



# Education Act 2002

## 2002 CHAPTER 32

### PART 5

#### SCHOOL ORGANISATION

##### *Proposals to establish, alter or discontinue schools*

#### **71 Duty of LEAs to secure proposals**

- (1) The Secretary of State may give a direction to a local education authority in England under this section where he is of the opinion that the provision for primary or secondary education—
  - (a) in the area of the authority, or
  - (b) in any part of that area,is, or is likely to become, insufficient.
- (2) Where a direction is given to a local education authority under this section, the authority shall, within the time specified in the direction, do either or both of the following as the authority think fit—
  - (a) exercise their powers under section 28, 29 or 31 of the School Standards and Framework Act 1998 (c. 31) to publish proposals for the establishment, alteration or discontinuance of schools;
  - (b) exercise their power under section 70(1) (notice inviting proposals for establishment of additional secondary schools).
- (3) A local education authority shall comply with a direction under this section—
  - (a) with a view 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 direction, and
  - (b) applying such principles as may be specified in the direction.
- (4) Where the Secretary of State has given a direction to a local education authority under this section and—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the authority has not complied with the direction within the time specified in it, or
  - (b) the authority has complied with it, but the Secretary of State is not satisfied that the provision referred to in subsection (3)(a) will be secured,
- the Secretary of State may make any such proposals as might have been made by the authority under subsection (2)(a) or, by virtue of subsection (2)(b), under section 70(5)(b).
- (5) Proposals made by the Secretary of State under subsection (4) shall—
    - (a) contain the prescribed information,
    - (b) be published by the Secretary of State in the prescribed manner, and
    - (c) be sent by the Secretary of State to the school organisation committee for the area to which they relate.
  - (6) Paragraph 4 of Schedule 7 to the School Standards and Framework Act 1998 applies in relation to this section as follows—
    - (a) sub-paragraphs (1) to (5) apply in relation to a direction given under this section, in relation to the whole or part of the area of a local education authority, as they apply in relation to an order made under paragraph 2(2) or 3(2) of that Schedule, in relation to the area of such an authority;
    - (b) sub-paragraphs (6) and (7) apply in relation to proposals made by a local education authority in the exercise, pursuant to such a direction, of their powers under section 28, 29 or 31 of that Act, as they apply in relation to the proposals referred to in those sub-paragraphs.
  - (7) Paragraphs 7 to 10 and 16 of that Schedule apply in relation to proposals made by the Secretary of State under subsection (4) as they apply to proposals published under paragraph 5 of that Schedule, but as if—
    - (a) the reference in paragraph 9(2) to the order under paragraph 2(2) or 3(2) were a reference to the direction under this section, and
    - (b) the reference in paragraph 16(2) to paragraph 5(3) were a reference to subsection (5)(c) of this section.