

*Status: Point in time view as at 01/03/2011.*

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## SCHEDULES

### SCHEDULE 6

Sections 28, 29 and 31.

#### [<sup>F1</sup>STATUTORY PROPOSALS CONCERNING SCHOOLS IN WALES: PROCEDURE AND IMPLEMENTATION]

##### Textual Amendments

- F1** Sch. 6 heading substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(2)**; S.I. 2007/935, art. 7(o)

##### Modifications etc. (not altering text)

- C1** Sch. 6 modified (1.9.1999) by S.I. 1999/704, regs. 21, 22, **Sch.**  
Sch. 6 continued (1.9.2001) by S.I. 2001/2678, **reg. 2(2)**
- C2** Schs. 6, 7: power to modify conferred (1.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 74(2)(a),**  
**216(4)** (with **ss. 210(8), 214(4)**); S.I. 2003/124, art. 4
- C3** Sch. 6 applied (1.9.2006) by 1996 c. 56, **s. 529(2)** (as amended by Education Act 2005 (c. 18), s. 125(4),  
**Sch. 12 para. 2**; S.I. 2006/2129, **art. 4**)

### PART I

#### PROCEDURE FOR DEALING WITH STATUTORY PROPOSALS: ENGLAND

##### Modifications etc. (not altering text)

- C4** Sch. 6 Pt. I applied (with modifications) (1.9.1999) by S.I. 1999/2259, regs. 5(1), 10, **Sch. 1.**  
Sch. 6 Pt. I applied (with modifications) (1.9.1999) by S.I. 1999/2259, regs. 5(2), 10, **Sch. 1.**  
Sch. 6 Pt. 1 (paras. 1-5) applied (with modifications) (E.) (1.9.2000) by S.I. 2000/2195, **reg. 4(1), Sch. 1**  
(as amended (15.9.2003) by The Education (Change of Category of Maintained Schools) (Amendment)  
(England) Regulations 2003 (S.I. 2003/2136), **regs. 1(1), 10**)
- C5** Sch. 6 Pt. I amendment to earlier affecting provision S.I. 2000/2195, Sch. 1 (E.) (15.9.2003) by The  
Education (Change of Category of Maintained Schools) (Amendment) (England) Regulations 2003 (S.I.  
2003/2136), **regs. 1(1), 10**
- C6** Sch. 6 Pt. 1 applied (with modifications) by S.I. 2000/2195, **reg. 4(3), Schs. 2A, 2B** (as inserted (1.8.2005)  
by The Education (Change of Category of Maintained Schools) (Amendment) (England) Regulations  
2005 (S.I. 2005/1731), **regs. 1(1), 5, 7**)

#### *Application of Part I*

<sup>F2</sup><sub>1</sub> .....

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**Textual Amendments**

**F2** Sch. 6 paras. 1-5 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 3 para. 33\(3\)](#), [Sch. 18 Pt. 3](#) (with savings and transitional provisions in [The School Organisation \(Transitional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1355\)](#), regs. 1(1), [4\(1\)](#), 24(4), 25(2), 26(1)); S.I. 2007/935, [art. 7\(o\)\(q\)](#) (with art. 8)

*Objections*

F2<sub>2</sub>

**Textual Amendments**

**F2** Sch. 6 paras. 1-5 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 3 para. 33\(3\)](#), [Sch. 18 Pt. 3](#) (with savings and transitional provisions in [The School Organisation \(Transitional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1355\)](#), regs. 1(1), [4\(1\)](#), 24(4), 25(2), 26(1)); S.I. 2007/935, [art. 7\(o\)\(q\)](#) (with art. 8)

*Approval of proposals*

F2<sub>3</sub>

**Textual Amendments**

**F2** Sch. 6 paras. 1-5 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 3 para. 33\(3\)](#), [Sch. 18 Pt. 3](#) (with savings and transitional provisions in [The School Organisation \(Transitional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1355\)](#), regs. 1(1), [4\(1\)](#), 24(4), 25(2), 26(1)); S.I. 2007/935, [art. 7\(o\)\(q\)](#) (with art. 8)

