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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, SCHEDULE 12. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 12

Section 72

#### SCHOOL ORGANISATION: FURTHER AMENDMENTS

##### *Education Act 1996 (c. 56)*

- 1 (1) Section 5 of the Education Act 1996 (primary schools, secondary schools and middle schools) is amended as follows.
- (2) <sup>F1</sup> .....
- (3) In subsection (5) for the words from the beginning to “subsection” substitute “ The powers conferred by the enactments mentioned in subsection (3) (so far as relating to the establishment of middle schools) and the powers conferred by subsection ”.

#### Textual Amendments

- F1** Sch. 12 para. 1(2) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), [art. 7\(m\)\(q\)](#)

- 2 <sup>F2</sup> .....

#### Textual Amendments

- F2** Sch. 12 para. 2 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), [art. 7\(m\)\(q\)](#)

- 3 <sup>F3</sup> .....

#### Textual Amendments

- F3** Sch. 12 para. 3 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), [art. 7\(m\)\(q\)](#)

- 4 In section 580 of the Education Act 1996 (index), after the entry beginning “relevant standard number” insert—

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“relevant upper age (in relation to a middle school) section 5(3)(b)”

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- 5 <sup>F4</sup> .....

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**Textual Amendments**

**F4** Sch. 12 para. 5 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); S.I. 2007/935, [art. 7\(m\)\(q\)](#)

*School Standards and Framework Act 1998 (c. 31)*

6 **F5** .....

**Textual Amendments**

**F5** Sch. 12 para. 6 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); S.I. 2007/935, [art. 7\(m\)\(q\)](#)

7 In section 33 of the School Standards and Framework Act 1998 (further provisions relating to establishment, alteration or discontinuance of schools), in subsection (4), after “28,” insert “ 28A, ”.

8 In section 34 of the School Standards and Framework Act 1998 (rationalisation of school places)—  
(a) for “Secretary of State” substitute “ National Assembly for Wales ”,  
(b) for “and governing bodies” substitute “ in Wales and governing bodies of maintained schools in Wales ”, and  
(c) for “him” substitute “ the Assembly ”.

9 **F6** .....

**Textual Amendments**

**F6** Sch. 12 para. 9 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); S.I. 2007/935, [art. 7\(m\)\(q\)](#)

10 **F7** .....

**Textual Amendments**

**F7** Sch. 12 para. 10 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); S.I. 2007/935, [art. 7\(m\)\(q\)](#)

11 **F8** .....

**Textual Amendments**

**F8** Sch. 12 para. 11 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); S.I. 2007/935, [art. 7\(m\)\(q\)](#)

12 **F9** .....

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### Textual Amendments

**F9** Sch. 12 para. 12 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 3](#); S.I. 2007/935, [art. 7\(m\)\(q\)](#)

- 13 (1) Schedule 6 to the School Standards and Framework Act 1998 (statutory proposals: procedure and implementation) is amended as follows.
- (2) In paragraph 1(1), after “28,” insert “ 28A ”.
- (3) In paragraph 2(1), after “28,” insert “ 28A, ”.
- (4) In paragraph 3—
- (a) in sub-paragraph (1), after “28,” insert “ 28A, ”,
- (b) after sub-paragraph (6C) insert—
- “(6D) If by the end of such period as may be specified in regulations, the committee have not determined whether to give any approval under this paragraph, they shall refer the proposals to the adjudicator.”, and
- (c) in sub-paragraph (8), after “28,” insert “ 28A, ”.
- (5) In paragraph 4—
- (a) in sub-paragraph (1), after “28,” insert “ 28A, ”,
- (b) in sub-paragraph (3)—
- (i) omit paragraph (d), and
- (ii) for paragraph (h) substitute—
- “(h) a direction under paragraph 3(2) or 4(2) of Schedule 11 to the Education Act 2005.”, and
- (c) in sub-paragraph (4)(a), for “paragraph 8 or 9 of Schedule 7” substitute “ paragraph 9 or 11 of Schedule 11 to the Education Act 2005 ”.
- (6) In paragraph 5—
- (a) in sub-paragraph (1)(a) and (4), after “28,” insert “ 28A, ”,
- (b) after sub-paragraph (6A) insert—
- “(6B) If by the end of such period as may be specified in regulations, the committee have not decided any matter falling to be decided by them under this paragraph, they shall refer the proposals to the adjudicator.”, and
- (c) in sub-paragraph (10), for “shall be regarded as requiring a fresh approval” substitute “ fall to be considered afresh by the committee ”.
- (7) In paragraph 10(7), for “shall be regarded as requiring a fresh approval” substitute “ fall to be considered afresh by the Secretary of State ”.
- (8) In paragraph 12(2), after “section 28(1)” insert “ , 28A(1) ”.
- (9) In paragraph 13—
- (a) in sub-paragraph (2), after “section 28(1)” insert “ , 28A(1) ”.
- (b) for sub-paragraph (3) substitute—
- “(3) Where the proposals were published—
- (a) under section 28(2) or 28A(2), by promoters, or

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(b) under section 28(2), by the governing body,  
 they shall be implemented by the [<sup>F10</sup>local authority] and by the promoters or (as the case may be) the governing body, respectively, to such extent (if any) as the proposals provide for each of them to do so.”

