

SCHEDULES

SCHEDULE 14

Section 48.

LOCAL EDUCATION AUTHORITY SCHEMES: APPROVAL, IMPOSITION AND REVISION

Approval or imposition of schemes by Secretary of State

- 1 (1) A scheme prepared by a local education authority under section 48(1) shall be submitted to the Secretary of State on or before such date as he may by order direct, whether—
- (a) generally; or
 - (b) in relation to that authority or to any class or description of local education authorities to which that authority belongs.
- (2) In preparing such a scheme a local education authority shall take into account any guidance given by the Secretary of State, whether—
- (a) generally, or
 - (b) in relation to that authority or to any class or description of local education authorities to which that authority belongs,
- as to the provisions he regards as appropriate for inclusion in the scheme.
- (3) Before preparing such a scheme the local education authority shall consult—
- (a) where this sub-paragraph applies in relation to any time before the appointed day—
 - (i) the governing body and the head teacher of every school maintained by the authority as a county, voluntary or maintained special school (within the meaning of the Education Act 1996), and
 - (ii) the governing body and the head teacher of every grant-maintained or grant-maintained special school (within the meaning of that Act) in the area of the authority; and
 - (b) where this sub-paragraph applies in relation to any time on or after the appointed day, the governing body and the head teacher of every school maintained by the authority (within the meaning of this Chapter);
- and in paragraph (a)(i) “every school” includes any new school (within the meaning of Part II of the Education Act 1996).
- (4) Such a scheme shall not come into force until it has been approved by the Secretary of State or until such date as he may, in giving his approval, specify; and the Secretary of State may approve such a scheme—
- (a) either without modifications or with such modifications as he thinks fit after consulting the authority concerned; and
 - (b) subject to such conditions as he may specify in giving his approval.
- (5) If in the case of any local education authority either—
- (a) the authority fail to submit a scheme as required by sub-paragraph (1), or

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- (b) it appears to the Secretary of State that a scheme submitted by the authority as required by that sub-paragraph does not accord with any guidance given by him for the purposes of this paragraph and cannot be made to do so merely by modifying it,

he may, after consulting the authority and such other persons as he thinks fit, impose a scheme making such provision of a description required to be made by a scheme under section 48 as he considers appropriate.

- (6) A scheme imposed by the Secretary of State by virtue of sub-paragraph (5)—
- (a) shall be treated as if made under section 48 by the local education authority concerned; and
 - (b) shall come into force on such date as may be specified in the scheme.
- (7) A scheme shall be published in such manner as may be prescribed—
- (a) on its coming into force, and
 - (b) on such subsequent occasions as may be prescribed.

Revision of schemes

- 2 (1) A local education authority may, in accordance with this paragraph, revise the whole or any part of the scheme prepared by them under section 48(1).
- (2) Section 48(1) and paragraph 1(2) shall apply in relation to the preparation by the authority of any revision under this paragraph as they apply in relation to the preparation by the authority of a scheme.
- (3) As regards any proposed variation of the scheme, the authority—
- (a) shall first consult every governing body and head teacher whom they are obliged to consult under paragraph 1(3), and
 - (b) shall then submit a copy of their proposals to the Secretary of State for his approval.
- (4) Where the proposals are so submitted, paragraph 1(4) shall apply to the scheme as revised as it applies to a scheme prepared under section 48.
- (5) The Secretary of State may by a direction revise the whole or any part of any scheme as from such date as may be specified in the direction.
- (6) Before giving such a direction the Secretary of State shall consult the local education authority and such other persons as he thinks fit.