

SCHEDULES

SCHEDULE 3

Section 30

AMENDMENTS RELATING TO SCHOOL ORGANISATION

Local Government Act 1972 (c. 70)

- 1 In section 177 of the Local Government Act 1972 (provisions supplementary to sections 173 to 176), omit subsection (1A)(b) (which relates to school organisation committees).

Local Government Act 1974 (c. 7)

- 2 In section 25 of the Local Government Act 1974 (authorities subject to investigation), in subsection (5)—
- (a) omit paragraph (a) (which relates to school organisation committees), and
 - (b) in paragraph (c), for “that Act” substitute “the School Standards and Framework Act 1998”.

Sex Discrimination Act 1975 (c. 65)

- 3 In section 27 of the Sex Discrimination Act 1975 (exception for single-sex establishments turning co-educational) for subsection (1A) substitute—
- “(1A) Without prejudice to subsection (1), a transitional exemption order may be made—
- (a) in accordance with regulations made by virtue of section 21(5) of the Education and Inspections Act 2006 (which relates to the alteration of maintained schools in England), or
 - (b) in accordance with paragraph 21 or 22 of Schedule 6 or paragraph 16 or 17 of Schedule 7 to the School Standards and Framework Act 1998 (which relate to the alteration of maintained schools and the rationalisation of school places in Wales).”

Diocesan Boards of Education Measure 1991 (No. 2)

- 4 (1) Section 3 of the Diocesan Boards of Education Measure 1991 (transactions for which advice or consent of the Board is required) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraphs (a) and (b) substitute—
 - “(a) publishing proposals for any prescribed alteration to the school—
 - (i) in the case of a school in England, under section 19(3) of the Education and Inspections Act 2006 (“the 2006 Act”), or

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- (ii) in the case of a school in Wales, under section 28(2)(b) of the School Standards and Framework Act 1998 (“the 1998 Act”);
 - (b) publishing proposals for the discontinuance of the school—
 - (i) in the case of a school in England, under section 15(2) of the 2006 Act, or
 - (ii) in the case of a school in Wales, under section 29(2) of the 1998 Act;”,
 - (b) in paragraphs (c) and (cc) for “that Act” substitute “the 1998 Act”, and
 - (c) for paragraph (d) substitute—
 - “(d) in the case of a school in Wales, publishing proposals for changing the category of the school under paragraph 2 or 3 of Schedule 8 to the 1998 Act; or”.
- (3) After subsection (1) insert—
- “(1A) The governing body of a church school in England shall not, unless it has obtained the consent in writing of the Board for the diocese in which the school is situated, publish proposals under section 19 of the 2006 Act—
- (a) where the school is a voluntary school, for a change of category to foundation school, or
 - (b) where the school is a foundation school, for a change in the instrument of government which results in the majority of governors being foundation governors.
- (1B) Subsection (1)(a)(i) does not apply in any case where by virtue of subsection (1A) the consent of the Board is required.”
- (4) In subsection (6), for “subsection (2)” substitute “subsection (1A) or (2)”.
- 5 (1) Section 7 of the Diocesan Boards of Education Measure 1991 (powers of Board to give directions to governing bodies of voluntary aided church schools) is amended as follows.
- (2) In subsection (1) for paragraphs (a) to (c) substitute—
- “(a) the making of any prescribed alteration to the school—
 - (i) in the case of a school in England, under Part 2 of the Education and Inspections Act 2006 (“the 2006 Act”), or
 - (ii) in the case of a school in Wales, under Chapter 2 of Part 2 of the School Standards and Framework Act 1998 (“the 1998 Act”), or
 - (b) the discontinuance of the school—
 - (i) in the case of a school in England, under Part 2 of the 2006 Act or section 30 of the 1998 Act, or
 - (ii) in the case of a school in Wales, under Chapter 2 of Part 2 of the 1998 Act, or
 - (c) in the case of a school in Wales, changing the school’s category in accordance with paragraph 2 or 3 of Schedule 8 to the 1998 Act.”.
- (3) In subsection (1A), for “under paragraph 2 or 3 of Schedule 8 to that Act” substitute “under section 19(3) of the 2006 Act or paragraph 2 or 3 of Schedule 8 to the 1998 Act”.

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- (4) In subsection (3)—
- (a) in paragraph (a), for “under section 28(2)(b) of the School Standards and Framework Act 1998” substitute “under section 19(3) of the 2006 Act or section 28(2)(b) of the 1998 Act”,
 - (b) in paragraph (b)—
 - (i) at the beginning insert “in the case of a school in Wales”, and
 - (ii) for “that Act” substitute “the 1998 Act”, and
 - (c) for “the provisions of that Act” substitute “the provisions of the 1998 Act and the 2006 Act”.