*Determination by LEA whether to implement proposals*

F2<sub>4</sub>

**Textual Amendments**

**F2** Sch. 6 paras. 1-5 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 3 para. 33\(3\)](#), [Sch. 18 Pt. 3](#) (with savings and transitional provisions in [The School Organisation \(Transitional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1355\)](#), regs. 1(1), [4\(1\)](#), 24(4), 25(2), 26(1)); S.I. 2007/935, [art. 7\(o\)\(q\)](#) (with art. 8)

*Requirement to implement proposals*

F2<sub>5</sub>

**Textual Amendments**

**F2** Sch. 6 paras. 1-5 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\)](#), [Sch. 3 para. 33\(3\)](#), [Sch. 18 Pt. 3](#) (with savings and transitional provisions in [The School Organisation](#)

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(Transitional Provisions) (England) Regulations 2007 (S.I. 2007/1355), regs. 1(1), 4(1), 24(4), 25(2), 26(1)); S.I. 2007/935, art. 7(o)(q) (with art. 8)

## PART II

### [<sup>F3</sup>PROCEDURE FOR DEALING WITH STATUTORY PROPOSALS]

#### Textual Amendments

**F3** Sch. 6 Pt. 2 heading substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(4); S.I. 2007/935, art. 7(o)

#### Modifications etc. (not altering text)

**C7** Sch. 6 Pt. II applied (with modifications) (1.9.1999) (*temp.*) by S.I. 1999/2633, regs. 4, 5(1), Sch. 1. Sch. 6 Pt. II modified (1.9.1999) by S.I. 1999/2633, reg. 5(2), Sch. 2.

#### Application of Part II

- 6 This Part of this Schedule applies to proposals published under section 28, 29 or 31 <sup>F4</sup>....

#### Textual Amendments

**F4** Words in Sch. 6 para. 6 repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(5), Sch. 18 Pt. 3; S.I. 2007/935, art. 7(o)(q)

#### Modifications etc. (not altering text)

**C8** Sch. 6 para. 6 applied (with modifications) (1.9.1999) by S.I. 1999/1780, reg. 11, Sch. 4.  
Sch. 6 para. 6 applied (with modifications) (1.9.1999) by S.I. 1999/1671, reg. 10, Sch. 5  
Sch. 6 para. 6 applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, Sch. 1 Pt. 1 Tables 1, 2

#### Objections

- 7 (1) Any person may make objections to any proposals published under section 28, 29 or 31.
- (2) Where the proposals were published by a [<sup>F5</sup>local authority]—
- any objections under this paragraph shall be sent to the authority within such period as may be prescribed (“the objection period”); and
  - within such period as may be prescribed the authority shall send to the [<sup>F6</sup>Assembly] copies of all objections made (and not withdrawn in writing) within the objection period, together with the authority’s observations on them.
- (3) Where the proposals were published by a governing body or promoters, any objections under this paragraph shall be sent to the [<sup>F7</sup>Assembly] within such period as may be prescribed.

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### Textual Amendments

- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F6** Word in Sch. 6 para. 7(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(6)**; S.I. 2007/935, art. 7(o)
- F7** Word in Sch. 6 para. 7(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(6)**; S.I. 2007/935, art. 7(o)

### Modifications etc. (not altering text)

- C9** Sch. 6 para. 7 applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, **Sch. 1 Pt. I** Table 2
- C10** Sch. 6 para. 7 applied (with modifications) (W.) (1.9.1999) by S.I. 1999/1671, reg. 10, **Sch. 5** (as amended (1.3.2011) by The School Organisation (Miscellaneous Amendments) (Wales) Regulations 2011 (S.I. 2011/190), regs. 1(2), **2(c)** (with reg. 3))
- C11** Sch. 6 para. 7 applied (with modifications) (W.) (1.9.1999) by S.I. 1999/1780, reg. 11, **Sch. 4** (as amended (1.3.2011) by The School Organisation (Miscellaneous Amendments) (Wales) Regulations 2011 (S.I. 2011/190), regs. 1(2), **4(1)(c)** (with reg. 5))
- C12** Sch. 6 para. 7(1) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, **Sch. 1 Pt. I** Table 1
- C13** Sch. 6 para. 7(3) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, **Sch. 1 Pt. I** Table 3

