



# Education Act 1996

## 1996 CHAPTER 56

### PART III

#### GRANT-MAINTAINED SCHOOLS

### CHAPTER II

#### PROCEDURE FOR ACQUISITION OF GRANT-MAINTAINED STATUS

#### *Approval and implementation of proposals*

#### **194 Withdrawal, approval or rejection of proposals**

- (1) Proposals published under section 193 may not be withdrawn except with the consent of the Secretary of State and subject to such conditions as he may impose (which may, in particular, require further proposals to be published under that section within such period as the Secretary of State may specify).
- (2) The Secretary of State—
  - (a) may reject any proposals published under section 193, or
  - (b) where a school in respect of which such proposals are made is eligible for grant-maintained status on the date of publication of the proposals, may—
    - (i) approve them without modification, or
    - (ii) after consultation with the existing governing body, approve them with such modifications as he thinks desirable.
- (3) Where the Secretary of State rejects any proposals published under section 193 in respect of a school which is eligible for grant-maintained status on the date of his determination, he may require the governing body to publish further proposals under section 193 within such period as he may specify.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where the Secretary of State imposes a requirement under subsection (1) or (3) for the publication of further proposals, section 193(2) and Schedule 20 shall apply as they apply in the case mentioned in section 193(1), but with the following modifications—
- (a) the reference in section 193(2) to the period of four months beginning with the date on which the result of the ballot is determined shall be taken as a reference to the period specified by the Secretary of State for submission of the further proposals required, and
  - (b) the reference in paragraph 2(1)(a) of Schedule 20 to the ballot shall be read as referring to the last ballot held in accordance with section 189 in relation to the school before the requirement in question was imposed.

### **195 Incorporation of governing body**

- (1) Where any proposals are approved under section 194, then—
- (a) the persons who, immediately before the proposals are approved, are named in them as initial governors, and
  - (b) the existing head teacher (as a governor ex officio),
- shall on that date be incorporated as the governing body of the school under the name given in pursuance of paragraph 4(1)(g) of Schedule 20.
- (2) Where any proposals are approved under section 194, then, in relation to the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals—
- (a) the governing body incorporated under this section are referred to in this Part as the “new governing body”, and
  - (b) any reference in any enactment or instrument or document to the governing body of the school, other than—
    - (i) an express reference to the new governing body or the governing body incorporated under this section, or
    - (ii) a reference in Chapter V,
 shall be read as a reference to the existing governing body, not the new governing body.
- (3) On the date of implementation of the proposals—
- (a) the local education authority whose duty it was immediately before that date to maintain the school as a county or voluntary school shall cease to have that duty, and
  - (b) any special agreement relating to the school shall cease to have effect.

### **196 Exercise of powers before proposed date of implementation**

Schedule 21 (which makes provision in relation to the period after approval and before the date of implementation) has effect in relation to a school once proposals are approved under section 194.