Further and Higher Education Act 1992 (c. 13)

- 6 (1) Section 58 of the Further and Higher Education Act 1992 (reorganisation of schools involving establishment of further education corporation) is amended as follows.
- (2) In subsection (3), for paragraph (b) substitute—
- “(b) a prescribed alteration within the meaning of the relevant school organisation provision has been made to the school.”
- (3) After that subsection insert—
- “(4) In subsection (3)(b) “the relevant school organisation provision” means—
- (a) in relation to England, section 18 of the Education and Inspections Act 2006, and
 - (b) in relation to Wales, section 28 of the School Standards and Framework Act 1998.”

Education Act 1996 (c. 56)

- 7 (1) Section 5 of EA 1996 (primary schools, secondary schools and middle schools) is amended as follows.
- (2) For subsection (3) substitute—
- “(3) In this Act “middle school” means a school which, in pursuance of proposals published under any of the enactments specified in subsection (3A), has been established as, or altered so as to become, a school for providing full-time education suitable to the requirements of pupils who—
- (a) have attained a specified age below 10 years and six months, and
 - (b) are under a specified age above 12 years.
- (3A) The enactments mentioned in subsection (3) are—
- (a) in relation to England—
 - (i) section 28 or 28A of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998,
 - (ii) section 66 of, or paragraph 7 of Schedule 11 to, the Education Act 2005, and
 - (iii) section 7, 10, 11 or 19 of the Education and Inspections Act 2006;
 - (b) in relation to Wales, section 28 of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998.”

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- 8 In section 332B of EA 1996 (resolution of disputes), in subsection (8)(c), for “a city academy” substitute “an Academy”.
- 9 (1) Section 394 of EA 1996 (determination of cases in which requirement for Christian collective worship is not to apply) is amended as follows.
- (2) In subsection (8), for “(by virtue of section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998)” substitute “(by virtue of the relevant enactments)”.
- (3) After that subsection insert—
- “(9) In subsection (8) “the relevant enactments” means—
- (a) in relation to England, sections 18 to 24 of the Education and Inspections Act 2006;
- (b) in relation to Wales, section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998.”
- 10 (1) Section 529 of EA 1996 (power to accept gifts on trust for educational purposes) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Any intention on the part of a local education authority in England that a school should be vested in the authority as trustees shall be treated for the purposes of sections 7, 10 and 11 of the Education and Inspections Act 2006 as an intention to establish a new community school, community special school or maintained nursery school (so that proposals for that purpose shall be published in accordance with those sections); and Schedule 2 to that Act (proposals for establishment or discontinuance of schools in England) shall apply accordingly.”
- (3) In subsection (2)—
- (a) after “local education authority” insert “in Wales”,
- (b) omit “(other than a nursery school or a special school)”, and
- (c) for the words from “the purposes of” to the end substitute “for the purposes of sections 28 and 31 of the School Standards and Framework Act 1998 as an intention to establish a new community school, community special school or maintained nursery school (so that proposals for that purpose shall be published as required by those sections); and Schedule 6 to that Act (statutory proposals concerning schools in Wales: procedure and implementation) shall apply accordingly.”
- (4) In subsection (3)—
- (a) after “subsection” insert “(1A) or”, and
- (b) at the end insert “, a community special school or a maintained nursery school.”
- 11 (1) Section 530 of EA 1996 (compulsory purchase of land) is amended as follows.
- (2) In subsection (1), for paragraph (c) substitute—
- “(c) is required for the purposes of an Academy (whether established or to be established).”
- (3) In subsection (3), for the words from “borne by them” to the end substitute “borne by them—

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- (a) in the case of an authority in England, under paragraph 7(1) of Schedule 7A to the Learning and Skills Act 2000 (power to give assistance in relation to carrying out of obligations under that Schedule) or under any provision of regulations under section 24 of the Education and Inspections Act 2006 (implementation of proposals under section 19 of that Act) which by virtue of subsection (7) of section 24 of that Act authorises a local education authority to provide assistance to the governing body of a voluntary aided school in connection with the implementation of the obligations of the governing body under the regulations, or
 - (b) in the case of an authority in Wales, under paragraph 18 of Schedule 6 to the School Standards and Framework Act 1998 (power to give assistance to governing body of voluntary aided school in carrying out statutory proposals) (including that provision as applied by any enactment).”
- 12 (1) In Schedule 35A to EA 1996 (Academies: land) paragraph 1 is amended as follows.
 - (2) In sub-paragraph (2)(b), for the words from “published” onwards substitute “published under section 7 of the Education and Inspections Act 2006 (invitation for proposals for establishment of new schools) as a possible site for a new school”.
 - (3) In sub-paragraph (3)(d), for the words from “published” onwards substitute “published under section 7 of the Education and Inspections Act 2006”.