(10) In paragraph 14(3), after “section 28(2)” insert “ or 28A(2) ”.

#### Textual Amendments

**F10** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

- 14 (1) Schedule 7 to the School Standards and Framework Act 1998 (rationalisation of school places) is amended as follows.
- (2) For the heading substitute “ RATIONALISATION OF SCHOOL PLACES IN WALES ”.
- (3) After paragraph 1 insert—  
 “1A In this Schedule “the Assembly” means the National Assembly for Wales.”
- (4) In paragraph 2—  
 (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”,  
 (b) in sub-paragraph (1)(a), after “[<sup>F10</sup>local authority]” insert “ in Wales ”, and  
 (c) omit sub-paragraph (5).
- (5) In paragraph 3—  
 (a) for “Secretary of State”, wherever occurring, substitute “ Assembly ”,  
 (b) in sub-paragraph (1)(a), after “[<sup>F10</sup>local authority]” insert “ in Wales ”, and  
 (c) omit sub-paragraph (5).
- (6) In paragraph 4—  
 (a) omit sub-paragraphs (1) to (6),  
 (b) in sub-paragraph (7)—  
 (i) omit “(whether relating to an area in England or in Wales)”, and  
 (ii) for “Secretary of State” (in both places) substitute “ Assembly ”, and  
 (c) for paragraph (b) of sub-paragraph (9) substitute—  
 “(b) proposals adopted under paragraph 14 have effect as mentioned in paragraph 15(b).”.
- (7) For the heading to Part 3 substitute “ PROPOSALS BY NATIONAL ASSEMBLY FOR WALES ”.
- (8) In paragraph 5—  
 (a) in sub-paragraph (1)—  
 (i) for “Secretary of State” substitute “ Assembly ”, and  
 (ii) for “he may” substitute “ the Assembly may ”,  
 (b) omit sub-paragraph (3), and  
 (c) in sub-paragraph (4), for the words from the beginning to “shall” substitute “ The Assembly shall ”.

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- (9) Omit Part 4.
- (10) In paragraph 12(2)(a), for “Secretary of State” substitute “ Assembly ”.
- (11) In paragraph 13—
- (a) in sub-paragraph (1), for “the Secretary of State” and “he” substitute “ the Assembly ”,
  - (b) in sub-paragraph (2), for “the Secretary of State”, “his” and “he” substitute respectively “ the Assembly ”, “ the Assembly's ” and “ the Assembly ”,
  - (c) in sub-paragraph (3), for “Secretary of State” substitute “ Assembly ”,
  - (d) in sub-paragraph (4)—
    - (i) for “Secretary of State” substitute “ Assembly ”,
    - (ii) for “he shall refer” substitute “ the Assembly shall refer ”,
    - (iii) for “he causes” substitute “ the Assembly causes ”,
    - (iv) for “to him” substitute “ to the Assembly ”, and
    - (v) for “he is required” substitute “ it is required ”, and
  - (e) in sub-paragraph (5)—
    - (i) for “Secretary of State” substitute “ Assembly ”,
    - (ii) for “he forms” substitute “ the Assembly forms ”,
    - (iii) for “him” substitute “ the Assembly ”, and
    - (iv) for “he subsequently forms” substitute “ the Assembly subsequently forms ”.
- (12) In paragraph 14—
- (a) in sub-paragraph (1)—
    - (i) for “Secretary of State” substitute “ Assembly ”,
    - (ii) for “he” (wherever occurring) substitute “ it ”, and
    - (iii) in paragraph (a), for “him” substitute “ the Assembly ”, and
  - (b) in sub-paragraph (2)—
    - (i) for “Secretary of State” substitute “ Assembly ”, and
    - (ii) for “he” (wherever occurring) substitute “ it ”.
- (13) In paragraph 15, for “Secretary of State” (in both places) substitute “ Assembly ”.
- (14) Omit paragraph 16.
- (15) In paragraph 17(2), for “Secretary of State” (in both places) substitute “ Assembly ”.

**Textual Amendments**

**F10** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

**Commencement Information**

**II** Sch. 12 para. 14 partly in force; Sch. 12 para. 14 not in force at Royal Assent see s. 125; Sch. 12 para. 14 in force for certain purposes at 1.9.2006 by [S.I. 2006/2129](#), **art. 4**

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**Textual Amendments**

**F11** Sch. 12 para. 15 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 6](#); S.I. 2007/935, [art. 7\(m\)\(q\)](#)

*Education Act 2002 (c. 32)*

16 In section 129 of the Education Act 2002 (transfer of employment), in subsection (1) (a) after “section 28” insert “, 28A ”.

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