### *Approval of proposals*

- 8 (1) Proposals published under section 28, 29 or 31 require approval under this paragraph if—
- (a) the [<sup>F8</sup>Assembly], within two months after a copy of the published proposals is sent to [<sup>F9</sup>it] under that section, gives notice to the body or promoters by whom the proposals were published that they require such approval; or
  - (b) objections to the proposals have been made in accordance with paragraph 7 and any of them have not been withdrawn in writing within the objection period.
- (2) Where any proposals require approval under this paragraph, the [<sup>F8</sup>Assembly] may—
- (a) reject the proposals,
  - (b) approve them without modification, or
  - (c) approve them with such modifications as [<sup>F10</sup>it] thinks desirable after consulting such persons or bodies as may be prescribed.
- (3) Any approval given under this paragraph may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- <sup>F11</sup>(4) .....
- (5) Sub-paragraph (1) does not prevent the body or promoters by whom any proposals have been published under section 28, 29 or 31 from withdrawing those proposals by notice in writing given to the [<sup>F8</sup>Assembly] at any time before the proposals are approved under this paragraph.

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#### Textual Amendments

- F8** Word in Sch. 6 para. 8 substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(7)(a); S.I. 2007/935, art. 7(o)
- F9** Word in Sch. 6 para. 8(1)(a) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(7)(b); S.I. 2007/935, art. 7(o)
- F10** Word in Sch. 6 para. 8(2)(c) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(7)(c); S.I. 2007/935, art. 7(o)
- F11** Sch. 6 para. 8(4) repealed (1.3.2005 for E., 1.9.2006 for W.) by Children Act 2004 (c. 31), Sch. 5 Pt. 1; S.I. 2005/394, art. 2(1)(i); S.I. 2006/885, art. 2(3)(b)

#### Modifications etc. (not altering text)

- C14** Sch. 6 para. 8(1)(3)(5) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, Sch. 1 Pt. 1 Table 3
- C15** Sch. 6 para. 8(2) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, Sch. 1 Pt. 1 Table 1

#### *Determination whether to implement proposals*

- 9 (1) Where any proposals published under section 28, 29 or 31 do not require approval under paragraph 8, the body or promoters by whom the proposals were published shall determine whether the proposals should be implemented.
- (2) Any determination under sub-paragraph (1) must be made within four months after a copy of the published proposals was sent to the [<sup>F12</sup>Assembly] under section 28, 29 or 31.
- (3) The body or promoters in question shall notify the [<sup>F13</sup>Assembly] of any determination made by them under sub-paragraph (1).

#### Textual Amendments

- F12** Word in Sch. 6 para. 9(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(8); S.I. 2007/935, art. 7(o)
- F13** Word in Sch. 6 para. 9(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(8); S.I. 2007/935, art. 7(o)

#### *Requirement to implement proposals*

- 10 (1) Where—
- (a) any proposals published under section 28, 29 or 31 have been approved under paragraph 8, or
- (b) the body or promoters by whom such proposals were published have determined under paragraph 9 to implement the proposals,
- then (subject to the following provisions of this paragraph) the proposals shall be implemented, in the form in which they were so approved or determined, in accordance with Part III of this Schedule.
- (2) At the request of any prescribed body or persons, the [<sup>F14</sup>Assembly]—
- (a) may modify the proposals after consulting such persons or bodies as may be prescribed; and

