
STATUTORY INSTRUMENTS

1998 No. 1969

The Education (Allocation of Grant-maintained and Grant-maintained Special Schools to New Categories) Regulations 1998

PART IV

TRANSITIONAL PROVISIONS

19.—(1) Paragraph (2) applies in any case where—

- (a) proposals under sections 211(3) or 212(1) of the Education Act 1996 have been published for the establishment of a new grant-maintained school and approved or, as the case may be, adopted under section 214 of that Act and there is in existence a governing body of the school incorporated pursuant to section 215 of that Act; or
- (b) notice of proposals under section 339(2)(a) of that Act to establish a new grant-maintained special school has been served and the proposals have been approved under section 340 of that Act and there is in existence a governing body of the school incorporated pursuant to section 339(7) of that Act; and

the school opening date in respect of the school falls on or after 30th September 1998.

(2) Where this paragraph applies, the provisions of paragraphs 4 to 7 of Schedule 2 to the Act shall not apply, but the provisions made by paragraphs (3) to (7) and regulations 20 to 22 shall, in any such case, apply instead.

(3) The governing body of such a school as is referred to in paragraph (1) must take on or before 26th February 1999 a decision (their “decision”) on the question whether—

- (a) to accept the school’s allocation to a particular category of schools in accordance with the indicative allocation set out in paragraph 3 of Schedule 2 to the Act, or
- (b) to opt for it to be allocated to a different category.

(4) The chairman of the governing body shall direct the clerk to the governing body as to the date for the meeting at which the governing body are to take their decision and the clerk shall, when convening that meeting, comply with such direction.

(5) Without prejudice to their obligation under paragraph (3), the governing body may not take their decision at any meeting unless the clerk to the governing body, has given to—

- (a) every member of the governing body; and
- (b) any person holding land on trust for the purposes of the school

at least twenty-one clear days notice of the meeting together with a copy of the agenda for the meeting which includes the consideration of the governing body’s decision referred to in paragraph (3) as a specific item of business for the meeting; and the notice to the persons referred to at sub-paragraph (b) shall state that any representations in response to the notice shall be sent to the clerk to the governing body no later than seven clear days before the meeting.

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(6) The clerk to the governing body of a school shall give to every member of the governing body, at least two clear days before the meeting, a copy of any written representations received by him at any time up to seven clear days before the meeting, from any person holding land on trust for the purposes of the school.

(7) The governing body of a school shall, at the meeting to consider their decision, take into account any representations made by any person holding land on trust for the purposes of the school.