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STATUTORY INSTRUMENTS

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**1994 No. 653**

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

**PART 4**

**ESTABLISHMENT OF NEW GRANT-MAINTAINED SPECIAL SCHOOLS**

**Service of notice of proposals**

**12.** Where the funding authority intend to establish a grant-maintained special school under section 183(1) of the 1993 Act, the notice of their proposals required by section 183(3)(a) and (6) to be served on the Secretary of State shall also be served on—

- (1) the local education authority in whose area the school is to be established;
- (2) any local education authority whose area adjoins the area of that authority; and
- (3) if the proposals will affect the provision of education to which section 2(1) of the Further and Higher Education Act 1992(1) applies, the appropriate further education funding council (as defined in section 1(6) of that Act).

**Information to be given**

**13.** The notice referred to in regulation 12 shall give the following information—

- (1) the number of initial governors proposed for the governing body, being such number as will secure that they out number the other governors;
- (2) the number of parent and teacher governors proposed for the governing body being, in the case of parent governors for a primary school not less than three nor more than five and for a secondary school five, and in the case of teacher governors, being either one or two;
- (3) the proposed term of office for the initial first governors (not being less than five nor more than seven years) and for the initial parent and teacher governors (being a period which expires no later than the end of the school's first term);
- (4) the name under which it is proposed that the governing body should be incorporated under section 183(8) of the 1993 Act;
- (5) the proposed incorporation date and the proposed date of implementation of the proposals;
- (6) a brief description of the size and intended character of the school, and of the type of special educational provision which it is proposed should be made at the school;
- (7) the name and address of a person from whom further information regarding the proposals may be obtained, and
- (8) an explanation of the procedure for submitting objections to the proposals under section 184(2) of the 1993 Act, including the period within which such objections are to be submitted and the name and address of the person to whom they are to be submitted.

### **Exercise of powers and payment of grant before proposed date of implementation**

**14.**—(1) Section 53(1) of the 1993 Act shall apply, where such proposals have been approved under section 184(4) of that Act, to require the powers conferred on the governing body by these regulations or by or under that Act to be exercised, until the date of implementation of the proposals, only for the purpose of or in connection with the conduct of the school on or after that date.

(2) Where proposals have been so approved, subsections (4) to (7) of section 53 of the 1993 Act shall apply with the following modifications—

- (a) in subsection (4), for the words “or adopted under section 51” there shall be substituted the words “under section 184(4)”;
- (b) in subsection (5), the words “(2) or” shall be omitted;
- (c) in subsection (7)(b), the words “premises or” shall be omitted.

### **Initial governors for new grant-maintained special schools**

**15.** Section 78 of the 1993 Act shall apply in relation to any governing body incorporated under section 183(8) of that Act as it applies to a governing body incorporated under Chapter IV of that Act.