



# Education Act 1996

## 1996 CHAPTER 56

### <sup>F1</sup>PART II

#### SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

#### CHAPTER II

#### ESTABLISHMENT, ALTERATION ETC. OF COUNTY AND VOLUNTARY SCHOOLS

#### *County schools: establishment, alteration or change of site*

### **35 County school: proposals for establishment, alteration or new site.**

- (1) Where a local education authority intend—
- (a) to establish a new county school,
  - (b) to maintain as a county school a school which is not for the time being a county school,
  - (c) to make any significant change in the character, or any significant enlargement of the premises, of a county school, or
  - (d) to transfer a county school to a new site in the area,
- then (subject to subsections (2) and (8)) they shall publish their proposals for that purpose in such manner as may be required by regulations and submit a copy of the published proposals to the Secretary of State.
- (2) The requirement to publish proposals under subsection (1)(d) does not apply in relation to the transfer of a county school to a new site if—
- (a) the school is intended to return to its existing site within three years of the time of the transfer; or
  - (b) the local education authority are satisfied that it is expedient that the school should be transferred to the new site either—

*Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Section 35 is up to date with all changes known to be in force on or before 04 September 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)*

- (i) because it is not reasonably practicable to make to the existing premises of the school the alterations necessary for securing that they conform to the standards prescribed under section 542, or
  - (ii) in consequence of any movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning; or
  - (c) the transfer is authorised by an order made under section 16(1) of the <sup>M1</sup>Education Act 1944 (transfer of county schools etc. to new sites).
- (3) Proposals published under this section shall include particulars—
- (a) of the time or times at which it is intended to implement the proposals, and
  - (b) 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,
- and shall be accompanied by a statement of the effect of section 36.
- (4) For the purposes of subsection (3)(b) pupils intended to be admitted to the school for nursery education shall be disregarded, and pupils—
- (a) already admitted to the school for nursery education, and
  - (b) 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.
- (5) Before publishing any proposals under this section a 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.
- (6) Before publishing any proposals under subsection (1)(c) which (if implemented) would affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, the local education authority shall consult the appropriate further education funding council.
- (7) Before formulating any proposals under subsection (1)(c) or (d) in respect of a school which is (within the meaning of Part III) eligible for grant-maintained status, the local education authority shall consult the school’s governing body.

<sup>F1</sup>(8) .....

**Textual Amendments**

**F1** S. 35(8) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

**Marginal Citations**

**M1** 1944 c. 31.

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