
STATUTORY INSTRUMENTS

1994 No. 653

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

PART 5

**GOVERNMENT, CONDUCT ETC OF
GRANT-MAINTAINED SPECIAL SCHOOLS**

Powers of governing body

16. Section 68 of the 1993 Act, applied to grant-maintained special schools by paragraph 12 of Schedule 11 to that Act, shall have effect in relation to the governing body of a grant-maintained special school subject, in the case of a grant-maintained special school established in a hospital, to the following modifications—

- (1) in subsection (5)(c), for the words “land and other property” there shall be substituted the words “property other than land”
- (2) in subsection (5)(f), the word “land” shall be omitted; and
- (3) subsection (7) shall be omitted.

Joint Schemes

17. Sections 69 and 70 of the 1993 Act shall apply to grant-maintained special schools as they do to grant-maintained schools to the intent that one or more grant-maintained special schools may enter into a joint scheme with one or more grant-maintained schools or grant-maintained special schools.

Determination and replacement of initial governors

18. Sections 71 to 76 of the 1993 Act shall apply in relation to proposals for a maintained special school to become a grant-maintained special school as they apply in relation to other proposals published or required to be published under section 32 of that Act, subject to the following modifications—

- (1) In section 73—
 - (a) in subsection (1), there shall be inserted after the words “county school” the words “or maintained special school”;
 - (b) subsections (2) and (7) to (9) shall be omitted; and
 - (c) in subsections (3) and (4), the references to subsection (2) shall be omitted.
- (2) In section 75—
 - (a) in subsection (1), there shall be inserted after the words “county school” the words “or maintained special school”
 - (b) subsections (2) and (3) shall be omitted; and

- (c) in subsection (4) the reference to subsection (2) shall be omitted.

Saving for defects and interpretation of sections 68 to 79 of the 1993 Act

19. Sections 79 and 80 of the 1993 Act shall apply in relation to grant-maintained special schools and their government and conduct subject to the modifications made by regulation 2(2).

Power to make and deal with proposals in the case of a maintained special school eligible to become a grant-maintained special school

20. Section 273 of the 1993 Act shall apply in relation to proposals for the alteration and discontinuance of a maintained special school made under section 183(2) of that Act subject to the modifications made by regulation 2(2) and the following modifications—

(1) In subsection (1), for the reference to section 12(1)(c) or (d) of the Education Act 1980 there shall be substituted a reference to section 183(2)(b) or (c) of the 1993 Act.

(2) In subsection (2), for the reference to the publication of proposals under section 12 or 13 of the Act of 1980 there shall be substituted a reference to the service of notice of proposals under section 183(6) of the 1993 Act; and the words following “have been approved” shall be omitted.

(3) In subsection (3), for the references in paragraphs (a) and (b) to the first publication of proposals under section 12 or 13 of the Act of 1980 there shall be substituted references to the service of notices of proposals under section 183(6) of the 1993 Act; and the reference to the publication of proposals under section 272 of the 1993 Act shall be omitted.

(4) In subsection (4), paragraph (a) shall be omitted and, in paragraph (b), for the references to proposals under section 12 or 13 of the Act of 1980 or section 272 of the 1993 Act there shall be substituted references to proposals under section 183(2) of the 1993 Act.

(5) In subsection (5), for paragraphs (a) to (c) there shall be substituted—

“where there are proposals under section 183(2)(b) of this Act and the governing body incorporated under section 34 of this Act give their consent, he may approve them but shall otherwise reject them”.

(6) For subsection (6) there shall be substituted—

“(6) If in any case where subsection (5) above applies proposals under section 183(2)(b) are approved, the proposals shall be treated for the purposes of Part III of this Act as if they had been approved under section 184(4) of this Act; and section 185 of this Act shall apply accordingly.”

(7) Subsection (7) shall be omitted.

Governing bodies

21. Schedule 5 to the 1993 Act shall apply to the governing bodies of grant-maintained special schools subject to the modifications made by regulation 2(2) and the following modifications—

(1) In paragraph 1, in the definition of “school”, for the words “grant-maintained school” there shall be substituted the words “grant-maintained special school”.

(2) In paragraph 6—

(a) for subparagraph (1)(a) there shall be substituted

“(a) first governors, and”;

(b) in subparagraph (3)(a), the words “subject to paragraph (b) below” shall be omitted and for the words “grant-maintained school” there shall be substituted the words “grant-maintained special school”;

(c) subparagraph (3)(b) shall be omitted;

(d) in paragraph (4), the words “or foundation” shall be omitted.

(3) In paragraph 9(1) the words “any foundation governor (other than one holding office ex officio) and” and paragraph 9(2) shall be omitted.

(4) In paragraph 10(3) the words “initial foundation governor (other than a foundation governor who is a governor ex officio)” shall be omitted, and for the words “grant-maintained school” shall be substituted the words “grant-maintained special school”.

(5) In paragraph 12, for the words “Chapter V” and “that Chapter” there shall be substituted the words “Schedule 11” and “that Schedule” respectively.

Content of articles of government

22. Schedule 6 to the 1993 Act shall apply in relation to grant-maintained special schools as it applies in relation to grant-maintained schools, subject to the following modifications—

(1) In paragraph 1, in the definition of “school”, for the words “grant-maintained school” there shall be substituted the words “grant-maintained special school”.

(2) Paragraph 4 shall be omitted.

(3) In paragraph 5(1) the words “admissions of pupils to the school or” shall be omitted; and in paragraph 5(2) there shall be substituted for the words “grant-maintained schools” the words “grant-maintained special schools”.

(4) In paragraph 6, item (a) shall be omitted and in item (b) for the words “the admission of pupils to the school” there shall be substituted the words “the permanent exclusion of pupils from the school”.

Funding

23. Sections 81 to 95 of the 1993 Act shall apply to grant-maintained special schools and their governing bodies as they apply to grant-maintained schools and their governing bodies subject to the modification that, in section 85(5), paragraphs (a) and (b) and in paragraph (c) the words “in any other case” shall be omitted.