

*Status: Point in time view as at 25/05/2007.*

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## SCHEDULES

### SCHEDULE 3

#### AMENDMENTS RELATING TO SCHOOL ORGANISATION

##### *School Standards and Framework Act 1998 (c. 31)*

- 13 (1) Section 20 of SSFA 1998 (new categories of maintained schools) is amended as follows.
- (2) In subsection (2), for “Schedule 8”, wherever occurring, substitute “ the change of category provisions ”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2) “the change of category provisions” means—
- (a) in the case of a school in England, Schedule 8 to this Act or sections 18 to 24 of the Education and Inspections Act 2006, and
- (b) in the case of a school in Wales, Schedule 8 to this Act.”

#### Commencement Information

**11** Sch. 3 para. 13 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 14 In section 21 of SSFA 1998 (kinds of foundation and voluntary schools and types of foundations), in subsection (6)—
- (a) in paragraph (a), after “Schedule 8” insert “ or under section 19 of the Education and Inspections Act 2006 ”,
- (b) in paragraph (f)—
- (i) in sub-paragraph (i), after “Schedule 8” insert “ or under section 19 of the Education and Inspections Act 2006 ”,
- (ii) in sub-paragraph (ii), after “that paragraph” insert “ or that section ”, and
- (iii) in sub-paragraph (iii), after “voluntary school” insert “ in Wales ”,
- (c) in paragraph (h), after “his consent” insert “ or to the disposal of which paragraph A9 of Schedule 22 would apply ”, and
- (d) in paragraph (i), omit “school organisation committees and”.

#### Commencement Information

**12** Sch. 3 para. 14 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 15 In section 22 of SSFA 1998 (maintenance and other funding of schools) for subsection (2) substitute—

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“(2) Subsection (1) has effect subject to any statutory provision authorising the discontinuance of a maintained school or maintained nursery school.”

**Commencement Information**

**I3** Sch. 3 para. 15 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 16 In section 25 of SSFA 1998 (adjudicators), in subsection (2), for “or Part 2 of the Education Act 2005” substitute “ or Part 2 of the Education and Inspections Act 2006 ”.

**Commencement Information**

**I4** Sch. 3 para. 16 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 17 Omit section 27 of SSFA 1998 (power to require committees or adjudicators for Wales).

**Commencement Information**

**I5** Sch. 3 para. 17 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 18 (1) Section 28 of SSFA 1998 (proposals for establishment or alteration of community, foundation or voluntary school) is amended as follows.
- (2) In subsection (1)—
- (a) after “local education authority” (in the first place) insert “ in Wales ”, and
  - (b) in paragraph (d), omit “in the case of a local education authority in Wales,”.
- (3) In subsection (2)—
- (a) in paragraph (a), after “voluntary school” insert “ in Wales ”, and
  - (b) in paragraph (b)—
    - (i) after “voluntary school” insert “ in Wales ”, and
    - (ii) omit from “, or of” to “in England,”.
- (4) Omit subsections (2A) and (2B).
- (5) In subsection (5), for “Secretary of State” substitute “ Assembly ”.
- (6) Omit subsection (6).
- (7) In subsection (7)—
- (a) omit the words from the beginning to “in Wales,”,
  - (b) in paragraph (a), for “the published proposals” substitute “ any proposals published under this section ”, and
  - (c) for “Secretary of State” substitute “ Assembly ”.
- (8) In subsection (8), omit “(for both England and Wales)”.
- (9) In subsection (9), omit “subsection (6) and”.
- (10) In the heading, after “voluntary school” insert “ in Wales ”.

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**16** Sch. 3 para. 18 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 19 Omit section 28A of SSFA 1998 (proposals for establishment of community, foundation or voluntary school maintained by English local education authority).

**Commencement Information**

**17** Sch. 3 para. 19 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 20 (1) Section 29 of SSFA 1998 (proposals for discontinuance of community, foundation, voluntary of maintained nursery school) is amended as follows.
- (2) In subsection (1), after “local education authority” insert “ in Wales ”.
- (3) In subsection (2), after “voluntary school” insert “ in Wales ”.
- (4) In subsection (4A), for “Secretary of State” substitute “ Assembly ”.
- (5) In subsection (4B)—
- (a) omit paragraph (c), and
- (b) in paragraph (d), omit “parish council or”.
- (6) In subsection (4D), for “Secretary of State” substitute “ Assembly ”.
- (7) Omit subsection (5).
- (8) In subsection (6)—
- (a) omit the words from the beginning to “in Wales,”,
- (b) in paragraph (a), for “the published proposals” substitute “ any proposals published under this section ”, and
- (c) for “Secretary of State” substitute “ Assembly ”.
- (9) In subsection (7), omit “(for both England and Wales)”.
- (10) In subsection (8), omit “subsection (5) and”.
- (11) In subsection (9A), for “Secretary of State” substitute “ Assembly ”.
- (12) In the heading, after “nursery school” insert “ in Wales ”.

