



# Education Act 1980

## 1980 CHAPTER 20

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

#### **12 Establishment, discontinuance and erection 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 [<sup>F1</sup>or to transfer a county school to a new site in the area]; 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.

[<sup>F2</sup>(1A) Before publishing the proposals the local education authority shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection, the authority shall have regard to any guidance given from time to time by the Secretary of State.

(1B) The Secretary of State shall publish any guidance given by him for the purposes of subsection (1A) above in such manner as he thinks fit.]

- (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>F3</sup> . . .

[<sup>F4</sup>(2A) For the purposes of subsection (2) above—

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- (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.]
- (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 [<sup>F5</sup>voluntary] school affected by the proposals [<sup>F6</sup>by the appropriate further education funding council (if the proposals affect the provision of education to which section 2(1) of the Further and Higher Education Act 1992 applies)] 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;

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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.

#### Textual Amendments

- F1** Words in s. 12(1)(d) inserted (1.10.1993) by 1993 c. 35, s. 229(1); S.I. 1993/ 1975, art. 9, Sch. 1
- F2** S. 12(1A)(1B) inserted (1.4.1994) by 1993 c. 35, ss. 229(1); S.I. 1994/507, art. 4, Sch.2
- F3** Words omitted (1.5.1991) by virtue of Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(4)(a), 231(7), 235(6), 236(6) (and also expressed to be repealed (*prosp.*) by s. 237(2), Sch. 13 Pt. II of that act); S.I. 1991/409, art. 6(4)
- F4** S. 12(2A) inserted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(4)(b), 231(7), 235(6); S.I. 1991/409, art. 6(4)
- F5** Word in s. 12(3) repealed (1.4.1994) by 1993 c. 35, ss. 229(2)(a), 307, Sch. 21 Pt.II; S.I. 1994/507, art. 4, Sch. 2
- F6** Words in s. 12(3) inserted (1.4.1994) by 1993 c. 35, ss. 229(2)(b); S.I. 1994/507, art. 4, Sch. 2

#### 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)  
S. 12 restricted (1.4.1994) by 1993 c. 35, ss. 273(2)(4); S.I. 1994/507, art. 4, Sch.2  
S. 12 applied (1.4.1994) by 1993 c. 35, s. 236(3); S.I. 1994/507, art. 4, Sch.2
- C2** S. 12(1) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 21(6)  
S. 12(1) applied (2.10.1995) by S.I. 1995/2368, reg. 2(1)
- C3** S. 12(1)(c)(d) restricted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 73(1), 231(7), 235(6)  
S. 12(1)(c)(d) restricted (1.4.1994) by 1993 c. 35, s. 273(1); S.I. 1994/507, art. 4, Sch. 2
- C4** S. 12(7) modified by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 73(8), 231(7), 235(6)  
S. 12 modified (21.9.1994) by 1994 c. 30, s. 12(5)(7); S.I. 1994/2204, art.2  
S. 12(1)(d) modified (2.10.1995) by S.I. 1995/2368, reg. 2(2)

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