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- (b) where any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the event in question must occur.
- (3) If the <sup>[F14]</sup>Assembly is satisfied—
- (a) that implementation of the proposals would be unreasonably difficult, or
- (b) that circumstances have so altered since approval was given under paragraph 8 that implementation of the proposals would be inappropriate,
- <sup>[F15]</sup>it may determine that sub-paragraph (1) shall cease to apply to the proposals.
- (4) The <sup>[F14]</sup>Assembly may only make a determination under sub-paragraph (3) where proposals that <sup>[F16]</sup>it should do so have been published, in accordance with regulations, by the body or promoters who published the proposals referred to in that sub-paragraph; and regulations so made may provide for any of the provisions of sections 28, 29 and 31 and this Part of this Schedule to have effect in relation to any such further proposals with or without modifications.
- (5) Where—
- (a) any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, and
- (b) the event specified under that sub-paragraph does not occur by the date in question (whether as specified under that sub-paragraph or as specified under sub-paragraph (2)(b) above),
- sub-paragraph (1) above shall cease to apply to the proposals.
- (6) Where, by virtue of sub-paragraph (3) <sup>F17</sup>..., sub-paragraph (1) ceases to apply to any proposals, those proposals shall be treated for the purposes of this Schedule as if they had been rejected under paragraph 8.
- <sup>[F18]</sup>(7) Where, by virtue of sub-paragraph (5), sub-paragraph (1) ceases to apply to any proposals, those proposals <sup>[F19]</sup>fall to be considered afresh by the <sup>[F14]</sup>Assembly under paragraph 8.]

#### Textual Amendments

- F14** Word in Sch. 6 para. 10 substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 33\(9\)\(a\)](#); S.I. 2007/935, art. 7(o)
- F15** Word in Sch. 6 para. 10(3) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 33\(9\)\(b\)](#); S.I. 2007/935, art. 7(o)
- F16** Word in Sch. 6 para. 10(4) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 33\(9\)\(b\)](#); S.I. 2007/935, art. 7(o)
- F17** Words in Sch. 6 para. 10(6) repealed (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 75, 216, [Sch. 10 para. 6\(2\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1
- F18** Sch. 6 para. 10(7) inserted (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 6\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F19** Words in Sch. 6 para. 10(7) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 12 para. 13\(7\)](#); S.I. 2006/2129, art. 4

#### Modifications etc. (not altering text)

- C16** Sch. 6 para. 10 applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, [Sch. 1 Pt. 1](#) Table 2
- C17** Sch. 6 para. 10(1)(2) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, [Sch. 1 Pt. 1](#) Table 3

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### Commencement Information

- II** Sch. 6 para. 10 wholly in force at 1.9.1999; Sch. 6 para. 10 not in force at Royal Assent see s. 145(3); Sch. 6 para. 10(4) in force for specified purposes at 1.2.1999 by S.I. 1999/3198, art. 2(2), Sch.; Sch. 6 para. 10 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-5, Schs. 5-7).

## PART III

### MANNER OF IMPLEMENTATION OF STATUTORY PROPOSALS

#### Modifications etc. (not altering text)

- C18** Sch. 6 Pt. 3 excluded (19.12.2002) by Education Act 2002 (c. 32), ss. 193(6), 216 (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1
- C19** Sch. 6 Pt. 3 excluded (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 11 para. 6(4); S.I. 2006/2129, art. 4

#### Introductory

- 11 In this Part of this Schedule “proposals” means proposals falling to be implemented under paragraph <sup>F20</sup>... 10.

#### Textual Amendments

- F20** Words in Sch. 6 para. 11 repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(10), Sch. 18 Pt. 3; S.I. 2007/935, art. 7(o)(q)

#### *Proposals relating to community or maintained nursery schools*

- 12 (1) This paragraph applies to proposals relating to a community or [<sup>F21</sup>maintained nursery school or a proposed such school].
- (2) The proposals shall be implemented by the [<sup>F5</sup>local authority] by whom they were published under section 28(1) <sup>F22</sup>... or 29(1) [<sup>F23</sup>or, in the case of proposals published by the governing body of a community school under section 28(2)(b), by the [<sup>F5</sup>local authority] who maintain the school].

#### Textual Amendments

- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(2) (with Sch. 2 para. 10(4))
- F21** Words in Sch. 6 para. 12(1) substituted (1.6.2003 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 115(5)(a) (with ss. 210(8), 214(4)); S.I. 2003/1115, art. 3; S.I. 2004/912, art. 4, Sch. Pt. 1
- F22** Word in Sch. 6 para. 12(2) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(11), Sch. 18 Pt. 3; S.I. 2007/935, art. 7(o)(q)

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**F23** Words in Sch. 6 para. 12(2) inserted (1.6.2003 for E., 2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 115(5)(b)** (with ss. 210(8), 214(4)); S.I. 2003/1115, art. 3; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

