

Status: Point in time view as at 01/04/1994.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1993 (repealed), Cross Heading: Powers to establish, maintain and alter schools. (See end of Document for details)

SCHEDULES

SCHEDULE 2

DISTRIBUTION OF FUNCTIONS WHERE ORDER MADE UNDER SECTION 12

PART III

FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT SCHOOL PLACES IS TRANSFERRED

Powers to establish, maintain and alter schools

- 7 (1) The local education authority may not exercise the power under section 9 of that Act to establish any school, or to begin to maintain as a county school any school which is not such a school, (in both cases referred to in this paragraph as “the school in question”) unless—
- (a) under section 14 of the Education Act 1944 or section 12 of the ^{M1}Education Act 1980 their duty to maintain one or more other schools ceases, and
 - (b) the school in question is intended to provide education for pupils in the area which was served by the other school or (as the case may be) the other schools.
- (2) This paragraph does not apply—
- (a) to special schools,
 - (b) to nursery schools,
 - (c) where relevant education is only primary education, if the school in question is or will be a secondary school which also provides primary education, or
 - (d) where relevant education is only secondary education, if the school in question is or will be a primary school which also provides secondary education.

Marginal Citations

M1 1980 c. 20.

- 8 (1) No proposals in respect of any school (referred to in this paragraph as “the school in question”) published under section 13(1)(a) of the ^{M2}Education Act 1980 (proposal that existing or proposed school should be maintained as a voluntary school) may be implemented unless—

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- (a) under section 14 of the ^{M3}Education Act 1944 or section 12 of the Education Act 1980 the duty of the local education authority to maintain one or more other schools ceases, and
 - (b) the school in question is intended to provide education for pupils in the area which was served by the other school or (as the case may be) the other schools.
- (2) This paragraph does not apply—
- (a) where relevant education is only primary education, if the school in question is or will be a secondary school which also provides primary education, or
 - (b) where relevant education is only secondary education, if the school in question is or will be a primary school which also provides secondary education.

Marginal Citations

M2 1980 c. 20.

M3 1944 c. 31.

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