

SCHEDULE 1

Regulation 5(1)

PROVISIONS OF SECTION 28 OF, AND SCHEDULE 6 TO THE ACT HAVING EFFECT IN RELATION TO PROPOSALS MENTIONED IN REGULATION 4

The subsections of section 28 of, and the paragraphs in Part I of Schedule 6 to, the Act specified in the left hand column of the table mentioned below shall have effect in relation to proposals such as are mentioned in regulation 4 and, where modifications are specified in the right hand column of the table shall have effect with those modifications.

TABLE

Provision	Modification
Section 28(3)	<p>That subsection shall have effect as if—</p> <ul style="list-style-type: none"> <li data-bbox="810 779 1257 875">(a) for “under this section” there were substituted “under paragraph 3 of Schedule 8”; and</li> <li data-bbox="810 882 1310 978">(b) for paragraph (a) and (b) and the words “as may be prescribed” these were substituted— <ul style="list-style-type: none"> <li data-bbox="938 985 1342 1048">“(a) contain the following information—</li> <li data-bbox="1027 1061 1342 1158">(i) the name of the governing body publishing the proposals,</li> <li data-bbox="1027 1171 1342 1290">(ii) the date on which it is proposed that the change of category should take place,</li> <li data-bbox="1011 1303 1342 1624">(iii) a statement explaining the effect of paragraph 2 of Schedule 6 including the date by which objections should be sent to the relevant school organisation committee and the address of that school organisation committee,</li> <li data-bbox="1011 1637 1342 1794">(iv) a statement that it is proposed to change the category of the school from voluntary aided to voluntary controlled,</li> <li data-bbox="1011 1807 1342 2020">(v) a statement that after the change of category has taken place, the local education authority will be the admission authority for the school; and</li> </ul> </li> </ul>

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	<p>(b) shall be published–</p> <ul style="list-style-type: none"> <li>(i) by being posted in a conspicuous place in the area served by the school,</li> <li>(ii) in at least one newspaper circulating in the area served by the school, and</li> <li>(iii) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.”.</li> </ul>
Section 28(5)	<p>That subsection shall have effect as if for “under this section” there were substituted “under paragraph 3 of Schedule 8”, and for “the relevant body or promoters” in both places where that expression occurs there were substituted “the governing body”.</p>
Section 28(6)	<p>That subsection shall have effect as if–</p> <ul style="list-style-type: none"> <li>(a) for “under this section” there were substituted “under paragraph 3 of Schedule 8”;</li> <li>(b) for “the relevant body or promoters” there were substituted “the governing body”; and</li> <li>(c) for sub-paragraph (b) and the words following that sub-paragraph there were substituted– <ul style="list-style-type: none"> <li>“(b) the information specified in subsection (6A), to the school organisation committee for the area of the local education authority who maintain the school.</li> </ul> </li> </ul> <p>(6A) The information referred to in subsection (6) is–</p> <ul style="list-style-type: none"> <li>(a) the objectives of the proposals;</li> <li>(b) evidence of consultation before the proposals were published including– <ul style="list-style-type: none"> <li>(i) copies of the consultation documents, and</li> <li>(ii) the views and responses from the persons consulted;</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"><li data-bbox="935 383 1343 667">(c) a map showing the location of the school and all other community, voluntary and foundation schools within a radius of 3.218688 kilometres (2 miles), where the school is a primary school and 4.828032 kilometres (3 miles) where the school is a secondary school;</li><li data-bbox="935 678 1343 1328">(d) the following information relating to the school for the school year in which the proposals were published and (except for the information specified in sub-paragraph (iv)), the previous school year—<ul style="list-style-type: none"><li data-bbox="1010 913 1343 981">(i) the standard number for each relevant age group,</li><li data-bbox="1010 992 1343 1059">(ii) the number of year groups,</li><li data-bbox="1010 1070 1343 1137">(iii) the capacity of the school, and</li><li data-bbox="1010 1149 1343 1216">(iv) the number of pupils at the school</li></ul>and a forecast of the matters specified in sub-paragraphs (ii) to (iv) for each of the subsequent five years;</li><li data-bbox="935 1339 1343 1624">(e) a list of all the schools within the radius of the school mentioned in paragraph (c) above stating which schools are maintained by different local education authorities together with the information referred to in paragraph (d) in respect of each such school;</li><li data-bbox="935 1635 1343 1984">(f) the following information relating to the accommodation at the school—<ul style="list-style-type: none"><li data-bbox="1010 1747 1343 1814">(i) the location of the accommodation,</li><li data-bbox="1010 1825 1343 1915">(ii) whether the school occupies a single or split site,</li><li data-bbox="1010 1926 1343 1984">(iii) how accessible the accommodation is,</li></ul></li></ul>

