

Status: Point in time view as at 01/01/1994.

Changes to legislation: Education (No. 2) Act 1986, Part I is up to date with all changes known to be in force on or before 03 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)

SCHEDULES

SCHEDULE 2

NEW SCHOOLS

PART I

GENERAL

- 1 In this Schedule—
- “arrangement” means (except in paragraph 2(2)(b) or 19) an arrangement made under section 12 of this Act for the constitution of a temporary governing body for a new school;
 - “new school” means any school, or proposed school, which is required to have a temporary governing body or in respect of which the local education authority have power to make an arrangement under section 12(4);
 - “relevant proposal” means the proposal (of a kind mentioned in section 12) by reference to which the school in question is a new school; and
 - “temporary governor” means any member of a temporary governing body.

Constitution of temporary governing body

- 2 (1) Subject to the provisions of this Schedule, every temporary governing body shall be constituted—
- (a) in accordance with the provisions of sections 3 and 7 of this Act, in the case of a school whose governing body will be required to be constituted in accordance with those provisions; and
 - (b) in accordance with the provisions of ^[F1]sections 4 and 4A] of this Act, in the case of a school whose governing body will be required to be constituted in accordance with those provisions.
- (2) For the purpose of the application of section 3, 4 ^[F2]4A] or 7 of this Act in relation to the constitution of its temporary governing body, a new school shall be treated as having as registered pupils the maximum number of pupils referred to—
- (a) in the relevant proposal; or
 - (b) in the case of a new school which will be a special school; in the arrangements for the school approved by the Secretary of State in accordance with regulations made under section 12 of the 1981 Act (approval of special schools).
- (3) In co-opting any person (otherwise than as a temporary foundation or teacher governor) to be a member of a temporary governing body of a new school which

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will be a county, controlled or maintained special school, the temporary governors concerned shall—

- (a) have regard—
 - (i) to the extent to which they and the other temporary governors are members of the local business community; and
 - (ii) to any representations made to the temporary governing body as to the desirability of increasing the connection between the temporary governing body and that community; and
- (b) where it appears to them that no temporary governor of the new school is a member of the local business community, or that it is desirable to increase the number of temporary governors who are, co-opt a person who appears to them to be a member of that community.

(4) The first meeting of any temporary governing body shall be called—

- (a) by their clerk; or
- (b) where he fails to call it within such period as the local education authority consider reasonable, by the authority.

Textual Amendments

- F1** Words in Sch. 2 para. 2(1)(b) substituted (1.1.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 109(a)**; S.I. 1993/3106, art. 4, **Sch. 1**
- F2** Word in Sch. 2 para. 2(2) inserted (1.1.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 109(b)(i)**; S.I. 1993/3106, art. 4, **Sch.1**

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