

## SCHEDULES

### SCHEDULE 10

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

#### PART 4

##### IMPLEMENTATION OF PROPOSALS

##### *Requirement to implement proposal to establish maintained school*

- 10 (1) Where—
- (a) any proposals to establish a community, foundation or voluntary school have been approved under paragraph 4, or
  - (b) a local education authority have determined under paragraph 9 to implement any such proposals,
- then (subject to the following provisions of this paragraph) the proposals must be implemented, in the form in which they were so approved or determined, in accordance with this Part of this Schedule.
- (2) At the request of any prescribed person, the school organisation committee—
- (a) may modify the proposals after consulting such persons as may be prescribed, and
  - (b) where any approval was given in accordance with paragraph 4(5), may specify a later date by which the event in question must occur.
- (3) If, after consulting such persons as may be prescribed, the school organisation committee are satisfied—
- (a) that implementation of the proposals would be unreasonably difficult, or
  - (b) that circumstances have so altered since approval was given under paragraph 4 that implementation of the proposals would be inappropriate,
- the committee may determine that sub-paragraph (1) is to cease to apply to the proposals.
- (4) The committee may only make a determination under sub-paragraph (3) where proposals that they should do so have been published, in accordance with regulations, by the authority or promoters who published the proposals referred to in sub-paragraph (1); and regulations may provide for any of the provisions of Parts 1 and 2 of this Schedule to have effect in relation to any such further proposals with or without modifications.
- (5) The committee—

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- (a) may, if they think it appropriate to do so and subject to regulations, refer to the adjudicator any matter which would otherwise fall to be determined by the committee under this paragraph, and
  - (b) in prescribed cases, must refer to the adjudicator any such matter.
- (6) Where any matter is referred to the adjudicator under this paragraph—
- (a) he must consider the matter afresh, and
  - (b) such of the provisions of sub-paragraphs (2) to (4) above as are relevant shall apply to him in connection with his decision on that matter as they apply to the committee.

*Proposals not falling to be implemented*

- 11 (1) Where, by virtue of paragraph 10(3), paragraph 10(1) ceases to apply to any proposals, those proposals are to be treated for the purposes of this Schedule as if they had been rejected under paragraph 4.
- (2) Where—
- (a) any approval under paragraph 4 was given in accordance with paragraph 4(5), and
  - (b) the event specified under paragraph 4(5) does not occur by the date in question (whether as specified under that provision or as specified under paragraph 10(2)(b)),
- paragraph 10(1) ceases to apply to the proposals.
- (3) Where, by virtue of sub-paragraph (2), paragraph 10(1) ceases to apply to any proposals approved by the school organisation committee under paragraph 4, those proposals must be considered afresh by the committee under that paragraph.
- (4) Where, by virtue of sub-paragraph (2), paragraph 10(1) ceases to apply to any proposals approved by the adjudicator under paragraph 4, those proposals must be considered afresh by him under that paragraph (and paragraph 6 applies accordingly).

*Requirement to implement proposals relating to community school*

- 12 Proposals to establish a community school which fall to be implemented under paragraph 10 must be implemented by the local education authority that made them.

*Requirement to implement proposals relating to foundation or voluntary controlled school*

- 13 (1) This paragraph applies to proposals to establish a foundation or voluntary controlled school which fall to be implemented under paragraph 10.
- (2) Proposals made by a local education authority must be implemented by the authority.
- (3) In any other case, the proposals must be implemented by the local education authority which published them and the promoters, respectively, to such extent (if any) as the proposals provide for each of them to do so.
- (4) Where a local education authority are required under sub-paragraph (2) or (3) to provide a site for a proposed foundation or voluntary controlled school, paragraph 16 of Schedule 6 to the School Standards and Framework Act 1998 (c. 31) (provision of site and buildings for a foundation, voluntary controlled or foundation special

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school) applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.

*Requirement to implement proposals relating to voluntary aided school*

- 14 (1) This paragraph applies to proposals to establish a voluntary aided school which fall to be implemented under paragraph 10.
- (2) The proposals must be implemented—
- (a) so far as relating to the provision of any relevant premises for the school, by the local education authority which published the proposals, and
  - (b) otherwise by the promoters.
- (3) In sub-paragraph (2) “relevant premises” means—
- (a) in a case where it is proposed to establish the school at the site specified in the notice under section 66, that site or playing fields, and
  - (b) in any other case, playing fields.
- (4) Sub-paragraphs (5) to (7) apply where a local education authority are required, by virtue of sub-paragraph (2)(a), to provide for a school the site specified in a notice under section 66.
- (5) The authority must transfer their interest in the site and in any buildings on it which are to form part of the school premises—
- (a) to the trustees of the school, to be held by them on trust for the purposes of the school, or
  - (b) if the school has no trustees, to the school’s foundation body, to be held by that body for the purposes of the schools comprising the group for which that body acts.
- (6) If any doubt or dispute arises as to the persons to whom the authority are required to make a transfer under sub-paragraph (5), it is to be made to such persons as the Secretary of State thinks proper.
- (7) The authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (8) Paragraph 17 of Schedule 6 to the School Standards and Framework Act 1998 (c. 31) (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under sub-paragraph (2)(b) of this paragraph as it applies in relation to the obligations referred to in sub-paragraph (1)(b) of that paragraph.
- (9) Paragraph 19 of that Schedule (assistance from LEA in respect of voluntary aided schools) applies in relation to the obligation under sub-paragraph (2)(b) of this paragraph as it applies in relation to the obligations referred to in that paragraph, and paragraph 20 of that Schedule (duty on LEA to transfer interest in premises provided under paragraph 19) applies accordingly.

*Proposals relating to Academy*

- 15 Where proposals to establish an Academy published under section 66 are implemented by the Secretary of State making an agreement under section 482 of the Education Act 1996 (c. 56), subsection (3) of that section (requirement to consult certain LEAs about the establishment of the school) does not apply.