-maintained school which was a controlled school immediately before it became grant-maintained.
- (2) The provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school's basic curriculum shall be provision for religious education—
- (a) in accordance with any arrangements made under subsection (3) below, or
 - (b) subject to any such arrangements, in accordance with the appropriate agreed syllabus.
- (3) Where the parents of any pupils at the school have requested (whether before or after the school became grant-maintained) that the pupils may receive religious education—
- (a) in accordance with any provisions of the trust deed relating to the school, or
 - (b) where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a grant-maintained school,

the foundation governors shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for securing that such religious education is given to those pupils in the school during not more than two periods in each week.

140 Former aided or special agreement schools and certain schools established as grant-maintained schools

- (1) Subject to section 141 of this Act, this section applies in relation to a grant-maintained school if—
- (a) it was an aided or special agreement school immediately before it became grant-maintained, or
 - (b) it was established in pursuance of proposals published under section 49 of this Act and either any trust deed relating to the school or the statement required by paragraph 8 of Schedule 3 to this Act makes provision as to the religious education for pupils at the school.
- (2) The provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school's basic curriculum shall be provision for religious education—
- (a) in accordance with any provisions of any trust deed relating to the school or, where provision for that purpose is not made by such a deed—

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- (i) in the case of a former aided or special agreement school, in accordance with the practice observed in the school before it became a grant-maintained school, or
 - (ii) in the case of a school established in pursuance of proposals published under section 49 of this Act, in accordance with the statement required by paragraph 8 of Schedule 3 to this Act, or
 - (b) in accordance with any arrangements made under subsection (3) below.
- (3) Where the parents of any pupils at the school—
 - (a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority for the area in which the school is situated for use in schools maintained by the authority, and
 - (b) cannot with reasonable convenience cause those pupils to attend a school at which that syllabus is in use,

the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for religious education in accordance with that syllabus to be given to those pupils in the school.
- (4) Religious education under any such arrangements shall be given during the times set apart for the giving of religious education in the school in accordance with the provision for that purpose included in the school's basic curriculum by virtue of section 2(1)(a) of the Education Reform Act 1988.
- (5) The head teacher of a school to which this section applies shall give notice in writing to the council constituted under section 11 of that Act (standing advisory councils on religious education) by the local education authority in whose area the school is of any agreed syllabus which is in use at the school in accordance with subsection (3) above.

141 Changes in religious education and worship

- (1) Subsection (2) below applies where, in the case of a school in relation to which section 138 or 139 of this Act for the time being applies, proposals that the required provision for religious education should be provision for religious education in accordance with the tenets of a particular religion or religious denomination are approved under section 98 of this Act.
- (2) From the time at which the proposals fall to be implemented—
 - (a) the required provision for religious education shall (subject to subsection (3) below) be provision for religious education either in accordance with the tenets of that religion or religious denomination or in accordance with any arrangements made under section 140(3) of this Act (as applied by paragraph (b) below),
 - (b) section 140(3) to (5) of this Act shall apply in relation to the school, and
 - (c) any provisions of section 138 or 139 of this Act which apply in relation to the school shall cease to apply in relation to it.
- (3) Where, in the case of any grant-maintained school, proposals that the required provision for religious education should be provision for religious education otherwise than in accordance with the tenets of a particular religion or religious denomination are approved under section 98 of this Act—
 - (a) section 138 of this Act shall apply in relation to the school from the time at which the proposals fall to be implemented, and

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- (b) any provisions of section 139 or 140 of this Act which apply in relation to the school shall cease to apply in relation to it from that time.
- (4) In this section, “the required provision for religious education”, in relation to a school, means the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum.

142 Meaning of “the appropriate agreed syllabus” in sections 138 and 139

- (1) For the purposes of sections 138(9) and 139(2) of this Act, “the appropriate agreed syllabus”, in relation to a grant-maintained school or to any pupils at it, is—
 - (a) the agreed syllabus adopted or deemed to be adopted for the time being by the local education authority for the area in which the school is situated for use in the schools maintained by the authority,
 - (b) if there is more than one such syllabus, whichever of them the governing body shall determine, or
 - (c) if the governing body select for the school or those pupils an agreed syllabus which was adopted or deemed to be adopted by a local education authority, other than the authority in whose area the school is, on or after 29th September 1988 and which has not been replaced by a new agreed syllabus, that syllabus.
- (2) In relation to a school in Wales, in subsection (1)(c) above “local education authority” means a local education authority in Wales.

