Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Paragraph 10. (See end of Document for details)

SCHEDULES

SCHEDULE 11

ESTABLISHMENT OF NEW SCHOOLS

Amendments to Part 2 of EIA 2006

- 10 (1) Schedule 2 (consideration, approval and implementation of proposals for establishment or discontinuance of schools in England) is amended as follows.
 - (2) After paragraph 3 insert—
 - " "Academy proposals" and "non-Academy proposals"
 - 3A In this Schedule—
 - (a) "Academy proposals" means proposals under section 7 for the establishment of an Academy, and
 - (b) "non-Academy proposals" means proposals under section 7 for the establishment of a school falling within subsection (2)(a) of that section."
 - (3) In paragraph 4(a) (references to persons by whom proposals under section 7 are made), omit "or in the case of proposals published by the relevant authority under subsection (5)(b) of that section, by the relevant authority,".
 - (4) In paragraph 5(b) (requirement to forward objections and comments made in relation to proposals)—
 - (a) for "referred to" substitute " to be considered by the Secretary of State or ";
 - (b) after "forward to" insert " the Secretary of State or (as the case may be)".
 - (5) In the heading to Part 2, omit "by Local Authority or Adjudicator".
 - (6) For the heading before paragraph 6 substitute "Consideration of proposals".
 - (7) Before paragraph 6 insert—
 - "5A(1) Academy proposals do not require consideration under paragraph 8 (see paragraph 7A instead).
 - (2) If proposals under section 7 consist wholly of non-Academy proposals, the proposals require consideration under paragraph 8.
 - (3) If proposals under section 7 include both Academy proposals and non-Academy proposals, the non-Academy proposals do not require consideration under paragraph 8 unless and until paragraph 7A(5) or (6) applies."
 - (8) In paragraph 6 (proposals under section 7, 10 or 11 requiring consideration under paragraph 8), omit "7,".

- (9) After paragraph 7 insert—
 - "7A(1) This paragraph applies where proposals under section 7 consist of or include Academy proposals.
 - (2) The Secretary of State must decide whether to enter into Academy arrangements as a result of any of the Academy proposals.
 - (3) The Secretary of State must notify the relevant authority of a decision under sub-paragraph (2).
 - (4) Sub-paragraphs (5) and (6) apply where the proposals under section 7 include non-Academy proposals.
 - (5) If the Secretary of State decides not to enter into Academy arrangements as a result of any of the Academy proposals, the non-Academy proposals require consideration under paragraph 8.
 - (6) In any other case, the Secretary of State may direct that all or any of the non-Academy proposals require consideration under paragraph 8."
- (10) Omit the heading before paragraph 8.
- (11) In paragraph 9 (consideration of proposals that are related to other proposals), for sub-paragraph (2) substitute—
 - "(2) Where proposals within sub-paragraph (2A) appear to the relevant authority to be related to other proposals within that sub-paragraph that have not yet been determined, the authority must consider the proposals together.
 - (2A) The proposals within this sub-paragraph are—
 - (a) proposals under section 7 that require consideration by the authority under paragraph 8;
 - (b) proposals under section 10, 11 or 15."
- (12) In paragraph 10(1) (duty to refer to adjudicator certain proposals made by or involving relevant authority), for paragraph (a) substitute—
 - "(a) all the proposals published under section 7 in response to a notice under that section and which—
 - (i) would otherwise require consideration by the authority under paragraph 8, and
 - (ii) consist of or include proposals which relate to the establishment of a foundation school with a foundation falling within sub-paragraph (2);".
- (13) In paragraph 12 (duty to refer proposals to adjudicator in pursuance of direction of Secretary of State)—
 - (a) in sub-paragraph (1)(a)—
 - (i) after "section 7" insert " and which require consideration under paragraph 8";
 - (ii) after "determined by the authority" insert "under that paragraph";
 - (b) in sub-paragraph (1)(b), after "that section" insert " and which require consideration under paragraph 8, ";
 - (c) omit sub-paragraphs (2) and (3).

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- (14) In paragraph 13 (duty to refer proposals to adjudicator where determination delayed), in paragraph (a), after "section 7" insert " and which require consideration under paragraph 8".
- (15) Omit paragraph 18 and the heading before it (consultation in respect of proposals to establish Academy).
- (16) In paragraph 19(4) (determination whether or not to implement proposals under section 15 not requiring consideration under paragraph 8)—
 - (a) after paragraph (a) insert—
 - "(aa) proposals published under section 7 that require consideration under paragraph 8 and are not yet determined,";
 - (b) in paragraph (b), omit "7,".
- (17) Omit paragraph 27 (proposals relating to Academy: implementation).

Commencement Information

II Sch. 11 para. 10 in force at 1.2.2012 by S.I. 2012/84, art. 3 (with art. 4)

Changes to legislation:

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