**Modifications etc. (not altering text)**

**C20** Sch. 6 para. 12 applied (with modifications) (1.9.1999) by S.I. 1999/2103, **reg. 3.**

*Proposals relating to foundation or voluntary controlled schools*

- 13 (1) This paragraph applies to proposals relating to a foundation or voluntary controlled school or a proposed such school.
- (2) Where the proposals were published by a [<sup>F5</sup>local authority] under section 28(1) <sup>F24</sup>... or 29(1), they shall be implemented by the authority.
- <sup>F25</sup>(3) Where the proposals were published—
- (a) under section 28(2) <sup>F26</sup>..., by promoters, or
  - (b) under section 28(2), by the governing body,
- they shall be implemented by the [<sup>F5</sup>local authority] and by the promoters or (as the case may be) the governing body, respectively, to such extent (if any) as the proposals provide for each of them to do so.]
- (4) Where the proposals were published by the governing body under section 29(2), they shall be implemented—
- (a) by the governing body; and
  - (b) by the [<sup>F5</sup>local authority] as well.

**Textual Amendments**

- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F24** Word in Sch. 6 para. 13(2) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(12)(a), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)
- F25** Sch. 6 para. 13(3) substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), **Sch. 12 para. 13(9)(b)**; S.I. 2006/2129, art. 4
- F26** Words in Sch. 6 para. 13(3)(a) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 33(12)(b), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)

*Proposals relating to voluntary aided schools*

- 14 (1) This paragraph applies to proposals relating to a voluntary aided school or a proposed such school.
- (2) Where the proposals were published by the governing body under section 28(2) or 29(2), they shall be implemented—
- (a) in the case of proposals published under section 28(2) so far as relating to the provision of any [<sup>F27</sup>playing fields] for the school, by the [<sup>F5</sup>local authority];
  - (b) in the case of proposals published under section 29(2), by the governing body and the authority; and
  - (c) otherwise by the governing body.



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- (3) Where the proposals were published under section 28(2) <sup>F28</sup> ... by promoters, they shall be implemented—
- (a) so far as relating to the provision of any [<sup>F29</sup>playing fields] for the school (but subject to sub-paragraph (5)), by the [<sup>F5</sup>local authority]; and
  - (b) otherwise by the promoters.
- (4) <sup>F30</sup> .....
- (5) Nothing in sub-paragraph (3) requires a [<sup>F5</sup>local authority] to provide any [<sup>F31</sup>such playing fields] where—
- (a) the new voluntary aided school is to be established in place of one or more existing independent, foundation or voluntary schools falling to be discontinued on or before the date of implementation of the proposals; and
  - (b) [<sup>F32</sup>those playing fields—]
    - (i) were part of the premises of any of the existing schools (whether it was an independent school or a foundation or voluntary school); and
    - (ii) (if it was a foundation or voluntary school) were not provided by the authority.
- (6) Where the proposals were published by a [<sup>F5</sup>local authority] under section 29(1), they shall be implemented by the authority.

*Proposals relating to community or foundation special schools*

- 15 (1) This paragraph applies to proposals relating to—
- (a) a community or foundation special school; or
  - (b) a proposed such school.
- (2) Where the proposals were published by a [<sup>F5</sup>local authority] under section 31(1), they shall be implemented by the authority.
- (3) Where the proposals were published by the governing body under section 31(2)(a), they shall be implemented by the [<sup>F5</sup>local authority] and by the governing body, respectively, to such extent (if any) as the proposals provide for each of them to do so.
- (4) Where the proposals were published by the governing body under section 31(2)(b), they shall be implemented—
- (a) by the governing body; and
  - (b) by the [<sup>F5</sup>local authority] as well.

