



# Education Act 1980

## 1980 CHAPTER 20

### *Establishment, discontinuance and alteration of schools*

#### **12 Establishment, discontinuance and alteration of schools by local education authorities**

- (1) Where a local education authority intend—
  - (a) to establish a new county school;
  - (b) to maintain as a county school any school which is not such a school;
  - (c) to cease to maintain any county school or, except as provided by section 14 of the Education Act 1944, any voluntary school;
  - (d) to make any significant change in the character, or significant enlargement of the premises, of a county school; or
  - (e) to cease to maintain a nursery school established by them or a former authority,they shall publish their proposals for that purpose in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals.
- (2) The published proposals shall be accompanied by a statement of the effect of subsection (3) below and shall include particulars of the time or times at which it is intended to implement the proposals and (except where the proposal is to cease to maintain a school) particulars of the number of pupils intended to be admitted to the school in each relevant age group in the first school year in relation to which the proposals have been wholly implemented excluding pupils who will not have attained the age of five years within six months after their admission.
- (3) Any ten or more local government electors for the area may within the period of two months after the first publication of the proposals submit an objection to the proposals to the local education authority, and objections to the proposals may also be submitted to the authority within that period by the governors of any voluntary school affected by the proposals and by any other local education authority concerned; and the authority by whom the proposals were published shall within one month after the end of that period transmit to the Secretary of State copies of all objections made

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(and not withdrawn in writing) in that period, together with their observations on the objections.

- (4) Any proposal—
- (a) for the maintenance as a county school of a school which is for the time being a voluntary school; or
  - (b) for ceasing to maintain a voluntary school,
- shall require the approval of the Secretary of State; and he shall not approve proposals for the maintenance as a county school of a school which is for the time being a voluntary school unless he has, in accordance with Schedule 2 to the said Act of 1944, approved an agreement under the powers conferred by that Schedule between the authority and the governors of the school for the transfer to the authority of all necessary interests in the school premises.
- (5) Proposals not falling within subsection (4) above shall require the approval of the Secretary of State—
- (a) if he gives notice to that effect to the local education authority within two months after the submission to him of the published proposals; or
  - (b) if objections have been made as mentioned in subsection (3) above and all objections so made have not been withdrawn as mentioned in that subsection.
- (6) If the proposals require the approval of the Secretary of State he may reject them, approve them without modification or, after consultation with the local education authority, approve them with such modifications as he thinks desirable.
- (7) If the proposals do not require the approval of the Secretary of State the local education authority shall determine whether the proposals should be implemented ; and the authority shall make that determination not later than four months after the submission of the proposals to the Secretary of State.
- (8) A local authority shall notify the Secretary of State of any determination made by them under subsection (7) above.
- (9) It shall be the duty of a local education authority to implement—
- (a) any proposals which have been approved by the Secretary of State under this section; and
  - (b) any proposals which they have determined to implement in accordance with subsection (7) above ;
- but the Secretary of State may, at the request of the authority, modify any proposals which they are required to implement by virtue of this subsection.

### **13 Establishment and alteration of voluntary schools**

- (1) Where—
- (a) any persons propose that a school established by them or by persons whom they represent which is not a voluntary school, or any school proposed to be so established, should be maintained by a local education authority as a voluntary school; or
  - (b) the governors of a school maintained by a local education authority as a voluntary school intend to make a significant change in the character, or significant enlargement of the premises, of the school,

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they shall, after consultation with the authority, publish proposals for that purpose in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals.

- (2) Subsection (2) of section 12 above shall apply to proposals published under this section as it applies to proposals published under that section taking the reference to subsection (3) of that section as a reference to subsection (3) below.
- (3) Any ten or more local government electors for the area may within the period of two months after the first publication of the proposals submit an objection to the proposals to the Secretary of State, and objections to the proposals may also be submitted to him within that period by the governors of any voluntary school affected by the proposals and by any local education authority concerned.
- (4) The proposals shall require the approval of the Secretary of State; and he may reject them, approve them without modification or, after consultation with the persons by whom they were made and the local education authority by whom the school is, or is to be, maintained, approve them with such modifications as he thinks desirable.
- (5) Subject to subsections (6) and (7) below, if the proposals are approved by the Secretary of State it shall be the duty of the persons by whom they were made and, in the case of proposals under subsection (1)(a) above, of the local education authority to implement the proposals.
- (6) Subject to subsection (7) below, it shall be the duty of the local education authority to implement so much of any proposals approved by the Secretary of State as relates to the provision of playing fields or of buildings which are to form part of the school premises but are not to be school buildings.
- (7) The Secretary of State may modify any proposals which are required to be implemented under subsection (5) or (6) above but shall not do so in the case of proposals under subsection (1)(a) above except at the request of the local education authority or in the case of other proposals except at the request of the persons by whom they were made.

#### **14 Approval of school premises**

- (1) Where proposals submitted under section 12 or 13 above are for—
  - (a) the establishment of a school;
  - (b) the maintenance of a school as a county or voluntary school; or
  - (c) the making of a significant change in the character, or significant enlargement of the premises, of a school, the persons making the proposals shall, at such time and in such form and manner as the Secretary of State may direct, submit to him for his approval such particulars with respect to the premises or proposed premises of the school as he may require.
- (2) Before submitting any particulars under this section in respect of a school which is or is to be maintained as a voluntary school, the governors or the persons by whom the school is to be established shall consult the local education authority.
- (3) Where particulars with respect to any school are required to be submitted under this section, the persons whose duty it is under section 12 or 13 above to implement the proposals shall implement them in accordance with the particulars as approved by the Secretary of State.

