



# Education Act 1996

## 1996 CHAPTER 56

### <sup>F1</sup>PART III

#### GRANT-MAINTAINED SCHOOLS

#### CHAPTER V

##### GOVERNMENT, CONDUCT ETC. OF GRANT-MAINTAINED SCHOOLS

##### **Modifications etc. (not altering text)**

**C1** Pt. III Chapter V (ss. 218-243) modified (1.11.1996) by 1996 c. 57, ss. 37(3), 48(2)

##### *The governing instruments*

#### **218 Constitution of governing body and conduct of school.**

- (1) For every governing body of a grant-maintained school there shall be—
  - (a) an instrument (known as the instrument of government) providing for the constitution of the governing body, and
  - (b) an instrument (known as the articles of government) in accordance with which the school is to be conducted.
- (2) The instrument and articles of government—
  - (a) shall comply with any requirements imposed by or under this Chapter, and
  - (b) may make any provision authorised by or under this Chapter to be made and such other provision as may be necessary or desirable.
- (3) Subject to any express provision of the instrument or articles of government, the school shall be conducted in accordance with any trust deed relating to it.
- (4) Schedule 22 (membership and proceedings etc. of governing bodies) shall have effect.

*Status: Point in time view as at 20/11/1998.*

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(5) Schedule 23 (content of articles of government) shall also have effect.

## **219 Initial instruments and articles of government.**

- (1) The initial instrument of government for the governing body of a grant-maintained school, and the initial articles of government for such a school, shall be such as are prescribed.
- (2) The initial instrument of government shall have effect as from the incorporation date.
- (3) The initial articles of government shall have effect as from the date of implementation of the proposals but, in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school, such of the articles as may be prescribed shall have effect as from the incorporation date.
- (4) Before making any regulations under this section the Secretary of State shall consult—
  - (a) a body appearing to him to be representative of the Church of England,
  - (b) a body appearing to him to be representative of the Church in Wales, and
  - (c) a body appearing to him to be representative of the Roman Catholic Church,
 in matters relating to the provision of education in grant-maintained schools having foundation governors.

## **220 Subsequent instruments of government.**

- (1) The Secretary of State may—
  - (a) if the governing body of a grant-maintained school submit a draft of an instrument of government to have effect in place of their existing instrument, by order make a new instrument of government in terms of the draft or in such terms as he thinks fit, and
  - (b) if such a governing body submit draft modifications—
    - (i) of an instrument made under paragraph (a), or
    - (ii) of an instrument of government made under section 57(1)(a) of the <sup>M1</sup>Education Act 1993 or Chapter IV of Part I of the <sup>M2</sup>Education Reform Act 1988 which has effect (by virtue of Schedule 39 to this Act) as if made under paragraph (a),
 by order modify the instrument concerned in terms of the draft or in such terms as he thinks fit;
 but he shall not make a new instrument otherwise than in terms of the draft, or modify the instrument otherwise than in terms of the draft, unless he has consulted the governing body.
- (2) No order may be made under subsection (1) in respect of a school having foundation governors unless the governing body have consulted—
  - (a) the person who appoints the foundation governors, and
  - (b) in the case of a Church of England, Church in Wales or Roman Catholic Church school, the appropriate diocesan authority (if different).
- (3) The Secretary of State may by order modify the instrument of government for the governing body of any grant-maintained school.
- (4) An order under subsection (3)—

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- (a) may relate to all grant-maintained schools, to any category of such schools specified in the order or to any such school so specified, but
  - (b) shall not be made unless the Secretary of State has consulted—
    - (i) the governing body of each grant-maintained school to which the order relates,
    - (ii) (if the order relates only to a school having foundation governors) the person who appoints them and, if it is a Church of England, Church in Wales or Roman Catholic Church school, the appropriate diocesan authority (if different), and
    - (iii) (if the order relates to two or more schools and any of the schools are Church of England, Church in Wales or Roman Catholic Church schools having foundation governors) a body appearing to the Secretary of State to be representative of the church in question in matters relating to the provision of education in grant-maintained schools having foundation governors.
- (5) Where, by reason of the making of a new instrument, or the modification of an instrument, under this section the number of governors of any category will (unless the required number of governors of that category resign) exceed the number provided for in the instrument, the new instrument or, as the case may be, the instrument as modified shall provide—
- (a) for such number of governors of that category as is required to eliminate the excess to cease to hold office, and
  - (b) for the selection of those who are to cease to hold office.

