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## SCHEDULES

### SCHEDULE 12

Section 72

#### SCHOOL ORGANISATION: FURTHER AMENDMENTS

##### *Education Act 1996 (c. 56)*

- 1 (1) Section 5 of the Education Act 1996 (primary schools, secondary schools and middle schools) is amended as follows.
  - (2) For subsection (3) substitute—

“(3) In this Act “middle school” means a school which, in pursuance of proposals published under section 28 or 28A of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998 or section 66 of, or paragraph 7 of Schedule 11 to, the Education Act 2005, has been established as, or altered so as to become, a school for providing full-time education suitable to the requirements of pupils who—

    - (a) have attained a specified age below 10 years and six months, and
    - (b) are under a specified age above 12 years (referred to in this Act as “the relevant upper age”).”
  - (3) In subsection (5) for the words from the beginning to “subsection” substitute “ The powers conferred by the enactments mentioned in subsection (3) (so far as relating to the establishment of middle schools) and the powers conferred by subsection ”.
- 2 In section 529 of the Education Act 1996 (power to accept gifts on trust for educational purposes), in subsection (2), for the words from “section 28” to the end substitute “ sections 28 and 28A of the School Standards and Framework Act 1998 and section 66 of the Education Act 2005 as an intention to establish a new community school (so that proposals for that purpose shall be published in accordance with those sections); and Schedule 6 to the School Standards and Framework Act 1998 or Schedule 10 to the Education Act 2005 (which relate to statutory proposals) shall apply accordingly ”.
- 3 In section 530 of the Education Act 1996 (compulsory purchase of land), in subsection (1)(c), for “section 70 of the Education Act 2002” substitute “ section 66 of the Education Act 2005 ”.
- 4 In section 580 of the Education Act 1996 (index), after the entry beginning “relevant standard number” insert—

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“relevant upper age (in relation to a middle school)                      section 5(3)(b)”

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- 5     (1) In Schedule 35A to the Education Act 1996 (Academies: land), paragraph 1 is amended as follows.
- (2) In sub-paragraph (2)(b), for “section 70 of the Education Act 2002 (new schools to meet increased demand for secondary education)” substitute “ section 66 of the Education Act 2005 (proposals for new secondary schools) ”.
- (3) In sub-paragraph (3)(d), for “section 70 of the Education Act 2002” substitute “ section 66 of the Education Act 2005 ”.

*School Standards and Framework Act 1998 (c. 31)*

- 6     In section 25 of the School Standards and Framework Act 1998 (adjudicators), in subsection (2), after “this Act” insert “ or Part 2 of the Education Act 2005 ”.
- 7     In section 33 of the School Standards and Framework Act 1998 (further provisions relating to establishment, alteration or discontinuance of schools), in subsection (4), after “28,” insert “ 28A, ”.
- 8     In section 34 of the School Standards and Framework Act 1998 (rationalisation of school places)—
- (a) for “Secretary of State” substitute “ National Assembly for Wales ”,
- (b) for “and governing bodies” substitute “ in Wales and governing bodies of maintained schools in Wales ”, and
- (c) for “him” substitute “ the Assembly ”.
- 9     In section 138 of the School Standards and Framework Act 1998 (orders and regulations), in subsection (4), after “20(7),” insert “ 29(9A), ”.

**Commencement Information**

**II**    [Sch. 12 para. 9](#) partly in force; [Sch. 12 para. 9](#) not in force at Royal Assent; [Sch. 12 para. 9](#) in force for E. at 1.9.2006 by [S.I. 2006/2129](#), [art. 5](#)

- 10    In section 143 of the School Standards and Framework Act 1998 (index), in the entry beginning “promoters”, after “section 28(2)” insert “ or 28A(2) ”.
- 11    In Schedule 4 to the School Standards and Framework Act 1998 (school organisation committees) in paragraph 5(4)—
- (a) in paragraph (c), for “or paragraph 16 of Schedule 7” substitute “ or under paragraph 14 of Schedule 11 to the Education Act 2005 ”, and
- (b) in paragraph (d), for “paragraph 8 of Schedule 7” substitute “ paragraph 9 of Schedule 11 to the Education Act 2005 ”.

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- 12 In Schedule 5 to the School Standards and Framework Act 1998 (adjudicators), in paragraph 5(1) (procedure), after “this Act” insert “ or under Part 2 of the Education Act 2005 ”.
- 13 (1) Schedule 6 to the School Standards and Framework Act 1998 (statutory proposals: procedure and implementation) is amended as follows.
- (2) In paragraph 1(1), after “28,” insert “ 28A ”.
- (3) In paragraph 2(1), after “28,” insert “ 28A, ”.
- (4) In paragraph 3—
- (a) in sub-paragraph (1), after “28,” insert “ 28A, ”,
- (b) after sub-paragraph (6C) insert—
- “(6D) If by the end of such period as may be specified in regulations, the committee have not determined whether to give any approval under this paragraph, they shall refer the proposals to the adjudicator.”, and
- (c) in sub-paragraph (8), after “28,” insert “ 28A, ”.
- (5) In paragraph 4—
- (a) in sub-paragraph (1), after “28,” insert “ 28A, ”,
- (b) in sub-paragraph (3)—
- (i) omit paragraph (d), and
- (ii) for paragraph (h) substitute—
- “(h) a direction under paragraph 3(2) or 4(2) of Schedule 11 to the Education Act 2005.”, and
- (c) in sub-paragraph (4)(a), for “paragraph 8 or 9 of Schedule 7” substitute “ paragraph 9 or 11 of Schedule 11 to the Education Act 2005 ”.
- (6) In paragraph 5—
- (a) in sub-paragraph (1)(a) and (4), after “28,” insert “ 28A, ”,
- (b) after sub-paragraph (6A) insert—
- “(6B) If by the end of such period as may be specified in regulations, the committee have not decided any matter falling to be decided by them under this paragraph, they shall refer the proposals to the adjudicator.”, and
- (c) in sub-paragraph (10), for “shall be regarded as requiring a fresh approval” substitute “ fall to be considered afresh by the committee ”.
- (7) In paragraph 10(7), for “shall be regarded as requiring a fresh approval” substitute “ fall to be considered afresh by the Secretary of State ”.
- (8) In paragraph 12(2), after “section 28(1)” insert “ , 28A(1) ”.
- (9) In paragraph 13—
- (a) in sub-paragraph (2), after “section 28(1)” insert “ , 28A(1) ”.
- (b) for sub-paragraph (3) substitute—
- “(3) Where the proposals were published—
- (a) under section 28(2) or 28A(2), by promoters, or
- (b) under section 28(2), by the governing body,

