

SCHEDULE 1

Regulation 7

MODIFICATION OF PART 2 OF THESE REGULATIONS WHERE SCHOOLS ESTABLISHED OUTSIDE AREA OF RELEVANT LEA

Part 1

Proposals published under section 66 of EA 2005 where school is to be established in area other than that of local education authority that published the notice

1. In relation to proposals published under section 66 of EA 2005 which relate to a school proposed to be situated in an area other than that of the local education authority who published the notice under section 66 of EA 2005, Part 2 of these Regulations has effect in accordance with the following modifications.

2. After regulation 3 (9) insert—

“(10) Where the notice published by the local education authority pursuant to section 66 (1) of EA 2005 specifies that the proposed school is to be situated in an area other than their own (“notice specific cases”), the local education authority (“Local Education Authority A”) must send complete copies of all published proposals that have not been withdrawn to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).

(11) Where the notice published by the authority pursuant to section 66 (1) of EA 2005 does not specify that the proposed school is to be situated in an area other than their own, but a proposer includes this in his proposals (“non-notice specific cases”), the local education authority (“Local Education Authority A”) must send a copy of the proposals published by that proposer only, to the local education authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

3. After regulation 4 (4) insert—

“(5) Local Education Authority A—

(a) in notice specific cases, must send copies of all objections and comments received together with the proposals it sends in accordance with regulation 3 (10) to Local Education Authority B within 1 week of the expiry of the representation period as prescribed by the regulations referred to in regulation 4, or by 1st June 2007, as applicable; and

(b) in non-notice specific cases, must send copies of any objections and comments received in respect only of the proposals sent by the authority under regulation 3 (11) to Local Education Authority B within 1 week of the end of the representation period as prescribed by the regulations referred to in regulation 4, or by 1st June 2007 as applicable.”

4. For regulation 7 (3) substitute the following—

“(3) Local Education Authority A, after seeking and, unless Local Education Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B, may—

(a) reject all the proposals;

(b) approve any of the proposals without modification; or

(c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. For regulation 10 substitute the following—

“10. If within 2 months from the end of the period in which proposals, objections and comments must be forwarded to the relevant authority as provided by regulations 3(6) and 3 (7) as applicable, Local Education Authority A have failed to make a decision, they must refer all the proposals together with any objections or comments received to the adjudicator.

Part 2

Proposals published under section 28, 28A or 31 of SSFA 1998 where school is to be established in area other than that of local education authority who it is proposed should maintain the school

6. In relation to proposals published under section 28,28A or 31 of SSFA 1998 which relate to a school proposed to be situated in an area other than that of the authority who it is proposed should maintain the school, Part 2 of these Regulations has effect with the following modifications.

7. After regulation 3 (9) insert—

“(10) Where the proposed school is to be situated in an area other than that of the authority who it is proposed should maintain the school, the authority who it is proposed should maintain the school (“Local Education Authority A”) must send a copy of the proposals to the authority for the area in which it is proposed that the school will be situated (“Local Education Authority B”).”

8. After regulation 4 (4) insert—

“(5) Local Education Authority A must send copies of all objections and comments received together with the proposals it sends in accordance with regulation 3 (10) to Local Education Authority B within 1 week of the expiry of the period in which objections or comments may be made as prescribed by the regulations referred to in regulation 4 or within 1 week of 25th May 2007 as applicable.”

9. For regulation 7 (4) substitute the following—

“(4) Local Education Authority A, after seeking and, unless Local Education Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B may—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”

10. For regulation 10 substitute the following—

“10. If within 2 months from the end of the period in which proposals, objections and comments must be forwarded to the relevant authority as provided by regulations 3(6) and 3 (7) as applicable, Local Education Authority A have failed to make a decision, they must refer all the proposals together with all and any objections or comments received to the adjudicator.”