SCHEDULE 5   Regulation 27

SCHOOLS SITUATED OUTSIDE THE AREA OF THE
LOCAL EDUCATION AUTHORITY WHO MAINTAIN THEM

1. In relation a community, voluntary or foundation school which is situated in an area other than that of the local education authority who maintain it, Parts II and III of Schedule 7 shall have effect with the modifications specified below.

2. Paragraphs 17 and 25 of Schedule 7 shall have effect as if at the end there were added "and to the school organisation committee for the area of the local education authority in which the school is situated".

3. Paragraph 35 of Schedule 7 shall have effect as if —

(a) for sub-paragraph (1) there were substituted the following sub-paragraph —

"(1) The school organisation committee ("committee A") shall consider the proposals and shall, after seeking and, unless the school organisation committee for the area of the local education authority in which the school is situated ("committee B") have failed to reach a decision as to what recommendation to give, obtaining the recommendation of committee B —

   (a) reject the proposals;

   (b) approve them without modification; or

   (c) approve them subject to modifications

   (d) if committee A think it appropriate to do so and if–

      (i) they have voted on the proposal, but

      (ii) at least two groups of members (within the meaning of the Education (School Organisation Committees)(England) Regulations 1999) did not vote because they had declared an interest in the proposals in question

   refer the proposals to the adjudicator;"

(b) in sub-paragraph (2) for "a school organisation committee" there were substituted "committee A";

(c) after sub-paragraph (4) there were inserted the following sub-paragraphs —

"(4A) Where under sub-paragraph (1) the recommendation of committee B is sought, that committee, in deciding what recommendation to give, shall have regard to—

   (a) any guidance given from time to time by the Secretary of State; and

   (b) the school organisation plan for the committee's area.

(4B) Where —

   (a) under sub-paragraph (1) the recommendation of committee B is sought;

   (b) the decision on what recommendation to give to committee A is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998; and

   (c) committee B have failed to reach a decision on what recommendation to give,

committee B shall inform committee A of that fact.;"

(d) for sub-paragraph (5) there were substituted the following sub-paragraph —

"(5) Committee A shall refer proposals to the adjudicator if —

   (a) the committee votes on a decision in relation to the proposals and;

        (i) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998, but

        (ii) the result of the vote is not unanimous;

    (b) the committee vote not to accept the recommendation of committee B; or

    (c) the committee have been informed by committee B under sub-paragraph (4B) that committee B is unable to reach a decision on what recommendation to give.;"

  (e) after sub-paragraph (6) there were inserted the following sub-paragraph —

    "(6A) Sub-paragraph (6) shall not apply to committee B.; and"

  (f) for sub-paragraph (7) there were substituted the following sub-paragraph—

    "(7) Where any proposals are referred to the adjudicator—

    (a) he shall consider the matter afresh;

    (b) he shall—

        (i) reject the proposals,

        (ii) approve them without modification, or

        (iii) approve them subject to modifications after consulting the Council, the local education authority who maintain the school and the governing body of the school;

    (c) sub-paragraph (4) shall apply to the adjudicator as it applies to committee A; and

    (d) in considering proposals the adjudicator shall have regard to–

        (i) any guidance given from time to time by the Secretary of State,

        (ii) the school organisation plans for the areas of committee A and committee B, and

        (iii) any objections or comments made in accordance with paragraph 34 and not withdrawn.".