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they shall be implemented by the local education 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.”

- (10) In paragraph 14(3), after “section 28(2)” insert “ or 28A(2) ”.
- 14 (1) Schedule 7 to the School Standards and Framework Act 1998 (rationalisation of school places) is amended as follows.
- (2) For the heading substitute “ RATIONALISATION OF SCHOOL PLACES IN WALES ”.
- (3) After paragraph 1 insert—
- “1A In this Schedule “the Assembly” means the National Assembly for Wales.”
- (4) In paragraph 2—
- (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”,
- (b) in sub-paragraph (1)(a), after “local education authority” insert “ in Wales ”, and
- (c) omit sub-paragraph (5).
- (5) In paragraph 3—
- (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”,
- (b) in sub-paragraph (1)(a), after “local education authority” insert “ in Wales ”, and
- (c) omit sub-paragraph (5).
- (6) In paragraph 4—
- (a) omit sub-paragraphs (1) to (6),
- (b) in sub-paragraph (7)—
- (i) omit “(whether relating to an area in England or in Wales)”, and
- (ii) for “Secretary of State” (in both places) substitute “ Assembly ”, and
- (c) for paragraph (b) of sub-paragraph (9) substitute—
- “(b) proposals adopted under paragraph 14 have effect as mentioned in paragraph 15(b),”.
- (7) For the heading to Part 3 substitute “ PROPOSALS BY NATIONAL ASSEMBLY FOR WALES ”.
- (8) In paragraph 5—
- (a) in sub-paragraph (1)—
- (i) for “Secretary of State” substitute “ Assembly ”, and
- (ii) for “he may” substitute “ the Assembly may ”,
- (b) omit sub-paragraph (3), and
- (c) in sub-paragraph (4), for the words from the beginning to “shall” substitute “ The Assembly shall ”.
- (9) Omit Part 4.
- (10) In paragraph 12(2)(a), for “Secretary of State” substitute “ Assembly ”.
- (11) In paragraph 13—

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- (a) in sub-paragraph (1), for “the Secretary of State” and “he” substitute “ the Assembly ”,
  - (b) in sub-paragraph (2), for “the Secretary of State”, “his” and “he” substitute respectively “ the Assembly ”, “ the Assembly's ” and “ the Assembly ”,
  - (c) in sub-paragraph (3), for “Secretary of State” substitute “ Assembly ”,
  - (d) in sub-paragraph (4)—
    - (i) for “Secretary of State” substitute “ Assembly ”,
    - (ii) for “he shall refer” substitute “ the Assembly shall refer ”,
    - (iii) for “he causes” substitute “ the Assembly causes ”,
    - (iv) for “to him” substitute “ to the Assembly ”, and
    - (v) for “he is required” substitute “ it is required ”, and
  - (e) in sub-paragraph (5)—
    - (i) for “Secretary of State” substitute “ Assembly ”,
    - (ii) for “he forms” substitute “ the Assembly forms ”,
    - (iii) for “him” substitute “ the Assembly ”, and
    - (iv) for “he subsequently forms” substitute “ the Assembly subsequently forms ”.
- (12) In paragraph 14—
- (a) in sub-paragraph (1)—
    - (i) for “Secretary of State” substitute “ Assembly ”,
    - (ii) for “he” (wherever occurring) substitute “ it ”, and
    - (iii) in paragraph (a), for “him” substitute “ the Assembly ”, and
  - (b) in sub-paragraph (2)—
    - (i) for “Secretary of State” substitute “ Assembly ”, and
    - (ii) for “he” (wherever occurring) substitute “ it ”.
- (13) In paragraph 15, for “Secretary of State” (in both places) substitute “ Assembly ”.
- (14) Omit paragraph 16.
- (15) In paragraph 17(2), for “Secretary of State” (in both places) substitute “ Assembly ”.

#### **Commencement Information**

**I2** [Sch. 12 para. 14](#) partly in force; [Sch. 12 para. 14](#) not in force at Royal Assent see [s. 125](#); [Sch. 12 para. 14](#) in force for certain purposes at 1.9.2006 by [S.I. 2006/2129](#), [art. 4](#)

- 15
- (1) Schedule 22 to the School Standards and Framework Act 1998 (disposals of land in case of certain schools and disposals on discontinuance) is amended as follows.
  - (2) In paragraph 2(1)(a), at the end insert “ or under paragraph 14(5) of Schedule 10 to the Education Act 2005 ”.
  - (3) In paragraph 3(1)(a), at the end insert “ or under paragraph 14(5) of Schedule 10 to the Education Act 2005 ”.

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*Education Act 2002 (c. 32)*

- 16 In section 129 of the Education Act 2002 (transfer of employment), in subsection (1) (a) after “section 28” insert “, 28A ”.

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