



# Education Act 1996

## 1996 CHAPTER 56

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

#### GRANT-MAINTAINED SCHOOLS

#### CHAPTER V

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

#### *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

*Status: Point in time view as at 01/10/1998.*

*Changes to legislation: Education Act 1996, Cross Heading: Powers is up to date with all changes known to be in force on or before 15 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)*

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** .....

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**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** .....

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**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**)

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