
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to England only. Regulations 3 and 4 modify in relation to England—

- (a) the definition of “proprietor” in section 579 of the 1996 Act so that it includes a reference to governing bodies of maintained nursery schools;
- (b) Section 127 of the 1998 Act by adding to the list of relevant functions to be covered by the Code of Practice for local education authorities and maintained schools, reports by governors and the head teacher made under section 30 of the 2002 Act. The new paragraph (n) that is prospectively inserted in section 127(6) of the 1998 Act by paragraph 110(3)(c) of Schedule 21 to the 2002 Act is defective and it is not intended that paragraph 110(3)(c) should ever be brought into force in relation to England so far as it relates to paragraph (n).

Regulation 5 revokes the Education (Head Teachers) Regulations 1999 in relation to England.

Regulation 6 makes transitional provisions for schools in England that, immediately before the Regulations come into force, are organised in two or more departments, each with a separate head teacher, allowing them to continue to be so organised until one of the head teachers leaves when the posts of head teacher of a department of the school will cease to exist. Under this regulation any provision made by or under the Education Acts that confers functions on or in relation a head teacher shall have effect on or in relation to the head teacher of a department.

Regulation 7 makes amendments to the definitions in the Parent Governor Representative (England) Regulations 2001 that are consequent on the commencement of the substitution of section 499(9) of the 1996 Act by the 2002 Act. Coupled with a transitional provision included in the 7th Commencement Order (SI 2003/[]), the amendments ensure all parent governors of maintained schools (including maintained nursery schools) are potentially eligible for election or appointment as parent governor representatives on local authority education committees, whether or not the governing body has been reconstituted under the School Governance (Constitution) (England) Regulations 2003.