



Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER IV

GRANT-MAINTAINED SCHOOLS

Duty of Secretary of State to maintain certain schools

52 Duty of Secretary of State to maintain certain schools

- (1) Subject to the provisions of this Chapter, and the granting of approval to proposals submitted under section 62(2) below in accordance with the provisions of that section, it shall be the duty of the Secretary of State to maintain any school conducted by a governing body incorporated under this Chapter for the purpose of conducting the school.
- (2) For the purposes of this Chapter, the duty of the Secretary of State to maintain a school is a duty to make such payments in respect of the expenses of maintaining the school as are required by the following provisions of this Chapter.
- (3) A school to which the Secretary of State's duty under this section for the time being applies shall be known as a grant-maintained school.
- (4) This Chapter provides for the incorporation of a governing body constituted in accordance with this Chapter for the purpose of conducting any school if—
 - (a) proposals for that purpose (referred to below in this Chapter, in relation to a school, as proposals for acquisition of grant-maintained status) are published as required under this Chapter;
 - (b) the school is eligible for grant-maintained status on the date of publication of the proposals; and

Status: This is the original version (as it was originally enacted).

- (c) the proposals are approved by the Secretary of State.
- (5) Subject to the following provisions of this section, any county or voluntary school is for the purposes of this Chapter eligible for grant-maintained status.
- (6) A primary school which has less than three hundred registered pupils is not so eligible.
- (7) The Secretary of State may by order—
 - (a) amend subsection (6) above by substituting a lower number for the number mentioned in that subsection (including any number previously substituted by an order under this paragraph); or
 - (b) provide for all primary schools which are county or voluntary schools to be eligible for grant-maintained status;and in the latter case the order may make such consequential repeals in the provisions of this section as appear to the Secretary of State to be required.
- (8) A county or voluntary school is not eligible for grant-maintained status for the purposes of this Chapter if proposals by the local education authority to cease to maintain the school have been published under section 12(1)(c) of the 1980 Act and either—
 - (a) the proposals have been approved by the Secretary of State under that section; or
 - (b) where the proposals do not require the approval of the Secretary of State, the local education authority have determined to implement them and notified the Secretary of State of their determination in accordance with subsection (8) of that section.
- (9) A voluntary school is not eligible for grant-maintained status for the purposes of this Chapter if notice of the governors' intention to discontinue the school has been served under section 14 of the 1944 Act and has not been withdrawn.