

Status: Point in time view as at 01/04/2002.

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SCHEDULES

SCHEDULE 7

RATIONALISATION OF SCHOOL PLACES

Modifications etc. (not altering text)

C1 Sch. 7 modified (1.9.1999) by S.I. 1999/704, regs. 21, 22, Sch.

PART V

PROCEDURE FOR DEALING WITH PROPOSALS UNDER PARAGRAPH 5: WALES

Application of Part V

- 11 This Part of this Schedule applies to proposals published under paragraph 5 which relate to an area in Wales.

Objections

- 12 (1) Any person may make objections to any proposals published under paragraph 5.
- (2) Objections under this paragraph—
- (a) shall be sent to the Secretary of State; and
 - (b) shall be so sent within such period as may be prescribed.

Local inquiry into proposals

- 13 (1) This paragraph applies where in relation to the area of any local education authority the Secretary of State has made proposals under paragraph 5 (otherwise than in pursuance of paragraph 14(1)) which he has not withdrawn.
- (2) If objections have been made under paragraph 12(1) within the period prescribed in accordance with paragraph 12(2)(b), then, unless all objections so made have been withdrawn in writing within that period, the Secretary of State shall cause a local inquiry to be held to consider his proposals, any proposals he refers to the inquiry and any such objections.
- (3) Any proposals referred to a local inquiry under this paragraph require the approval of the Secretary of State (if they would not require such approval apart from this sub-paragraph).
- (4) Where the Secretary of State has a duty to cause a local inquiry to be held under this paragraph, he shall refer to the inquiry—
- (a) any other proposals published under paragraph 5 in relation to the area of the local education authority (and not withdrawn),

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- (b) any proposals made by that authority in the exercise of their powers to make proposals for the establishment, alteration or discontinuance of schools (and not withdrawn), ^{F1} . . .
- (c) any proposals made by the governing body of any foundation, voluntary or foundation special school in the area in the exercise of their powers to make proposals for the alteration of their school (and not withdrawn), [^{F2}and
- (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).]

where those proposals are not determined before he causes the inquiry to be held and appear to him to be related to the proposals made under paragraph 5 in respect of which he is required under this paragraph to cause the inquiry to be held.

- (5) If, before the Secretary of State causes the inquiry to be held, he forms the opinion that any proposals ought to be implemented, sub-paragraph (4) does not require him to refer those proposals to the inquiry unless—
 - (a) before the proceedings on the inquiry are concluded, or
 - (b) (if earlier) the proposals are determined,
 he subsequently forms a different opinion.
- (6) It shall not be open to the inquiry to question the principles specified in the order under paragraph 2(2) or 3(2).
- (7) References in this paragraph to the determination of any proposals are to—
 - (a) any determination whether or not to approve or adopt the proposals under paragraph 8 of Schedule 6 or paragraph 14 below, ^{F3} . . .
 - (b) any determination whether or not to implement the proposals under paragraph 9 of Schedule 6 [^{F4}and
 - (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.]

Textual Amendments

- F1** Word after Sch. 7 Pt. V para. 13(4)(b) repealed (28.7.2000 for specified purposes, 1.4.2001 for E. and 1.4.2002 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2, **Sch. Pt. I**
- F2** Sch. 7 Pt. V para. 13(4)(d) and the word preceding it inserted (28.7.2000 for specified purposes, 1.4.2001 for E. and 1.4.2002 for W.) by 2000 c. 21, s. 149, **Sch. 9 para. 90(5)** (with s. 150); S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2, **Sch. Pt. I**
- F3** Word after Sch. 7 Pt. V para. 13(7)(a) repealed (28.7.2000 for specified purposes, 1.4.2001 for E. and 1.4.2002 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2, **Sch. Pt. I**
- F4** Sch. 7 Pt. V para. 13(7)(c) inserted (28.7.2000 for specified purposes, 1.4.2001 for E. and 1.4.2002 for W.) by 2000 c. 21, s. 149, **Sch. 9 para. 90(6)** (with s. 150); S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2, **Sch. Pt. I**

Adoption of proposals

- 14 (1) Where the Secretary of State has published proposals under paragraph 5 in respect of which he is required to cause a local inquiry to be held, he may when he has

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considered the report of the person appointed to hold the inquiry do one or more of the following—

- (a) adopt, with or without modifications, or determine not to adopt the proposals or any other proposals made by him under that paragraph which he referred to the inquiry;
 - (b) approve, with or without modifications, or reject any other proposals which he referred to the inquiry; and
 - (c) make any such further proposals under paragraph 5 as might have been made in accordance with the order or orders relating to the area of the local education authority concerned by the body to whom the directions were given.
- (2) Where the Secretary of State has published proposals under paragraph 5 in respect of which he is not required to cause a local inquiry to be held and which he is not required to refer to such an inquiry, he may, after considering any objections made under paragraph 12(1) (and not withdrawn) within the period prescribed in accordance with paragraph 12(2)(b)—
- (a) adopt the proposals with or without modifications; or
 - (b) determine not to adopt the proposals.
- (3) Any adoption of proposals under this paragraph may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.

Implementation of proposals

- 15 Proposals adopted by the Secretary of State under paragraph 14 shall have effect as if they—
- (a) had been made by the local education authority under their powers to make proposals for the establishment, alteration or discontinuance of schools, or
 - (b) in any case where the proposals are for the alteration of a foundation, voluntary or foundation special school, had been made by the governing body under their powers to make proposals for the alteration of their school, and had been approved by the Secretary of State under paragraph 8 of Schedule 6.

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