



Education Act 1993

1993 CHAPTER 35

PART II

GRANT-MAINTAINED SCHOOLS

CHAPTER IV

ESTABLISHING NEW GRANT-MAINTAINED SCHOOLS

Approval and implementation of proposals

51 Approval, adoption or rejection of proposals

- (1) Proposals published under section 48 of this Act require the approval of the Secretary of State if—
 - (a) he gives notice to that effect to the funding authority within two months after the submission to him of the published proposals,
 - (b) objections have been made under paragraph 10 of Schedule 3 to this Act within the period allowed under that paragraph (unless all objections so made have been withdrawn in writing within that period), or
 - (c) the proposals name a sponsor of the school.
- (2) Proposals published under section 49 of this Act require the approval of the Secretary of State.
- (3) Where under subsection (1) or (2) above any proposals require the approval of the Secretary of State, he may reject them, approve them without modification or, after consulting the funding authority and, in the case of proposals under section 49 of this Act, the promoters, approve them with such modifications as he thinks desirable.
- (4) In relation to Wales, subsection (3) above shall have effect before the Schools Funding Council for Wales begin to exercise their functions with the omission of the reference to consulting the funding authority.

Status: This is the original version (as it was originally enacted).

- (5) In the case of proposals published under section 48 of this Act, particulars in respect of the proposed premises of the school prepared under paragraph 12 of Schedule 3 to this Act must be adopted by the funding authority.
- (6) In the case of proposals published under section 49 of this Act, particulars in respect of the proposed premises of the school submitted under paragraph 12 of Schedule 3 to this Act require the approval of the funding authority.
- (7) Where proposals published under section 48 of this Act do not require the approval of the Secretary of State, the funding authority shall determine whether to adopt the proposals.
- (8) The funding authority shall—
 - (a) make any determination under subsection (7) above not later than four months after the publication of the proposals, and
 - (b) give notice in writing to the Secretary of State of their determination.

52 Implementation of proposals

- (1) Where any proposals are approved or adopted under section 51 of this Act, the persons who are appointed in accordance with regulations to be the initial first or (as the case may be) foundation governors shall on the incorporation date be incorporated as the governing body of the school under the name given in pursuance of paragraph 7(1)(f) of Schedule 3 to this Act.
- (2) Where any proposals published under section 48 of this Act are so approved or adopted, the funding authority shall implement the proposals or, if under this subsection the Secretary of State modifies the proposals at their request, the proposals as modified.
- (3) Where any proposals published under section 49 of this Act are so approved, the promoters shall implement the proposals or, if under this subsection the Secretary of State modifies the proposals at their request, the proposals as modified.
- (4) Proposals required to be implemented under this section shall be implemented in accordance with any particulars adopted or approved under section 51(5) or (6) of this Act.

53 Exercise of powers before proposed date of implementation, and payment of grant

- (1) Where proposals have been approved or adopted under section 51 of this Act, the powers conferred on the governing body by or under this Part of this Act shall, until the date of implementation of the proposals, be exercised only for the purpose of or in connection with the conduct of the school on or after that date.
- (2) In the case of proposals under section 49 of this Act, the funding authority may at any time after the incorporation date make grants to the governing body in respect of the provision of premises for the school.
- (3) So far as the amount of any grant under subsection (2) above relates to the provision of a site for the school or of school buildings, it shall not exceed 85 per cent. of the sums expended by the governing body in respect of the provision of the site and buildings in question.

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

- (4) Where proposals have been approved or adopted under section 51 of this Act, then, in respect of the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals—
- (a) Chapter VI shall not apply, but
 - (b) the funding authority may make grants to the governing body (other than grants in respect of the provision of premises for the school) in respect of expenditure incurred or to be incurred by that body.
- (5) The funding authority may impose on a governing body to whom a grant is made under subsection (2) or (4) above such requirements as they may from time to time determine (whether before, at or after the time when the grant is made).
- (6) Such requirements may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the funding authority of the whole or any part of the following amount.
- (7) That amount is—
- (a) the amount of the payments made in respect of the grant, or
 - (b) so much of the value of any premises or equipment in respect of which the grant was paid as is determined in accordance with the requirements to be properly attributable to the payment of such grant,
- whichever is the greater.
- (8) No such requirement as is referred to in subsection (6) above may be imposed where any grant is made under subsection (2) above in respect of the provision of premises for the school if any freehold interest in the premises in respect of which the grant is paid is, or is to be, held on trust for the purposes of the school.
- (9) In this section “site” does not include playing fields.