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.”
- 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”.

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- 15 In section 22 of SSFA 1998 (maintenance and other funding of schools) for subsection (2) substitute—
- “(2) Subsection (1) has effect subject to any statutory provision authorising the discontinuance of a maintained school or maintained nursery school.”
- 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”.
- 17 Omit section 27 of SSFA 1998 (power to require committees or adjudicators for Wales).
- 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”.
- 19 Omit section 28A of SSFA 1998 (proposals for establishment of community, foundation or voluntary school maintained by English local education authority).
- 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

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- (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”.
- 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).”
- 22 In the italic heading before section 31 of SSFA 1998, for “LEAs” substitute “LEAs in Wales”.
- 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”.
- 24 (1) Section 32 of SSFA 1998 (direction requiring discontinuance of community or foundation special school) is amended as follows.
- (2) In subsection (1)—

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- (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”.
- 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”.
- 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”.
- 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)”.
- 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”.
- 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)—

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- (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.”
- 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)”, and
 - (b) omit the entry beginning “school organisation committee”.
- 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 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.”
- 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”.
- 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”.

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- (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
 - (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

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“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).”

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

Learning and Skills Act 2000 (c. 21)

- 35 In section 113 of the Learning and Skills Act 2000 (sixth forms requiring significant improvement), in subsection (3)(b) omit “, any school organisation committee”.

- 36 In section 113A of the Learning and Skills Act 2000 (restructuring of sixth-form education), in subsection (4)—

- (a) in paragraph (a), after “local education authority” insert “in Wales”, and
(b) after that paragraph insert—

“(aa) the establishment by a local education authority in England of one or more new foundation or foundation special schools to provide secondary education suitable to the requirements of persons who are above compulsory school age but below the age of 19 (and no other secondary education);”.

- 37 Schedule 7 to the Learning and Skills Act 2000 (sixth forms requiring significant improvement) is amended as follows.

- 38 For paragraph 17 substitute —

“17 The Council shall send a copy of the published proposals—

- (a) to the local education authority who maintain the school, and
(b) in the case of a community or foundation special school, to such other persons as may be prescribed.”

- 39 For paragraph 25 substitute —

“25 The Council shall send a copy of the published proposals—

- (a) to the local education authority who maintain the school, and
(b) in the case of a community or foundation special school, to such other persons as may be prescribed.”

- 40 (1) Paragraph 32 is amended as follows.

- (2) In sub-paragraph (2)—

- (a) after the definition of “the Council” insert—

““the local education authority” means the local education authority who maintain the school to which the proposals relate;”, and

- (b) omit the definition of “the school organisation committee”.

- (3) Omit sub-paragraph (3).

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- 41 In paragraph 33(b), for “school organisation committee” substitute “local education authority”.
- 42 In paragraph 34, for “school organisation committee” substitute “local education authority”.
- 43 (1) Paragraph 35 is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) The local education authority must consider the proposals and, subject to subsection (2), may —
- (a) reject them,
- (b) approve them without modification,
- (c) approve them subject to modifications.
- (1A) The authority—
- (a) may, if they think it appropriate to do so and subject to regulations, refer the proposals to the adjudicator, and
- (b) must do so in prescribed cases.”
- (3) In sub-paragraphs (2) and (3), for “school organisation committee” substitute “local education authority”.
- (4) Omit sub-paragraphs (5) and (6).
- (5) In sub-paragraph (7)(b), for “committee” substitute “local education authority”.
- (6) In sub-paragraph (8)—
- (a) for “school organisation committee” substitute “local education authority”, and
- (b) for “the committee” substitute “the authority”.
- 44 In paragraph 36, in sub-paragraphs (2) and (3), for “school organisation committee” substitute “local education authority”.
- 45 For paragraph 37 substitute—
- “37 (1) The local education authority—
- (a) may, if they think it appropriate to do so and subject to regulations, refer to the adjudicator any question which would otherwise fall to be determined by the authority under paragraph 36, and
- (b) in prescribed cases, must refer to the adjudicator any such matter.
- (2) Where a question is referred to the adjudicator—
- (a) he shall consider the matter afresh, and
- (b) for that purpose, paragraph 36 applies to him as it applies to the committee.”
- 46 In Schedule 7A to the Learning and Skills Act 2000, for paragraphs 5 to 7 substitute—
- “5 (1) Where a local education authority in England are required under this Schedule to provide a site for a foundation or voluntary controlled school or foundation special school (or a proposed such school), paragraph 28 of Schedule 2 to the Education and Inspections Act 2006 applies as

