
STATUTORY INSTRUMENTS

1994 No. 1041

The Education (Groups of Grant-maintained Schools) Regulations 1994

PART IV

PROCEDURE FOR A SCHOOL TO LEAVE A GROUP

Initiating procedure for leaving a group

31.—(1) This regulation applies where the governing body of a group receive a written request to hold a ballot of parents on the question whether a school (not being a hospital special school) should seek to leave that group.

(2) A request under paragraph (1) must be signed (or otherwise endorsed in such manner as the governing body may require) by a number of registered parents of registered pupils at the school equal to at least 20% of the number of registered pupils at the school; and in this sub-paragraph “registered” means shown in the register kept under section 80 of the Education Act 1944 as that register has effect on the date on which the request is received.

(3) The governing body shall—

- (a) secure that the ballot is held in accordance with regulation 6 within the period of 10 weeks beginning with the date on which the request was received, and
- (b) if the school is a foundation school give notice that the ballot is to be held to any person holding property on trust for the purposes of the school.

(4) Notice under paragraph 3(b) must be given within the period of 5 days beginning with the date on which the request was received; but in determining that period no account shall be taken of—

- (a) Saturday, Sunday, Good Friday, and Christmas Day or
- (b) any day which is a bank holiday in England and Wales.

(5) Paragraph (3) does not apply if in the case of the school in question a ballot has been held on the question whether the school should leave the group of which it is a member within the period of 12 months ending with the date immediately preceding the date on which the request is received, unless the Secretary of State gives consent in writing for a new ballot to be held.

(6) A request under paragraph (1) shall be taken to have been received by a governing body if given or sent to the chairman of the governing body or to the clerk of the governing body.

(7) Section 27 of the 1993 Act (information to parents of registered pupils) shall apply if a request is made by a parent of a registered pupil at a school in connection with any proposal that a ballot should be held under this regulation in respect of that school.

(8) Section 28 of the 1993 Act shall apply in relation to the duty to hold any ballot under this regulation as if the reference in subsection (3)(a) to the prescribed information were to the information contained in Part II of Schedule 1 to these Regulations and the reference in subsection (6) were to the case for the school leaving the group and becoming a grant-maintained school outside the group.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) Section 29 of the 1993 Act applies as if the reference to the relevant resolution or request were to a request under paragraph (1) above.

(10) Sections 30 and 31 of the 1993 Act shall apply to any ballot held under this regulation.