**Commencement Information**

**18** Sch. 3 para. 20 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 21 In section 30 of SSFA 1998 (notice by governing body to discontinue foundation or voluntary school) for subsection (9) substitute—
- “(9) Nothing in any of the following provisions applies in relation to the discontinuance under this section of a foundation or voluntary school—
- (a) sections 29 and 33 of this Act (which relate to Wales), and
- (b) sections 15 and 28 of the Education and Inspections Act 2006 (which relate to England).”

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**I9** Sch. 3 para. 21 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 22 In the italic heading before section 31 of SSFA 1998, for “LEAs” substitute “ LEAs in Wales ”.

**Commencement Information**

**I10** Sch. 3 para. 22 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 23 (1) Section 31 of SSFA 1998 (proposals for establishment, alteration or discontinuance of community or foundation special school) is amended as follows.
- (2) In subsection (1), after “local education authority” insert “ in Wales ”.
- (3) In subsection (2), after “special school” insert “ in Wales ”.
- (4) In subsection (4C), for “Secretary of State” substitute “ Assembly ”.
- (5) Omit subsection (5).
- (6) In subsection (6)—
- (a) omit the words from the beginning to “in Wales,”,
  - (b) in paragraph (a), for “the proposals” substitute “ any proposals published under this section ”, and
  - (c) for “Secretary of State” substitute “ Assembly ”.
- (7) In subsection (7), omit “(5) or”.
- (8) In subsection (8), omit “(for both England and Wales)”.
- (9) In the heading, after “special school” insert “ in Wales ”.

**Commencement Information**

**I11** Sch. 3 para. 23 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 24 (1) Section 32 of SSFA 1998 (direction requiring discontinuance of community or foundation special school) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” substitute “ Assembly ”,
  - (b) for “he” substitute “ it ”, and
  - (c) after “special school” insert “ in Wales ”.
- (3) In subsection (3)—
- (a) for “Secretary of State” (in both places) substitute “ Assembly ”, and
  - (b) in paragraph (b), for “his” substitute “ its ”.
- (4) In subsection (4), for “Secretary of State” substitute “ Assembly ”.
- (5) In the heading, after “special school” insert “ in Wales ”.

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#### Commencement Information

**I12** Sch. 3 para. 24 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 25 (1) Section 33 of SSFA 1998 (further provisions relating to establishment, alteration or discontinuance of schools) is amended as follows.
- (2) In subsection (1), in paragraphs (a) and (c), after “school” insert “ in Wales ”.
- (3) In subsection (2), after “school” insert “ in Wales ”.
- (4) In subsection (4), omit “28A,”.
- (5) In subsections (5) and (6), after “maintained school” insert “ in Wales ”.
- (6) In the heading, after “schools” insert “ in Wales ”.

#### Commencement Information

**I13** Sch. 3 para. 25 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 26 (1) Section 35 of SSFA 1998 (school changing from one category to another) is amended as follows.
- (2) In subsection (1)—
- (a) after “maintained school” (in both places) insert “ in Wales ”, and
- (b) in paragraph (b), after “aided school” insert “ in Wales ”.
- (3) In the heading, after “School” insert “ in Wales ”.

#### Commencement Information

**I14** Sch. 3 para. 26 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 27 (1) Section 79 of SSFA 1998 (stamp duty) is amended as follows.
- (2) In subsection (1)—
- (a) omit the word “or” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, or
- (d) any regulations made under section 24 of the Education and Inspections Act 2006 by virtue of subsection (3)(b) of that section.”.
- (3) In subsection (3), for “subsection (1)” substitute “ subsection (1)(a) to (c) ”.

#### Commencement Information

**I15** Sch. 3 para. 27 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 28 In section 82 of SSFA 1998 (modification of trust deeds), in subsection (1), for “or the Education Act 2002” substitute “, the Education Act 2002 or the Education and Inspections Act 2006”.

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**Commencement Information**

**I16** Sch. 3 para. 28 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 29 (1) Section 109 of SSFA 1998 (proposals by governing body of grammar school to end selective admission arrangements) is amended as follows.
- (2) In subsection (2)—
- (a) for “for the purposes of section 28” substitute “ under section 18 of the 2006 Act ”, and
- (b) for “that section” substitute “ section 19 of the 2006 Act ”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “section 28 or Schedule 6” substitute “ sections 19 to 24 of the 2006 Act or regulations under those sections ”, and
- (b) in paragraph (b), for “section 28” substitute “ section 19 of the 2006 Act ”.
- (4) In subsection (4)—
- (a) for “section 28” substitute “ section 19 of the 2006 Act ”, and
- (b) for “paragraph 5 or 10 of Schedule 6” substitute “ regulations under section 24 of that Act ”.
- (5) After subsection (5) insert—
- “(6) In this section “the 2006 Act” means the Education and Inspections Act 2006.”

