



Education Act 2005

2005 CHAPTER 18

PART 2

SCHOOL ORGANISATION

64 Proposals not requiring consent of Secretary of State

- (1) Section 28 of the School Standards and Framework Act 1998 (proposals for establishment or alteration of community, foundation or voluntary school) is amended as follows.
- (2) Omit subsection (1A) and, in subsection (2), the words “(otherwise than pursuant to a notice under section 70 of the Education Act 2002)”.
- (3) After subsection (2) insert—
 - “(2A) Subsections (1)(a) and (2)(a) do not apply to any proposal to establish a secondary school which is to be maintained by a local education authority in England.
 - (2B) For the purposes of subsection (2A), “secondary school” includes a middle school as respects which the relevant upper age is at least 16 years, but does not include a school which provides education suitable only to the requirements of persons above compulsory school age.”
- (4) Omit subsection (4).