

SCHEDULE 7

Regulation 29

MODIFICATION OF SECTIONS 7, 10 AND 11, AND SCHEDULE 2 TO THE ACT, WHERE SCHOOLS ESTABLISHED OUTSIDE AREA OF RELEVANT LOCAL EDUCATION AUTHORITY

Part 1

Proposals published under section 7 where school is to be established in area other than that of local education authority that published the notice

1. In relation to proposals published under section 7 which relate to a school which is proposed to be situated in an area other than that of the local education authority who published the notice under section 7, section 7 and Schedule 2 to the Act have effect with the following modifications.

2. After section 7 (4) insert—

“(4A) A local education authority—

- (a) in cases where the notice published by the local education authority pursuant to section 7 (1) specifies that the proposed school is to be situated in an area other than their own (“notice specific cases”), the local education authority (“Local Education Authority A”) must send complete copies of all published proposals that have not been withdrawn to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”); and
- (b) in cases where the notice published by the local education authority pursuant to section 7 (1) does not so specify that the proposed school is to be situated in an area other than their own, but a proposer includes this in his proposals (“non-notice specific cases”), the local education authority (“Local Education Authority A”) must send a copy of the proposals published by that proposer to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

3. For paragraph 8 (3) of Schedule 2 to the Act substitute the following—

“(3) Local Education Authority A may, after seeking and, unless Local Education Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”

4. After paragraph 8 (3) of Schedule 2 to the Act insert—

“(3A) Local Education Authority A—

- (a) in notice specific cases, must send copies of all objections and comments received in accordance with regulations made pursuant to paragraph 5 (a) together with the proposals it sends in accordance with section 7 (4A) to Local Education Authority B within one week of the expiry of the time period specified in regulations for the making of objections and comments on the proposals; and
- (b) in non-notice specific cases must send copies of any objections and comments received in accordance with regulations made pursuant to paragraph 5 (a) in

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respect only of the proposals sent by the local education authority under section 7 (4A) to Local Education Authority B.

(3B) If within two months from the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5(a) Local Education Authority A have failed to make a decision, they must refer all the proposals together with all and any objections or comments received to the adjudicator.”

5. After paragraph 8(6) of Schedule 2 to the Act insert the following—

“(6A) Where under sub-paragraph (3), the recommendation of Local Education Authority B is sought, Local Education Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”

Part 2

Proposals published under section 10 or 11 where school is to be established in area other than that of local education authority who it is proposed should maintain the school

6. In relation to proposals published under section 10 or 11 which relate to a school which is proposed to be situated in an area other than that of the local education authority who it is proposed should maintain the school, sections 10 and 11, and Schedule 2 to the Act have effect in accordance with the following modifications.

7. After section 10 (3) insert—

“(3A) In cases where the proposed school is to be situated in an area other than that of the local education authority who it is proposed should maintain the school, the local education authority who it is proposed should maintain the school (“Local Education Authority A”) must send a copy of the proposals to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

8. After section 11 (5) insert—

“(5A) In cases where the proposed school is to be situated in an area other than that of the local education authority who it is proposed should maintain the school, the local education authority who it is proposed should maintain the school (“Local Education Authority A”) must send a complete copy of the proposals to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

9. For paragraph 8 (4) of Schedule 2 to the Act substitute the following—

“(4) Local Education Authority A may, after seeking and, unless Local Education Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”

10. After paragraph 8 (4) of Schedule 2 to the Act insert the following—

“(4A) Local Education Authority A must send copies of all objections and comments received in accordance with regulations made pursuant to paragraph 5(a) together with the proposals it sends in accordance with section 10(3A) or 11(5A) as applicable to Local

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Education Authority B within one week of the expiry of the time period specified in regulations for the making of objections and comments on the proposals.

(4B) If within two months from the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5 (a) Local Education Authority A have failed to make a decision, they must refer all the proposals together with all and any objections or comments received to the adjudicator.”

11. After paragraph 8(6) of Schedule 2 to the Act insert the following—

“(6A) Where under sub-paragraph (4), the recommendation of Local Education Authority B is sought, Local Education Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”