

Changes to legislation: Education Act 2002, Paragraph 3 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

INCORPORATION AND POWERS OF GOVERNING BODY

Modifications etc. (not altering text)

- C1 Sch. 1 modified (E.) (temp. from 1.10.2002) by [The Education Act 2002 \(Modification of Provisions\) \(England\) Regulations 2002 \(S.I. 2002/2316\)](#), [reg. 3\(1\)\(2\)](#)
- C1 Sch. 1 applied (with modifications) (10.7.2003) by [New Schools \(General\) \(England\) Regulations 2003 \(S.I. 2003/1558\)](#), [regs. 1, 32](#)
- C1 Sch. 1 applied (with modifications) (25.5.2007) by [The School Governance \(New Schools\) \(England\) Regulations 2007 \(S.I. 2007/958\)](#), [regs. 1, 30](#)
- C1 Sch. 1 applied (with modifications) (25.5.2007) by [The School Governance \(New Schools\) \(England\) Regulations 2007 \(S.I. 2007/958\)](#), [regs. 1, 31](#)
- C2 Sch. 1 applied (with modifications) (31.10.2005) by [The New Maintained Schools \(Wales\) Regulations 2005 \(S.I. 2005/2912\)](#), [regs. 1\(1\), 31](#)
- C3 Sch. 1 applied (with modifications) (31.10.2005) by [The New Maintained Schools \(Wales\) Regulations 2005 \(S.I. 2005/2912\)](#), [regs. 1\(1\), 30\(1\)](#) (with [reg. 30\(2\)](#))

Powers of governing body

- 3 (1) The governing body may do anything which appears to them to be necessary or expedient for the purposes of, or in connection with—
- (a) the conduct of the school, or
 - (b) the provision of facilities or services under section 27.
- (2) The governing body may provide advice or assistance to—
- (a) the governing body of any other maintained school, whether or not maintained by the same ^[F1]local authority], or
 - (b) any ^[F1]local authority].
- ^[F2](2A) The governing body of a maintained school in England (other than the governing body of a maintained nursery school) may provide advice and assistance to the proprietor of an Academy.
- (2B) The governing body of a maintained school in England may be a member of the foundation of another maintained school in England.
- In this sub-paragraph “foundation” has the meaning given by section 21(3) of the 1998 Act, except that it does not include a foundation established under that Act.]
- (3) The powers conferred by sub-paragraphs (1) ^[F3], (2) and (2A)] include, in particular, power—

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- (a) to borrow such sums as the governing body think fit and, in connection with such borrowing, to grant any mortgage, charge or other security over any land or other property of the governing body,
 - (b) to acquire and dispose of land and other property,
 - (c) to enter into contracts,
 - (d) to invest any sums not immediately required for the purposes of carrying on any activities they have power to carry on,
 - (e) to accept gifts of money, land or other property and apply it, or hold and administer it on trust, for any of those purposes, and
 - (f) to do anything incidental to the conduct of the school, the provision of advice or assistance under sub-paragraph (2) [^{F4} or (2A)] , or the provision of facilities and services under section 27.
- (4) The power to borrow money and grant security mentioned in sub-paragraph (3)(a) may only be exercised with the written consent—
- (a) of the Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales), or
 - (b) if an order under sub-paragraph (5) so provides, of the [^{F1}local authority];
- and any such consent may be given for particular borrowing or for borrowing of a particular class.
- (5) The Secretary of State or the National Assembly for Wales may by order make provision for any of his or its functions under sub-paragraph (4) to be instead exercisable—
- (a) in the case of all maintained schools, or
 - (b) in the case of any class of such schools specified in the order,
- by the [^{F5}local authorities] by whom those schools are maintained.
- (6) In exercising those functions those authorities shall comply with any directions contained in an order made by the Secretary of State or the National Assembly for Wales.
- (7) Where the school is a foundation, voluntary aided or foundation special school, the power to enter into contracts mentioned in sub-paragraph (3)(c) includes power to enter into contracts for the employment of teachers and other staff, but no such contracts may be entered into by the governing body of a community, voluntary controlled or community special school or of a maintained nursery school.
- (8) Sub-paragraphs (1) to (3) have effect subject to—
- (a) any provisions of the school’s instrument of government, and
 - (b) any provisions of a scheme under section 48 of the 1998 Act ([^{F5}local authorities]’ financial schemes) which relates to the school.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F2** Sch. 1 para. 3(2A)(2B) inserted (19.7.2010) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 6(2), 29(5)** (with s. 27); [S.I. 2010/1817](#), art. 2
- F3** Words in Sch. 1 para. 3(3) substituted (19.7.2010) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 6(3)(a), 29(5)** (with s. 27); [S.I. 2010/1817](#), art. 2

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- F4** Words in Sch. 1 para. 3(3)(f) inserted (19.7.2010) by Children, Schools and Families Act 2010 (c. 26), **ss. 6(3)(b), 29(5)** (with s. 27); S.I. 2010/1817, art. 2
- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **art. 1, Sch. 2 para. 11(3)**

Modifications etc. (not altering text)

- C4** Sch. 1 para. 3 modified (temp. from 2.9.2002) by The Education Act 2002 (Transitional Provisions etc.) (England) Regulations 2002 (S.I. 2002/2113), **reg. 3(1)(3)**
- C5** Sch. 1 para. 3(1)(2) applied (with modifications) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 20**
- C6** Sch. 1 para. 3(1)-(6) applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20 (as inserted (1.4.2013) by The Pupil Referral Units (Miscellaneous Amendments) (No.2) (England) Regulations 2012 (S.I. 2012/3158), **regs. 1, 3(4)**)
- C7** Sch. 1 para. 3(8) applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20 (as inserted (1.4.2013) by The Pupil Referral Units (Miscellaneous Amendments) (No.2) (England) Regulations 2012 (S.I. 2012/3158), **regs. 1, 3(4)**)

Commencement Information

- I1** Sch. 1 para. 3(1) except para. (a) in force at 2.9.2002 for E. by S.I. 2002/2002, **art. 4**
Sch. 1 para. 3(3)-(8) in force at 2.9.2002 for specified purposes for E. by S.I. 2002/2002, **art. 4**
Sch. 1 para. 3 in force at 1.10.2002 insofar as not already in force for E. by S.I. 2002/2439, **art. 3** (with transitional provisions and savings in **art. 4, Sch.**)
- I2** Sch. 1 para. 3(1)(a)(2) in force at 31.10.2005 for W. by S.I. 2005/2910, **art. 4, Sch.**
- I3** Sch. 1 para. 3(1)(b) in force at 1.9.2003 for W. by S.I. 2003/1718, **art. 5, Sch. Pt. II**
- I4** Sch. 1 para. 3(3)-(8) in force at 1.9.2003 for specified purposes for W. by S.I. 2003/1718, **art. 5, Sch. Pt. II**
- I5** Sch. 1 para. 3(3)-(8) in force at 31.10.2005 for W. so far as not already in force by S.I. 2005/2910, **art. 4, Sch.**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)