#### Marginal Citations

- M1 1993 c. 35.
- M2 1988 c. 40.

## 221 Subsequent articles of government.

- (1) The governing body of a grant-maintained school may, with the consent of the Secretary of State—
- (a) make new articles of government in place of the existing articles for the school, or
  - (b) modify any articles made under paragraph (a) or, where articles made under section 58(1)(a) of the <sup>M3</sup>Education Act 1993 or Chapter IV of Part I of the <sup>M4</sup>Education Reform Act 1988 have effect (by virtue of Schedule 39 to this Act) as if made in accordance with this Part, those articles.
- (2) Before exercising that power, the governing body of a school having foundation governors shall consult—
- (a) the person who appoints the foundation governors, and
  - (b) in the case of a Church of England, Church in Wales or Roman Catholic Church school, the appropriate diocesan authority (if different).
- (3) The Secretary of State may by a direction under this section require the governing bodies of grant-maintained schools or any class of such schools specified in the direction or the governing body of any particular grant-maintained school so specified to modify their articles of government in any manner so specified.

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- (4) Before giving a direction under this section, the Secretary of State shall consult—
- (a) the governing body or (as the case may be) each governing body to which the direction applies,
  - (b) (if the direction relates only to a school having foundation governors) the person who appoints them and, if it is a Church of England, Church in Wales or Roman Catholic Church school, the appropriate diocesan authority (if different), and
  - (c) (if the direction relates to two or more schools and any of the schools are Church of England, Church in Wales or Roman Catholic Church schools having foundation governors) a body appearing to the Secretary of State to be representative of the church in question in matters relating to the provision of education in grant-maintained schools having foundation governors.

#### Marginal Citations

**M3** 1993 c. 35.

**M4** 1988 c. 40.

### *Governors*

#### **222 Categories of governors.**

Schedule 24 (expressions used in connection with categories of governors) shall have effect.

#### **223 Parent governors.**

- (1) Subject to subsection (6), the instrument of government for the governing body of a grant-maintained school shall provide for the governing body to include parent governors.
- (2) Subject to subsection (7), the instrument shall provide for the number of parent governors to be—
  - (a) in the case of a primary school, not less than three nor more than five, and
  - (b) in the case of a secondary school, five.
- (3) The instrument shall provide that if—
  - (a) one or more vacancies for parent governors are required to be filled by election, and
  - (b) the number of parents standing for election as parent governors is less than the number of vacancies,
 the required number of parent governors shall be made up by persons appointed by the other members of the governing body.
- (4) The instrument shall require governors, in appointing a person under a provision made by virtue of subsection (3)—
  - (a) to appoint a person who is the registered parent of a registered pupil at the school, where it is reasonably practicable to do so, and
  - (b) where it is not, to appoint a person who is the parent of one or more children of compulsory school age.

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- (5) In the case of a governing body incorporated in pursuance of proposals for acquisition of grant-maintained status, in relation to the election of a person as a parent governor to the new governing body—
- (a) paragraph 7 of Schedule 8 (qualifications and arrangements for election of parent or teacher governors) shall apply as it applies in relation to the election of a parent governor to the existing governing body, and
  - (b) the new governing body shall inform the authority responsible for election arrangements of any vacancy arising for a parent governor, and the instrument shall have effect accordingly.
- (6) In the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school, the instrument shall have effect as if—
- (a) before the date of implementation of the proposals, the governing body had power to appoint as parent governors persons who satisfy the prescribed requirements, and
  - (b) the first appointments were to be made before that date.
- (7) In the case of a primary school, the initial instrument shall provide for the number of parent governors to be such number (being not less than three nor more than five) as is specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.
- (8) Subsection (3) does not apply, in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school, to vacancies arising before the date of implementation of the proposals.

