



Education Act 1993

1993 CHAPTER 35

PART II

GRANT-MAINTAINED SCHOOLS

CHAPTER IV

ESTABLISHING NEW GRANT-MAINTAINED SCHOOLS

Proposals for establishment of new grant-maintained school

48 Proposals by funding authority

- (1) This section has effect in respect of the area of a local education authority if an order under section 12(1) of this Act applies to the area.
- (2) The funding authority may establish grant-maintained schools for the purpose of providing relevant education.
- (3) Where the funding authority intend to establish a grant-maintained school, they shall—
 - (a) publish proposals for that purpose in such manner as may be prescribed, and
 - (b) submit a copy of the published proposals to the Secretary of State.
- (4) Before publishing any proposals under this section the funding authority shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection, the funding authority shall have regard to any guidance given to them from time to time by the Secretary of State.

49 Proposals by promoters

- (1) Where any persons (referred to in this Part of this Act as “promoters”) propose to establish a grant-maintained school, they shall—
 - (a) publish proposals for that purpose in such manner as may be prescribed, and

Status: This is the original version (as it was originally enacted).

- (b) submit a copy of the published proposals to the Secretary of State.
- (2) Before publishing any proposals under this section the promoters shall consult—
 - (a) the funding authority, and
 - (b) such other persons as appear to them to be appropriate;
 and in discharging their duty under this subsection, the promoters shall have regard to any guidance given from time to time by the Secretary of State.
- (3) A local education authority may not establish any grant-maintained school.
- (4) In relation to England this section has effect at any time after the funding authority have begun to exercise their functions.

50 Provisions supplementary to sections 48 and 49

- (1) Part II of Schedule 3 to this Act (which makes provision supplementing sections 48 and 49) shall have effect.
- (2) Subsection (3) below applies where promoters propose to establish a grant-maintained school in place of an existing independent school which it is proposed to discontinue on or before the date of implementation of the proposals.
- (3) Where this subsection applies, the proposals published by the promoters under section 49 of this Act shall, in addition to the matters required to be specified by virtue of paragraph 7 of Schedule 3 to this Act—
 - (a) specify any arrangements proposed to be made by the promoters for land and other property held for the purposes of the existing independent school to be held for the purposes of the grant-maintained school, and
 - (b) state whether there is a trust deed or other instrument relating to the existing independent school.
- (4) References in this Part of this Act to proposals published under section 48 or 49 of this Act, in any case where the Secretary of State has modified such proposals in pursuance of this Part of this Act, are to the proposals as so modified.
- (5) No proposals may be published under section 48 or 49 of this Act for a school which may provide any education which is neither primary nor secondary education unless it is—
 - (a) part-time education suitable to the requirements of persons of any age over compulsory school age, or full-time education suitable to the requirements of persons who have attained the age of nineteen years, or
 - (b) part-time education suitable to the requirements of junior pupils.