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SCHEDULES

SCHEDULE 6

STATUTORY PROPOSALS: PROCEDURE AND IMPLEMENTATION

Modifications etc. (not altering text)

- C1** Sch. 6 modified (1.9.1999) by S.I. 1999/704, regs. 21, 22, **Sch.**
Sch. 6 continued (1.9.2001) by S.I. 2001/2678, **reg. 2(2)**
- C2** Schs. 6, 7: power to modify conferred (1.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 74(2)(a),**
216(4) (with **ss. 210(8), 214(4)**); S.I. 2003/124, art. 4

PART II

PROCEDURE FOR DEALING WITH STATUTORY PROPOSALS: WALES

Modifications etc. (not altering text)

- C1** Sch. 6 Pt. II applied (with modifications) (1.9.1999) (*temp.*) by S.I. 1999/2633, regs. 4, 5(1), **Sch. 1.**
Sch. 6 Pt. II modified (1.9.1999) by S.I. 1999/2633, **reg. 5(2), Sch. 2.**

Application of Part II

- 6 This Part of this Schedule applies to proposals published under section 28, 29 or 31 which relate to a school or proposed school in Wales.

Modifications etc. (not altering text)

- C3** Sch. 6 para. 6 applied (with modifications) (1.9.1999) by S.I. 1999/1780, **reg. 11, Sch. 4.**
Sch. 6 para. 6 applied (with modifications) (1.9.1999) by S.I. 1999/1671, **reg. 10, Sch. 5**
Sch. 6 para. 6 applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, **reg. 7, Sch. 1 Pt. 1** Tables
1, 2

Objections

- 7 (1) Any person may make objections to any proposals published under section 28, 29 or 31.
- (2) Where the proposals were published by a local education authority—
- (a) any objections under this paragraph shall be sent to the authority within such period as may be prescribed (“the objection period”); and
- (b) within such period as may be prescribed the authority shall send to the Secretary of State copies of all objections made (and not withdrawn

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in writing) within the objection period, together with the authority's observations on them.

- (3) Where the proposals were published by a governing body or promoters, any objections under this paragraph shall be sent to the Secretary of State within such period as may be prescribed.

Modifications etc. (not altering text)

- C4** Sch. 6 para. 7 applied (with modifications) (1.9.1999) by [S.I. 1999/1780, reg. 11, Sch. 4](#).
 Sch. 6 para. 7 applied with modifications (1.9.1999) by [S.I. 1999/1671, reg. 10, Sch. 5](#)
 Sch. 6 para. 7 applied (with modifications) (W.) (1.9.2001) by [S.I. 2001/2678, reg. 7, Sch. 1 Pt. I Table 2](#)
- C5** Sch. 6 para. 7(1) applied (with modifications) (W.) (1.9.2001) by [S.I. 2001/2678, reg. 7, Sch. 1 Pt. I Table 1](#)
- C6** Sch. 6 para. 7(3) applied (with modifications) (w.) (1.9.2001) by [S.I. 2001/2678, reg. 7, Sch. 1 Pt. I Table 3](#)

Approval of proposals

- 8 (1) Proposals published under section 28, 29 or 31 require approval under this paragraph if—
- (a) the Secretary of State, within two months after a copy of the published proposals is sent to him under that section, gives notice to the body or promoters by whom the proposals were published that they require such approval; or
 - (b) objections to the proposals have been made in accordance with paragraph 7 and any of them have not been withdrawn in writing within the objection period.
- (2) Where any proposals require approval under this paragraph, the Secretary of State may—
- (a) reject the proposals,
 - (b) approve them without modification, or
 - (c) approve them with such modifications as he thinks desirable after consulting such persons or bodies as may be prescribed.
- (3) Any approval given under this paragraph may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (4) [^{F1}When deciding whether or not to give any approval under this paragraph the Secretary of State shall have regard to the school organisation plan for the area in which the school is, or (in the case of a new school) is proposed to be, situated.]
- (5) Sub-paragraph (1) does not prevent the body or promoters by whom any proposals have been published under section 28, 29 or 31 from withdrawing those proposals by notice in writing given to the Secretary of State at any time before the proposals are approved under this paragraph.

