

Status: Point in time view as at 01/09/2006.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Cross Heading: School Standards and Framework Act 1998 (c. 31). (See end of Document for details)

SCHEDULES

SCHEDULE 12

SCHOOL ORGANISATION: FURTHER AMENDMENTS

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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