



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

### CHAPTER II

#### ESTABLISHMENT, ALTERATION OR DISCONTINUANCE OF SCHOOLS

#### *Mainstream schools maintained by LEAs*

#### **[<sup>F1</sup>28A Proposals for establishment of community, foundation or voluntary school maintained by English LEA**

- (1) A local education authority in England may with the consent of the Secretary of State publish under this section their proposals to establish (otherwise than pursuant to a notice under section 66 of the Education Act 2005) a new community or foundation school.
- (2) Any persons (referred to in this Part as “promoters”) may with the consent of the Secretary of State publish under this section their proposals to establish (otherwise than pursuant to a notice under section 66 of the Education Act 2005) a new foundation or voluntary school which is proposed to be maintained by a local education authority in England.
- (3) Proposals under this section must be proposals for a secondary school; and for this purpose “secondary school” includes a middle school as respects which the relevant upper age is at least 16 years, but does not include a school which provides education suitable only to the requirements of persons above compulsory school age.
- (4) Proposals under this section shall—

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*Status: Point in time view as at 01/08/2006. This version of this provision has been superseded.*

*Changes to legislation: School Standards and Framework Act 1998, Section 28A is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (a) contain such information, and
  - (b) be published in such manner,
- as may be prescribed.
- (5) Before publishing any proposals under this section, the relevant authority or promoters shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the relevant authority or promoters shall have regard to any guidance given from time to time by the Secretary of State.
- (6) The relevant authority or promoters shall send—
- (a) a copy of any proposals published under this section, and
  - (b) such information in connection with those proposals as may be prescribed,
- to the school organisation committee for the area of the local education authority who it is proposed should maintain the school.
- (7) Schedule 6 has effect in relation to—
- (a) the procedure for dealing with proposals under this section and their implementation, and
  - (b) the provision of premises or other assistance in connection with their implementation.
- (8) Where any proposals published under this section relate to a school which is proposed to be situated in an area other than that of the local education authority who it is proposed should maintain the school, the provisions of subsection (6) and Schedule 6 shall have effect in relation to the proposals with such modifications as may be prescribed.
- (9) In this section “the relevant authority or promoters” means the local education authority mentioned in subsection (1) or the promoters mentioned in subsection (2) (as the case may be).]

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**Textual Amendments**

- F1** S. 28A inserted (1.8.2006 for specified purposes, 1.9.2006 in so far as not already in force) by Education Act 2005 (c. 18), ss. 65, 125(4); S.I. 2006/2129, arts. 3, 4 (with art. 6)

**Status:**

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