**Commencement Information**

**I17** Sch. 3 para. 29 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 30 In section 143 of SSFA 1998 (index)—
- (a) in the entry beginning “promoters”—
- (i) after “Part II” insert “ in relation to Wales ”, and
- (ii) omit “or 28A(2)”
- (b) omit the entry beginning “school organisation committee”.

**Commencement Information**

**I18** Sch. 3 para. 30 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 31 (1) Schedule 3 to SSFA 1998 (funding of foundation, voluntary and foundation special schools) is amended as follows.
- (2) In paragraph 2(2), for paragraph (a) substitute—
- “(a) apply in relation to the provision of any site or buildings which—
- (i) in the case of a school in England, the authority or the person by whom any proposals were made are required to provide by virtue of Part 3 of Schedule 2 to the Education and Inspections Act 2006 (provision of premises in connection with proposals for establishment of school) or by virtue of

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- regulations under section 24 of that Act (implementation of proposals for alteration of school), or
- (ii) in the case of a school in Wales, the authority or promoters are required to provide by virtue of Part 3 of Schedule 6 (provision of premises in connection with statutory proposals); or”.

(3) At the beginning of Part 2 insert—

*“Interpretation of Part*

2A In this Part of this Schedule “promoters”, in relation to a school in England, means persons who are for the purposes of Schedule 2 to the Education and Inspections Act 2006 the proposers in relation to proposals for the establishment of the school.”

**Commencement Information**

**I19** Sch. 3 para. 31 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

32 In Schedule 5 to SSFA 1998 (adjudicators), in paragraph 5(1) for “or under Part 2 of the Education Act 2005” substitute “ or under Part 2 of the Education and Inspections Act 2006 ”.

**Commencement Information**

**I20** Sch. 3 para. 32 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

33 (1) Schedule 6 to SSFA 1998 (statutory proposals: procedure and implementation) is amended as follows.

(2) For the heading substitute “ STATUTORY PROPOSALS CONCERNING SCHOOLS IN WALES: PROCEDURE AND IMPLEMENTATION ”.

(3) Omit paragraphs 1 to 5.

(4) For the heading to Part 2 substitute “ PROCEDURE FOR DEALING WITH STATUTORY PROPOSALS ”.

(5) In paragraph 6, omit the words from “which relate” to the end.

(6) In paragraph 7, in sub-paragraphs (2) and (3), for “Secretary of State” substitute “ Assembly ”.

(7) In paragraph 8—

- (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”,
- (b) in sub-paragraph (1)(a), for “him” substitute “ it ”, and
- (c) in sub-paragraph (2)(c), for “he” substitute “ it ”.

(8) In paragraph 9, in sub-paragraphs (2) and (3), for “Secretary of State” substitute “ Assembly ”.

(9) In paragraph 10—

- (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”, and

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- (b) in sub-paragraphs (3) and (4), for “he” substitute “ it ”.
- (10) In paragraph 11, omit “5 or”.
- (11) In paragraph 12(2), omit “, 28A(1)”.
- (12) In paragraph 13—
- (a) in sub-paragraph (2), omit “, 28A(1)”, and
  - (b) in sub-paragraph (3)(a), omit “or 28A(2)”.
- (13) In paragraph 14(3), omit “or 28A(2)”.
- (14) In paragraph 16—
- (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”, and
  - (b) in sub-paragraph (8)(b), for “he” substitute “ it ”.
- (15) In paragraph 20(2), for “Secretary of State” substitute “ Assembly ”.
- (16) Omit paragraph 21 and the italic heading immediately above it.
- (17) For the italic heading immediately above paragraph 22, substitute “ Single-sex schools ”.
- (18) In paragraph 22—
- (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”,
  - (b) in sub-paragraph (3), for “he” substitute “ the Assembly ”, and
  - (c) after sub-paragraph (3) insert—
    - “(4) In this paragraph—
      - “the 1975 Act” means the Sex Discrimination Act 1975,
      - “make”, in relation to a transitional exemption order, includes (so far as the context permits) vary or revoke,
      - “the responsible body” has the same meaning as in section 22 of the 1975 Act, and
      - “transitional exemption order” has the same meaning as in section 27 of the 1975 Act,
 and references to proposals for a school to cease to be an establishment which admits pupils of one sex only are references to proposals which are or include proposals for such an alteration in a school's admission arrangements as is mentioned in section 27(1) of the 1975 Act (single-sex establishments becoming co-educational).”

**Commencement Information**

**I21** Sch. 3 para. 33 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)

- 34 In Schedule 8 to SSFA 1998 (changes of category of school), in paragraph 5(1), for “Secretary of State” substitute “ Assembly ”.

**Commencement Information**

**I22** Sch. 3 para. 34 in force at 25.5.2007 by [S.I. 2007/935](#), [art. 7\(o\)](#)



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