

Status: Point in time view as at 19/06/2009.

Changes to legislation: Learning and Skills Act 2000, Paragraph 35 is up to date with all changes known to be in force on or before 29 May 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)

SCHEDULES

^{F1}SCHEDULE 7

[^{F1}SIXTH FORMS REQUIRING SIGNIFICANT IMPROVEMENT]

Textual Amendments

- F1** Sch. 7 heading substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 3\(2\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

^{F1}PART III

IMPLEMENTATION OF PROPOSALS

England

- 35 [^{F1}(1) The local education authority must consider the proposals and, subject to subsection (2), may —
- (a) reject them,
 - (b) approve them without modification,
 - (c) approve them subject to modifications.
- [^{F2}(d) if the committee think it appropriate to do so, and subject to regulations, refer them to the adjudicator]
- (1A) The authority—
- (a) may, if they think it appropriate to do so and subject to regulations, refer the proposals to the adjudicator, and
 - (b) must do so in prescribed cases.]
- (2) In considering proposals a [^{F3}local education authority] shall have regard to—
- (a) any guidance issued by the Secretary of State,
 - ^{F4}(b)
 - (c) any objections [^{F5}or comments]made in accordance with paragraph 34 and not withdrawn.
- (3) Before approving proposals subject to modifications a [^{F6}local education authority] shall consult such persons as may be prescribed.
- (4) An approval under sub-paragraph (1)(b) or (c) may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind; and if the event does not occur by the specified time, the proposals shall [^{F7}fall to be considered afresh under sub-paragraph (1)].
- ^{F8}(5)

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- ^{F8}(6)
- ^{F9}(7) Where proposals are referred to the adjudicator—
- (a) he shall consider them afresh, and
- (b) for that purpose, [^{F9}sub-paragraphs (1)(a) to (c) and (2) to (4)] shall apply to him as they apply to the [^{F10} local education authority].
- (8) The Council may withdraw proposals by notice in writing to the [^{F11}local education authority] at any time before a determination has been made by [^{F12}the authority] or the adjudicator.

Textual Amendments

- F1** Sch. 7 para. 35(1)(1A) substituted for Sch. 7 para. 35(1) (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 43\(2\)](#); S.I. 2007/935, art. 7(o)
- F2** Sch. 7 para. 35(1)(d) inserted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 10 para. 13(2) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1 S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F3** Words in Sch. 7 para. 35(2) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 43\(3\)](#); S.I. 2007/935, art. 7(o)
- F4** Sch. 7 para. 35(2)(b) repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); S.I. 2005/394, art. 2(1)(I); S.I. 2006/885, art. 3(b)
- F5** Words in Sch. 7 para. 35(2)(c) inserted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 13\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F6** Words in Sch. 7 para. 35(3) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 43\(3\)](#); S.I. 2007/935, art. 7(o)
- F7** Words in Sch. 7 para. 35(4) substituted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 13\(4\)](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F8** Sch. 7 para. 35(5)(6) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 3 para. 43(4), [Sch. 18 Pt. 3](#); S.I. 2007/935, art. 7(o)(q)
- F9** Words in Sch. 7 para. 35(7) substituted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 13\(5\)](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F10** Words in Sch. 7 para. 35(7)(b) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 43\(5\)](#); S.I. 2007/935, art. 7(o)
- F11** Words in Sch. 7 para. 35(8) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 43\(6\)\(a\)](#); S.I. 2007/935, art. 7(o)
- F12** Words in Sch. 7 para. 35(8) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 43\(6\)\(b\)](#); S.I. 2007/935, art. 7(o)

Modifications etc. (not altering text)

- C1** Sch. 7 para. 35 applied (with modifications) (1.4.2003) by [The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003 \(S.I. 2003/507\)](#), regs. 1, 27, [Sch. 5 para. 3](#)

Commencement Information

- I1** Sch. 7 para. 35 wholly in force at 1.4.2002; Sch. 7 para. 35 not in force at Royal Assent see s. 154; Sch. 7 para. 35 in force (E.) for the purpose of authorising the making of Regulations at 1.10.2000 by S.I. 2000/2559, art. 2(1), [Sch. Pt. I](#); Sch. 7 para. 35 wholly in force for E. at 1.4.2001 by S.I. 2001/654, art. 2, [Sch. Pt. II](#); Sch. 7 para. 35 in force for W. at 1.4.2002 by S.I. 2001/2705, art. 2, [Sch. Pt. I](#)

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