
STATUTORY INSTRUMENTS

1994 No. 653

**The Education (Grant-maintained
Special Schools) Regulations 1994**

PART 3

PROPERTY, STAFF AND CONTRACTS

Transfer of property etc

9. Section 38 of the 1993 Act shall apply in relation to a maintained special school in relation to which proposals for the school to become a grant-maintained special school are approved as it applies in relation to any school in relation to which proposals for acquisition of grant-maintained status are approved, subject to the modification that, in the case of a hospital special school, the words “used or” in subsection (2)(a) shall be omitted.

Transfer of staff

10.—(1) Subsections (2) to (4) and (6) to (9) of section 39 of the 1993 Act shall apply to any maintained special school where proposals for the school to become a grant-maintained special school have been approved in relation to the school; and, subject to subsection (3) of that section, apply to any person who, immediately before the date of implementation of the proposals—

- (a) is employed by the local education authority to work solely at the school, or
- (b) is employed by the local education authority to work at the school and is designated for the purposes of section 34 by an order made by the Secretary of State.

(2) In subsections (6) and (7) of section 39 as so applied, “former employer” means the local education authority; and for the words “grant-maintained school” there shall be substituted the words “grant-maintained special school.”

***Effect of pending procedure for acquisition of
grant-maintained status on property disposals etc.***

“Pending” procedure for becoming a grant-maintained special school

11.—(1) Subject to paragraph (2) below and to the modifications made by regulation 2(2), sections 40 to 46 of the 1993 Act shall apply in relation to a grant-maintained special school as they apply in relation to other schools.

(2) Section 40 shall apply in relation, to a hospital special school with the following modifications—

- (a) For subsection (2) there shall be substituted—

“(2) For these purposes, that procedure is to be regarded as initiated in relation to a hospital special school on receipt by the local education authority of notice of a meeting

of the governing body at which a motion for a resolution to apply for the school to become a grant maintained special school is to be considered.”

(b) For subsection (3) the shall be substituted—

“(3) For these purposes that procedure, as initiated on any occasion, is to be regarded as terminated—

(a) if—

(i) the meeting is not held, or

(ii) the meeting is held but the motion is not moved or, though the resolution is moved, the resolution is not passed,

(b) if proposals which are required to be published under section 32 of this Act, or any proposals required in substitution for those proposals, are rejected by the Secretary of State or are withdrawn, or

(c) on the date of implementation of such proposals.”

(c) Subsection (4) shall be omitted.

(d) In subsection (5), the words “by reference to the result of a ballot” and “without a further ballot” shall be omitted.

(e) In subsection (6), for “subsection (3)(c)” there shall be substituted “subsection (3)(b)”.