
STATUTORY INSTRUMENTS

1993 No. 3189

EDUCATION, ENGLAND AND WALES

The Education (Acquisition of Grant-maintained Status) (Ballot Information) Regulations 1993

<i>Made</i>	- - - -	<i>16th December 1993</i>
<i>Laid before Parliament</i>		<i>17th December 1993</i>
<i>Coming into force</i>	- -	<i>1st January 1994</i>

In exercise of the powers conferred on the Secretary of State by sections 28(3)(a) and 301(6) of the Education Act 1993⁽¹⁾, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Acquisition of Grant-maintained Status) (Ballot Information) Regulations 1993 and shall come into force on the 1st January 1994.

(2) In these Regulations, references to “the 1993 Act” are to the Education Act 1993.

Information to be given to persons eligible to vote in a ballot

2.—(1) Where the governing body of a school are under a duty to hold a ballot of parents by virtue of section 25 or 26 of the 1993 Act, the information to be given in accordance with section 28(3)(a) of that Act to every person eligible to vote in the ballot shall be such information about the procedure for and consequences of acquisition of grant-maintained status as may reasonably be expected to enable him to form a proper judgment as to whether or not such status should be sought for the school, including, in particular, the information required by paragraph (2) below.

(2) The information referred to in paragraph (1) above is—

- (a) a general explanation of the provisions of Part II of the 1993 Act relating to—
 - (i) the procedure for acquisition of grant-maintained status;
 - (ii) the constitution and powers of the governing body of a grant-maintained school; and
 - (iii) the conduct and funding of such a school.
- (b) the number of—
 - (i) initial teacher governors;

- (ii) initial first or (as the case may be) foundation governors; and
- (iii) in the case of a primary school, initial parent governors,
that will be specified in any proposals for acquisition of grant-maintained status for the school if the result of the ballot is in favour of seeking such status;
- (c) the name of any person to be specified as a sponsor of the school in any such proposals, and the number of proposed initial sponsor governors to be appointed by him;
- (d) the names and addresses of the persons, so far as ascertained, who would be required by sections 71 and 73, and by regulations made under section 77, of the 1993 Act to be named in any such proposals as at a specified date by reference to which the information required for the purposes of this sub-paragraph was compiled for the purposes of the ballot;
- (e) an explanation of the requirements applicable under Chapter V of Part II of the 1993 Act (and any regulations made thereunder) where—
 - (i) the determination of an initial governor of an elected category is pending (within the meaning of paragraph 6 of Schedule 3 to that Act) on the date of publication of proposals for acquisition of grant-maintained status; or
 - (ii) a proposed initial first, foundation or sponsor governor has not been selected on the date of publication of any such proposals;
- (f) an explanation of—
 - (i) the circumstances in which a person named as a proposed initial governor in any such proposals may be replaced under (as the case may be) section 74 or 75, or regulations made under section 77, of the 1993 Act; and
 - (ii) the procedure applicable in each case in which a replacement is required; and
- (g) the date which will be included in any proposals for acquisition of grant-maintained status made in respect of the school as the proposed date of implementation of the proposals if the result of the ballot is in favour of seeking grant-maintained status.

6th December 1993

John Patten
Secretary of State for Education

16th December 1993

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the information which is to be given to every person eligible to vote in a ballot for the acquisition of grant-maintained status. The requirements as to the information to be provided are the same as those contained in section 61(3)(a) and (4) of the Education Reform Act 1988 (which these Regulations replace); but with certain additional requirements which reflect the different nature of the provisions regarding the publication of proposals for the acquisition of grant-maintained status under the Education Act 1993. These additional requirements include naming any proposed sponsor of the school, and the number of initial sponsor governors to be appointed by him. They also include, in the case of a primary school, specifying the number of parent governors to be named in the proposals.