

SCHEDULES

SCHEDULE 4

Section 35.

ACQUISITION OF GRANT-MAINTAINED STATUS: EXERCISE OF POWERS BEFORE DATE OF IMPLEMENTATION

Introductory

- 1 The functions conferred by or under paragraphs 2 to 5 below on the new governing body or any members of the body—
- (a) may be exercised by them at any time during the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals, but
 - (b) may be exercised only for the purpose of or in connection with the conduct of the school on or after the date of implementation of the proposals,
- and those functions shall be exercised in accordance with any requirements of regulations (or in the case of paragraph 3 or 5 below, of the directions or order in question) as to the circumstances, manner and conditions of their exercise.

Powers to contract, etc.

- 2 The new governing body may—
- (a) enter into contracts including, in particular, contracts for the employment of teachers and other staff, and
 - (b) acquire and dispose of land and other property.

Access to school

- 3 Any member of, or person authorised by, the new governing body, shall if the Secretary of State directs that this paragraph applies in relation to the school, be entitled to have access to and use the premises of the school.

Information

- 4 (1) If the new governing body request the existing governing body or the local education authority in writing to provide them with such information falling within sub-paragraph (2) below as may be prescribed, the existing governing body or, as the case may be, authority shall comply with the request.
- (2) Information falls within this sub-paragraph if—
- (a) it is held by the existing governing body or, as the case may be, the local education authority, and
 - (b) it relates to the school, including persons employed to work at the school and pupils at the school.

Status: This is the original version (as it was originally enacted).

General powers of Secretary of State

- 5
- (1) The Secretary of State may by order make such provision as he considers appropriate in connection with the school's transition to grant-maintained status and the impending transfer of responsibility for the conduct of the school.
 - (2) An order under sub-paragraph (1) above may in particular provide for any provision of this Act specified in the order to have effect as if references to the governing body included the new governing body.
 - (3) Such an order may in particular—
 - (a) exclude or modify 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 new governing body in accordance with any provision made by virtue of sub-paragraph (2) above applies,
 - (b) require the new 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 so specified or take in relation to the school any action of a description so specified, and
 - (c) require or enable the new governing body to participate in the exercise in relation to the school of any such function or the taking in relation to the school of any such action.

Grants to new governing body

- 6
- (1) The funding authority may make grants to the new governing body of a school in respect of expenditure incurred or to be incurred by that body in pursuance of any provision made by or under paragraphs 2 to 5 above in respect of the period beginning with the incorporation date and ending immediately before the date of implementation of the proposals.
 - (2) The funding authority may impose on a new governing body to whom such a grant is made such requirements as they may from time to time determine (whether before, at or after the time when the grant is made).
 - (3) Such requirements may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the funding authority of the whole or any part of the following amount.
 - (4) That amount is—
 - (a) the amount of the payments made in respect of the grant, or
 - (b) so much of the value of any premises or equipment in respect of which the grant was paid as is determined in accordance with the requirements to be properly attributable to the payment of such grant,
 whichever is the greater.

Liability for expenses of new governing body

- 7
- The duty of a local education authority to maintain any school shall not apply in relation to any expenses incurred by the new governing body of the school.