**Textual Amendments**

- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

*Status: Point in time view as at 01/03/2011.*

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## PART IV

### PROVISION OF PREMISES AND OTHER ASSISTANCE

#### *Provision of site and buildings for foundation, voluntary controlled or foundation special school*

- 16 (1) This paragraph applies where a [<sup>F5</sup>local authority] are required—
- (a) by virtue of paragraph 13(2) or (3) to provide a site for a foundation or voluntary controlled school or a proposed such school; or
  - (b) by virtue of paragraph 15(2) or (3) to provide a site for a foundation special school.
- (2) The authority shall transfer their interest in the site and in any buildings on the site which are to form part of the school premises—
- (a) to the school's trustees, to be held by them on trust for the purposes of the school, or
  - (b) if the school has no trustees, to the school's foundation body or (in the absence of such a body) to the governing body, to be held by that body for the relevant purposes.
- (3) If any doubt or dispute arises as to the persons to whom the authority are required to make the transfer, it shall be made to such persons as the [<sup>F33</sup>Assembly] thinks proper.
- (4) The authority shall pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (5) Where—
- (a) a transfer is made under this paragraph, and
  - (b) the transfer is made to persons who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school,
- those persons shall notify the [<sup>F5</sup>local authority] that paragraph (b) applies to them and they or their successors shall pay to the [<sup>F5</sup>local authority] so much of that sum as, having regard to the value of the interest transferred, may be determined to be just, either by agreement between them and the authority or, in default of agreement, by the [<sup>F33</sup>Assembly].
- (6) In sub-paragraph (5)(b) the reference to proceeds of the sale of other premises includes a reference to—
- (a) consideration for the creation or disposition of any kind of interest in other premises, including rent; and
  - (b) interest which has accrued in respect of any such consideration;
- and for the purposes of any agreed determination under sub-paragraph (5) regard shall be had to any guidance given from time to time by the [<sup>F33</sup>Assembly].
- (7) Any sum paid under sub-paragraph (5) shall be treated for the purposes of section 14 of the <sup>M1</sup>Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.

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- (8) A determination may be made under sub-paragraph (5) in respect of any property subject to a trust which has arisen under section 1 of the <sup>M2</sup>Reverter of Sites Act 1987 (right of reverter replaced by trust for sale) if (and only if)—
- (a) the determination is made by the [<sup>F33</sup>Assembly], and
  - (b) [<sup>F34</sup>it] is satisfied that steps have been taken to protect the interests of the beneficiaries under the trust.
- (9) Sub-paragraph (5) shall apply for the purpose of compensating the authority notified under that sub-paragraph only in relation to such part of the sum mentioned in sub-paragraph (5)(b) (if any) as remains after the application of paragraphs 1 to 3 of Schedule 22 to that sum.
- (10) In this paragraph—
- “the relevant purposes” means—
- (a) in relation to a transfer to a school’s foundation body, the purposes of the schools comprising the group for which that body acts, or
  - (b) in relation to a transfer to a school’s governing body, the purposes of the school;
- “site” does not include playing fields but otherwise includes any site which is to form part of the premises of the school in question.

**Textual Amendments**

- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F33** Word in Sch. 6 para. 16 substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(14)(a)**; S.I. 2007/935, art. 7(o)
- F34** Word in Sch. 6 para. 16(8)(b) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(14)(b)**; S.I. 2007/935, art. 7(o)

**Modifications etc. (not altering text)**

- C21** Sch. 6 para. 16 applied (E.) (1.9.2000) by S.I. 1999/2213, **reg. 20(1)(2)** (as inserted by S.I. 2000/2198, **reg. 8**)
- C22** Sch. 6 para. 16 applied by 2000 c. 21, **Sch. 7A para. 5** (as inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 9** (with ss. 210(8), 214(4)); S.I. 2003/124, **art. 4**); S.I. 2004/1728, art. 4, **Sch. Pt. 1**
- C23** Sch. 6 para. 16 applied (1.6.2003) by Education Act 2002 (c. 32), s. 216(2), **Sch. 8 para. 7(4)** (with ss. 210(8), 214(4)); S.I. 2003/1115, art. 2
- C24** Sch. 6 para. 16 applied (25.5.2007) by 2000 c. 21, **Sch. 7A para. 5(2)** (as substituted by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 46**; S.I. 2007/935, **art. 7(o)**)

**Marginal Citations**

- M1** 1841 c. 38.
- M2** 1987 c. 15.

