



Education Act 1993

1993 CHAPTER 35

PART VI

MISCELLANEOUS

Establishment, alteration etc. of maintained schools

229 Proposals for establishment, etc. of schools by local education authority

- (1) In section 12 of the Education Act 1980 (establishment and alteration of county schools) in subsection (1), after “county school” in paragraph (d) there is inserted “or to transfer a county school to a new site in the area” and, after that subsection, there is inserted—

“(1A) Before publishing the proposals the local education authority shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection, the authority shall have regard to any guidance given from time to time by the Secretary of State.

(1B) The Secretary of State shall publish any guidance given by him for the purposes of subsection (1A) above in such manner as he thinks fit.”

- (2) In subsection (3) of that section—
- (a) “voluntary” is omitted, and
 - (b) after “affected by the proposals” there is inserted “by the appropriate further education funding council (if the proposals affect the provision of education to which section 2(1) of the Further and Higher Education Act 1992 applies)”.
- (3) Where—
- (a) an order under section 12 of this Act applies to the area of a local education authority, and
 - (b) the authority publish proposals under section 12 of that Act which affect the provision of relevant education in the area,

Status: This is the original version (as it was originally enacted).

the funding authority shall be included among the persons who may submit objections to the proposals.

230 Proposals for establishment, etc. of voluntary schools by promoters, etc

- (1) In section 13 of the Education Act 1980 (establishment and alteration of voluntary schools) in subsection (1), after “the school” in paragraph (b) there is inserted “or to transfer the school to a new site” and, after subsection (1A), there is inserted—

“(1B) Before publishing any proposals under this section, the persons concerned shall—

- (a) in the case of proposals under subsection (1)(a) above, consult the local education authority, and
- (b) in the case of proposals under subsection (1)(a) or (b) above, consult such other persons as appear to them to be appropriate;

and in discharging their duty under this subsection, they shall have regard to any guidance given from time to time by the Secretary of State.

(1C) The Secretary of State shall publish any guidance given by him for the purposes of subsection (1B) above in such manner as he thinks fit.”

- (2) In subsection (3) of that section—

- (a) “voluntary” is omitted, and
- (b) after “affected by the proposals” there is inserted “by the appropriate further education funding council (if the proposals affect the provision of education to which section 2(1) of the Further and Higher Education Act 1992 applies)”.

- (3) After subsection (3) of that section there is inserted—

“(3A) Where the proposals are to transfer a school to a site in a different area, objections under subsection (3) above to the proposals may also be made by any ten or more local government electors for that area.”

- (4) In subsection (6) of that section, after “below” there is inserted—

- “(a) in the case of any proposals approved by the Secretary of State to transfer a controlled school to a new site, it shall be the duty of the local education authority to implement the proposals (and any associated proposals for a change in the character of the school) so far as they involve the provision of premises or the removal or provision of equipment, and
- (b) in any other case”.

- (5) At the end of that section there is added—

“(8) Where proposals under this section for the transfer of a school to a site in a different area are approved—

- (a) in the case of any voluntary school—
 - (i) the references in subsection (6) above to the local education authority are to the authority for the new area, and
 - (ii) upon the transfer the duty to maintain the school shall transfer to that authority, and

- (b) in the case of any controlled school, the First Schedule to the Education Act 1946 (provision of premises by maintaining authority)

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

shall apply as if the duty to maintain the school had been transferred to the local education authority for the new area.”

(6) Where—

- (a) an order under section 12 of this Act applies to the area of a local education authority, and
- (b) any persons publish proposals under section 13 of that Act which affect the provision of relevant education in the area,

the funding authority shall be included among the persons who may submit objections to the proposals.