



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 1

GOVERNMENT OF MAINTAINED SCHOOLS

28 Limits on power to provide community facilities etc.

- (1) Section 27(1) does not enable a governing body to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in—
 - (a) the school's instrument of government, or
 - (b) any scheme under section 48 of the School Standards and Framework Act 1998 (c. 31) (local education authorities' financial schemes) which relates to the school.
- (2) Regulations may make provision preventing governing bodies from doing, by virtue of section 27(1), anything which is specified, or is of a description specified, in the regulations.
- (3) A governing body shall exercise the power conferred by section 27(1) only if and to the extent that they are satisfied that anything which they propose to do will not to a significant extent interfere with the performance of any duty imposed on them by section 21(2) or by any other provision of the Education Acts.
- (4) Before exercising the power under section 27(1) a governing body—
 - (a) shall consult—
 - (i) the local education authority,
 - (ii) the staff of the school, and
 - (iii) the parents of registered pupils of the school,

Status: This is the original version (as it was originally enacted).

- (b) where the proposed exercise of the power would affect registered pupils of the school and the governing body consider it appropriate in view of their age and understanding to consult all or some of them, shall consult the registered pupils or such of them as the governing body consider it appropriate to consult, and
 - (c) shall consult such other persons as the governing body consider appropriate.
- (5) In exercising the power under section 27(1) or consulting under subsection (4), a governing body shall have regard—
 - (a) to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales, and
 - (b) to any advice given to them from time to time by the local education authority.