*Grants in respect of certain expenditure relating  
to existing or proposed voluntary aided school*

- 17 (1) This paragraph applies where—

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- (a) the governing body of a voluntary aided school are required by virtue of paragraph 14(2) to implement proposals relating to a prescribed alteration to the school; or
  - (b) any promoters are required by virtue of paragraph 14(3) to implement proposals involving the establishment of a new voluntary aided school.
- (2) Paragraph 5 of Schedule 3—
- (a) shall apply in relation to the voluntary aided school mentioned in subparagraph (1)(a) above; and
  - (b) shall apply in relation to the new voluntary aided school mentioned in subparagraph (1)(b) above as it applies in relation to an existing voluntary aided school.
- (3) In the application of that paragraph in relation to a new voluntary aided school—
- (a) the references to the governing body, in relation to any time before the governing body are constituted, are to the promoters; and
  - (b) where requirements are imposed in relation to grant paid by virtue of this paragraph to the promoters, the requirements shall be complied with by the governing body, when they are constituted, as well as by the promoters.

**Modifications etc. (not altering text)**

- C25** Sch. 6 para. 17 applied by 2000 c. 21, **Sch. 7A para. 6** (as inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 9** (with ss. 210(8), 214(4)); S.I. 2003/124, **art. 4**); S.I. 2004/1728, **art. 4**, **Sch. Pt. 1**
- C26** Sch. 6 para. 17 applied (1.6.2003) by Education Act 2002 (c. 32), s. 216(2), **Sch. 8 para. 8(8)** (with ss. 210(8), 214(4)); S.I. 2003/1115, **art. 2**
- C27** Sch. 6 para. 17 applied (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), **Sch. 10 para. 14(8)**; S.I. 2006/2129, **art. 4**
- C28** Sch. 6 para. 17 applied (E.) (25.5.2007) by 2000 c. 21, **Sch. 7A para. 6(2)** (as substituted by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 46**; S.I. 2007/935, **art. 7(o)**)

*Assistance in respect of maintenance and other obligations relating to voluntary aided school*

- 18 A <sup>[F5]</sup>local authority] may give to the governing body of a voluntary aided school such assistance as the authority think fit in relation to the carrying out by the governing body of any obligation arising by virtue of paragraph 14(2) in relation to proposals published by them under section 28.

**Textual Amendments**

- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **art. 1**, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

**Modifications etc. (not altering text)**

- C29** Sch. 6 para. 18 applied by 2000 c. 21, Sch. 7A para. 7 (as inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 9** (with ss. 210(8), 214(4)); S.I. 2003/124, **art. 4**); S.I. 2004/1728, **art. 4**, **Sch. Pt. 1**
- C30** Sch. 6 para. 18 applied (E.) (25.5.2007) by 2000 c. 21, **Sch. 7A para. 7(3)** (as substituted by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 46**; S.I. 2007/935, **art. 7(o)**)

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*Assistance for promoters of new voluntary aided school*

- 19 A [<sup>F5</sup>local authority] may give to persons required by virtue of paragraph 14(3) to implement proposals involving the establishment of a voluntary aided school such assistance as the authority think fit in relation to the carrying out by those persons of any obligation arising by virtue of that provision.

**Textual Amendments**

**F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

**Modifications etc. (not altering text)**

**C31** Sch. 6 para. 19 applied (1.6.2003) by Education Act 2002 (c. 32), s. 216(2), **Sch. 8 para. 8(9)** (with ss. 210(8), 214(4)); S.I. 2003/1115, art. 2

**C32** Sch. 6 para. 19 applied (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), **Sch. 10 para. 14(9)**; S.I. 2006/2129, art. 4

*Duty to transfer interest in premises provided under paragraph 18 or 19*

- 20 (1) Where assistance under paragraph 18 or 19 consists of the provision of any premises for use for the purposes of a school, the [<sup>F5</sup>local authority] shall transfer their interest in the premises—
- (a) to the trustees of the school to be held on trust for the purposes of the school; or
  - (b) if the school has no trustees, to the school's foundation body, to be held by that body for the relevant purposes.
- (2) If any doubt or dispute arises as to the persons to whom the authority are required to make the transfer it shall be made to such persons as the [<sup>F35</sup>Assembly] thinks proper.
- (3) The authority shall pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (4) In this paragraph “the relevant purposes” means, in relation to a transfer to a school's foundation body, the purposes of the schools comprising the group for which that body acts.

