

SCHEDULES

SCHEDULE 11

RATIONALISATION OF SCHOOL PLACES IN ENGLAND

PART 2

DIRECTIONS TO BRING FORWARD PROPOSALS

Directions to bring forward proposals to remedy excessive provision

- 3 (1) This paragraph applies where the Secretary of State is of the opinion that the provision for primary or secondary education in maintained schools—
- (a) in the area of any local education authority in England, or
 - (b) in any part of such an area,
- is excessive.
- (2) For the purpose of remedying the excess, the Secretary of State may—
- (a) direct the local education authority to exercise their powers to make or invite proposals for the establishment, alteration or discontinuance of schools, and
 - (b) in the case of any foundation, voluntary or foundation special school maintained by the authority, direct the governing body to exercise their powers to make proposals for the alteration of their school.
- (3) A direction under sub-paragraph (2) must—
- (a) require the direction to be complied with not later than such date as may be specified in the direction, and
 - (b) require the body to whom the direction is given to apply such principles in giving effect to the direction as may be specified in the direction.
- (4) A direction under sub-paragraph (2)(a) may not require the proposals to relate to any named school.
- (5) Where any proposals under the 1998 Act are published in pursuance of a direction under sub-paragraph (2), the body concerned must (in addition to complying with section 28(6), 28A(6), 29(5) or 31(5) of the 1998 Act) send—
- (a) a copy of the published proposals, and
 - (b) such information in connection with those proposals as may be prescribed, to the Secretary of State.
- (6) Where a notice under section 66 is published in pursuance of a direction under sub-paragraph (2), the local education authority concerned must send—
- (a) a copy of the published notice, and
 - (b) a copy of any proposals published under that section in pursuance of the notice,

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to the Secretary of State.

Directions to bring forward proposals to remedy insufficient provision

- 4 (1) This paragraph applies where the Secretary of State is of the opinion that the provision for primary or secondary education in maintained schools—
- (a) in the area of any local education authority in England, or
 - (b) in any part of such an area,
- is, or is likely to become, insufficient.
- (2) The Secretary of State may—
- (a) direct the local education authority to exercise their powers to make or invite proposals for the establishment, alteration or discontinuance of schools, and
 - (b) in the case of any foundation, voluntary or foundation special school maintained by the authority, direct the governing body to exercise their powers to make proposals for the alteration of their school,
- with a view (in each case) to securing that provision is made for such additional number of pupils in the area, or in any such part of the area, as may be specified in the direction.
- (3) A direction under sub-paragraph (2) must—
- (a) require the direction to be complied with not later than such date as may be specified in the direction, and
 - (b) require the body to whom the direction is given to apply such principles in giving effect to the direction as may be specified in the direction.
- (4) An order under sub-paragraph (2)(a) may not require the proposals to relate to any named school.
- (5) Where any proposals under the 1998 Act are published in pursuance of a direction under sub-paragraph (2), the body concerned must (in addition to complying with section 28(6), 28A(6), 29(5) or 31(5) of the 1998 Act) send—
- (a) a copy of the published proposals, and
 - (b) such information in connection with those proposals as may be prescribed,
- to the Secretary of State.
- (6) Where a notice under section 66 is published in pursuance of a direction under sub-paragraph (2), the local education authority concerned must send—
- (a) a copy of the published notice, and
 - (b) a copy of any proposals published under that section in pursuance of the notice,
- to the Secretary of State.

Supplementary provisions

- 5 (1) Where the Secretary of State gives a direction under paragraph 3(2) or 4(2) in relation to the area of any local education authority, he must send a copy of the direction—
- (a) to the school organisation committee for the area, and
 - (b) to any adjudicator who appears to him to be likely to be considering proposals in relation to that area.

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- (2) Where the school organisation committee or any adjudicator receive a copy of the direction under sub-paragraph (1), the committee or adjudicator must send to the Secretary of State—
- (a) a copy of all proposals relating to the area which have been received by them or him but have not been determined by the relevant time, and
 - (b) a copy of all proposals relating to the area, other than any made under paragraph 7, which they receive after the relevant time.
- (3) Where sub-paragraph (2) applies, then unless the Secretary of State gives his consent—
- (a) neither the school organisation committee nor the adjudicator may make any determination, and
 - (b) the school organisation committee may not make any reference to the adjudicator under paragraph 3 of Schedule 6 to the 1998 Act, under paragraph 4(2)(d) or 5(1) of Schedule 10, or under paragraph 9 of this Schedule,
- in relation to any proposals within sub-paragraph (2) during the period beginning with the relevant time and ending with the time when the Secretary of State notifies the committee or the adjudicator, as the case may be, that they or he may make any such determination or reference in relation to those proposals without the Secretary of State's consent.
- (4) The duty of the school organisation committee or any adjudicator to send copies of the proposals to the Secretary of State under sub-paragraph (2) terminates at the end of the period mentioned in sub-paragraph (3).
- (5) In sub-paragraphs (2) and (3)—
- (a) references to the relevant time, in relation to the school organisation committee or to any adjudicator, are to the time when they or he receive under sub-paragraph (1) a copy of the direction,
 - (b) references to proposals are to proposals made under section 28, 28A, 29 or 31 of the 1998 Act, Schedule 7 to the Learning and Skills Act 2000 (c. 21), section 66 of this Act or paragraph 7 of this Schedule, and
 - (c) references to the determination of any proposals are to—
 - (i) any determination whether or not to approve the proposals under paragraph 3 of Schedule 6 to the 1998 Act,
 - (ii) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000 (c. 21),
 - (iii) any determination whether or not to approve the proposals under paragraph 4 of Schedule 10, or
 - (iv) any determination whether or not to approve the proposals under paragraph 9 or 11 of this Schedule.
- 6 (1) Where a local education authority publish any proposals under section 28, 28A, 29 or 31 of the 1998 Act in pursuance of a direction under paragraph 3(2) or 4(2), those proposals require approval under paragraph 3 of Schedule 6 to the 1998 Act, despite anything in paragraph 3(1)(a) or 4 of that Schedule.
- (2) Proposals made by any person under section 28, 28A, 29 or 31 of the 1998 Act in pursuance of a direction given to that person under paragraph 3(2) or 4(2) may not be withdrawn without the consent of the Secretary of State and such consent may be given on such conditions (if any) as the Secretary of State considers appropriate.

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(3) Where the governing body of a foundation, voluntary or foundation special school make any proposals in pursuance of a direction given to the governing body under paragraph 3(2)(b) or 4(2)(b), the local education authority must reimburse any expenditure reasonably incurred by the governing body in making the proposals.

(4) Where—

(a) proposals made by the governing body of a foundation, voluntary or foundation special school in pursuance of any such direction under paragraph 3(2)(b) or 4(2)(b) are approved, or as the case may be, determined to be implemented, or

(b) proposals approved under paragraph 9 or 11 have effect as mentioned in paragraph 13(b),

then, despite anything in Part 3 of Schedule 6 to the 1998 Act, the local education authority must defray the cost of implementing the proposals.