

Status: Point in time view as at 01/09/2007.

Changes to legislation: Education and Inspections Act 2006, Cross Heading: Learning and Skills Act 2000 (c. 21) is up to date with all changes known to be in force on or before 17 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

AMENDMENTS RELATING TO SCHOOL ORGANISATION

Learning and Skills Act 2000 (c. 21)

- 35 In section 113 of the Learning and Skills Act 2000 (sixth forms requiring significant improvement), in subsection (3)(b) omit “, any school organisation committee”.

Commencement Information

- 11** Sch. 3 para. 35 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

- 36 In section 113A of the Learning and Skills Act 2000 (restructuring of sixth-form education), in subsection (4)—

- (a) in paragraph (a), after “local education authority” insert “ in Wales ”, and
(b) after that paragraph insert—

“(aa) the establishment by a local education authority in England of one or more new foundation or foundation special schools to provide secondary education suitable to the requirements of persons who are above compulsory school age but below the age of 19 (and no other secondary education);”.

Commencement Information

- 12** Sch. 3 para. 36 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

- 37 Schedule 7 to the Learning and Skills Act 2000 (sixth forms requiring significant improvement) is amended as follows.

Commencement Information

- 13** Sch. 3 para. 37 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

- 38 For paragraph 17 substitute —

“17 The Council shall send a copy of the published proposals—

- (a) to the local education authority who maintain the school, and
(b) in the case of a community or foundation special school, to such other persons as may be prescribed.”

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Commencement Information

I4 Sch. 3 para. 38 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

39 For paragraph 25 substitute —

- “25 The Council shall send a copy of the published proposals—
- (a) to the local education authority who maintain the school, and
 - (b) in the case of a community or foundation special school, to such other persons as may be prescribed.”

Commencement Information

I5 Sch. 3 para. 39 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

40 (1) Paragraph 32 is amended as follows.

(2) In sub-paragraph (2)—

(a) after the definition of “the Council” insert—

““the local education authority” means the local education authority who maintain the school to which the proposals relate;”, and

(b) omit the definition of “the school organisation committee”.

(3) Omit sub-paragraph (3).

Commencement Information

I6 Sch. 3 para. 40 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

41 In paragraph 33(b), for “school organisation committee” substitute “local education authority”.

Commencement Information

I7 Sch. 3 para. 41 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

42 In paragraph 34, for “school organisation committee” substitute “local education authority”.

Commencement Information

I8 Sch. 3 para. 42 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

43 (1) Paragraph 35 is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) The local education authority must consider the proposals and, subject to subsection (2), may —

- (a) reject them,
- (b) approve them without modification,

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- (c) approve them subject to modifications.
- (1A) The authority—
 - (a) may, if they think it appropriate to do so and subject to regulations, refer the proposals to the adjudicator, and
 - (b) must do so in prescribed cases.”
- (3) In sub-paragraphs (2) and (3), for “school organisation committee” substitute “ local education authority ”.
- (4) Omit sub-paragraphs (5) and (6).
- (5) In sub-paragraph (7)(b), for “committee” substitute “ local education authority ”.
- (6) In sub-paragraph (8)—
 - (a) for “school organisation committee” substitute “ local education authority ”, and
 - (b) for “the committee” substitute “ the authority ”.

Commencement Information

I9 Sch. 3 para. 43 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

- 44 In paragraph 36, in sub-paragraphs (2) and (3), for “school organisation committee” substitute “ local education authority ”.

Commencement Information

I10 Sch. 3 para. 44 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

- 45 For paragraph 37 substitute—
- “37 (1) The local education authority—
- (a) may, if they think it appropriate to do so and subject to regulations, refer to the adjudicator any question which would otherwise fall to be determined by the authority under paragraph 36, and
 - (b) in prescribed cases, must refer to the adjudicator any such matter.
- (2) Where a question is referred to the adjudicator—
- (a) he shall consider the matter afresh, and
 - (b) for that purpose, paragraph 36 applies to him as it applies to the committee.”

Commencement Information

I11 Sch. 3 para. 45 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

- 46 In Schedule 7A to the Learning and Skills Act 2000, for paragraphs 5 to 7 substitute—
- “5 (1) Where a local education authority in England are required under this Schedule to provide a site for a foundation or voluntary controlled school or foundation special school (or a proposed such school), paragraph 28

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of Schedule 2 to the Education and Inspections Act 2006 applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.

- (2) Where a local education authority in Wales are required under this Schedule to provide a site for a foundation or voluntary controlled school or foundation special school (or a proposed such school), paragraph 16 of Schedule 6 to the School Standards and Framework Act 1998 applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- 6 (1) In relation to England, where the governing body of a voluntary aided school are required by paragraph 3(3)(b) of this Schedule to implement proposals to make an alteration to the school, paragraph 5 of Schedule 3 to the School Standards and Framework Act 1998 (grants by Secretary of State in respect of expenditure on premises and equipment) applies in relation to the school.
- (2) In relation to Wales, paragraph 17 of Schedule 6 to the School Standards and Framework Act 1998 (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under paragraph 3(3)(b) of this Schedule as it applies in relation to the obligations referred to in sub-paragraph (1)(a) of that paragraph 17.
- 7 (1) A local education authority in England may give to the governing body of a voluntary aided school such assistance as the authority think fit in relation to the carrying out by the governing body of any obligation imposed on the governing body under this Schedule.
- (2) Paragraph 31 of Schedule 2 to the Education and Inspections Act 2006 applies in relation to assistance under sub-paragraph (1) as it applies in relation to assistance under paragraph 30 of that Schedule.
- (3) In relation to Wales, paragraph 18 of Schedule 6 to the School Standards and Framework Act 1998 (assistance from LEA in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under this Schedule as it applies in relation to the obligations referred to in that paragraph, and paragraph 20 of that Schedule (duty on LEA to transfer interest in premises provided under paragraph 18) applies accordingly.”

Commencement Information

I12 Sch. 3 para. 46 in force at 25.5.2007 by S.I. 2007/935, art. 7(o)

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