
Status: Point in time view as at 01/09/2006. This version of this provision has been superseded.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 9. (See end of Document for details)

SCHEDULES

SCHEDULE 11

RATIONALISATION OF SCHOOL PLACES IN ENGLAND

PART 4

PROCEDURE FOR DEALING WITH PROPOSALS UNDER PARAGRAPH 7

Approval of proposals

- 9 (1) Proposals published under paragraph 7 require the approval of the school organisation committee under this paragraph or of the adjudicator under paragraph 11.
- (2) Where the school organisation committee receive a copy of the proposals published under paragraph 7, they must (subject to sub-paragraph (3) and (8)) either—
- (a) approve them without modification, or
 - (b) approve them with such modifications as the committee thinks desirable and to which the Secretary of State consents, or
 - (c) refer them to the adjudicator under sub-paragraph (6) or (7).
- (3) 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) Any approval given under this paragraph may, with the consent of the Secretary of State, be expressed to take effect only if an event specified in the approval occurs by a date so specified; and regulations may prescribe the events that may be so specified.
- (5) When deciding whether or not to give any approval under this paragraph the committee must have regard to any guidance given from time to time by the Secretary of State.
- (6) If—
- (a) by the end of such period as may be specified in or determined in accordance with regulations, the committee have not voted on the question whether to give any approval under this paragraph, and
 - (b) the Secretary of State requests the committee to refer his proposals to the adjudicator,
- the committee must refer the Secretary of State's proposals to the adjudicator.
- (7) If the committee—
- (a) have voted on any matter which (in accordance with regulations under paragraph 5 of Schedule 4 to the 1998 Act) falls to be decided by them

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- under this paragraph by a unanimous decision but have failed to reach such a decision on the matter, or
- (b) have decided not to give any approval under this paragraph,
- the committee must refer the Secretary of State's proposals to the adjudicator.
- (8) The Secretary of State may at any time give a direction to a school organisation committee requiring them to refer to the adjudicator—
- (a) any proposals which have been submitted to the committee under this paragraph but which, at the time when the direction is given, have not been determined by the committee, and
- (b) all subsequent proposals submitted to the committee under this paragraph until the direction is revoked.
- (9) Where a school organisation committee refer any proposals to the adjudicator under sub-paragraph (6), (7) or (8), they must also refer to him any comments of the committee on the proposals.
- (10) Sub-paragraph (1) does not prevent the Secretary of State from withdrawing any proposals published under paragraph 7 by notice in writing given to the school organisation committee at any time before the proposals are determined under this paragraph or paragraph 11.

Status:

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Changes to legislation:

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