

## SCHEDULES

### SCHEDULE 10

#### PROPOSALS UNDER SECTION 66 FOR ESTABLISHMENT OF SECONDARY SCHOOLS: SUPPLEMENTARY

#### PART 3

##### DETERMINATION BY LEA WHETHER TO IMPLEMENT PROPOSALS

- 9 (1) Where the only proposals published in pursuance of a notice published under section 66 by a local education authority are proposals published by that authority by virtue of subsection (8)(b) of that section and either—
- (a) no objections were made in accordance with regulations under paragraph 3, or
  - (b) all objections so made were withdrawn in writing within the period prescribed under the regulations as that within which any objections must be made,
- then (subject to the following provisions of this paragraph) the authority must determine whether the proposals should be implemented.
- (2) Any determination under sub-paragraph (1) must be made within the period of four months beginning with the date of publication of the proposals (as determined in accordance with regulations); and the authority must notify the school organisation committee and the Secretary of State of any determination made by the authority under sub-paragraph (1).
- (3) The requirement to make a determination under sub-paragraph (1) in the case of any proposals applies only if, at the time when the authority's determination falls to be made under that sub-paragraph, they are satisfied that the proposals are not related to any of the following, namely—
- (a) any undetermined proposals published by the authority under section 28(1) or 28A(1) of the School Standards and Framework Act 1998 (c. 31) to establish a new community or foundation school in the area of the authority,
  - (b) any undetermined proposals published under section 28(2) or 28A(2) of that Act to establish a new voluntary or foundation school in the area of the authority,
  - (c) any undetermined proposals published under Schedule 7 to the Learning and Skills Act 2000 (c. 21),
  - (d) any undetermined proposals published under section 113A of the Learning and Skills Act 2000, if those proposals are of a description prescribed for the purposes of this paragraph,
  - (e) any undetermined proposals made under section 51 of the Further and Higher Education Act 1992 (c. 13), if those proposals are of a description so prescribed, or

- (f) any direction under paragraph 3(2) or 4(2) of Schedule 11 to this Act.
- (4) For the purposes of sub-paragraph (3) proposals are “undetermined” if they have not been withdrawn and—
- (a) they have not been approved or rejected under paragraph 4 of this Schedule, under paragraph 9 or 10 of Schedule 11 to this Act, under paragraph 3 of Schedule 6 to the School Standards and Framework Act 1998, or under Schedule 7 or 7A to the Learning and Skills Act 2000, or
  - (b) the authority have not determined under this paragraph whether to implement them, or
  - (c) the Secretary of State has not made a decision as to whether or not to make an order under section 16 or 27 of the Further and Higher Education Act 1992, as the case may be; and when deciding under sub-paragraph (3) whether proposals are related to other proposals the authority must have regard to any guidance given from time to time by the Secretary of State.
- (5) The authority may, if they think it appropriate to do so and subject to regulations, refer to the school organisation committee any proposals which would otherwise fall to be determined by the authority under this paragraph.
- (6) Where, in the case of any proposals within sub-paragraph (1)—
- (a) the authority fail to make a determination under that sub-paragraph within the period mentioned in sub-paragraph (2),
  - (b) the requirement to make such a determination does not apply by virtue of sub-paragraph (3), or
  - (c) the authority refer the proposals to the school organisation committee, the proposals must be considered afresh under paragraph 4.