Religious education, worship etc.: religious opinions etc. of staff

143 Former county schools and certain schools established as grant-maintained schools

- (1) Subject to section 145 of this Act, subsections (2) to (4) below apply in relation to a grant-maintained school if—
 - (a) it was a county school immediately before it became grant-maintained,
 - (b) it was established in pursuance of proposals published under section 48 of this Act, or
 - (c) it was established in pursuance of proposals published under section 49 of this Act and neither any trust deed relating to the school nor the statement required by paragraph 8 of Schedule 3 to this Act makes provision as to the religious education for pupils at the school.
- (2) No person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship—
 - (a) for being a teacher at the school, or
 - (b) for being employed (otherwise than as a teacher) for the purposes of the school.
- (3) No teacher at the school shall be required to give religious education.
- (4) No teacher at the school shall receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage—
 - (a) by reason of the fact that he does or does not give religious education, or

- (b) by reason of his religious opinions or of his attending or omitting to attend religious worship.

144 Former voluntary schools and certain schools established as grant-maintained schools

- (1) Subject to section 145 of this Act, subsections (2) and (3) below apply in relation to a grant-maintained school if—
 - (a) it was a voluntary school immediately before it became grant-maintained, or
 - (b) it was established in pursuance of proposals published under section 49 of this Act and either any trust deed relating to the school or the statement required by paragraph 8 of Schedule 3 to this Act makes provision as to the religious education for pupils at the school.
- (2) No person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, for being employed (otherwise than as a teacher) for the purposes of the school.
- (3) No teacher at the school shall receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage—
 - (a) by reason of the fact that he gives religious education, or
 - (b) by reason of his religious opinions or of his attending religious worship.
- (4) Without prejudice to subsections (2) and (3) above, in the case of a school which was a voluntary school immediately before it became grant-maintained, any of the provisions of section 30 of the Education Act 1944 (saving as to position of teachers) which, immediately before the school became grant-maintained, applied in relation to a teacher in the school shall continue to apply in relation to him until he ceases to be employed as a teacher in the school.

145 Changes in religious character of schools

- (1) Where, in the case of a school in relation to which section 143(2) to (4) of this Act for the time being applies, proposals that the required provision for religious education should be provision for religious education in accordance with the tenets of a particular religion or religious denomination are approved under section 98 of this Act—
 - (a) section 144(2) and (3) of this Act shall apply in relation to the school from the time at which the proposals fall to be implemented, and
 - (b) subject to subsection (2) below, section 143(2) to (4) of this Act shall cease to apply in relation to the school from that time.
- (2) Without prejudice to section 144(2) and (3) of this Act, section 143(2) to (4) of this Act shall continue to apply in relation to any teacher who was employed at the school immediately before the proposals referred to in subsection (1) above fell to be implemented until he ceases to be employed as a teacher at the school.
- (3) Where, in the case of any grant-maintained school, proposals that the required provision for religious education should be provision for religious education otherwise than in accordance with the tenets of a particular religion or religious denomination are approved under section 98 of this Act—
 - (a) section 143(2) to (4) of this Act shall apply in relation to the school from the time at which the proposals fall to be implemented, and

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- (b) section 144(2) and (3) of this Act shall cease to apply in relation to the school from that time.
- (4) In this section, “the required provision for religious education”, in relation to a school, means the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum.

Religious education, worship etc.: general

146 Reconsideration of agreed syllabus: consultation with grant-maintained schools

Where any agreed syllabus for the time being adopted by a local education authority which is in use at a grant-maintained school within the area of the authority (or for any pupils at such a school) falls to be reconsidered under the Fifth Schedule to the Education Act 1944 (procedure for preparing and bringing into operation agreed syllabus for religious instruction), the conference convened under that Schedule to reconsider the syllabus shall consult the governing body of the grant-maintained school before making any recommendation.

147 Standing advisory councils on religious education

- (1) For section 11(3)(b) of the Education Reform Act 1988 (standing advisory councils on religious education) there is substituted—
 - “(b) a person appointed by the governing bodies of the grant-maintained schools within the area of the authority to which section 138 or 139 of the Education Act 1993 applies.”
- (2) At the end of section 11 of the Education Reform Act 1988 there is added—
 - “(11) The council shall send to the head teacher of any grant-maintained school to which section 138 of the Education Act 1993 applies and which is in the area of the authority a copy of advice which they give to the authority upon matters connected with religious worship.
 - (12) The council shall send a copy of advice which they give to the authority on the religious education to be given in accordance with an agreed syllabus to the head teacher of any grant-maintained school which is in the area of the authority and which—
 - (a) is required, by virtue of section 138 or 140 of the Education Act 1993 (religious education in certain grant-maintained schools), to provide religious education in accordance with an agreed syllabus, or
 - (b) was a controlled school immediately before it became grant-maintained.”

