



Education Act 1996

1996 CHAPTER 56

PART III

GRANT-MAINTAINED SCHOOLS

CHAPTER III

PROPERTY, STAFF AND CONTRACTS

Effect of pending procedure for acquisition of grant-maintained status on property disposals, etc.

203 “Pending” procedure for acquisition of grant-maintained status

- (1) For the purposes of this Chapter the procedure for acquisition of grant-maintained status is pending in relation to a school when it has been initiated in relation to the school on any occasion and not terminated (as initiated on that occasion).
- (2) For those purposes, that procedure is to be regarded as initiated in relation to a school on any occasion—
 - (a) on receipt by the local education authority of notice of a meeting of the governing body at which a motion for a resolution to hold a ballot of parents on the question whether grant-maintained status should be sought for the school is to be considered (not being a case falling within section 186(3)), or
 - (b) where the governing body have received a request under subsection (1) of section 187, on receipt by the local education authority of notice under subsection (3)(b) of that section.
- (3) For those purposes, that procedure, as initiated on any occasion, is to be regarded as terminated—
 - (a) (when initiated as mentioned in subsection (2)(a)) if—
 - (i) the meeting is not held,

Status: This is the original version (as it was originally enacted).

- (ii) the meeting is held but the motion is not moved or, though the motion is moved, the resolution is not passed, or
 - (iii) the resolution is passed but the result of the ballot to which the notice under section 186(1)(b) relates does not show a majority in favour of seeking grant-maintained status for the school;
 - (b) (when initiated as mentioned in subsection (2)(b)) if the result of the ballot to which the notice under section 187(3)(b) relates does not show a majority in favour of seeking grant-maintained status for the school;
 - (c) if—
 - (i) proposals which by reference to the result of a ballot to which a notice under section 186(1)(b) or 187(3)(b) relates are required to be published under section 193, or
 - (ii) any proposals required in substitution for those proposals, are rejected by the Secretary of State or withdrawn; or
 - (d) on the date of implementation of such proposals.
- (4) Where section 191 applies in the case of such a ballot, the references in subsection (3) above to the result of that ballot shall be read as references to the result of the second ballot required by that section.
- (5) The reference in subsection (3) above to proposals required in substitution for any proposals (“the original proposals”) required to be published by reference to the result of a ballot is to any proposals required to be published by virtue of section 194(1) or (3) on withdrawal or (as the case may be) rejection of—
 - (a) the original proposals, or
 - (b) any further proposals required to be published by virtue of section 194(1) or (3) in respect of the school without a further ballot.
- (6) Proposals published under section 193 shall not be treated for the purposes of subsection (3)(c) as rejected in any case where the Secretary of State imposes a requirement under section 194(3) or as withdrawn in any case where he imposes a requirement under section 194(1) for the publication of further proposals.