

SCHEDULE 3

PUBLICATION, DETERMINATION AND IMPLEMENTATION OF PROPOSALS OTHER THAN FOUNDATION PROPOSALS

Conditional approvals

8.—(1) The following events are prescribed as specified events which (if the approval is expressed to take effect only if they occur) must occur by the date specified in the approval—

- (a) the grant of planning permission under Part 3 of the Town and Country Planning Act 1990⁽¹⁾;
 - (b) the acquisition of any site required for the implementation of the proposals;
 - (c) the acquisition of playing fields required for the implementation of the proposals;
 - (d) the securing of any necessary access to a site referred to in Paragraph (b) or playing fields referred to in Paragraph (c);
 - (e) the entering into an agreement for any necessary building project supported by the Department for Education;
 - (f) in the case of mainstream schools, the agreement to any change to the admission arrangements relating to the school or any other school or schools, as specified in the approval;
 - (g) the making of any scheme relating to any charity connected with the school;
 - (h) the formation of any federation (within the meaning of section 24(2) of the Education Act 2002⁽²⁾) of which it is intended that the school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
 - (i) where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new further education institution under section 16 or 33C of the Further and Higher Education Act 1992⁽³⁾;
 - (j) where the proposals in question depend upon any of the events specified in Paragraphs (a) to (i) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and
 - (k) where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013⁽⁴⁾ the occurrence of such an event.
- (2) For the purposes of sub-paragraph (1)(f) a change to the admission arrangements is agreed—
- (a) in the case where the change arises from the admission arrangements for the school year in question being different from the admission arrangements for the previous school year, if the admission arrangements are determined under section 88C of SSFA 1998⁽⁵⁾ and either—
 - (i) no objection is made to the change in accordance with section 88H of SSFA 1998⁽⁶⁾;
 - or

(1) 1990 c.8.

(2) 2002 c. 32.

(3) 1992 c.13. Section 33C was inserted by paragraphs 1 and 3 of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(4) S.I. 2013/3109.

(5) Section 88C was inserted by section 151(1) and (4) of the Education and Skills Act 2008 (c. 25).

(6) Section 88H was inserted by section 151(1) and (4) of the Education and Skills Act 2008.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) if an objection to the change is made and referred to the adjudicator in accordance with section 88H of SSFA 1998, the objection is not upheld;
- (b) in a case where the change arises from a variation made pursuant to section 88E of SSFA 1998⁽⁷⁾ and under the School Admissions (Admissions Arrangements and Co-ordination of Admissions Arrangements) (England) Regulations 2012⁽⁸⁾, where the variation is required to be referred to the adjudicator, if the adjudicator determines that the variation should have effect without modifications; and
- (c) in a case where the change arises from a variation made under those regulations where the variation is not required to be referred to the adjudicator, when the variation is made.

⁽⁷⁾ Section 88E was inserted by section 151(1) and (4) of the Education and Skills Act 2008.

⁽⁸⁾ S.I. 2012/8.