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Changes to legislation: Education Act 2002, SCHEDULE 10 is up to date with all changes known to be in force on or before 18 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

SCHEDULE 10

Section 75

ESTABLISHMENT ETC OF SCHOOLS: PROCEDURAL CHANGES

Proposals for establishment, alteration and discontinuance of schools

- 1 Schedule 6 to the School Standards and Framework Act 1998 (c. 31) (procedure and implementation of statutory proposals) has effect subject to the following amendments.

Commencement Information

- I1** Sch. 10 para. 1 partly in force; Sch. 10 para. 1 not in force at Royal Assent, see s. 216; Sch. 10 para. 1 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)
- I2** Sch. 10 para. 1 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

- 2 (1) Paragraph 2 (objections) is amended as follows.
- (2) In sub-paragraph (1), after “objections to” there is inserted “, or comments on, ”.
- (3) In sub-paragraph (2)—
- (a) in paragraph (a)—
- (i) after “objections” there is inserted “ or comments ”, and
- (ii) for “the objection period” there is substituted “the representation period”, and
- (b) in paragraph (b)—
- (i) after “objections” there is inserted “ or comments ”, and
- (ii) for “the objection period” there is substituted “ the representation period ”.
- (4) In sub-paragraph (3), after “objections” there is inserted “ or comments ”.

Commencement Information

- I3** Sch. 10 para. 2 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#) (with [art. 5](#))
- I4** [Sch. 10 para. 2](#) in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

- 3 (1) Paragraph 3 (approval of proposals) is amended as follows.
- (2) In sub-paragraph (1)(a)(i), for “objection period” there is substituted “ representation period ”.
- (3) In sub-paragraph (2), at the end there is inserted “or
- (d) if the committee think it appropriate to do so, and subject to regulations, refer them to the adjudicator.”

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(4) After sub-paragraph (6) there is inserted—

“(6A) Where the committee reject proposals published by promoters for the establishment of a new foundation or voluntary school, the committee shall, if the promoters so request, refer the proposals to the adjudicator.

(6B) Sub-paragraph (6A) does not apply in relation to proposals published—

- (a) by the Diocesan Board of Education for a diocese of the Church of England, or
- (b) by or on behalf of the Bishop and Trustees of a diocese of the Roman Catholic Church.

(6C) Where the committee reject proposals to make an alteration to a school which are published by the governing body of the school under section 28, and—

- (a) the school is of a prescribed description, and
- (b) the alteration is of a prescribed description,

the committee shall refer the proposals to the adjudicator if the governing body so request.”

(5) In sub-paragraph (7)—

- (a) for “sub-paragraph (5) or (6)” there is substituted “ this paragraph ”, and
- (b) after “sub-paragraphs (2) to (4)” there is inserted “ (other than sub-paragraph (2)(d)) ”.

Commencement Information

- I5** Sch. 10 para. 3 in force at 1.6.2003 except in relation to W. by S.I. 2003/1115, **art. 3** (with **art. 5**)
- I6** Sch. 10 para. 3 in force at 2.1.2008 for W. by S.I. 2007/3611, **art. 4(1)**, **Sch. Pt. 1**

4 (1) Paragraph 4 (determination by LEA whether to implement proposals) is amended as follows.

(2) In sub-paragraph (1)(b), for “objection period” there is substituted “ representation period ”.

(3) After sub-paragraph (4) there is inserted—

“(4A) The authority may, if they think it appropriate to do so and subject to regulations, refer to the relevant committee any proposals which would otherwise fall to be determined by the authority under this paragraph.”

(4) In sub-paragraph (5), after paragraph (b) there is inserted “or

- (c) the authority refer the proposals to the relevant committee.”.

Commencement Information

- I7** Sch. 10 para. 4 in force at 1.6.2003 except in relation to W. by S.I. 2003/1115, **art. 3** (with **art. 5**)
- I8** Sch. 10 para. 4 in force at 2.1.2008 for W. by S.I. 2007/3611, **art. 4(1)**, **Sch. Pt. 1**

5 (1) Paragraph 5 (requirement to implement proposals) is amended as follows.

(2) After sub-paragraph (6) there is inserted—

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“(6A) The committee may, if they think it appropriate to do so and subject to regulations, refer to the adjudicator any matter which would otherwise fall to be determined by the committee under this paragraph.”

(3) In sub-paragraph (7), for “sub-paragraph (5) or (6)” there is substituted “ this paragraph ”.

(4) In sub-paragraph (9), the words “or (8)” shall cease to have effect.

(5) After that sub-paragraph there is inserted—

“(10) Where, by virtue of sub-paragraph (8), sub-paragraph (1) ceases to apply to any proposals approved by the relevant committee under paragraph 3, those proposals shall be regarded as requiring fresh approval under that paragraph.

(11) Where, by virtue of sub-paragraph (8), sub-paragraph (1) ceases to apply to any proposals approved by the adjudicator under paragraph 3, those proposals fall to be considered afresh by him under that paragraph (and sub-paragraph (7) of that paragraph shall accordingly apply).”

Commencement Information

I9 Sch. 10 para. 5 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

I10 [Sch. 10 para. 5](#) in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

6 (1) Paragraph 10 (requirement to implement proposals in Wales) is amended as follows.

(2) In sub-paragraph (6), the words “or (5)” shall cease to have effect.

