

*These notes refer to the Education Act 2005 (c.18)
which received Royal Assent on 7 April 2005*

EDUCATION ACT 2005

EXPLANATORY NOTES

COMMENTARY

Part 2: School Organisation

Section 65: Publication of proposals with consent of Secretary of State

143. This section inserts new section 28A into SSFA 1998 to provide for the publication of statutory proposals for new secondary schools (including middle schools catering for pupils up to at least the age of 16) by local education authorities and other persons (“promoters”) with the consent of the Secretary of State. The principal provisions of the new section are as follows:
- i) *subsections (4) and (5)* provide for regulations to prescribe the information the proposals must contain and how they must be published, and that local education authorities and promoters must consult before publishing proposals, having regard to any guidance the Secretary of State may give;
 - ii) *subsection (6)* provides that those bringing forward proposals shall send to the local school organisation committee a copy of the proposals and any other information that may be prescribed in regulations;
 - iii) *subsection (7)* provides that Schedule 6 to SSFA 1998 has effect in relation to the procedures for dealing with the proposals and the provision of premises or other assistance in connection with their implementation (as for other proposals); and
 - iv) *subsection (8)* provides for regulations to make any necessary modifications to the arrangements for dealing with proposals where the school is to be situated in an area other than that of the local education authority who are to maintain the school.