



Education Act 1996

1996 CHAPTER 56

PART II

SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

CHAPTER IV

GOVERNMENT OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

Governing bodies: general

86 Instrument of government to reflect current circumstances of school

- (1) Subject to subsection (2) and paragraph 5(2) of Schedule 10 (which makes in relation to new schools provision similar to that made by subsection (2) in relation to existing schools), the instrument of government for a county, voluntary or maintained special school shall make such provision as is appropriate having regard to all the circumstances of the school as at the date on which the instrument is made.
- (2) Where proposals falling within section 82(3) have been implemented in relation to a school, then for the purposes of subsection (1) the number of registered pupils at the school shall, until the actual number of registered pupils at the school reaches the maximum number of pupils provided for by the proposals, be deemed to be that maximum number.
- (3) Where subsection (2) applies in relation to a school—
 - (a) the local education authority, or
 - (b) if the proposals fall within section 82(3)(b), the governing body,may determine that it shall cease to apply (but without prejudice to its operation in relation to the implementation of any further proposals).

Status: This is the original version (as it was originally enacted).

87 Effect of change in circumstances of school

- (1) Where the effect of any subsequent change in the circumstances of a county, voluntary or maintained special school is that the provision made by the instrument of government for the school differs in any respect from the provision which a new instrument of government would be required to make, the local education authority shall (subject to subsection (2))—
 - (a) vary the instrument of government in such manner as is necessary to remove any such difference, or
 - (b) make a new instrument of government.
- (2) For the purposes of subsection (1) any change in the number of registered pupils at a county, controlled or maintained special school occurring after the instrument of government for the school is made, or (as the case may be) varied, may be disregarded until a review under section 82 establishes that the provision made by the instrument differs in any respect from the provision which a new instrument of government for the school would be required to make.
- (3) Where section 86(2) has applied in relation to a school but the local education authority or (as the case may be) governing body have subsequently determined that it should cease to apply, subsections (1) and (2) above shall have effect as if a change in the number of registered pupils at the school had occurred at the time when that determination was made.
- (4) The instrument of government for a county, voluntary or maintained special school may make provision which would be appropriate in the event of such a change in the circumstances of the school as is anticipated by that provision (including in particular a change in the number of registered pupils at the school).
- (5) No provision made by the instrument of government for a county, controlled or maintained special school in anticipation of a change in the number of registered pupils at the school shall have effect before it is established, by a review under section 82, that a new instrument of government would be required to make that provision.

88 Incorporation, membership and proceedings etc. of governing bodies

- (1) Any governing body of a county, voluntary or maintained special school constituted in pursuance of this Chapter shall be constituted as a body corporate; and Schedule 7 has effect in relation to the incorporation of any such governing body.
- (2) Schedule 8 has effect in relation to the membership and proceedings of, and other matters relating to, any such governing body.