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## SCHEDULES

### SCHEDULE 7 **E+W**

#### RATIONALISATION OF SCHOOL PLACES

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

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

### **PART IV **E+W****

#### PROCEDURE FOR DEALING WITH PROPOSALS UNDER PARAGRAPH 5: ENGLAND

##### *Application of Part IV*

- 6 This Part of this Schedule applies to proposals published under paragraph 5 which relate to an area in England.

##### *Objections*

- 7 (1) Any person may make objections to any proposals published under paragraph 5.
- (2) Objections under this paragraph—
- (a) shall be sent to the school organisation committee for the area to which those proposals relate; and
  - (b) shall be so sent within such period as may be prescribed.

##### *Approval of proposals*

- 8 (1) Proposals published under paragraph 5 require the approval of the school organisation committee under this paragraph or of the adjudicator under paragraph 9.
- (2) Where the school organisation committee receive a copy of the proposals published under paragraph 5, they must either—
- (a) approve them without modification, or
  - (b) approve them with such modifications as the committee think desirable and to which the Secretary of State consents, or
  - (c) refer them to the adjudicator under sub-paragraph (5) or (6).
- (3) Any approval given under this paragraph may, with the consent of the Secretary of State, be expressed to take effect only if an event specified in the approval occurs by a date so specified; and regulations may prescribe the events that may be so specified.

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- (4) When deciding whether or not to give any approval under this paragraph the committee shall have regard to any guidance given from time to time by the Secretary of State.
- (5) If—
- (a) by the end of such period as may be specified in or determined in accordance with regulations, the committee have not voted on the question whether to give any approval under this paragraph, and
  - (b) the Secretary of State requests the committee to refer his proposals to the adjudicator,
- they shall refer his proposals to the adjudicator.
- (6) If the committee—
- (a) have voted on any matter which (in accordance with regulations under paragraph 5 of Schedule 4) falls to be decided by them under this paragraph by a unanimous decision but have failed to reach such a decision on that matter, or
  - (b) have decided not to give any approval under this paragraph,
- they shall refer the Secretary of State’s proposals to the adjudicator.
- (7) Where any proposals are referred to the adjudicator under sub-paragraph (5) or (6), the school organisation committee shall also refer to him—
- (a) any other proposals published under paragraph 5 in relation to the area of the local education authority (and not withdrawn),
  - (b) any proposals made by that authority in the exercise of their powers to make proposals for the establishment, alteration or discontinuance of schools (and not withdrawn), [<sup>F1</sup>and]
  - (c) any proposals made by the governing body of any foundation, voluntary or foundation special school in the area in the exercise of their powers to make proposals for the alteration of their school (and not withdrawn), [<sup>F2</sup>and
  - (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).]
- where those proposals are not determined before the adjudicator holds an inquiry under paragraph 9(1) and appear to the committee to be related to the proposals referred by them to the adjudicator under sub-paragraph (5) or (6).
- (8) Sub-paragraph (7) applies to any proposals within that sub-paragraph whether or not the proposals have been previously referred to the adjudicator by the committee.
- (9) Sub-paragraph (1) does not prevent the Secretary of State from withdrawing any proposals published under paragraph 5 by notice in writing given to the school organisation committee at any time before the proposals are determined under this paragraph or paragraph 9.
- (10) References in this paragraph to the determination of any proposals are to—
- (a) any determination whether or not to approve the proposals under paragraph 3 of Schedule 6, sub-paragraph (2)(a) or (2)(b) above or paragraph 9(3) below, [<sup>F3</sup>or]
  - (b) any determination whether or not to implement the proposals under paragraph 4 of Schedule 6 [<sup>F4</sup>or

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- (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.]

#### Textual Amendments

- F1** Word after Sch. 7 Pt. IV para. 8(7)(b) repealed (28.7.2000 for specified purposes, 1.4.2001 for E. and otherwise *prosp.*) by 2000 c. 21, ss. 153, 154(3)-(5), **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3)
- F2** Sch. 7 Pt. IV para. 8(7)(d) and the word preceding it inserted (28.7.2000 for specified purposes, 1.4.2001 for E. and otherwise *prosp.*) by 2000 c. 21, ss. 149, 154(3)-(5), **Sch. 9 para. 90(1)(3)** (with s. 150); S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3)
- F3** Word in Sch. 7 Pt. IV para. 8(10)(a) repealed (28.7.2000 for specified purposes, 1.4.2001 for E. and otherwise *prosp.*) by 2000 c. 21, ss. 153, 154(3)-(5), **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3)
- F4** Sch. 7 Pt. IV para. 8(10)(c) and the word preceding it inserted (28.7.2000 for specified purposes, 1.4.2001 for E. and otherwise *prosp.*) by 2000 c. 21, ss. 149, 154(3)-(5), **Sch. 9 para. 90(1)(4)** (with s. 150); S.I. 2001/654, art. 2, **Sch. Pt. II** (with art. 3)

#### *Local inquiry into proposals*

- 9 (1) Where any proposals are referred to the adjudicator under paragraph 8(5) or (6), he shall hold a local inquiry to consider—
- those proposals,
  - any additional proposals referred to him under paragraph 8(7),
  - any objections made (under paragraph 2 of Schedule 6 or paragraph 7 above) to any proposals within paragraph (a) or (b) above unless such objections have been withdrawn, and
  - any views expressed by the school organisation committee on any such proposals.
- (2) It shall not be open to the inquiry to question the principles specified in the order under paragraph 2(2) or 3(2).
- (3) After holding the inquiry, the adjudicator must, in the case of any proposals considered at the inquiry, either—
- approve them with or without modifications, or
  - reject them.
- (4) 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; and regulations may prescribe the events that may be so specified.
- (5) When deciding whether or not to give any approval under this paragraph, paragraph 8(4) shall apply to the adjudicator as it does to the committee.

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

- C1** Sch. 7 para. 9 extended (1.6.1999) by S.I. 1999/1286, **reg. 12(13)**.

#### *Implementation of proposals*

- 10 Proposals approved by the school organisation committee under paragraph 8 or by the adjudicator under paragraph 9 shall have effect as if they—

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- (a) had been made by the local education authority under their powers to make proposals for the establishment, alteration or discontinuance of schools, or
- (b) in any case where the proposals are for the alteration of a foundation, voluntary or foundation special school, had been made by the governing body under their powers to make proposals for the alteration of their school, and had been approved by the school organisation committee or the adjudicator, as the case may be, under paragraph 3 of Schedule 6.

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