Textual Amendments

- F1** Sch. 6 para. 8(4) repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\), Sch. 5 Pt. 1; S.I. 2005/394, art. 2\(1\)\(I\); S.I. 2006/885, art. 2\(3\)\(b\)](#)

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Modifications etc. (not altering text)

- C7** Sch. 6 para. 8(1)(3)(5) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, Sch. 1 Pt. 1 Table 3
- C8** Sch. 6 para. 8(2) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, Sch. 1 Pt. 1 Table 1
- C9** Sch. 6 para. 8(4) applied (with modifications) (W.) (1.9.2001) by S.I. 2001/2678, reg. 7, Sch. 1 Pt. 1 Table 2

Determination whether to implement proposals

- 9 (1) Where any proposals published under section 28, 29 or 31 do not require approval under paragraph 8, the body or promoters by whom the proposals were published shall determine whether the proposals should be implemented.
- (2) Any determination under sub-paragraph (1) must be made within four months after a copy of the published proposals was sent to the Secretary of State under section 28, 29 or 31.
- (3) The body or promoters in question shall notify the Secretary of State of any determination made by them under sub-paragraph (1).

Requirement to implement proposals

- 10 (1) Where—
- (a) any proposals published under section 28, 29 or 31 have been approved under paragraph 8, or
- (b) the body or promoters by whom such proposals were published have determined under paragraph 9 to implement the proposals,
- then (subject to the following provisions of this paragraph) the proposals shall be implemented, in the form in which they were so approved or determined, in accordance with Part III of this Schedule.
- (2) At the request of any prescribed body or persons, the Secretary of State—
- (a) may modify the proposals after consulting such persons or bodies as may be prescribed; and
- (b) where any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the event in question must occur.
- (3) If the Secretary of State is satisfied—
- (a) that implementation of the proposals would be unreasonably difficult, or
- (b) that circumstances have so altered since approval was given under paragraph 8 that implementation of the proposals would be inappropriate,
- he may determine that sub-paragraph (1) shall cease to apply to the proposals.
- (4) The Secretary of State may only make a determination under sub-paragraph (3) where proposals that he should do so have been published, in accordance with regulations, by the body or promoters who published the proposals referred to in that sub-paragraph; and regulations so made may provide for any of the provisions of sections 28, 29 and 31 and this Part of this Schedule to have effect in relation to any such further proposals with or without modifications.

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- (5) Where—
- (a) any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, and
 - (b) the event specified under that sub-paragraph does not occur by the date in question (whether as specified under that sub-paragraph or as specified under sub-paragraph (2)(b) above),
- sub-paragraph (1) above shall cease to apply to the proposals.
- (6) Where, by virtue of sub-paragraph (3) ^{F2}..., sub-paragraph (1) ceases to apply to any proposals, those proposals shall be treated for the purposes of this Schedule as if they had been rejected under paragraph 8.
- [^{F3}(7) Where, by virtue of sub-paragraph (5), sub-paragraph (1) ceases to apply to any proposals, those proposals shall be regarded as requiring fresh approval under paragraph 8.]

Textual Amendments

- F2** Words in Sch. 6 para. 10(6) repealed (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 6\(2\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F3** Sch. 6 para. 10(7) inserted (19.12.2002 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 10 para. 6\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4

Modifications etc. (not altering text)

- C10** Sch. 6 para. 10 applied (with modifications) (W.) (1.9.2001) by [S.I. 2001/2678](#), reg. 7, [Sch. 1 Pt. 1](#) Table 2
- C11** Sch. 6 para. 10(1)(2) applied (with modifications) (W.) (1.9.2001) by [S.I. 2001/2678](#), reg. 7, [Sch. 1 Pt. 1](#) Table 3

Commencement Information

- I1** Sch. 6 para. 10 wholly in force at 1.9.1999; Sch. 6 para. 10 not in force at Royal Assent see s. 145(3); Sch. 6 para. 10(4) in force for specified purposes at 1.2.1999 by [S.I. 1999/3198](#), art. 2(2), [Sch.](#); Sch. 6 para. 10 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#) (with arts. 3-5, [Schs. 5-7](#)).

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