## **224 Teacher governors.**

- (1) Subject to subsection (4), the instrument of government for the governing body of a grant-maintained school shall provide for the governing body to include teacher governors.
- (2) Subject to subsection (5), the instrument shall provide for the number of teacher governors to be either one or two.
- (3) In the case of a governing body incorporated in pursuance of proposals for acquisition of grant-maintained status, in relation to the election of a person as a teacher governor to the new governing body—
- (a) paragraph 7 of Schedule 8 shall apply as it applies in relation to the election of a teacher governor to the existing governing body, and
  - (b) the new governing body shall inform the authority responsible for election arrangements of any vacancy arising for a teacher governor, and the instrument shall have effect accordingly.
- (4) In the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school, the instrument shall have effect as if—
- (a) before the date of implementation of the proposals, the governing body had power to appoint as teacher governors persons who satisfy the prescribed requirements, and
  - (b) the first appointments were to be made before that date.

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- (5) The initial instrument shall provide for the number of teacher governors to be such number (being either one or two) as is specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.

## **225 Head teacher.**

- (1) Subject to subsection (3), the instrument of government for the governing body of a grant-maintained school shall provide for the governing body to include (as a governor ex officio) the person who is for the time being the head teacher.
- (2) In the case of a governing body incorporated in pursuance of proposals for acquisition of grant-maintained status, the reference in subsection (1) to the head teacher is, in relation to any time before the date of implementation of the proposals, a reference to the existing head teacher.
- (3) In the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school, the initial instrument of government for the school shall provide, in relation to any time before the date of implementation of the proposals when a person has been appointed to be the head teacher, for the governing body to include (as a governor ex officio) that person.

## **226 First governors.**

- (1) The instrument of government for the governing body of a grant-maintained school which—
- (a) is a county school immediately before it becomes grant-maintained, or
  - (b) is established in pursuance of proposals published under section 211,
- shall provide for the governing body to include first governors.
- (2) The instrument shall provide for such number of first governors as will secure that they outnumber the other governors.
- (3) Subject to subsections (5) and (6), the instrument—
- (a) shall require—
    - (i) at least two of the first governors to be (on the date or dates on which they respectively take office) parents of registered pupils at the school, and
    - (ii) at least two of the first governors to be (on the date or dates on which they respectively take office) members of the local community,
 but one person may satisfy both requirements, and
  - (b) shall require the governing body, in appointing first governors, to secure that those governors include persons appearing to them to be members of the local business community (and such persons may also satisfy one or both of the requirements of paragraph (a)(i) and (ii)).
- (4) The initial instrument shall provide for the number of first governors to be such number (being a number which will secure that they will outnumber the other governors) as is specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.

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- (5) In the case of a grant-maintained school which is a county school immediately before it becomes grant-maintained, the instrument shall, despite subsection (3), have effect in relation to the determination of initial first governors—
- (a) as if—
    - (i) it required the first governors to include at least two persons who on the date of their selection or nomination are parents of registered pupils at the school, and
    - (ii) it required the first governors to include at least two persons who appear to those selecting or nominating them to be members of the local community,but provided that one person might satisfy both requirements, and
  - (b) as if it required the first governors to include persons who appear to those selecting or nominating them to be members of the local business community (and provided that such persons might also satisfy one or both of the requirements of paragraph (a)(i) and (ii) above).
- (6) In the case of a grant-maintained school established in pursuance of proposals published under section 211—
- (a) any provision of the instrument made by virtue of subsection (3)(a)(i) shall not apply in relation to the appointment before the date of implementation of the proposals of any first governor, and
  - (b) any provision of the instrument made by virtue of subsection (3)(b) shall apply as if references to the governing body were references to the funding authority.
- (7) References in this section to governors other than first governors do not include sponsor governors.

