



Education Act 1996

1996 CHAPTER 56

^{F1}PART III

GRANT-MAINTAINED SCHOOLS

CHAPTER VIII

DISCONTINUANCE OF GRANT-MAINTAINED SCHOOLS

Proposals for discontinuance

267 Proposals by governing body for discontinuance.

- (1) The governing body of a grant-maintained school may publish proposals under this section for the discontinuance of the school if they—
 - (a) decide by a resolution passed at a meeting of that body to publish such proposals, and
 - (b) confirm that decision by a resolution passed at a subsequent meeting of the governing body held not less than 28 days after that at which the first resolution was passed.
- (2) Before passing such a resolution as is mentioned in subsection (1)(a), the governing body shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the governing body shall have regard to any guidance given to them from time to time by the Secretary of State.
- (3) The governing body shall, as soon as practicable after the passing of the second resolution, give notice in writing of the second resolution to the local education authority.
- (4) The governing body may, within the period of six months beginning with the date of the second resolution, publish proposals for the discontinuance of the school in such

Status: Point in time view as at 01/04/1999.

Changes to legislation: Education Act 1996, Cross Heading: Proposals for discontinuance is up to date with all changes known to be in force on or before 09 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)

manner as may be prescribed and, where they do so, shall submit to the Secretary of State a copy of the published proposals.

- (5) The published proposals shall specify the proposed date of discontinuance of the school.
- (6) The published proposals shall be accompanied by a statement—
 - (a) indicating whether or not there are any proposals for the premises of the school to be used by any new or existing school, and
 - (b) explaining the effect of subsection (7).
- (7) Within the period of two months beginning with the date of publication of the proposals, objections to the proposals may be submitted to the Secretary of State by any of the following—
 - (a) any ten or more local government electors,
 - (b) the governing body of any school affected by the proposals,
 - (c) the appropriate further education funding council (if the proposals affect the provision of education to which section 2(1) of the ^{M1}Further and Higher Education Act 1992 applies), and
 - (d) any local education authority concerned.

Marginal Citations
 M1 1992 c. 13.

^{F1}268

Textual Amendments
 F1 S. 268 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12 and in S.I. 1999/704, reg. 6)

269 Approval, adoption or rejection of proposals.

(1) Proposals published under section 267 require the approval of the Secretary of State.

^{F2}(2)

- (3) Where ^{F3}...proposals require the approval of the Secretary of State, he may—
 - (a) reject them,
 - (b) approve them without modification, or
 - (c) after consulting the governing body ^{F3}...approve them with the substitution of a different date for the date of discontinuance proposed.

(4) Where the Secretary of State approves any such proposals he shall give notice in writing of that fact and of the discontinuance date to the governing body and (except where the school is in Wales and the Schools Funding Council for Wales have not begun to exercise their functions) the funding authority.

^{F2}(5)

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^{F2}(6)

Textual Amendments

- F2** S. 269(2)(5)(6) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F3** Words in s. 269(3) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

270 Implementation of proposals.

- (1) Where any proposals are approved under section 269, the governing body shall cease to conduct the school on the discontinuance date.
- (2) In this section “the discontinuance date” means—
 - (a) the date of discontinuance specified in the proposals as approved, or
 - (b) if—
 - (i) at the request of the governing body, or
 - ^{F4}(ii)the Secretary of State subsequently fixes another date (whether in substitution for the date specified in the proposals as approved or in substitution for a date previously fixed under this subsection), that date.
- (3) The governing body of a grant-maintained school shall not discontinue the school except in pursuance of proposals published under section 267 or 268 and approved or adopted under section 269.

Textual Amendments

- F4** S. 270(2)(b)(ii) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

^{F5}**271**

Textual Amendments

- F5** S. 271 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

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