**Textual Amendments**

**F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

**F35** Word in Sch. 6 para. 20(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(15)**; S.I. 2007/935, art. 7(o)

**Modifications etc. (not altering text)**

**C33** Sch. 6 para. 20 applied by 2000 c. 21, Sch. 7A para. 7 (as inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 9** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4); S.I. 2004/1728, art. 4, Sch. Pt. 1

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- C34** Sch. 6 para. 20 applied (1.6.2003) by [Education Act 2002 \(c. 32\)](#), s. 216(2), **Sch. 8 para. 8(9)** (with ss. 210(8), 214(4)); S.I. 2003/1115, art. 2
- C35** Sch. 6 para. 20 applied (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 10 para. 14(9)**; S.I. 2006/2129, art. 4

## PART V

### TRANSITIONAL EXEMPTION ORDERS FOR PURPOSES OF SEX DISCRIMINATION ACT 1975

F36 ...

#### Textual Amendments

- F36** Sch. 6 para. 21 heading repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 3 para. 33(16), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)

F37 21 .....

#### Textual Amendments

- F37** Sch. 6 para. 21 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 3 para. 33(16), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)

[<sup>F38</sup>Single-sex schools]

#### Textual Amendments

- F38** Sch. 6 para. 22 heading substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 33(17)**; S.I. 2007/935, art. 7(o)

22 (1) This paragraph applies to proposals for a school in Wales to cease to be an establishment which admits pupils of one sex only.

(2) Sub-paragraph (3) applies where—

- (a) such proposals are made under section 28 and, in accordance with subsection (7) of that section, the relevant body send a copy of the published proposals to the [<sup>F39</sup>Assembly]; or
- (b) such proposals are made under section 31 and, in accordance with subsection (6) of that section, the relevant body send a copy of the published proposals to the [<sup>F39</sup>Assembly].

(3) The sending of the published proposals to the [<sup>F39</sup>Assembly] shall be treated as an application by the responsible body for the making by the [<sup>F39</sup>Assembly] of a transitional exemption order, and [<sup>F40</sup>the Assembly] may make such an order accordingly.

[<sup>F41</sup>(4) In this paragraph—

[<sup>F42</sup>“the 2010 Act” means the Equality Act 2010,]

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“make”, in relation to a transitional exemption order, includes (so far as the context permits) vary or revoke,

“the responsible body” has the same meaning as in [F43]section 85 of the 2010 Act], and

“transitional exemption order” has the same meaning as in [F44]paragraph 3 of Schedule 11 to the 2010 Act],

and references to proposals for a school to cease to be an establishment which admits pupils of one sex only are references to proposals which are or include proposals for such an alteration in a school's admission arrangements as is mentioned in [F45]paragraph 3 of Schedule 11 to the 2010 Act] (single-sex establishments becoming co-educational).]

#### Textual Amendments

- F39** Word in Sch. 6 para. 22 substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(18)(a)**; S.I. 2007/935, art. 7(o)
- F40** Words in Sch. 6 para. 22(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(18)(b)**; S.I. 2007/935, art. 7(o)
- F41** Sch. 6 para. 22(4) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 33(18)(c)**; S.I. 2007/935, art. 7(o)
- F42** Words in Sch. 6 para. 22(4) substituted (1.10.2010) by 2010 c. 15, **Sch. 26 Pt. 1 para. 46(2)** (as inserted by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2))
- F43** Words in Sch. 6 para. 22(4) substituted (1.10.2010) by 2010 c. 15, **Sch. 26 Pt. 1 para. 46(3)** (as inserted by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2))
- F44** Words in Sch. 6 para. 22(4) substituted (1.10.2010) by 2010 c. 15, **Sch. 26 Pt. 1 para. 46(4)** (as inserted by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2))
- F45** Words in Sch. 6 para. 22(4) substituted (1.10.2010) by 2010 c. 15, **Sch. 26 Pt. 1 para. 46(5)** (as inserted by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2))

**Status:**

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