

*Status: Point in time view as at 12/04/2010.*

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## SCHEDULES

### SCHEDULE 7

#### [<sup>F1</sup>RATIONALISATION OF SCHOOL PLACES IN WALES]

##### Textual Amendments

- F1** Sch. 7 heading substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(2); S.I. 2006/2129, art. 4

##### Modifications etc. (not altering text)

- C1** Sch. 7 modified (1.9.1999) by S.I. 1999/704, regs. 21, 22, Sch.  
**C1** 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

#### DIRECTIONS TO BRING FORWARD PROPOSALS

*Directions to bring forward proposals to remedy excessive provision*

- 2 (1) This paragraph applies where the [<sup>F1</sup>Assembly] is of the opinion that the provision for primary or secondary education in maintained schools—
- (a) in the area of any local education authority [<sup>F2</sup>in Wales], or
  - (b) in any part of such an area,
- is excessive.
- (2) For the purpose of remedying the excess, the [<sup>F1</sup>Assembly] may—
- (a) by an order under this paragraph direct the local education authority to exercise their powers to make proposals for the establishment, alteration or discontinuance of schools, and
  - (b) in the case of any foundation, voluntary or foundation special school maintained by the authority, by an order under this paragraph direct the governing body to exercise their powers to make proposals for the alteration of their school.
- (3) An order under sub-paragraph (2) shall—
- (a) require the proposals to be published not later than such date as may be specified in the order, and
  - (b) require the proposals to apply such principles in giving effect to the direction as may be specified in the order.
- (4) An order under sub-paragraph (2)(a) may not require the proposals to relate to any named school.

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<sup>F3</sup>(5) .....

**Textual Amendments**

- F1** Word in Sch. 7 para. 2 substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(4)(a); S.I. 2006/2129, art. 4
- F2** Words in Sch. 7 para. 2(1)(a) inserted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(4)(b); S.I. 2006/2129, art. 4
- F3** Sch. 7 para. 2(5) repealed (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(4)(c), Sch. 19 Pt. 2; S.I. 2006/2129, art. 4

*Directions to bring forward proposals to remedy insufficient provision*

- 3 (1) This paragraph applies where the [<sup>F4</sup>Assembly] is of the opinion that the provision for primary or secondary education in maintained schools—
- (a) in the area of any local education authority [<sup>F5</sup>in Wales], or
  - (b) in any part of such an area,
- is, or is likely to become, insufficient.
- (2) The [<sup>F4</sup>Assembly] may—
- (a) by an order under this paragraph direct the local education authority to exercise their powers to make proposals for the establishment, alteration or discontinuance of schools, and
  - (b) in the case of any foundation, voluntary or foundation special school maintained by the authority, by an order under this paragraph direct the governing body to exercise their powers to make proposals for the alteration of their school,
- with a view (in each case) to securing that provision is made for such additional number of pupils in the area, or in any such part of the area, as may be specified in the order.
- (3) An order under sub-paragraph (2) shall—
- (a) require the proposals to be published not later than such date as may be specified in the order, and
  - (b) require the proposals to apply such principles in giving effect to the direction as may be specified in the order.
- (4) An order under sub-paragraph (2)(a) may not require the proposals to relate to any named school.

<sup>F6</sup>(5) .....

**Textual Amendments**

- F4** Word in Sch. 7 para. 3 substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(5)(a); S.I. 2006/2129, art. 4
- F5** Words in Sch. 7 para. 3(1)(a) inserted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(5)(b); S.I. 2006/2129, art. 4
- F6** Sch. 7 para. 3(5) repealed (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(5)(c), Sch. 19 Pt. 2; S.I. 2006/2129, art. 4

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### Supplementary provisions

- 4 F<sup>7</sup>(1) .....
- F<sup>7</sup>(2) .....
- F<sup>7</sup>(3) .....
- F<sup>7</sup>(4) .....
- F<sup>7</sup>(5) .....
- F<sup>7</sup>(6) .....
- (7) Proposals made in pursuance of an order under paragraph 2(2) or 3(2) <sup>F8</sup>... may not be withdrawn without the consent of the [<sup>F9</sup>Assembly] and such consent may be given on such conditions (if any) as the [<sup>F9</sup>Assembly] considers appropriate.
- (8) Where the governing body of a foundation, voluntary or foundation special school make any proposals in pursuance of any such order under paragraph 2(2) or 3(2), the local education authority shall reimburse any expenditure reasonably incurred by the governing body in making the proposals.
- (9) Where—
- (a) proposals made by the governing body of a foundation, voluntary or foundation special school in pursuance of any such order under paragraph 2(2) or 3(2) are approved or, as the case may be, determined to be implemented, or
- [<sup>F10</sup>(b) proposals adopted under paragraph 14 have effect as mentioned in paragraph 15(b),]
- then, despite anything in Part III of Schedule 6, the local education authority shall defray the cost of implementing the proposals.

#### Textual Amendments

- F7** Sch. 7 para. 4(1)-(6) repealed (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(6) (a), **Sch. 19 Pt. 2**; S.I. 2006/2129, art. 4
- F8** Words in Sch. 7 para. 4(7) repealed (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 14(6)(b)(i), **Sch. 19 Pt. 2**; S.I. 2006/2129, art. 4
- F9** Word in Sch. 7 para. 4(7) substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), **Sch. 12 para. 14(6)(b)(ii)**; S.I. 2006/2129, art. 4
- F10** Sch. 7 para. 4(9)(b) substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), **Sch. 12 para. 14(6)(c)**; S.I. 2006/2129, art. 4

#### Modifications etc. (not altering text)

- C1** Sch. 7 para. 4 applied (1.6.2003) by Education Act 2002 (c. 32), **ss. 71(6)**, 216(2) (with ss. 210(8), 214(4)); S.I. 2003/1115, art. 2

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