



Education Act 1996

1996 CHAPTER 56

PART II

SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

CHAPTER VII

DISCONTINUANCE OF LOCAL EDUCATION AUTHORITY SCHOOLS

Discontinuance of voluntary school by governing body

173 Discontinuance of a voluntary school by its governing body

- (1) The governing body of a voluntary school shall not discontinue the school unless they have served on the Secretary of State and the local education authority at least two years' notice of their intention to do so.
- (2) If expenditure has been incurred on the school premises (otherwise than in connection with repairs)—
 - (a) by the Secretary of State,
 - (b) by any local education authority, or
 - (c) by an authority which was a local education authority within the meaning of any enactment repealed by the Education Act 1944 or an earlier Act,no notice may be served without leave of the Secretary of State.
- (3) If the Secretary of State gives such leave, he may impose any requirements that he thinks just—
 - (a) in respect of the repayment of all or part of any expenditure so incurred by him;
 - (b) in respect of the conveyance to the local education authority of any premises used for the purposes of the school which he is satisfied the authority will need for any purpose connected with education;

Status: This is the original version (as it was originally enacted).

- (c) (where any premises are to be so conveyed) in respect of the payment by the authority of so much of the value of those premises as is just having regard to the extent to which the premises were provided otherwise than at the expense of the authority or of an authority within subsection (2)(c);
 - (d) (where any premises used for the purposes of the school are not to be so conveyed) in respect of the payment by the governing body to the authority of so much of the value of those premises as is just having regard to the extent to which they were provided at the expense of the authority or of an authority within subsection (2)(c).
- (4) If discontinuing the school would affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, the governing body shall, before serving notice under this section, consult the appropriate further education funding council.
- (5) No notice may be served under this section in respect of any school in respect of which the procedure for acquisition of grant-maintained status is pending (within the meaning of Chapter III of Part III).
- (6) A notice served under this section may not be withdrawn without the consent of the local education authority.
- (7) Where a school is discontinued in accordance with this section, the duty of the local education authority to maintain it as a voluntary school shall cease.
- (8) This section and section 174 have effect subject to section 175(2).

174 Conduct by local education authority of a voluntary school which is subject to notice of discontinuance

- (1) If, while a notice under section 173 is in force in respect of a voluntary school, the governing body inform the local education authority that they are unable or unwilling to carry on the school until the notice expires, the authority—
- (a) may conduct the school for all or part of the unexpired period of the notice as if it were a county school, and
 - (b) shall be entitled to use the school premises free of charge for that purpose.
- (2) While the school is being so conducted—
- (a) the authority shall keep the school premises in good repair, and
 - (b) any interest in the premises which is held for the purposes of the school shall be deemed, for all purposes relating to the condition, occupation or use of the premises, or the making of alterations to them, to be vested in the authority.
- (3) Despite the provisions of subsection (2), the governing body may use the premises, or any part of them, when not required for the purposes of the school to the same extent as if they had continued to carry on the school during the unexpired period of the notice.

175 Discontinuance of voluntary school in consequence of proposal to establish a further education corporation

- (1) This section applies where—
- (a) the governing body of a voluntary school intend to discontinue the school; and
 - (b) the intention arises in connection with a proposal by—

- (i) a further education funding council, or
- (ii) the Secretary of State,

for the establishment under section 16 of the Further and Higher Education Act 1992 of a further education corporation to conduct an educational institution in the same area.

(2) Where this section applies—

- (a) sections 173 and 174 shall not apply;
- (b) sections 41, 42, 43 and 45(1) and (4) to (6) shall apply as they would if the intention of the governing body were to make a significant change in the character of the school; and
- (c) if the school is discontinued the duty of the local education authority to maintain the school as a voluntary school shall cease.