
STATUTORY INSTRUMENTS

1994 No. 1232

EDUCATION, ENGLAND AND WALES

The Education (Maintained Special Schools becoming Grant-maintained Special Schools) (Ballot Information) Regulations 1994

<i>Made</i>	- - - -	<i>3rd May 1994</i>
<i>Laid before Parliament</i>		<i>5th May 1994</i>
<i>Coming into force</i>	- -	<i>1st June 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 (Maintained Special Schools becoming Grant-maintained Special Schools) (Ballot Information) Regulations 1994 and shall come into force on 1st June 1994.

(2) In these Regulations—

- (a) “the 1993 Act” means the Education Act 1993; and
- (b) references to provisions of the 1993 Act are to those provisions as applied, in relation to a maintained special school in relation to which the procedure for such a school to become a grant-maintained special school has been initiated and not terminated, by the Education (Grant-maintained Special Schools) Regulations 1994(2).

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

2.—(1) Where the governing body of a maintained special 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 the school becoming a grant-maintained special school

(1) 1993 c. 35; section 28(3)(a) of that Act applies to maintained special schools eligible to become grant-maintained special schools (other than maintained special schools established in a hospital) by virtue of regulation 4(3) of the Education (Grant-maintained Special Schools) Regulations 1994 (S.I.1994/653). For the definitions of “prescribed” and “regulations” see section 305(1).

(2) S.I. 1994/653, amended by S.I. 1994/1231.

as may reasonably be expected to enable him to form a judgment as to whether or not proposals should be made for the school to become a grant-maintained special 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 Parts II and III of the 1993 Act (and any regulations made thereunder) relating to—
 - (i) the procedure by which a maintained special school may become a grant-maintained special school;
 - (ii) the constitution and powers of the governing body of a grant-maintained special school; and
 - (iii) the conduct and funding of such a school;
 - (b) the numbers of—
 - (i) initial parent governors;
 - (ii) initial teacher governors;
 - (iii) initial first governors;that will be specified in any proposals for the school to become a grant-maintained special school if the result of the ballot is in favour of such proposals being made;
 - (c) the names and addresses of the persons, so far as ascertained, who would be required by sections 71 and 73 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;
 - (d) an explanation of the requirements applicable under sections 71 to 73, 76 and 80 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 the school to become a grant-maintained special school; or
 - (ii) a proposed initial first governor has not been selected on the date of publication of any such proposals;
 - (e) 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 of the 1993 Act; and
 - (ii) the procedure applicable in each case in which a replacement is required; and
 - (f) the date which will be included in any proposals for the school to become a grant-maintained special school 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 such proposals being made.

2nd May 1994

John Patten
Secretary of State for Education

3rd May 1994

John Redwood
Secretary of State for Wales

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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 a maintained special school to become a grant-maintained special school.