## **227 Power of the Secretary of State to replace first governors.**

- (1) The instrument of government for the governing body of a grant-maintained school which—
- (a) is a county school immediately before it becomes grant-maintained, or
  - (b) is established in pursuance of proposals published under section 211,
- shall provide for the Secretary of State to have power, where any of subsections (2) to (4) apply, to replace all or any of the first governors.
- (2) This subsection applies where the governing body have been guilty of substantial or persistent failure to comply or secure compliance with any requirement imposed by or under any enactment.
- (3) This subsection applies where—
- (a) there is a report of an inspection of the school in which the person who made it expressed the opinion that special measures were required to be taken in relation to the school,
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
  - (c) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school under Part I of the <sup>M5</sup>School Inspections Act 1996, he did not express the opinion in the report that special measures were not required to be taken in relation to the school, and

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- (d) the Secretary of State has received a statement prepared under section 17 of that Act or the period allowed by subsection (2) of that section for the preparation of such a statement has expired;  
and expressions used in this subsection and in that Act have the same meaning as in that Act.
- (4) This subsection applies where in the opinion of the Secretary of State any action taken or proposed by the governing body of the school, or any failure of the governing body to act, is prejudicial to the provision of education by the school.
- (5) The instrument of government for a grant-maintained school which—
- (a) is a county school immediately before it becomes grant-maintained, or
  - (b) is established in pursuance of proposals published under section 211,
- shall enable the Secretary of State to make such provision as he thinks fit for filling vacancies for first governors if it appears to him that the governing body are unable or unwilling to fill the vacancies.
- (6) Any provision made by the instrument of government in pursuance of section 226(3) shall not apply for the purposes of the appointment by virtue of this section of any first governor.

#### **Marginal Citations**

**M5** 1996 c. 57.

## **228 Foundation governors.**

- (1) The instrument of government for the governing body of a grant-maintained school which—
- (a) is a voluntary school immediately before it becomes grant-maintained, or
  - (b) is established in pursuance of proposals published under section 212,
- shall provide for the governing body to include foundation governors.
- (2) The instrument shall provide for such number of foundation governors as will secure that they outnumber the other governors.
- (3) Subject to subsection (5), the instrument may provide for any foundation governorship to be held ex officio.
- (4) Subject to subsection (7), the instrument—
- (a) where it provides for a foundation governorship to be held ex officio, shall specify the office the holder of which is to be a foundation governor, and
  - (b) shall name the person or persons (if any) who are entitled to appoint any foundation governor.
- (5) An additional foundation governor appointed by virtue of provision made in the instrument of government in pursuance of section 230(2) may not be appointed to hold office ex officio.
- (6) Subject to subsections (8) and (9), the instrument shall provide for at least two of the foundation governors to be (on the date or dates on which they respectively take office) parents of registered pupils at the school.



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- (7) The initial instrument shall—
- (a) provide for the number of foundation governors to be such number (being a number which will secure that they will outnumber the other governors) as is specified;
  - (b) (in the case of a grant-maintained school which is a voluntary school immediately before it becomes grant-maintained) provide for the person or persons who, immediately before the incorporation date, were named in the school’s instrument of government as being entitled to appoint foundation governors (as defined by section 78(2)) to the existing governing body to be entitled to appoint the foundation governors for the governing body of the grant-maintained school;
  - (c) (in the case of a grant-maintained school established in pursuance of proposals under section 212) provide for the promoters to be entitled to appoint the foundation governors;
  - (d) (where the instrument provides for a foundation governorship to be held ex officio) provide for it to be held by the holder of a specified office;
- and in this subsection “specified” means specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.
- (8) In the case of a grant-maintained school which is a voluntary school immediately before it becomes grant-maintained, the instrument shall (despite anything in subsection (6)) have effect in relation to the determination of initial foundation governors as if it provided for the foundation governors to include at least two persons who on the date of their selection or appointment are parents of registered pupils at the school.
- (9) In the case of a grant-maintained school established in pursuance of proposals published under section 212, subsection (6) above shall not apply in relation to the appointment of any foundation governor before the date of implementation of the proposals.

