



Education Act 1980

1980 CHAPTER 20

Establishment, discontinuance and erection of schools

13 Establishment and alteration of voluntary schools.

(1) Where—

- (a) any persons propose that a school established by them or by persons whom they represent which is not a voluntary school, or any school proposed to be so established, should be maintained by a local education authority as a voluntary school; or
- (b) the governors of a school maintained by a local education authority as a voluntary school intend to make a significant change in the character, or significant enlargement of the premises, of the school [^{F1}or to transfer the school to a new site],

they shall, [^{F2}after consultation with the authority,] publish 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.

[^{F3}(1A) The reference in subsection (1) above to a change in the character of a school does not include a change in character resulting only from persons beginning or ceasing to be provided with—

- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
- (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years;

and no proposals under this section by any persons that a school established or proposed to be established by them, or by persons whom they represent, should be maintained by a local education authority shall be approved by the Secretary of State if the school or proposed school is to provide education falling within paragraph (a) or (b) above]

[^{F4}(1B) Before publishing any proposals under this section, the persons concerned shall—

- (a) in the case of proposals under subsection (1)(a) above, consult the local education authority, and

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- (b) in the case of proposals under subsection (1)(a) or (b) above, consult such other persons as appear to them to be appropriate;
and in discharging their duty under this subsection, they shall have regard to any guidance given from time to time by the Secretary of State.
- (1C) The Secretary of State shall publish any guidance given by him for the purposes of subsection (1B) above in such manner as he thinks fit.]
- (2) [^{F5}Subsections (2) and (2A)] of section 12 above shall apply to proposals published under this section as [^{F6}they apply] to proposals published under that section taking the reference [^{F7}in subsection (2)] to subsection (3) of that section as a reference to subsection (3) below.
- (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 Secretary of State, and objections to the proposals may also be submitted to him within that period by the governors of any [^{F8}voluntary] school affected by the proposals [^{F9}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 local education authority concerned.
- [^{F10}(3A) Where the proposals are to transfer a school to a site in a different area, objections under subsection (3) above to the proposals may also be made by any ten or more local government electors for that area.]
- (4) The proposals shall require the approval of the Secretary of State; and he may reject them, approve them without modification or, after consultation with the persons by whom they were made and the local education authority by whom the school is, or is to be, maintained, approve them with such modifications as he thinks desirable.
- ^{F11}(5) Subject to subsections (6) and (7) below, if the proposals are approved by the Secretary of State it shall be the duty of the persons by whom they were made and, in the case of proposals under subsection (1)(a) above, of the local education authority to implement the proposals.
- (6) Subject to subsection (7) below
- [^{F12}(a) in the case of any proposals approved by the Secretary of State to transfer a controlled school to a new site, it shall be the duty of the local education authority to implement the proposals (and any associated proposals for a change in the character of the school) so far as they involve the provision of premises or the removal or provision of equipment, and
- (b) in any other case], it shall be the duty of the local education authority to implement so much of any proposals approved by the Secretary of State as relates to the provision of playing fields or of buildings which are to form part of the school premises but are not to be school buildings.
- (7) The Secretary of State may modify any proposals which are required to be implemented under subsection (5) or (6) above but shall not do so in the case of proposals under subsection (1)(a) above except at the request of the local education authority or in the case of other proposals except at the request of the persons by whom they were made.
- [^{F13}(8) Where proposals under this section for the transfer of a school to a site in a different area are approved—
- (a) in the case of any voluntary school—

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- (i) the references in subsection (6) above to the local education authority are to the authority for the new area, and
 - (ii) upon the transfer the duty to maintain the school shall transfer to that authority, and
- (b) in the case of any controlled school, the First Schedule to the Education Act 1946 (provision of premises by maintaining authority) shall apply as if the duty to maintain the school had been transferred to the local education authority for the new area.]

Textual Amendments

- F1** Words in s. 13(1)(b) inserted (1.10.1993) by 1993 c. 35, **ss. 230(1)**; S.I. 1993/1975 art. 9, Sch. 1
- F2** Words in s. 13(1) repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3) Sch. 19 para. 76, **Sch. 21 Pt. II**; S.I. 1994/507, art. 4, **Sch. 2**
- F3** S. 13(1A) inserted (1.8.1993) by Further and Higher Education Act 1992 (c. 13), **s. 12(2)**; S.I. 1992/831 art. 2, Sch.4
- F4** S. 13(1B)(1C) inserted (1.4.1994) by 1993 c. 35, **s. 230(1)**; S.I. 1994/507, art. 4, **Sch.2**
- F5** Words in s. 13(2) substituted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 31(5)(a)**, 231(7), 235(6); 1991/409, art. 6(4)
- F6** Words in s. 13(2) substituted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 31(5)(b)**, 231(7), 235(6); 1991/409, art. 6(4)
- F7** Words inserted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 31(5)(c)**, 231(7), 235(6); 1991/409, art. 6(4)
- F8** Word in s. 13(3) repealed (1.4.1994) by 1993 c. 35, ss. 230(2), 307(3), **Sch. 21 Pt. II**; S.I. 1994/507, art. 4, **Sch.2**, Appendix
- F9** Words in s. 13(3) inserted (1.4.1994) by 1993 c. 35, **s. 230(2)**; S.I. 1994/507, art. 4, **Sch.2**
- F10** S. 13(3A) inserted (1.10.1993) by 1993 c. 35, **s. 230(3)**; S.I. 1993/1975, art. 9, **Sch. 1**
- F11** S. 13(5) excluded (1.4.1994) by 1993 c. 35, **s. 237(4)**; S.I. 1994/507, art. 4, **Sch.2**
- F12** Words in s. 13(6) inserted (1.10.1993) by 1993 c. 35, **ss. 230(4)**, 308(3) S.I. 1993/1975, art. 9, **Sch. 1**
- F13** S. 13(8) added (1.10.1993) by virtue of 1993 c. 35, **ss. 230(5)**; S.I. 1993/1975, art. 9, **Sch. 1**

Modifications etc. (not altering text)

- C1** S. 13 applied with modifications (30.9.1992) by Further and Higher Education Act 1992 (c. 13), **s. 59(2)(b)**; S.I. 1992/831, art. 2, **Sch. 2**
S. 13 applied (1.4.1994) by 1993 c. 35, **s. 236(3)**; S.I. 1994/507, art. 4, **Sch.2**
S. 13 modified (21.9.1994) by 1994 c. 30, **s. 12(5)(7)**; S.I. 1994/2204, **art.2**
- C2** S. 13 restricted by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 73**, 231(7), 235(6)
S. 13 restricted (1.4.1994) by 1993 c. 35, **s. 273(2)(4)**; S.I. 1994/507, art. 4, **Sch.2**

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Changes to legislation:

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