

SCHEDULE 6,

PART II

6. This Part of this Schedule applies to proposals published under paragraph 2 or 3 of Schedule 8, which relate to a school in Wales.

7.—(1) Any person may make objections to any proposals published under paragraph 2 or 3 of Schedule 8.

(3) Any objections under this paragraph shall be sent to the National Assembly for Wales—

- (a) within two months after the date of publication of the proposals, except where paragraph (b) of this sub-paragraph applies; and
- (b) within one month after the date of publication of the proposals, where the proposals are in respect of a school to which section 15 applies.

8.—(1) Proposals published under paragraph 2 or 3 of Schedule 8 require approval under this paragraph.

(2) Where any proposals require approval under this paragraph, the National Assembly for Wales may—

- (a) reject the proposals,
- (b) approve them without modification, or
- (c) approve them with such modifications as it thinks desirable after consulting the local education authority and the governing body.

(3) Any approval given under this paragraph may be expressed to take effect only if—

- (a) a scheme relating to any charity connected with the school is made by a date specified in the approval,
- (b) the National Assembly for Wales gives notice under regulation 6(1) of the Education (Foundation Body) (Wales) Regulations 2001 (that a foundation body shall become operative and that a school shall form part of a group for which the foundation body shall act) by a date specified in the approval,
- (c) the National Assembly for Wales makes a declaration under regulation 21(3) of those Regulations (that the school shall form part of a group for which a foundation body acts) by a date specified in the approval,
- (d) the National Assembly for Wales makes a declaration under regulation 22(1) of those Regulations (that the school shall leave a group for which a foundation body acts) by a date specified in the approval.

(4) When deciding whether or not to give any approval under this paragraph the National Assembly for Wales shall have regard to the school organisation plan for the area in which the school is situated.

(5) Sub-paragraph (1) does not prevent the governing body or local education authority by whom any proposals have been published under paragraph 2 of Schedule 8 from withdrawing such proposals by notice in writing given to the National Assembly for Wales at any time before the proposals are approved under this paragraph.

(6) Sub-paragraph (1) does not prevent the governing body by whom proposals have been published under paragraph 3 of Schedule 8 from withdrawing such proposals with the consent (in writing) of the National Assembly for Wales at any time before the proposals are approved under this paragraph.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

10.—(1) Where any proposals published under paragraph 2 or 3 of Schedule 8 have been approved under paragraph 8 then (subject to the following provisions of this paragraph) the proposals shall be implemented in the form in which they were so approved in accordance with regulations made under paragraph 5 of Schedule 8.

(2) In the case of proposals published by the governing body at the request of the governing body or in the case of proposals published by the local education authority at the request of the local education authority, the National Assembly for Wales—

(a) may modify the proposals after consulting—

(i) in the case of proposals published by the local education authority, the governing body,

(ii) in the case of proposals published by the governing body, the local education authority; and

(b) where any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, may specify a later date by which the event in question must occur.

(3) If the National Assembly for Wales is satisfied—

(a) that implementation of the proposals would be unreasonably difficult; or

(b) that circumstances have so altered since approval was given under paragraph 8 that implementation of the proposals would be inappropriate,

it may determine that sub-paragraph (1) shall cease to apply to the proposals.

(5) Where—

(a) any approval under paragraph 8 was given in accordance with sub-paragraph (3) of that paragraph, and

(b) the event specified under that sub-paragraph does not occur by the date in question (whether as specified under that sub-paragraph or as specified under sub-paragraph (2) (b) above),

sub-paragraph (1) above shall cease to apply to the proposals.

(6) Where, by virtue of sub-paragraph (3) or (5), sub-paragraph (1) ceases to apply to any proposals, those proposals shall be treated for the purposes of this Schedule as if they had been rejected under paragraph 8.