## **229 Sponsor governors.**

- (1) The instrument of government for the governing body of a grant-maintained secondary school may—
- (a) name a person as a sponsor of the school, and
  - (b) provide for the governing body to include such number of sponsor governors, not exceeding four, as is specified in the instrument.
- (2) Where a governing body of a school are to be incorporated in pursuance of proposals for acquisition of grant-maintained status, or proposals for the establishment of a new grant-maintained school, which name a person as a sponsor of the school, and the school is to be a secondary school, the initial instrument of government shall provide—
- (a) for the person so named to be a sponsor of the school, and
  - (b) for the governing body to include such number of sponsor governors, not exceeding four, as is specified in the proposals.
- (3) Where the instrument of government provides for two or more persons named as sponsors of the school in such proposals, or (as the case may be) in the instrument, to appoint governors—

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- (a) it shall provide for each sponsor to appoint such number of governors as is specified in relation to him in the proposals or (as the case may be) instrument, and
  - (b) it may not provide for any of those governors to be appointed by two or more sponsors acting jointly.
- (4) In the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school which name a person as a sponsor of the school, the instrument of government shall have effect as if it required the first appointments of sponsor governors to be made before the date of implementation of the proposals.

### **230 Additional governors.**

- (1) The instrument of government for the governing body of a grant-maintained school shall enable the Secretary of State to appoint not more than two additional governors if it appears to him that the governing body are not adequately carrying out their responsibilities in respect of the conduct or management of the school.
- (2) The instrument shall enable the appointing authority, during any period when any additional governors appointed by the Secretary of State by virtue of subsection (1) are in office, to appoint a number of additional first or, as the case may be, foundation governors not greater than the number of additional governors appointed by the Secretary of State who are then in office.
- (3) In subsection (2) “the appointing authority” means the person entitled to appoint the first or, as the case may be, foundation governors on the governing body or, if more than one person is so entitled, the persons so entitled acting jointly.

### *Powers*

### **231 Powers of governing body.**

- (1) The governing body of a grant-maintained school incorporated in pursuance of proposals for acquisition of grant-maintained status may conduct a school of the same description as the school immediately before the date of implementation of the proposals.
- (2) The governing body of a grant-maintained school incorporated in pursuance of proposals for the establishment of a new grant-maintained school may conduct a school of the description in the proposals.
- (3) The school conducted by the governing body of a grant-maintained school shall not, where changes have been made in the character or premises of the school since the date of implementation of the proposals, be regarded as of a different description to that immediately before that date or, as the case may be, to that in the proposals if the changes—
  - (a) did not require authorisation under Chapter VII (alteration etc. of grant-maintained schools), or
  - (b) were authorised under that Chapter.
- (4) Subject to subsections (6) and (7) and to any provision made by the instrument or articles of government, the governing body of a grant-maintained school may do

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anything which appears to them to be necessary or expedient for the purpose of or in connection with the conduct of the school as for the time being constituted.

- (5) The power conferred by subsection (4) includes in particular power—
- (a) in the case of a grant-maintained school established in pursuance of proposals for acquisition of grant-maintained status, to assume the conduct, as from the date of implementation of the proposals, of the school as constituted immediately before that date;
  - (b) in the case of a grant-maintained school established in pursuance of proposals for the establishment of a new grant-maintained school, to conduct, as from the date of implementation of the proposals, a school of the description in the proposals;
  - (c) power to borrow such sums as the governing body think fit and, in connection with such borrowing, to grant any mortgage, charge or other security over any land or other property of the governing body;
  - (d) to acquire and dispose of land and other property;
  - (e) to enter into contracts, including, in particular, contracts for the employment of teachers and other staff;
  - (f) to invest any sums not immediately required for the purposes of meeting the expenses of conducting the school or any liability transferred to the governing body under section 201; and
  - (g) to accept gifts of money, land or other property and apply it, or hold and administer it on trust, for such purposes.
- (6) The power to borrow sums and grant security mentioned in subsection (5)(c) may only be exercised with the written consent of the Secretary of State (which may be given for particular borrowing or for borrowing of a particular class); but this subsection does not apply in relation to loans under section 255.
- (7) The power to dispose of land mentioned in subsection (5)(d) may only be exercised with the written consent of the Secretary of State.
- (8) Without prejudice to subsection (4), but subject to any provision made by the instrument or articles of government, the governing body of a grant-maintained school may provide education at the school which is neither primary nor secondary education if—
- (a) it is 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 19,
  - (b) it is part-time education suitable to the requirements of junior pupils who have not attained [<sup>F1</sup>compulsory school age] and the school provides full-time education for junior pupils of the same age, or
  - (c) they do so as agents for a local education authority under arrangements made with the authority for the purpose.

