

SCHEDULE 4

Regulation 24

Modification of sections 7, 10 and 11 of and Schedule 2 to the Act,
where schools established outside of area of relevant local authority

PART 1

Proposals published under section 7 where school is to be established
in area other than that of local authority that published the notice

1. In relation to proposals published under section 7 which relate to a school which is proposed to be situated in an area other than that of the local authority which published the notice under section 7, section 7 and Schedule 2 to the Act have effect with the following modifications.

2. After section 7(4) insert—

“(4A) In cases where the notice published by the local authority in accordance with section 7(1) specifies that the proposed school is to be situated in an area other than their own (“notice specific cases”), the local authority (“Local Authority A”) must send complete copies of all published proposals that have not been withdrawn to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).

(4B) In cases where the notice published by the local authority pursuant to section 7(1) does not so specify that the proposed school is to be situated in an area other than their own, but a proposer includes this in his proposals (“non-notice specific cases”), the local authority (“Local Authority A”) must send a copy of the proposals published by that proposer to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).”.

3. For paragraph 8(3) of Schedule 2 to the Act substitute the following—

“(3) Local Authority A may, after seeking and obtaining the recommendation of Local Authority B unless Local Authority B have failed to reach a decision on what recommendation to give—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body which published the proposals.”.

4. After paragraph 8(3) of Schedule 2 to the Act insert—

“(3A) Local Authority A—

- (a) in notice specific cases, must send copies of all objections and comments received in accordance with regulations made in accordance with paragraph 5(a) together with the proposals they send in accordance with section 7(4A) to Local Authority B within one week from the expiry of the time period specified in regulations for the making of objections and comments on the proposals; and
- (b) in non-notice specific cases, must send copies of any objections and comments received in accordance with regulations made in accordance with paragraph 5(a) in respect only of the proposals sent by the local authority under section 7(4A) to Local Authority B.

(3B) If within two months of the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5(a) Local

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Authority A have failed to make a decision, they must refer all the proposals together with all objections or comments received to the adjudicator.”.

5. After paragraph 8(6) of Schedule 2 to the Act insert the following—

“(6A) Where under sub-paragraph (3), the recommendation of Local Authority B is sought, Local Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”.

PART 2

Proposals published under section 10 or 11 where school is to be established in area other than that of local authority which it is proposed should maintain the school

1. In relation to proposals published under section 10 or 11 which relate to a school which is proposed to be situated in an area other than that of the local authority which it is proposed should maintain the school, sections 10 and 11, and Schedule 2 to the Act have effect in accordance with the following modifications.

2. After section 10(3) insert—

“(3A) In cases where the proposed school is to be situated in an area other than that of the local authority which it is proposed should maintain the school, the local authority which it is proposed should maintain the school (“Local Authority A”) must send a copy of the proposals to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).”.

3. After section 11(5) insert—

“(5A) In cases where the proposed school is to be situated in an area other than that of the local authority which it is proposed should maintain the school, the local authority which it is proposed should maintain the school (“Local Authority A”) must send a complete copy of the proposals to the local authority for the area in which it is proposed that the school will be situated (“Local Authority B”).”.

4. For paragraph 8(4) of Schedule 2 to the Act substitute the following—

“(4) Local Authority A may, after seeking and, unless Local Authority B have failed to reach a decision on what recommendation to give, obtaining the recommendation of Local Authority B—

- (a) reject all the proposals;
- (b) approve any of the proposals without modification; or
- (c) approve any of the proposals with such modifications as the authority think desirable after consulting the body who published the proposals.”.

5. After paragraph 8(4) of Schedule 2 to the Act insert the following—

“(4A) Local Authority A must send copies of all objections and comments received in accordance with regulations made in accordance with paragraph 5(a) together with the proposals they send in accordance with section 10(3A) or 11(5A) as applicable to Local Authority B within one week of the expiry of the time period specified in regulations for the making of objections and comments on the proposals.

(4B) If within two months of the date of expiry of the period in which objections or comments may be made in accordance with regulations made under paragraph 5(a) Local Authority A have failed to make a decision, they must refer all the proposals together with all objections or comments received to the adjudicator.”.

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6. After paragraph 8(6) of Schedule 2 to the Act insert the following—

“(6A) Where under sub-paragraph (4), the recommendation of Local Authority B is sought, Local Authority B in deciding what recommendation to give, must have regard to any guidance given from time to time by the Secretary of State.”.