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*Status:* Point in time view as at 01/02/1991. This version of this provision has been superseded.

*Changes to legislation:* Education Reform Act 1988, Paragraph 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5 **E+W**

#### TRANSITION TO GRANT-MAINTAINED STATUS

##### *Transition to grant-maintained status*

- 2 The provision that may be made by an order under paragraph 1 above includes in particular provision—
- (a) for the exercise by the prospective governing body in relation to the school, in such circumstances and in such manner and subject to such conditions as may be specified in the order, of any power so specified corresponding to any of the powers that would by virtue of section 57 of this Act be exercisable by the initial governing body of the school on its incorporation, including in particular power—
    - (i) to appoint members of staff to take up employment on or after the incorporation date in relation to the school;
    - (ii) to enter into contracts for the purpose of or in connection with the conduct of the school on or after that date; and
    - (iii) to determine the arrangements for admission of pupils to the school that are to apply in the first school year beginning on or after that date;
  - (b) excluding or modifying any powers of the local education authority or of the existing governing body in relation to any matter to which any power exercisable by the prospective governing body in accordance with any provision made by virtue of paragraph (a) above applies;
  - (c) enabling the prospective governing body, instead of the existing governing body, to give or withhold any consent or agreement required for the purposes of any provision of section 76 or 78 of this Act;
  - (d) enabling the prospective governing body, at any time before the incorporation date, to exercise the power in section 77(3) or (4) of this Act to repudiate any contract to which that subsection applies;
  - (e) for—
    - (i) requiring the prospective governing body to be consulted before the local education authority or the existing governing body exercise in relation to the school any function of a description specified in the order or take in relation to the school any action of a description so specified; or
    - (ii) requiring or enabling the prospective governing body to participate in the exercise in relation to the school of any such function or in the taking in relation to the school of any such action;
- in such circumstances and in such manner as may be so specified; and

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- (f) with respect to the proceedings of the prospective governing body and the authentication of their actions (including the making or issue of any instrument by them or on their behalf).

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