
Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Paragraph 10. (See end of Document for details)

SCHEDULES

SCHEDULE 11

ESTABLISHMENT OF NEW SCHOOLS

Amendments to Part 2 of EIA 2006

- 10 (1) Schedule 2 (consideration, approval and implementation of proposals for establishment or discontinuance of schools in England) is amended as follows.
- (2) After paragraph 3 insert—
- “ “Academy proposals” and “non-Academy proposals”*
- 3A In this Schedule—
- (a) “Academy proposals” means proposals under section 7 for the establishment of an Academy, and
- (b) “non-Academy proposals” means proposals under section 7 for the establishment of a school falling within subsection (2)(a) of that section.”
- (3) In paragraph 4(a) (references to persons by whom proposals under section 7 are made), omit “or in the case of proposals published by the relevant authority under subsection (5)(b) of that section, by the relevant authority.”
- (4) In paragraph 5(b) (requirement to forward objections and comments made in relation to proposals)—
- (a) for “referred to” substitute “ to be considered by the Secretary of State or ”;
- (b) after “forward to” insert “ the Secretary of State or (as the case may be) ”.
- (5) In the heading to Part 2, omit “by Local Authority or Adjudicator”.
- (6) For the heading before paragraph 6 substitute “ *Consideration of proposals* ”.
- (7) Before paragraph 6 insert—
- “5A (1) Academy proposals do not require consideration under paragraph 8 (see paragraph 7A instead).
- (2) If proposals under section 7 consist wholly of non-Academy proposals, the proposals require consideration under paragraph 8.
- (3) If proposals under section 7 include both Academy proposals and non-Academy proposals, the non-Academy proposals do not require consideration under paragraph 8 unless and until paragraph 7A(5) or (6) applies.”
- (8) In paragraph 6 (proposals under section 7, 10 or 11 requiring consideration under paragraph 8), omit “7.”.

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(9) After paragraph 7 insert—

“7A (1) This paragraph applies where proposals under section 7 consist of or include Academy proposals.

(2) The Secretary of State must decide whether to enter into Academy arrangements as a result of any of the Academy proposals.

(3) The Secretary of State must notify the relevant authority of a decision under sub-paragraph (2).

(4) Sub-paragraphs (5) and (6) apply where the proposals under section 7 include non-Academy proposals.

(5) If the Secretary of State decides not to enter into Academy arrangements as a result of any of the Academy proposals, the non-Academy proposals require consideration under paragraph 8.

(6) In any other case, the Secretary of State may direct that all or any of the non-Academy proposals require consideration under paragraph 8.”

(10) Omit the heading before paragraph 8.

(11) In paragraph 9 (consideration of proposals that are related to other proposals), for sub-paragraph (2) substitute—

“(2) Where proposals within sub-paragraph (2A) appear to the relevant authority to be related to other proposals within that sub-paragraph that have not yet been determined, the authority must consider the proposals together.

(2A) The proposals within this sub-paragraph are—

(a) proposals under section 7 that require consideration by the authority under paragraph 8;

(b) proposals under section 10, 11 or 15.”

(12) In paragraph 10(1) (duty to refer to adjudicator certain proposals made by or involving relevant authority), for paragraph (a) substitute—

“(a) all the proposals published under section 7 in response to a notice under that section and which—

(i) would otherwise require consideration by the authority under paragraph 8, and

(ii) consist of or include proposals which relate to the establishment of a foundation school with a foundation falling within sub-paragraph (2);”.

(13) In paragraph 12 (duty to refer proposals to adjudicator in pursuance of direction of Secretary of State)—

(a) in sub-paragraph (1)(a)—

(i) after “section 7” insert “ and which require consideration under paragraph 8 ”;

(ii) after “determined by the authority” insert “ under that paragraph ”;

(b) in sub-paragraph (1)(b), after “that section” insert “ and which require consideration under paragraph 8, ”;

(c) omit sub-paragraphs (2) and (3).

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- (14) In paragraph 13 (duty to refer proposals to adjudicator where determination delayed), in paragraph (a), after “section 7” insert “ and which require consideration under paragraph 8 ”.
- (15) Omit paragraph 18 and the heading before it (consultation in respect of proposals to establish Academy).
- (16) In paragraph 19(4) (determination whether or not to implement proposals under section 15 not requiring consideration under paragraph 8)—
 - (a) after paragraph (a) insert—
 - “(aa) proposals published under section 7 that require consideration under paragraph 8 and are not yet determined.”;
 - (b) in paragraph (b), omit “7.”.
- (17) Omit paragraph 27 (proposals relating to Academy: implementation).

Commencement Information

II Sch. 11 para. 10 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 4)

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