

Status: Point in time view as at 01/08/1998.

Changes to legislation: Education Act 1996, Part IV is up to date with all changes known to be in force on or before 22 June 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 4

DISTRIBUTION OF FUNCTIONS WHERE ORDER MADE UNDER SECTION 27

PART IV

FUNCTIONS WHERE RESPONSIBILITY EITHER SHARED OR TRANSFERRED

Introductory

- 15 If an order under section 27(1)(a) or (b) applies to the area of a local education authority, this Part of this Schedule has effect in respect of that area in relation to relevant education.

Responsibility for providing sufficient school places

- 16 In relation to any power under section 211 to publish proposals for the establishment of a grant-maintained school—
- (a) references to establishing a school for the purpose of providing primary education include establishing a primary school which also provides secondary education; and
 - (b) references to establishing a school for the purpose of providing secondary education include establishing a secondary school which also provides primary education.
- 17 (1) Where relevant education is only primary education—
- (a) no proposals may be published under section 260 in respect of any grant-maintained school which is a secondary school or if the implementation of the proposals would cause the school to become a secondary school;
 - (b) no proposals may be published under section 268 in respect of any grant-maintained secondary school; and
 - (c) no direction may be given under section 428(2) to the governing body of any grant-maintained secondary school.
- (2) Where relevant education is only secondary education—
- (a) no proposals may be published under section 260 in respect of any grant-maintained school which is a primary school or if the implementation of the proposals would cause the school to become a primary school;
 - (b) no proposals may be published under section 268 in respect of any grant-maintained primary school; and

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- (c) no direction may be given under section 428(2) to the governing body of any grant-maintained primary school.

- 18 The funding authority shall not by virtue of paragraph 3 or 5 be under any duty in respect of junior pupils who have not attained [^{F1}compulsory school age].

Textual Amendments

- F1** Words in Sch. 4 para. 18 substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 46(2)**; S.I. 1998/386, art. 2(3), **Sch. 1 Pt.III** (which Sch. 7 para. 46 is repealed (*prosp.*) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, **Sch.31**(with ss. 138(9), 144(6)))

Boarding schools

- 19 The powers of the funding authority to publish proposals under sections 211 and 260 or to give notice of proposals under section 339 may, in particular, be so exercised as to secure the provision of boarding accommodation at boarding schools.

Other modifications of this Act

- 20 Section 259 shall have effect as if the funding authority were among the persons who may submit objections under subsection (6) of that section to proposals under that section.

- 21 Section 267 shall have effect as if—
- (a) the reference in subsection (3) to the local education authority included the funding authority; and
 - (b) the funding authority were among the persons who may submit objections under subsection (7) of that section to proposals under that section.

- 22 Section 272 shall have effect as if—
- (a) paragraph (a) of subsection (1) were omitted, and
 - (b) the funding authority were among the persons required to be consulted under subsection (5)(b).

- 23 Section 426(4) shall have effect as if the reference to the Secretary of State were to the funding authority.

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