SCHEDULES

SCHEDULE 2

DISTRIBUTION OF FUNCTIONS WHERE ORDER MADE UNDER SECTION 12

PART III

FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT SCHOOL PLACES IS TRANSFERRED

Powers to establish, maintain and alter schools

8 (1) No proposals in respect of any school (referred to in this paragraph as "the school in question") published under section 13(1)(a) of the Education Act 1980 (proposal that existing or proposed school should be maintained as a voluntary school) may be implemented unless—

(a) under section 14 of the Education Act 1944 or section 12 of the Education Act 1980 the duty of the local education authority to maintain one or more other schools ceases, and

(b) the school in question is intended to provide education for pupils in the area which was served by the other school or (as the case may be) the other schools.

(2) This paragraph does not apply—

(a) where relevant education is only primary education, if the school in question is or will be a secondary school which also provides primary education, or

(b) where relevant education is only secondary education, if the school in question is or will be a primary school which also provides secondary education.