
STATUTORY INSTRUMENTS

1994 No. 653

**The Education (Grant-maintained
Special Schools) Regulations 1994**

PART 6

**ALTERATION AND DISCONTINUANCE OF
GRANT-MAINTAINED SPECIAL SCHOOLS**

Alterations for which notice must be served

24. The following are prescribed as alterations of a grant-maintained special school for which notice of proposals must be served under section 183(6) of the 1993 Act—

- (1) any change in the number, age range or sex of the day or boarding pupils for which the school makes provision;
- (2) any change in the type of special educational needs for which the school makes provision or the type of special educational provision made by the school;
- (3) any significant enlargement of the premises of the school;
- (4) any transfer of the school to a new site unless at the time of transfer the school is intended to return to the existing site within three years.

Confirmation of decision

25. Section 96(8) of the 1993 Act (which requires a decision of a governing body that will result in proposals for alteration to their school to be confirmed at a second meeting) shall apply to the governing body of a grant-maintained special school with the substitution for the words “under this section” of the words “under section 183(4) of this Act”.

Service of notice of proposals

26. Where the funding authority are required to serve notice of their proposals to establish, alter or discontinue a grant-maintained special school under section 183(6) of the 1993 Act, or the governing body of such a school are required to serve notice of their proposals to alter or discontinue their school, they shall, in addition to serving notice on the Secretary of State, serve notice on—

- (a) the local education authority in whose area the school is or is proposed to be situated and, in the case of a transfer of the school to a new site in the area of another local education authority, that authority;
- (b) every local education authority whose area adjoins the area of a local education authority mentioned in subparagraph (a);

- (c) if the proposals will affect the provision of education to which section 2(1) of the Further and Higher Education Act 1992(1) applies, the appropriate further education funding council (as defined in section 1(6) of that Act);
- (d) where the proposals are to alter or discontinue a grant-maintained special school, the governing body of the school (where the notice is served by the funding authority) and every local education authority (in addition to those prescribed above) who maintain a statement under section 168 of the 1993 Act in respect of a registered pupil at the school;
- (e) the governing body of every grant-maintained special school in the area of the local education authority in whose area the school is (and, in the case of a new school or a transfer to a new site is proposed to be) situated;
- (f) where the proposals are to discontinue a grant-maintained special school, every parent of a registered pupil at the school; and
- (g) where the notice is served by a governing body, the funding authority.

Information to be given in notice

27. Every notice served under section 183(6) of the 1993 Act shall give the following information—

- (a) the numbers, age group, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is currently made or, in the case of a proposed school, is proposed;
- (b) the special educational provision currently made or, in the case of a proposed school, proposed;
- (c) particulars of any alteration proposed, including particulars and location of any new site to which it is proposed to transfer the school;
- (d) the proposed date of implementation of the proposals, if approved;
- (e) the name and address of a person from whom further information regarding the proposals may be obtained;
- (f) an explanation of the procedure for submitting objections to the proposals under section 184(2) of the 1993 Act, including the period within which such objections are to be submitted and the name and address of the person to whom they are to be submitted;
- (g) the name of the body by whom the notice is served and the date on which it is given.

Proposals for alteration approved before school becomes grant-maintained

28. Section 102 of the 1993 Act (which provides for the case where proposals published by a local education authority for the alteration of a school which acquires grant-maintained status have been approved but not implemented before the incorporation date) shall apply to a maintained special school which becomes a grant-maintained special school with the following modifications—

(1) For subsection (1)(a), there shall be substituted—

“(a) proposals for a prescribed alteration of a maintained special school have been approved under section 184 of this Act, and”.

(2) In subsection (1)(b), for the words “grant-maintained school” there shall be substituted the words “grant-maintained special school”.

(3) For subsection (2), there shall be substituted—

“(2) The proposals—

- (a) shall be treated for the purposes of Part III of the Education Act 1993 as if notice of them had been given under section 183(6) and they had been approved under section 184 of that Act, and
 - (b) shall be implemented in accordance with any particulars approved under section 185 of that Act”
- (4) Subsection (3) shall be omitted.

Approval and adoption of proposals by funding authority

29. Where notice of proposals for alteration to a grant-maintained special school has been served by the funding authority pursuant to section 183(3)(b) of the 1993 Act, subsections (2), (4) and (5) of section 98 of the 1993 Act shall apply in relation to those proposals as they do to proposals published under section 97 of that Act, subject to the modification that, in section 98(2)(b), there shall be substituted for the reference to subsection (7) of section 97 a reference to subsection (2) of section 184.

Discontinuance

30. Section 104 of the 1993 Act shall apply where the governing body of a grant-maintained special school intend to discontinue the school as it does to the governing body of a grant-maintained school, subject to the following modifications—

- (1) In subsection (1), for references to publishing proposals under section 104, there shall be substituted references to serving notice of proposals under section 183(6) of that Act.
- (2) In subsection (4), for the word “publish” there shall be substituted the words “serve notice of their”; and the words following “school” shall be omitted.
- (3) In subsections (5) and (6), the word “published” shall be omitted; and in subsection (6)(b) for the words “subsection (7) below” there shall be substituted “section 184(2) of this Act”.
- (4) Subsection (7) shall be omitted.

Accompanying statement

31. Section 105(5) of the 1993 Act shall apply to proposals of which notice is given pursuant to section 183(3)(c) of that Act as they do to proposals published under section 104, subject to the modification that, for the reference to subsection (6) of section 105 there shall be substituted a reference to subsection (2) of section 184.

Approval and adoption of proposals by funding authority

32. Where notice of proposals to discontinue a grant-maintained special school has been served by the funding authority pursuant to section 183(3)(c) of the 1993 Act, subsections (2), (5) and (6) of section 106 of the 1993 Act shall apply in relation to those proposals as they do in relation to proposals published under section 105 of that Act, subject to the modification that, in subsection 106(2)(b), there shall be substituted for the reference to subsection (6) of section 105 a reference to subsection (2) of section 184.

Withdrawal of grant, winding up and disposal of property

33. Sections 109 to 116 of the 1993 Act shall apply in relation to grant-maintained special schools as they do in relation to grant-maintained schools subject to the modifications made by regulation 2(2) and to the following modifications—

- (1) In section 111—

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- (a) for the reference in subsection (1)(a) to section 106 there shall be substituted a reference to section 184 or section 106 as modified by regulation 33;
 - (b) in its application to a grant-maintained special school established in a hospital, subsection (4)(a) shall be omitted, and in subsection (4)(c) the words “(other than land)” shall be inserted after “property”; and
 - (c) subsection (7) shall be omitted.
- (2) In section 115, subsection (4) to (6) shall be omitted.