



Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER IV

GRANT-MAINTAINED SCHOOLS

Procedure for acquisition of grant-maintained status

68 Modification of proposed membership of initial governing body before incorporation

- (1) This section applies where proposals for acquisition of grant-maintained status are pending in respect of any school.
- (2) For the purposes of this Chapter, such proposals shall be regarded as pending in respect of any school at any time on or after the date of publication under section 62 of this Act of proposals for acquisition of grant-maintained status for the school—
 - (a) until either the proposals are withdrawn or the Secretary of State makes his determination with respect to the proposals; and
 - (b) where he approves the proposals, until the proposed date of implementation.
- (3) Where a person named in the proposals as a proposed first or foundation governor—
 - (a) dies;
 - (b) becomes prospectively disqualified for holding office as such a governor on the initial governing body; or
 - (c) notifies the existing governing body that he is no longer willing to serve on the initial governing body;

the Secretary of State shall substitute for the particulars in the proposals relating to the former proposed governor the relevant particulars with respect to a person nominated

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by the existing governing body, where the former proposed governor was a proposed first governor, and by the foundation governors (within the meaning of the 1944 Act) on the existing governing body, where he was a proposed foundation governor.

- (4) Where a person named in the proposals as a proposed governor of an elected category who was elected under section 66 of this Act or this section—
- (a) dies;
 - (b) becomes prospectively disqualified for holding office as such a governor on the initial governing body; or
 - (c) notifies the existing governing body that he is no longer willing to serve on the initial governing body;

it shall be the duty of the authority responsible for election arrangements under the 1986 Act in relation to the school to secure that a person is elected to hold office on the initial governing body in place of the former proposed governor if it is reasonably practicable to do so in the time available before the proposed date of implementation.

- (5) If in any case to which subsection (4) above applies the Secretary of State is satisfied that it would not be reasonably practicable to hold an election in accordance with that subsection in the time available, he shall substitute for the particulars in the proposals relating to the former proposed governor the relevant particulars with respect to a person nominated by the existing governing body.

- (6) Where at any time a person named in the proposals as a proposed governor of an elected category who was so named by virtue of being an eligible governor of that category in relation to the school—
- (a) ceases to hold office on the existing governing body;
 - (b) becomes prospectively disqualified for holding office as such a governor on the initial governing body; or
 - (c) notifies the existing governing body that he is no longer willing to serve on the initial governing body;

the Secretary of State shall substitute for the particulars in the proposals relating to the former proposed governor the relevant particulars with respect to any person nominated by the existing governing body who is at that time an eligible governor of that category who is neither named in the proposals nor prospectively disqualified as mentioned in paragraph (b) above.

- (7) Where in any case to which subsection (6)(a) above applies—
- (a) there is no such eligible governor at the time in question; and
 - (b) the Secretary of State is satisfied that it would not be reasonably practicable to fill the vacancy on the existing governing body by the procedure applicable under the 1986 Act in the time available before the proposed date of implementation;

the Secretary of State shall substitute for the particulars in the proposals relating to the former proposed governor the relevant particulars with respect to a person nominated by the existing governing body.

- (8) Where in any case to which subsection (6)(b) or (c) above applies there is no such eligible governor at the time in question, subsection (4) above shall apply as if the former proposed governor had been elected under section 66 of this Act.

- (9) Where a person named in the proposals as a proposed governor of an elected category who was nominated by the existing governing body under this section—
- (a) dies;

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- (b) becomes prospectively disqualified for holding office as such a governor on the initial governing body; or
- (c) notifies the existing governing body that he is no longer willing to serve on the initial governing body;

the Secretary of State shall substitute for the particulars in the proposals relating to the former proposed governor the relevant particulars with respect to a person nominated by the existing governing body.