
STATUTORY INSTRUMENTS

1994 No. 1041

The Education (Groups of Grant-maintained Schools) Regulations 1994

PART II

PROCEDURES FOR FORMING OR RE-FORMING GROUPS

Transfer of property – schools which are not grant-maintained

20.—(1) Section 38 of the 1993 Act shall apply where, in relation to any school, proposals for acquisition of grant-maintained status as a member of a group are approved, as if—

- (a) the reference in subsection (1) to the governing body incorporated under Chapter II were to the governing body incorporated under these Regulations; and
- (b) the reference in the fourth line of subsection (4) to the first governors of the school were to the core governors of the group.

(2) The properties rights and liabilities referred to in sections 38(1) of the 1993 Act shall be held or be treated as having been incurred by the new governing body on behalf of the school for whose purposes they were acquired or incurred and accordingly—

- (a) any property and rights shall be held for the benefit of that school; and
- (b) any liabilities shall be met out of capital or income which is held on behalf of or is attributable to that school.

(3) Section 38 of the 1993 Act is subject to the modification that subsection (1) shall not apply in the case of a hospital special school to any land used or held by the local education authority or by the existing governing body for the school.