



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER III

GENERAL

59 Reorganisations, affecting provision for further education, of schools

- (1) This subsection applies where—
 - (a) the governors of a school maintained by a local education authority as a voluntary school intend to discontinue the school, and
 - (b) the intention arises in connection with a proposal by a council, or by the Secretary of State, for the establishment under section 16 of this Act of a further education corporation to conduct an educational institution in the same area.
- (2) Where subsection (1) above applies—
 - (a) section 14 of the Education Act 1944 (restrictions on discontinuance) shall not apply,
 - (b) section 13 of the Education Act 1980 (establishment and alteration of voluntary schools) and, so far as relating to that section, section 16(1) to (3B) of that Act, shall apply as they would apply if the intention were to make a significant change in the character of the school, and
 - (c) if the school is discontinued the duty of the local education authority to maintain the school as a voluntary school shall be extinguished.
- (3) Where—
 - (a) a local education authority intend to cease to maintain any county school or (except as provided by section 14 of the Education Act 1944) voluntary school or to make any significant change in the character of a county school, or

Status: This is the original version (as it was originally enacted).

- (b) the governors of a school maintained by a local education authority as a voluntary school intend to discontinue the school or to make any significant change in the character of the school,

and ceasing to maintain or discontinuing the school, or the change, will affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years, they shall, before they publish notice of their proposals in pursuance of section 12 or 13 of the Education Act 1980 or serve notice under section 14 of the Education Act 1944, consult the appropriate council.

- (4) In subsection (3) above, references to any significant change in the character of a school include a significant enlargement of its premises.

- (5) Where—

- (a) a local education authority propose to make any change in any arrangements for any special school as to the pupils for whom provision is made or the special educational provision made for them or propose to cease to maintain any special school, and

- (b) the change, or ceasing to maintain the school, will affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years,

they shall, before they give written notice of the proposed change to the Secretary of State in pursuance of regulations under section 12 of the Education Act 1981 (approval of special schools) or serve notice of their proposals under section 14 of that Act (discontinuance of maintained special school), consult the appropriate council.