

*These notes refer to the Education Act 2002 (c.32)
which received Royal Assent on 24 July 2002*

EDUCATION ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 5 – School Organisation

Proposals to establish, alter or discontinue schools

Section 72 and Schedule 9: Proposals relating to sixth forms

207. This section amends the LSA to enable the LSC in England, and the National Council for Education and Training for Wales (NCETW) to propose the establishment, alteration or closure of maintained school sixth forms. In exercising this power, the LSC is placed under an obligation to take account of any guidance from the Secretary of State. NCETW has an equivalent obligation in respect of guidance from the NAW. The section also provides for LSC proposals to be submitted to the Secretary of State, and for NCETW proposals to be submitted to the NAW, for decision; and for both the Secretary of State and the NAW to make regulations, as appropriate, setting out the processes, including the extent and nature of local consultation, to be followed by the LSC and NCETW in developing and submitting such proposals, and by the Secretary of State and the NAW in making a decision. The Schedule also specifies where responsibility lies for implementation of any approved proposals.
208. [Paragraph 115](#) of Schedule 21 amends Schedule 6 to the SSFA to enable regulations to be made which have the effect of providing that the SOC may not approve, and to provide that the LEA may not determine to implement, statutory proposals for changes to schools if they relate to undecided proposals by the LSC for the restructuring of sixth form education.