(3) After that sub-paragraph there is inserted—

“(7) Where, by virtue of sub-paragraph (5), sub-paragraph (1) ceases to apply to any proposals, those proposals shall be regarded as requiring fresh approval under paragraph 8.”

Commencement Information

I11 Sch. 10 para. 6 partly in force; Sch. 10 para. 6 not in force at Royal Assent, see s. 216; Sch. 10 para. 6 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)

I12 Sch. 10 para. 6 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), [art. 4](#)

Proposals for rationalisation of school places

7 Schedule 7 to the School Standards and Framework Act 1998 (c. 31) (procedure on proposals for rationalisation of school places) has effect subject to the following amendments.

Commencement Information

I13 Sch. 10 para. 7 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), [art. 3](#)

I14 [Sch. 10 para. 7](#) in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

8 In paragraph 7 (objections)—

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- (a) in sub-paragraph (1), after “objections to” there is inserted “, or comments on,”, and
- (b) in sub-paragraph (2), after “Objections” there is inserted “ or comments ”.

Commencement Information

- I15** Sch. 10 para. 8 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), **art. 3** (with **art. 5**)
I16 [Sch. 10 para. 8](#) in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1)**, **Sch. Pt. 1**

- 9 (1) Paragraph 8 (approval of proposals) is amended as follows.
- (2) In sub-paragraph (2), after “must” there is inserted “ (subject to sub-paragraph (2A)) ”.
- (3) After that sub-paragraph there is inserted—
- “(2A) The committee may, if they think it appropriate to do so and subject to regulations, refer to the adjudicator any proposals which would otherwise fall to be dealt with by them under sub-paragraph (2).”
- (4) In sub-paragraph (7), for “sub-paragraph (5) or (6)”, in both places, there is substituted “ this paragraph ”.

Commencement Information

- I17** Sch. 10 para. 9 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), **art. 3**
I18 [Sch. 10 para. 9](#) in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1)**, **Sch. Pt. 1**

- 10 In paragraph 9 (local inquiry), in sub-paragraph (1)—
- (a) for “paragraph 8(5) or (6)” there is substituted “ paragraph 8 ”, and
 - (b) in paragraph (c), after “objections” (in both places) there is inserted “ or comments ”.

Commencement Information

- I19** Sch. 10 para. 10 in force at 1.6.2003 except in relation to W. by [S.I. 2003/1115](#), **art. 3** (with **art. 5**)
I20 [Sch. 10 para. 10](#) in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1)**, **Sch. Pt. 1**

Proposals in relation to sixth forms

- 11 Schedule 7 to the Learning and Skills Act 2000 (c. 21) (procedure on proposals in relation to inadequate sixth forms) has effect subject to the following amendments.

Commencement Information

- I21** Sch. 10 para. 11 partly in force; Sch. 10 para. 11 not in force at Royal Assent, see s. 216; Sch. 10 para. 11 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4**, **Sch. Pt. 1**
I22 Sch. 10 para. 11 in force at 1.4.2003 except in relation to W. by [S.I. 2003/124](#), **art. 4**

- 12 In paragraph 34, after “objections to” there is inserted “, or comments on,”.

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Commencement Information

I23 Sch. 10 para. 12 in force at 1.4.2003 except in relation to W. by S.I. 2003/124, art. 4

I24 Sch. 10 para. 12 in force at 2.1.2008 for W. by S.I. 2007/3611, art. 4(1), Sch. Pt. 1

- 13 (1) Paragraph 35 (consideration of proposals by school organisation committee) is amended as follows.
- (2) In sub-paragraph (1), at the end there is inserted “or
- (d) if the committee think it appropriate to do so, and subject to regulations, refer them to the adjudicator.”
- (3) In sub-paragraph (2)(c), after “objections” there is inserted “ or comments ”.
- (4) In sub-paragraph (4), for “be treated as being rejected at that time” there is substituted “ fall to be considered afresh under sub-paragraph (1) ”.
- (5) In sub-paragraph (7), for “sub-paragraphs (1) to (4)” there is substituted “ sub-paragraphs (1)(a) to (c) and (2) to (4) ”.

Commencement Information

I25 Sch. 10 para. 13 in force at 1.4.2003 except in relation to W. by S.I. 2003/124, art. 4

I26 Sch. 10 para. 13 in force at 2.1.2008 for W. by S.I. 2007/3611, art. 4(1), Sch. Pt. 1

- 14 In paragraph 37 (referral of questions to adjudicator), after sub-paragraph (2) there is inserted—
- “(2A) A committee may, where they think it appropriate to do so and subject to regulations, refer to the adjudicator the question mentioned in sub-paragraph (1).”

Commencement Information

I27 Sch. 10 para. 14 in force at 1.4.2003 except in relation to W. by S.I. 2003/124, art. 4

I28 Sch. 10 para. 14 in force at 2.1.2008 for W. by S.I. 2007/3611, art. 4(1), Sch. Pt. 1

- 15 In paragraph 42 (consideration of proposals in Wales), in sub-paragraph (4), for “be treated as being rejected at that time” there is substituted “ fall to be considered afresh under sub-paragraph (1) ”.

Commencement Information

I29 Sch. 10 para. 15 partly in force; Sch. 10 para. 15 not in force at Royal Assent, see s. 216; Sch. 10 para. 15 in force for W. at 19.12.2002 by S.I. 2002/3185, art. 4, Sch. Pt. I

I30 Sch. 10 para. 15 in force at 1.4.2003 except in relation to W. by S.I. 2003/124, art. 4

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