

## SCHEDULES

### SCHEDULE 2

#### PROPOSALS FOR ESTABLISHMENT OR DISCONTINUANCE OF SCHOOLS IN ENGLAND

#### PART 3

##### IMPLEMENTATION OF PROPOSALS

##### *Requirement to implement proposals*

- 21 (1) Where—
- (a) any proposals have been approved under paragraph 8, or
  - (b) the relevant authority have determined under paragraph 19 to implement any proposals,
- then (subject to the following provisions of this paragraph) the proposals must be implemented, in the form in which they were so approved or determined, in accordance with this Part of this Schedule.
- (2) The relevant authority may, at the request of the proposers who made the proposals referred to in sub-paragraph (1), or, where the proposals were made by the authority themselves, on their own initiative—
- (a) modify the proposals after consulting such persons as may be prescribed, and
  - (b) where any approval was given in accordance with paragraph 8(5), specify a later date by which the event in question must occur.
- (3) If, after consulting such persons as may be prescribed, the relevant authority are 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,
- the authority may determine that sub-paragraph (1) is to cease to apply to the proposals.
- (4) The relevant authority may only make a determination under sub-paragraph (3) where proposals that they should do so have been published, in accordance with regulations, by the authority or proposers who made the proposals referred to in sub-paragraph (1); and regulations may provide for any of the provisions of sections 7 to 12, sections 15 and 16 and Parts 1 and 2 of this Schedule to have effect in relation to any such further proposals with or without modifications.
- (5) The relevant authority must in prescribed cases refer to the adjudicator by a prescribed time any matter which would otherwise fall to be determined by the authority under this paragraph.

- (6) If by the end of such period as may be prescribed the relevant authority have failed to take any step required by this paragraph, the authority must refer the matter to the adjudicator by the prescribed time.
- (7) Where any matter is referred to the adjudicator under this paragraph—
- (a) the relevant authority may refer to the adjudicator with the matter their comments on it,
  - (b) the adjudicator must consider the matter afresh, and
  - (c) such of the provisions of sub-paragraphs (2) to (4) above as are relevant shall apply to him in connection with his decision on that matter as they apply to the authority.

*Proposals not falling to be implemented*

- 22 (1) Where, by virtue of paragraph 21(3), paragraph 21(1) ceases to apply to any proposals, those proposals are to be treated for the purposes of this Schedule as if they had been rejected under paragraph 8.
- (2) Where—
- (a) any approval under paragraph 8 was given in accordance with paragraph 8(5), and
  - (b) the event specified under paragraph 8(5) does not occur by the date in question (whether as specified under that provision or as specified under paragraph 21(2)(b)),
- paragraph 21(1) ceases to apply to the proposals.
- (3) Where, by virtue of sub-paragraph (2), paragraph 21(1) ceases to apply to any proposals approved by the relevant authority under paragraph 8 and not referred to the adjudicator, those proposals must be considered afresh by the authority under that paragraph.
- (4) Where, by virtue of sub-paragraph (2), paragraph 21(1) ceases to apply to any proposals approved by the adjudicator under paragraph 8, those proposals must be considered afresh by him under that paragraph (and paragraph 17 applies accordingly).

*Proposals relating to community schools, community special schools or maintained nursery schools*

- 23 (1) This paragraph applies to proposals which fall to be implemented under paragraph 21 and relate to a community school, a community special school or a maintained nursery school or to a proposed such school.
- (2) The proposals must be implemented by the relevant authority.

*Proposals relating to foundation or voluntary controlled schools*

- 24 (1) This paragraph applies to proposals which fall to be implemented under paragraph 21 and relate to a foundation or voluntary controlled school or a proposed such school.
- (2) Proposals made by the relevant authority must be implemented by the authority.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Proposals made by proposers (including, in particular, such proposals so far as relating to the provision of the site for a proposed school) must be implemented by the relevant authority and by the proposers, respectively, to such extent as the proposals provide for each of them to do so.

*Proposals relating to voluntary aided school*

- 25 (1) This paragraph applies to proposals which fall to be implemented under paragraph 21 and relate to a voluntary aided school or a proposed voluntary aided school.
- (2) The proposals must be implemented—
- (a) so far as relating to the provision of any relevant premises for a proposed school, by the relevant authority,
  - (b) in the case of proposals under section 15 made by proposers, by the proposers and the relevant authority, and
  - (c) otherwise by the proposers or, in the case of proposals made by the relevant authority, by the relevant authority.
- (3) In sub-paragraph (2) “relevant premises” means—
- (a) in the case of proposals published under section 7, the site specified in the notice under that section or playing fields, and
  - (b) in any other case, playing fields.
- (4) Nothing in sub-paragraph (2) requires the relevant authority to provide any playing fields where—
- (a) a 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) 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.

*Proposals relating to foundation special schools*

- 26 (1) This paragraph applies to proposals which fall to be implemented under paragraph 21 and relate to a foundation special school or a proposed foundation special school.
- (2) Where the proposals were made by the relevant authority, they must be implemented by the authority.
- (3) Proposals made by proposers (including, in particular, proposals so far as relating to the provision of the site for a proposed school) must be implemented by the relevant authority and by the proposers, respectively, to such extent as the proposals provide for each of them to do so.

*Proposals relating to Academy*

- 27 Where proposals published under section 7 to establish an Academy are implemented by the Secretary of State making an agreement under section 482 of EA 1996,

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subsection (3) of that section (requirement to consult certain LEAs about the establishment of the school) does not apply.