148 Cases where no requirement for Christian collective worship

In section 12 of the Education Reform Act 1988 (determination by advisory councils of the cases in which the requirement for Christian collective worship is not to apply)

- (a) in subsection (1)—
 - (i) for “the head teacher of any county school” there is substituted—

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- “(a) the head teacher of any county school; or
 - (b) the head teacher of any grant-maintained school to which section 138 of the Education Act 1993 applies and which is in the area of the local education authority which constituted the council”, and
- (ii) after “this Act” there is inserted “or, as the case may be, section 138(2) of the Education Act 1993”,
- (b) in subsection (4) after “section 7” there is inserted “of this Act or, as the case may be, section 138 of the Education Act 1993”,
 - (c) in subsection (9) after “county school” there is inserted “or of any grant-maintained school to which subsection (1) above applies”, and
 - (d) after subsection (10) there is inserted—
- “(11) Where an application is made under subsection (1)(a) above in respect of a school which becomes a grant-maintained school before the application is determined, it shall, unless withdrawn by the head teacher, continue to be considered as if made under subsection (1)(b) above.”

Approved admission number

149 Minimum number for admission

- (1) The governing body of a grant-maintained school shall not fix as the number of pupils in any relevant age group it is intended to admit to the school in any school year a number which is less than the approved admission number for that age group.
- (2) Subject to subsections (3) and (4) below and sections 150 and 151 of this Act, the approved admission number for any relevant age group is the number specified in the proposals published under section 32, 48 or 49 of this Act (as the case may be) as the number of pupils intended to be admitted to the school in that age group in the first school year beginning on or after the date of implementation of the proposals.
- (3) Where proposals for a significant change in the character, or significant enlargement of the premises, of a grant-maintained school or for the transfer of such a school to a new site have been approved or adopted under section 98 of this Act, the approved admission number for any relevant age group for any school year for which the proposals have been wholly or partly implemented is—
 - (a) the number specified in the proposals as the number of pupils proposed to be admitted to the school in that age group in the first school year in relation to which the proposals have been fully implemented, or
 - (b) if for any school year for which the proposals have been partly implemented the Secretary of State directs the substitution of a different number, that number.
- (4) The approved admission number in relation to any relevant age group may be varied in the case of any such school with the approval of the Secretary of State.
- (5) For the purposes of this section and sections 150 and 151 of this Act admission to any school for nursery education shall be disregarded.

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150 Alteration of minimum number by Secretary of State

- (1) This section applies in relation to any grant-maintained school unless the funding authority have the function under section 151 of this Act in relation to that school.
- (2) The Secretary of State may by order increase the approved admission number for any relevant age group to such number as may be specified in the order for any school year specified in the order beginning after the date of the order.
- (3) No direction may be given under subsection (2) above which would have the effect of requiring such an increase in the number of pupils to be admitted to the school as would—
 - (a) constitute a significant change in the character of the school, or
 - (b) involve any alteration of the premises of the school.

151 Alteration of minimum number by funding authority

- (1) If an order under section 12(1) of this Act applies to the area of a local education authority, the funding authority may give a direction under subsection (2) below to the governing body of a grant-maintained school in the area.
- (2) A direction under this subsection—
 - (a) may increase the approved admission number for any relevant age group to such number as may be specified in the direction for any school year specified in the direction beginning after the date of the direction, and
 - (b) if any alteration would be required to the premises of the school in consequence of any increase in any approved admission number made by the direction, shall give particulars of the alteration.
- (3) No direction may be given under subsection (2) above which would have the effect of requiring such an increase in the number of pupils to be admitted to the school as would constitute a significant change in the character of the school or involve a significant enlargement of the premises of the school.
- (4) Before deciding to give a direction under subsection (2) above the funding authority shall consult the governing body about the proposed content of the direction.
- (5) Before giving a direction under subsection (2) above the funding authority shall serve a draft of the proposed direction on the governing body.
- (6) A governing body on which a draft is served under subsection (5) above may, within the period of fifteen days beginning with the day on which it was served, refer the matter to the Secretary of State and, if they do so, shall inform the funding authority.
- (7) On a reference under subsection (6) above the Secretary of State may—
 - (a) require the funding authority not to give any direction in terms of the draft, or
 - (b) authorise the funding authority to give a direction in such terms, or those terms as required to be modified by the Secretary of State,
 and any direction given by the funding authority shall be in the terms authorised under paragraph (b) above.
- (8) Where the funding authority give a direction under this section—
 - (a) if any particulars are specified in pursuance of subsection (2)(b) above, the governing body shall secure the alteration of the school premises in accordance with the particulars, and

- (b) the funding authority shall make a grant to them of an amount equal to the reasonable expenses incurred or to be incurred in doing so.

