

*Status: Point in time view as at 01/04/2003.*

*Changes to legislation: Education Act 2002, SCHEDULE 9 is up to date with all changes known to be in force on or before 13 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 9

Section 72

#### PROPOSALS RELATING TO SIXTH FORMS: IMPLEMENTATION

##### Commencement Information

**II** Sch. 9 in force at 1.4.2003 except in relation to W. by S.I. 2003/124, art. 4

In the Learning and Skills Act 2000 (c. 21), after Schedule 7 there is inserted—

#### “SCHEDULE 7A

##### IMPLEMENTATION OF PROPOSALS FOR RESTRUCTURING SIXTH-FORM EDUCATION

##### *Introductory*

- 1 (1) This Schedule applies to proposals under section 113A which have been approved by the relevant authority under that section.
- (2) The proposals shall (subject to the following provisions of this paragraph) be implemented in the form in which they were so approved, in accordance with this Schedule.
- (3) At the request of any persons prescribed in regulations, the relevant authority—
  - (a) may modify the proposals after consulting such persons as may be prescribed, and
  - (b) where any approval was given subject to the occurrence of a specified event, may specify a later date by which the event in question must occur.
- (4) If the relevant authority is satisfied, after consulting such persons as may be prescribed in regulations—
  - (a) that implementation of the proposals would be unreasonably difficult, or
  - (b) that circumstances have so altered since approval was given under section 113A that implementation of the proposals would be inappropriate,it may determine that sub-paragraph (2) shall cease to apply to the proposal.

##### *Proposals to establish a school*

- 2 To the extent that the proposals are proposals to establish a school, they shall be implemented by the local education authority which it is proposed shall establish the school.

*Status: Point in time view as at 01/04/2003.*

*Changes to legislation: Education Act 2002, SCHEDULE 9 is up to date with all changes known to be in force on or before 13 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)*

***Proposals to make a prescribed alteration***

- 3 (1) To the extent that the proposals are proposals to make a prescribed alteration to a school, they shall be implemented in accordance with this paragraph.
- (2) Where the proposals relate to a community school, they shall be implemented by the local education authority which maintains the school.
- (3) Where the proposals relate to a voluntary aided school, they shall be implemented—
- (a) so far as relating to the provision of any relevant premises, by the local education authority which maintains the school, and
  - (b) otherwise, by the governing body of the school.
- (4) For this purpose “relevant premises” means—
- (a) in relation to a local education authority in England, playing fields, and
  - (b) in relation to a local education authority in Wales—
    - (i) playing fields, or
    - (ii) buildings which are to form part of the school premises but are not to be school buildings (within the meaning of the Education Act 1996).
- (5) Where the proposals relate to any other school, they shall be implemented by the local education authority which maintains the school and the governing body of the school, respectively, to such extent (if any) as the proposals provide for each of them to do so.

***Proposals to discontinue a school***

- 4 To the extent that the proposals are proposals to discontinue a school they shall be implemented—
- (a) in the case of proposals relating to a community or community special school, by the local education authority which maintains the school, and
  - (b) in any other case, by the local education authority which maintains the school and the governing body of the school.

***Supplementary***

- 5 Where a local education authority are required under this Schedule to provide a site for a foundation or voluntary controlled school or foundation special school (or a proposed such school), paragraph 16 of Schedule 6 to the School Standards and Framework Act 1998 applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- 6 Paragraph 17 of that Schedule (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under paragraph 3(3)(b) of this Schedule as it applies in relation to the obligations referred to in sub-paragraph (1) (a) of that paragraph 17.
- 7 Paragraph 18 of that Schedule (assistance from LEA in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under this Schedule as it applies in relation to the obligations referred to in that paragraph, and paragraph 20 of that Schedule (duty on LEA to transfer interest in premises provided under paragraph 18) applies accordingly.”

**Status:**

Point in time view as at 01/04/2003.

**Changes to legislation:**

Education Act 2002, SCHEDULE 9 is up to date with all changes known to be in force on or before 13 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.