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- it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- (2) Where a local education authority in Wales are required under this Schedule to provide a site for a foundation or voluntary controlled school or foundation special school (or a proposed such school), paragraph 16 of Schedule 6 to the School Standards and Framework Act 1998 applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- 6 (1) In relation to England, where the governing body of a voluntary aided school are required by paragraph 3(3)(b) of this Schedule to implement proposals to make an alteration to the school, paragraph 5 of Schedule 3 to the School Standards and Framework Act 1998 (grants by Secretary of State in respect of expenditure on premises and equipment) applies in relation to the school.
- (2) In relation to Wales, paragraph 17 of Schedule 6 to the School Standards and Framework Act 1998 (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under paragraph 3(3)(b) of this Schedule as it applies in relation to the obligations referred to in sub-paragraph (1)(a) of that paragraph 17.
- 7 (1) A local education authority in England may give to the governing body of a voluntary aided school such assistance as the authority think fit in relation to the carrying out by the governing body of any obligation imposed on the governing body under this Schedule.
- (2) Paragraph 31 of Schedule 2 to the Education and Inspections Act 2006 applies in relation to assistance under sub-paragraph (1) as it applies in relation to assistance under paragraph 30 of that Schedule.
- (3) In relation to Wales, paragraph 18 of Schedule 6 to the School Standards and Framework Act 1998 (assistance from LEA in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under this Schedule 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 18) applies accordingly.”

Education Act 2002 (c. 32)

- 47 (1) Section 129 of EA 2002 (transfer of employment) is amended as follows.
- (2) In subsection (1)(a), for the words from “section” to “1998” substitute “the relevant school organisation provisions (as defined by subsection (6))”.
- (3) After subsection (5) insert—
- “(6) In subsection (1)(a) “the relevant school organisation provisions” means—
- (a) in relation to England, section 28, 28A or 31 of the School Standards and Framework Act 1998, section 66 of the Education Act 2005 or section 7 or 11 of the Education and Inspections Act 2006, and
- (b) in relation to Wales, section 28 or 31 of the School Standards and Framework Act 1998.”

Status: This is the original version (as it was originally enacted).

- 48 In Schedule 1 to EA 2002 (incorporation and powers of governing body), in paragraph 5 (dissolution of governing body) for sub-paragraph (2) substitute—
- “(2) In this paragraph “the discontinuance date” means—
- (a) in relation to a school in England, whichever of the following is relevant—
 - (i) the date on which proposals for discontinuing the school are implemented under Part 3 of Schedule 2 to the Education and Inspections Act 2006 or under Schedule 7 or 7A to the Learning and Skills Act 2000,
 - (ii) the date on which the school is discontinued under section 30 of the 1998 Act, or
 - (iii) the date specified in a direction given under section 17(1) or 68(1) of the Education and Inspections Act 2006;
 - (b) in relation to a school in Wales, whichever of the following is relevant—
 - (i) the date on which proposals for discontinuing the school are implemented under Part 3 of Schedule 6 to the 1998 Act or under Schedule 7 or 7A to the Learning and Skills Act 2000,
 - (ii) the date on which the school is discontinued under section 30 of the 1998 Act, or
 - (iii) the date specified in a direction given under section 19(1) or 32(1) of the 1998 Act.”.

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- 49 Omit sections 64 to 67 of EA 2005 (which relate to school organisation in England).
- 50 (1) Section 68 of EA 2005 (proposals for establishment of federated school) is amended as follows.
- (2) At the end of the heading insert “in Wales”.
 - (3) In subsection (1)—
 - (a) in paragraph (a), omit “, 28A”,
 - (b) at the end of paragraph (b), insert “or”, and
 - (c) omit paragraphs (d) and (e).
- 51 In section 69 of EA 2005 (LEA not to establish school on opposite side of Welsh border), omit paragraph (a).
- 52 Omit section 73 of EA 2005 (interpretation of Part 2).
- 53 Omit Schedules 10 and 11 to EA 2005 (which relate to school organisation in England).