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- (4) In section 71(a) of the Public Health Act 1936 and section 63(2) of the Education Act 1944 (exemption from building regulations etc.) references to plans approved by the Secretary of State shall include references to any particulars submitted to and approved by him under this section.

## **15 Reduction of school places**

- (1) Subject to subsection (2) below, this section has effect where—
- (a) a local education authority, in the case of a county school, or the governors, in the case of a voluntary school, intend to reduce the number of pupils in any relevant age group who are to be admitted to the school in any school year to a number which is four-fifths or less than four-fifths of the standard number applying under this section to the school in relation to that year and age group; and
  - (b) in the case of a primary school, the standard number is twenty or more.
- (2) Where the age group in question includes children who will not have attained the age of five years within six months after their admission, those children shall be disregarded both in determining the number of pupils who are to be admitted and the standard number applying under this section.
- (3) The authority or governors, as the case may be, shall publish their proposals with respect to the reduction in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals ; and subsections (3), (5), (6), (7) and (8) of section 12 above shall apply to proposals published under this section by a local education authority and subsections (3) and (4) of section 13 above shall apply to proposals published under this section by the governors of a voluntary school as they apply in relation to proposals published under those sections respectively.
- (4) The published proposals shall be accompanied by a statement of the effect of section 12(3) or, as the case may be, section 13(3) as applied by subsection (3) above.
- (5) Subject to subsections (6), (7) and (8) below, if pupils in any age group were admitted to a school in the school year beginning in 1979, the number admitted in that year shall be the standard number applying to the school for that age group in any subsequent year.
- (6) Subject to subsections (7) and (8) below, if proposals under section 13 of the Education Act 1944 have fallen to be implemented in relation to a school and the first school year in relation to which they are to be wholly implemented begins after 1979, the number of pupils in any age group admitted to the school in the first school year beginning after 1979 in relation to which the proposals have been wholly or partly implemented shall be the standard number applying to the school for that age group in any subsequent year; but where the standard number would fall to be determined under this subsection by reference to a school year in relation to which the proposals have not been wholly implemented the Secretary of State may vary that number in its application to any subsequent school year.
- (7) Subject to subsection (8) below, if proposals under section 12 or 13 above have fallen to be implemented in relation to a school, the number stated in the proposals in accordance with subsection (2) of section 12 (or that subsection as applied by section 13) for any school year and age group shall be the standard number applying to the school for that age group in any school year in relation to which the proposals

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have been wholly implemented and, subject to any variation made by the Secretary of State, in any school year in relation to which they have been partly implemented.

- (8) The Secretary of State may by an order applying to any school or to schools of any class or description vary any standard number that would otherwise apply by virtue of the foregoing provisions of this section.
- (9) References in subsection (7) above to proposals under section 12 or 13 are references to the proposals with any modifications made by the Secretary of State under either of those sections; and any standard number applying under that subsection is without prejudice to the application under that subsection of a new standard number if further proposals fall to be implemented under those sections.
- (10) Neither section 12(9) nor section 13(5) above shall be construed as imposing any duty to admit pupils in accordance with the number stated in the proposals in accordance with subsection (2) of section 12 or that subsection as applied by section 13.

## **16 Provisions supplementary to ss. 12 to 15**

- (1) Neither a local education authority nor any other person shall do or undertake to do anything for which proposals are required to be published and submitted in accordance with any of the provisions of sections 12 to 15 above until those provisions have been complied with and any necessary approval has been given; but the Secretary of State may in any case allow such steps to be taken pending compliance with those provisions and the giving of any necessary approval as he considers reasonable in the circumstances of the case.
- (2) References in sections 12, 13 and 14 above to a change in the character of a school include, in particular, changes in character resulting from education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as girls or for girls as well as boys, or from the making or alteration of arrangements for the admission of pupils by reference to ability or aptitude.
- (3) References in sections 12 and 15 above to a relevant age group are references to an age group in which pupils are or will normally be admitted to the school in question.
- (4) Section 13 of the Education Act 1944 (which is superseded by sections 12 to 14 above) shall cease to have effect; and the enactments mentioned in Schedule 3 to this Act shall have effect with the amendments there specified, being amendments consequential on the replacement of that section.
- (5) Subsection (4) above does not affect the said section 13, or any enactment referring to it, in relation to any proposals which have been approved or of which public notice has been given under that section before the coming into force of sections 12 to 14 above but any proposals required by virtue of that section to be implemented by a local education authority or by any other persons may, at the request of the authority or those persons, be modified by the Secretary of State.
- (6) Section 14(1), (2) and (4) above shall apply, and subsection (6) of the said section 13 shall not apply, in relation to proposals for the matters referred to in paragraphs (a), (b) and (c) of section 14(1) above—
  - (a) which are approved under the said section 13 on or after the date on which this subsection comes into force ; or

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(b) which have then already been approved under that section but in respect of which specifications and plans have not yet been submitted under subsection (6) of that section;

and, in relation to any such proposals, subsection (7) of the said section 13 shall apply as if references to specifications and plans being approved or not required under that section were references to particulars being approved or not required under section 14 above.

(7) In subsection (6) above references to subsections (6) and (7) of the said section 13 include references to those subsections as applied by subsection (9) of that section.