

*Status: Point in time view as at 01/09/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Paragraph 10. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 10

#### PROPOSALS UNDER SECTION 66 FOR ESTABLISHMENT OF SECONDARY SCHOOLS: SUPPLEMENTARY

##### Modifications etc. (not altering text)

- C1 [Sch. 10](#) modified (1.9.2006) by The Education (New Secondary School Proposals) (England) Regulations 2006, (S.I. 2006/2139), {reg. 24}, Sch. 3
- C1 [Sch. 10](#) applied (1.9.2006) by 1996 c. 56, s. 529(2) (as amended by [Education Act 2005 \(c. 18\)](#), ss. 72, 125, [Sch. 12 para. 2](#)); S.I. 2006/2129, [art. 4](#)

#### PART 4

##### IMPLEMENTATION OF PROPOSALS

##### Modifications etc. (not altering text)

- C1 [Sch. 10](#) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 30, 184, 188, [Sch. 3 para. 53](#), [Sch. 18 Pt. 3](#); S.I. 2007/935, [art. 7\(g\)\(o\)\(q\)](#)

##### *Requirement to implement proposal to establish maintained school*

- 10 (1) Where—
- (a) any proposals to establish a community, foundation or voluntary school have been approved under paragraph 4, or
  - (b) a local education authority have determined under paragraph 9 to implement any such proposals,
- then (subject to the following provisions of this paragraph) the proposals must be implemented, in the form in which they were so approved or determined, in accordance with this Part of this Schedule.
- (2) At the request of any prescribed person, the school organisation committee—
- (a) may modify the proposals after consulting such persons as may be prescribed, and
  - (b) where any approval was given in accordance with paragraph 4(5), may specify a later date by which the event in question must occur.
- (3) If, after consulting such persons as may be prescribed, the school organisation committee are satisfied—
- (a) that implementation of the proposals would be unreasonably difficult, or

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- (b) that circumstances have so altered since approval was given under paragraph 4 that implementation of the proposals would be inappropriate, the committee may determine that sub-paragraph (1) is to cease to apply to the proposals.
- (4) The committee may only make a determination under sub-paragraph (3) where proposals that they should do so have been published, in accordance with regulations, by the authority or promoters who published the proposals referred to in sub-paragraph (1); and regulations may provide for any of the provisions of Parts 1 and 2 of this Schedule to have effect in relation to any such further proposals with or without modifications.
- (5) The committee—
- (a) 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, and
  - (b) in prescribed cases, must refer to the adjudicator any such matter.
- (6) Where any matter is referred to the adjudicator under this paragraph—
- (a) he must consider the matter afresh, and
  - (b) such of the provisions of sub-paragraphs (2) to (4) above as are relevant shall apply to him in connection with his decision on that matter as they apply to the committee.

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