

# EDUCATION ACT 2005

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## EXPLANATORY NOTES

### COMMENTARY

#### Part 2: School Organisation

#### ***Section 66 and Schedule 10: Proposals for new secondary schools in England and proposals under section 66 for establishment of secondary schools: supplementary***

144. This section provides that a local education authority in England may publish a notice inviting proposals for the establishment of a secondary foundation or voluntary school or an Academy. *Subsection (3)* specifies the basic information that the notice must contain and provides that other information may be prescribed in regulations.
145. *Subsections (4) to (6)* provide for mandatory consultation by a local education authority before publishing the notice inviting proposals. Regulations can prescribe the persons who must be consulted and the matters which must be the subject of the consultation. They may also prescribe other requirements relating to consultation to be met by the local education authority, such as timing.
146. *Subsection (7)* provides that proposals brought forward in response to the notice must contain the information prescribed in regulations and be submitted to the local education authority before the date specified in the notice.
147. *Subsections (8) to (10)* provide that the local education authority must publish the proposals they receive, and that regulations may prescribe the time and manner in which this must be done. They also provide that the local education authority may publish their own proposals for a secondary community or foundation school, and that regulations may prescribe the information which they must contain. Regulations may require the authority to take steps to promote public awareness of any proposals.
148. *Subsection (11)* defines “secondary school” as including middle schools with an upper age of at least 16, but not including schools catering only for 16-19 year olds.
149. *Subsection (12)* introduces Schedule 10, which contains detailed provisions in relation to the consideration, approval and implementation of proposals under this section. The Schedule replaces Schedule 8 to the Education Act 2002, which dealt only with additional secondary schools.
150. *Subsection (13)* makes provision for a situation where proposals relate to a school to be situated in a different local education authority area. The subsection provides that Schedule 10 is to have effect with modifications prescribed in regulations.
151. *Subsection (14)* repeals the provisions of the Education Act 2002 with respect to proposals for additional secondary schools.