Supplementary

152 Manner of giving notification to governing body

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

153 Provision of information by governing body

- (1) The governing body of a grant-maintained school shall publish, at such times and in such manner as may be required by regulations made by the Secretary of State, such information in respect of the school as may be so required.
- (2) The governing body shall make such reports and returns, and give such information, to the Secretary of State as he may require for the purpose of his functions in relation to education.
- (3) The governing body shall make such reports and returns, and give such information, to the funding authority as they may require for the purpose of the exercise of their functions.
- (4) The governing body shall make such reports and returns, and give such information, to any local education authority by whom any functions are exercisable—
 - (a) in relation to the school, or
 - (b) in relation to registered pupils at the school,as the authority may require for the purpose of the exercise of those functions.
- (5) The governing body shall make such reports and returns, and give such information, in relation to registered pupils at the school aged five or under as any local education authority may require for the purpose of exercising their functions under section 19(1) (a) of the Children Act 1989 (review of provision for day care).

154 Inspection of accounts and reports to Parliament

- (1) The accounts of the governing body of any grant-maintained school shall be open to the inspection of the Comptroller and Auditor General.
- (2) The Comptroller and Auditor General shall, in each session of Parliament, report to the House of Commons—
 - (a) whether he has carried out under section 6 of the National Audit Act 1983 any examinations in respect of grant-maintained schools, and if he has,
 - (b) the results of such examinations.
- (3) The first report under subsection (2) above shall cover a period beginning with the commencement of this section and each subsequent report shall cover a period beginning at the end of the period covered by the preceding report.
- (4) In determining whether to carry out any examination under that section in respect of grant-maintained schools and, if he determines to do so, the nature of the examination,

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the Comptroller and Auditor General shall have regard to any relevant published report of any study promoted or undertaken by the Audit Commission for Local Authorities and the National Health Service in England and Wales under section 220 of the Education Reform Act 1988.

Interpretation

155 Interpretation of Part II

- (1) In this Part of this Act—
- “premises” includes any interest in or easement, right or charge in, to or over premises,
- “reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate together with pupils of that age, and
- “registered”, in relation to parents or pupils, or their names or addresses, means shown in the register kept under section 80 of the Education Act 1944.
- (2) The following provisions apply for the purposes of this Part of this Act.
- (3) References to the character of a school are to the kind of school it is determined by any matter relating to—
- (a) the provision of education at the school, or
 - (b) the arrangements for admission of pupils to the school,
- the alteration of which would amount to a change in the character of the school.
- (4) References to a relevant age group are to an age group in which pupils are or will normally be admitted to the school in question.
- (5) Children are to be regarded as admitted to a school for nursery education if they are or are to be placed on admission in a nursery class.
- (6) The transfer to a reception class of pupils who have been admitted to a school for nursery education shall be treated as admission to the school.
- (7) References, in relation to proposals under this Part of this Act, to the date of publication of the proposals are—
- (a) to the date on which the requirements of this Part of this Act, or of regulations made by virtue of this Part of this Act, with respect to the publication of the proposals (or of any notice relating to the proposals) are satisfied, or
 - (b) where different requirements are satisfied on different dates, to the last of those dates,
- and references to the time at which such proposals are published shall be construed accordingly.
- (8) References in section 38 of this Act to liabilities incurred by a local authority shall not be read as including liabilities of such an authority to make payments to or in respect of any person in pursuance of any duty imposed on the authority under any statutory provision.
- (9) A person employed by a local education authority is to be regarded as employed to work at a school if his employment with the authority for the time being involves work at that school.

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- (10) Subject to section 39(2) of this Act, a person employed by such an authority is to be regarded as employed to work solely at a school if his only employment with the authority (disregarding any employment under a separate contract with the authority) is for the time being at that school.
- (11) Nothing in this Part of this Act or in any order made under it relating to the trusts subject to which any land or other property or rights transferred under this Part are to be held by the transferee shall be taken as prejudicing any modification of those trusts after that transfer under any provision of this Part or otherwise.