

SCHEDULES

SCHEDULE 2

PROPOSALS FOR ESTABLISHMENT OR DISCONTINUANCE OF SCHOOLS IN ENGLAND

PART 2

CONSIDERATION OF PROPOSALS BY LOCAL EDUCATION AUTHORITY OR ADJUDICATOR

Determination whether to implement proposals not requiring consideration under paragraph 8

- 19 (1) Where any proposals have been made under section 15 by the relevant authority and paragraph 7 does not require the proposals to be considered under paragraph 8, the authority must (subject to the following provisions of this paragraph) determine whether the proposals should be implemented.
- (2) Any determination under sub-paragraph (1) must be made within a prescribed period.
- (3) The requirement to make a determination under sub-paragraph (1) only applies if, at the time when the proposals fall to be considered, the relevant authority are satisfied that the proposals do not relate to any proposals under section 113A of the Learning and Skills Act 2000 (c. 21) which fall to be determined by the Secretary of State but have not yet been determined by him.
- (4) The requirement to make a determination under sub-paragraph (1) does not apply where the proposals appear to the relevant authority to be related to—
- (a) other proposals published under section 15 and not yet determined,
 - (b) proposals published under section 7, 10 or 11 and not yet determined, or
 - (c) proposals published under Schedule 7 to the Learning and Skills Act 2000 and not yet determined.
- (5) In deciding for the purposes of this paragraph whether proposals are related to other proposals, the relevant authority must have regard to any guidance given from time to time by the Secretary of State.
- (6) Where, in the case of any proposals falling within sub-paragraph (1)—
- (a) the authority fail to make a determination under that sub-paragraph within the period mentioned in sub-paragraph (2), or
 - (b) the requirement to make such a determination does not apply by virtue of sub-paragraph (3) or (4),
- the proposals require consideration under paragraph 8 and, in a case falling within paragraph (a), must be referred to the adjudicator.