
STATUTORY INSTRUMENTS

2003 No. 2136

The Education (Change of Category of Maintained Schools) (Amendment) (England) Regulations 2003

Amendment of the Principal Regulations

10. In Schedule 1 (Provisions of Section 28 of, and Schedule 6 to, the 1998 Act having effect in relation to Proposals mentioned in Regulation 4)—

(a) in the modification of paragraph 2 of Schedule 6 to the 1998 Act the following shall be substituted for modification (b)—

“(b) for sub-paragraph (2) there were substituted—

“(2) Where the proposals were published by the local education authority any objections or comments under this paragraph shall be sent to the local education authority within—

(a) six weeks from the date of the publication of the proposals, except where sub-paragraph (b) applies; and

(b) one month from the date of publication of the proposals where the proposals are in respect of a school to which section 15 applies.

(2A) The local education authority shall send to the relevant committee copies of all objections made (and not withdrawn in writing) and comments together with the authority’s observations on them within—

(a) one month from the end of the representation period, except where sub-paragraph (2)(b) applies; and

(b) two weeks from the end of the representation period where the proposals fall within sub-paragraph (2)(b).

(2B) Where the proposals were published by the governing body any objections or comments under this paragraph shall be sent to the relevant committee within—

(a) six weeks from the date of the publication of the proposals, except where sub-paragraph (b) applies; and

(b) one month from the date of publication of the proposals, where the proposals are in respect of a school to which section 15 applies.””

(b) in the modification of paragraph 3 of Schedule 6 to the 1998 Act—

(i) after modification (c) there shall be inserted “(cc) in sub-paragraph (2)(d) for “regulations” there were inserted “regulation 10A of the Education (School Organisation Proposals) (England) Regulations 1999(1)””,

(ii) for modification (d) there shall be substituted—

“(d) for sub-paragraph (3) there were substituted—

“(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 Secretary of State gives notice under regulation 7(1) of the Education (Foundation Body) (England) Regulations 2000(2) (that a foundation body shall become operative and that the school shall form part of a group for which the foundation shall act) by a date specified in the approval,
- (c) the Secretary of State makes a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 (that the school shall form part of a group for which a foundation body acts) by a date specified in the approval, or
- (d) the Secretary of State makes a declaration under regulation 23(1) of the Education (Foundation Body) (England) Regulations 2000 (that the school shall leave a group for which a foundation body acts) by a date specified in the approval.”;

(iii) in modification (e), the words “or comments” shall be inserted after the word “objections” where it appears in the substituted sub-paragraph (5) (a)(i), and

(iv) after modification (f), there shall be inserted “(ff) sub-paragraphs (6A), (6B) and (6C) were omitted”;

(c) in the modification of paragraph 4 of Schedule 6 to the 1998 Act—

(i) in modification (c), “(3)(h)” shall be substituted for “(3)(d)” and the inserted sub-paragraphs (e) and (f) shall be inserted as sub-paragraphs (i) and (j), and

(ii) after modification (c) there shall be inserted “(d) in sub-paragraph (4A) for “regulations” there were substituted “regulation 10B of the Education (School Organisation Proposals) (England) Regulations 1999””; and

(d) in the modification of paragraph 5 of Schedule 6 to the 1998 Act—

(i) in modification (b) the words “At the request of the governing body or local education authority which published the proposals” were substituted for “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”, and

(ii) after modification (e) there shall be inserted “(ee) in sub-paragraph (6A) for “regulations” there were substituted “regulation 10A of the Education (School Organisation Proposals) (England) Regulations 1999””, and

(iii) in modification (g) “5A” were substituted for “6” and the words “or person who made comments” were inserted after “each objector” where they appear in the substituted sub-paragraph (2)(d).