#### Textual Amendments

**F1** Words in S. 231(8)(b) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para.17** (which Sch. 7 para. 17 was repealed (*prosp.*) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30 para. 223, **Sch. 31** (with ss. 138(9), 144(6))); S.I. 1998/386, art. 2, **Sch. 1 Pt.III**

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**F<sup>2</sup>232** .....

**Textual Amendments**

**F2** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F<sup>3</sup>233** .....

**Textual Amendments**

**F3** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

*Schools acquiring grant-maintained status: determination etc. of initial governors*

**F<sup>4</sup>234** .....

**Textual Amendments**

**F4** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F<sup>5</sup>235** .....

**Textual Amendments**

**F5** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F<sup>6</sup>236** .....

**Textual Amendments**

**F6** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

*Status: Point in time view as at 20/11/1998.*

*Changes to legislation: Education Act 1996, Chapter V is up to date with all changes known to be in force on or before 29 June 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)*

**F7** 237 .....

**Textual Amendments**

**F7** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F8** 238 .....

**Textual Amendments**

**F8** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F9** 239 .....

**Textual Amendments**

**F9** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F10** 240 .....

**Textual Amendments**

**F10** Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

*New grant-maintained schools: determination etc. of initial governors*

**241 Initial governors for new grant-maintained schools.**

- (1) This section applies in relation to any governing body to be incorporated under Chapter IV.
- (2) Regulations shall make provision for the appointment of the persons who are to be the initial governors and, in particular, shall require each appointing authority—
  - (a) to obtain the Secretary of State’s consent before making any appointment, and
  - (b) to notify the Secretary of State before the incorporation date of the appointments to all the initial governorships for which the authority is the appointing authority.

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- (3) In subsection (2) the “appointing authority”, in relation to any appointment, means the person entitled to make the appointment.

*General and supplementary*

**242 Saving for defects in selection or nomination.**

- (1) The proceedings of the governing body of a grant-maintained school shall not be invalidated by any defect in any procedure required under this Chapter in relation to the determination of any person to hold office as an initial governor.
- (2) This section is without prejudice to the generality of paragraph 11 of Schedule 22.

**243 Chapter V: interpretation.**

- (1) This section applies for the purposes of this Chapter.
- (2) References to the authority responsible for election arrangements in relation to a school are references to the authority or body by whom all necessary arrangements for any election of parent governors or teacher governors to the governing body of the school fall to be made under paragraph 7(3) of Schedule 8 (such arrangements to be made by the local education authority or the school’s governing body depending on the type of school).
- (3) References, in relation to a vacancy for a governor of an elected category on the existing governing body of a school in respect of which proposals are required to be or have been published under section 193 and in sections 234(7) and 237(2), to the procedure applicable under Chapter IV of Part II are references—
- (a) except where any provision made by virtue of section 81 (appointment of parent governors by governing body) applies, to the holding of an election under that Chapter, and
  - (b) where any such provision applies, to the making of an appointment in accordance with that provision.
- (4) A person named in proposals for acquisition of grant-maintained status in respect of a school as a proposed initial governor of any category shall be treated as becoming prospectively disqualified for holding office as such a governor on the proposed governing body if an event occurs in relation to him which, if—
- (a) it had occurred on or after the incorporation date, and
  - (b) the instrument prescribed under section 219 for the governing bodies of schools of the kind in question had then been in force,
- would have caused him to become disqualified for holding such office.

**Status:**

Point in time view as at 20/11/1998.

**Changes to legislation:**

Education Act 1996, Chapter V is up to date with all changes known to be in force on or before 29 June 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.