



# Education Act 1980

## 1980 CHAPTER 20

### *Establishment, discontinuance and eration of schools*

#### **12 Establishment, discontinuance and eration of schools by local education authorities.**

- (1) Where a local education authority intend—
- (a) to establish a new county school;
  - (b) to maintain as a county school any school which is not such a school;
  - (c) to cease to maintain any county school or, except as provided by section 14 of the Education Act 1944, any voluntary school;
  - (d) to make any significant change in the character, or significant enlargement of the premises, of a county school; or
  - (e) to cease to maintain a nursery school established by them or a former authority,
- they shall publish their proposals for that purpose in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals.
- (2) The published proposals shall be accompanied by a statement of the effect of subsection (3) below and shall include particulars of the time or times at which it is intended to implement the proposals and (except where the proposal is to cease to maintain a school) particulars of the number of pupils intended to be admitted to the school in each relevant age group in the first school year in relation to which the proposals have been wholly implemented [<sup>F1</sup>excluding pupils who will not have attained the age of five years within six months after their admission.]

[<sup>F2</sup>(2A) For the purposes of subsection (2) above—

- (a) pupils intended to be admitted to the school for nursery education shall be disregarded; and
- (b) pupils already so admitted intended to be transferred to a reception class at the school shall be treated as intended to be admitted to the school on their transfer.]

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980, Section 12. (See end of Document for details)*

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- (3) Any ten or more local government electors for the area may within the period of two months after the first publication of the proposals submit an objection to the proposals to the local education authority, and objections to the proposals may also be submitted to the authority within that period by the governors of any voluntary school affected by the proposals and by any other local education authority concerned; and the authority by whom the proposals were published shall within one month after the end of that period transmit to the Secretary of State copies of all objections made (and not withdrawn in writing) in that period, together with their observations on the objections.
- (4) Any proposal—
- (a) for the maintenance as a county school of a school which is for the time being a voluntary school; or
  - (b) for ceasing to maintain a voluntary school,
- shall require the approval of the Secretary of State; and he shall not approve proposals for the maintenance as a county school of a school which is for the time being a voluntary school unless he has, in accordance with Schedule 2 to the said Act of 1944, approved an agreement under the powers conferred by that Schedule between the authority and the governors of the school for the transfer to the authority of all necessary interests in the school premises.
- (5) Proposals not falling within subsection (4) above shall require the approval of the Secretary of State—
- (a) if he gives notice to that effect to the local education authority within two months after the submission to him of the published proposals; or
  - (b) if objections have been made as mentioned in subsection (3) above and all objections so made have not been withdrawn as mentioned in that subsection.
- (6) If the proposals require the approval of the Secretary of State he may reject them, approve them without modification or, after consultation with the local education authority, approve them with such modifications as he thinks desirable.
- (7) If the proposals do not require the approval of the Secretary of State the local education authority shall determine whether the proposals should be implemented; and the authority shall make that determination not later than four months after the submission of the proposals to the Secretary of State.
- (8) A local authority shall notify the Secretary of State of any determination made by them under subsection (7) above.
- (9) It shall be the duty of a local education authority to implement—
- (a) any proposals which have been approved by the Secretary of State under this section; and
  - (b) any proposals which they have determined to implement in accordance with subsection (7) above;
- but the Secretary of State may, at the request of the authority, modify any proposals which they are required to implement by virtue of this subsection.

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#### Textual Amendments

- F1** Words repealed (*prosp.*) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 31(4)(a)**, 231(7), 235(6), 236(6), 237(2), Sch. 13 Pt. II

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for the Education Act 1980, Section 12. (See end of Document for details)*

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**F2** S. 12(2A) inserted (*prosp.*) by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 31(4)(b)**, 231(7), 235(6), 236(6)

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**Modifications etc. (not altering text)**

**C1** S. 12 restricted by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 73**, 231(7), 235(6)

**C2** S. 12(1) restricted by Local Government Act 1985 (c. 51, SIF 81:1), **s. 21(6)**

**C3** S. 12(1)(c)(d) restricted by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 73(1)**, 231(7), 235(6)

**C4** S. 12(7) modified by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 73(8)**, 231(7), 235(6)

**Status:**

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**Changes to legislation:**

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