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STATUTORY INSTRUMENTS

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**1994 No. 653**

**The Education (Grant-maintained  
Special Schools) Regulations 1994**

**PART 2**

**PROCEDURE FOR BECOMING A GRANT-MAINTAINED SPECIAL SCHOOL**

**Publication of Proposals**

**5.** Section 32 of and Part I of Schedule 3 to the 1993 Act shall apply in relation to maintained special schools eligible to become grant-maintained special schools as they apply to other schools which are eligible for grant-maintained status, subject to the modifications made by regulation 2(2) and to the following modifications—

(1) For Section 32(1), in its application to hospital special schools, there shall be substituted—  
“Subsection (2) below applies where the governing body have passed a resolution in favour of applying for the school to become a grant-maintained special school”.

(2) In section 32(2), in its application to hospital special schools, for the words “the date on which the result of the ballot is determined”, there shall be substituted “the date on which the resolution is passed”; and for the words “for acquisition of grant-maintained status for the school” there shall be substituted the words “for the school to become a grant-maintained special school”.

(3) In Schedule 3:—

(a) For sub-paragraphs 1(1)(a) and (b) in their application to hospital special schools, there shall be substituted—

- “(a) posted in at least one conspicuous place—  
(i) within the hospital and  
(ii) within the area served by the school, and”.

(b) In sub-paragraph 1(2), for the words “of publication of the proposals” there shall be substituted “on which all the requirements of paragraph 1(1) have been satisfied”.

(c) In sub-paragraph 1(3)(a), for the words “acquisition of grant-maintained status” there shall be substituted the words “the school to become a grant-maintained special school”.

(d) In sub-paragraph 1(3)(d), for the words “Part II” there shall be substituted the words “section 186(3)”.

(e) Sub-paragraph 1(3)(e) shall be omitted.

(f) Sub-paragraph 2(1)(a) shall not apply in relation to hospital special schools.

(g) Sub-paragraphs 2(1)(b) 2(2) shall be omitted; and for sub-paragraph 2(1)(e) there shall be substituted—

- “(e) describe the type of special educational provision which is currently made in the school”.

(h) In paragraph 3—

- (i) In item (a), for the words “Part II of” there shall be substituted the words “Schedule 11 to”.
- (ii) In items (a) and (b), for the words “grant-maintained school” there shall be substituted the words “grant-maintained special school”.
- (iii) For item (c) there shall be substituted
  - “(c) explain the circumstances in which a person named in the proposals as a proposed initial governor may be replaced.”.
- (iv) Item (g) shall be omitted.
- (i) In paragraph 4—
  - (i) In sub-paragraph (1)(a), the words after “of that person” shall be omitted.
  - (ii) In sub-paragraph (1)(b) the words “or as the case may be, foundation” shall be omitted and for “(in accordance with sections 60 to 65 of this Act)” there shall be substituted “(in accordance with Schedule 11 to this Act)”.
  - (iii) In sub-paragraph (1)(d) the words “or regulations made by virtue of section 77 of this Act” shall be omitted.
  - (iv) Sub-paragraph (1)(e) shall be omitted.
  - (v) In sub-paragraph (2) for the words “grant-maintained school” there shall be substituted the words “grant-maintained special school”; and at the end of sub-paragraph (a) there shall be inserted the words “explaining that admission will normally be reserved for children for whom statements are maintained under section 168 of this Act<sup>(1)</sup>”.
- (j) In paragraph 5, for the words “the date of publication of any proposals under section 32 of this Act” there shall be substituted “the date on which all the requirements of paragraph 1(1) above for the publication of proposals under section 32 of this Act have been satisfied”; and in item (a) the words “for the area” shall be omitted.

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(1) Section 168 is not in force at the date of the making of these Regulations.