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	<ul style="list-style-type: none"> <li>(iv) details of the general and specialist accommodation (both teaching and non-teaching), and</li> <li>(v) (where relevant) details of accommodation for nursery education;</li> <li>(g) a breakdown of any costs involved in the change of category;</li> <li>(h) details of the policy of the school relating to the education of pupils with special educational needs;</li> <li>(i) a statement as to whether the school has been inspected under section 10 of the School Inspections Act 1996(1) during the period starting three years before the date of the notice of the proposals and, where the school has been inspected during that period, the date of the inspection and details of the outcome of the inspection;</li> <li>(j) details of the tenure (freehold or leasehold) on which the site of the school is held and, if the premises are held on a lease, details of the lease, and</li> <li>(k) details of the trusts on which the site of the school is held.”.</li> </ul>
Section 28(11)(b)	This subsection shall have effect as if paragraph (a) were omitted.
Schedule 6	
Paragraph 1	<p>This paragraph shall have effect as if–</p> <ul style="list-style-type: none"> <li>(a) in sub-paragraph (1) for “section 28, 29 or 31” there were substituted “paragraph 3 of Schedule 8” and the words “or proposed school” were omitted;</li> <li>(b) in sub-paragraph (2) the words “or (in the case of a new school) who it is proposed should maintain the school” were omitted.</li> </ul>
Paragraph 2	This paragraph shall have effect as if–

(1) 1996 c. 57. Subsection (3) of section 10 is amended and subsections (4A) and (4B) inserted by paragraph 6 of Schedule 6 to the Education Act 1997 (c. 44) and the section is prospectively amended by paragraph 191 of Schedule 30 to the Act.

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	<p>(a) in sub-paragraph (1) for “section 28, 29 or 31” there were substituted “paragraph 3 of Schedule 8”;</p> <p>(b) sub-paragraph (2) were omitted; and</p> <p>(c) for sub-paragraph (3) there were substituted—</p> <p>    “(3) Any objections under this paragraph shall be sent to the relevant committee—</p> <p>        (a) within two months after the date of publication of the proposals, except where paragraph (b) of this sub-paragraph applies; and</p> <p>        (b) within one month after the date of publication of the proposals, where the school is one to which section 15 applies.”.</p>
Paragraph 3	<p>This paragraph shall have effect as if—</p> <p>(a) for sub-paragraph (1) there were substituted—</p> <p>    “(1) Proposals published under paragraph 3 of Schedule 8 require approval under this paragraph.”;</p> <p>(b) in sub-paragraph (2)(c) for “such persons or bodies as may be prescribed” there were substituted “the local education authority and the governing body”;</p> <p>(c) for sub-paragraph (3) there were substituted—</p> <p>    “(3) Any approval given under this paragraph may be expressed to take effect only if a scheme relating to any charity connected with the school is made by a date specified in the approval.”;</p> <p>(d) in sub-paragraph (4) the words from “and the committee shall not give any such approval” to the end were omitted;</p> <p>(e) for sub-paragraph (5) there were substituted—</p> <p>    “(5) If—</p> <p>        (a) after two months from –</p> <p>            (i) the end of the period within which objections may be sent to the committee in accordance with paragraph 2, or</p>

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	<p>(ii) if later, the date on which the committee receive the information specified in section 28(6A), the committee have not voted on the question whether to give any approval under this paragraph; and</p> <p>(b) the governing body request the committee to refer the proposals to the adjudicator, they shall refer the proposals to the adjudicator.”; and</p> <p>(f) for sub-paragraph (8) there were substituted—</p> <p>“(8) Proposals published under paragraph 3 of Schedule 8 may only be withdrawn with the consent in writing of the relevant committee.”.</p>
Paragraph 5	<p>This paragraph shall have effect as if—</p> <p>(a) for sub-paragraph (1) there were substituted</p> <p>“(1) Where any proposals published under paragraph 3 of Schedule 8 have been approved under paragraph 3 then (subject to the following provisions of this paragraph) the proposals shall be implemented in the form in which they were so approved in accordance with regulations made under paragraph 5 of Schedule 8.”;</p> <p>(b) for sub-paragraph (2) there were substituted—</p> <p>“(2) At the request of the governing body or the local education authority, the relevant committee—</p> <p>(a) may modify the proposals after consulting the governing body and the local education authority; and</p> <p>(b) where any approval under paragraph 3 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the scheme in question must be made.”;</p> <p>(c) sub-paragraphs (3) and (4) were omitted;</p>

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	<p>(d) for sub-paragraph (5) there were substituted—</p> <p>“(5) If—</p> <p>(a) the matter to be determined is a request for a modification of proposals under sub-paragraph (2)(a) and after one month from the date which the committee notify bodies whom they consult (pursuant to sub-paragraph (2)(a)) is to be the date by which responses to consultation must be received, the committee have not voted on the matter; or</p> <p>(b) the matter to be determined is a request to specify a later date under sub-paragraph (2)(b) and after one month from the date of the request the committee have not voted on the matter; and</p> <p>(c) (in either case) the governing body request the committee to refer that matter to the adjudicator,</p> <p>they shall refer the matter to the adjudicator.”;</p> <p>(e) in sub-paragraph (7)(b) for “sub-paragraphs (2) to (4)” there were substituted “sub-paragraph (2)”;</p> <p>(f) sub-paragraphs (8) and (9) were omitted.</p>