

**2005 No. 1801**

**EDUCATION, ENGLAND**

**The Education (School Organisation Proposals) (England)  
(Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>2nd July 2005</i>
<i>Laid before Parliament</i>	<i>11th July 2005</i>
<i>Coming into force</i> - -	<i>1st August 2005</i>

In exercise of the powers conferred upon the Secretary of State by section 28 of, and paragraph 5 of Schedule 4 and paragraphs 2, 3 and 5 of Schedule 6 to the School Standards and Framework Act 1998(a) the Secretary of State for Education and Skills hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (School Organisation Proposals) (England) (Amendment) Regulations 2005 and shall come into force on the 1st of August 2005.
2. These Regulations apply in relation to England only.

**Amendment of the Education (School Organisation Proposals) (England) Regulations 1999**

3. The Education (School Organisation Proposals) (England) Regulations 1999(b) shall be further amended as follows.

4. In regulation 2 (Interpretation) after the definition of “capacity guidance” insert the definition—

““excepted expansion” means, in respect of secondary schools except grammar schools, a prescribed alteration falling within paragraphs 1, 2, 11 or 12 of Schedule 1;”

5. In regulation 7 (Objections to proposals) after sub-paragraph (2)(b)(ii) add

“,or

(iii) the proposals are published under section 28 and are in respect of an excepted expansion.”

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(a) 1998 c.31. Section 28(2)(b) was amended by section 73 of the Education Act 2002 (c.32) and Schedule 6, by paragraphs 2 and 3 of Schedule 10 to the Education Act 2002 (c.32). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

(b) S.I. 1999/2213; relevant amending instruments are S.I. 2000/2198, 2003/1229.

6. After regulation 7, insert the following regulation—

**“Attendance at school organisation committee meeting**

7A.—(1) Within two weeks of the date on which a school organisation committee have received proposals in respect of an excepted expansion sent to them in accordance with section 28(6), that committee shall inform the governing body of the school which is the subject of the proposals, of the date, time and location of the meeting at which the determination of those proposals will occur.

(2) In cases where proposals have been published under section 28 (whether by a local education authority or by a governing body) and are in respect of an excepted expansion, up to but not more than 2 representatives of the governing body of the school which is the subject of the proposals shall be entitled to attend the meeting referred to in paragraph (1) and make representations about the proposals to the members prior to the school organisation committee voting on those proposals.”

7. In regulation 10 (Period after the expiry of which proposals must be referred to the adjudicator if requested)—

(a) in paragraph (2), for “paragraph (6)”, substitute “paragraphs (2A) and (6)”;

(b) after paragraph (2) add the following paragraph—

“(2A) In the case of proposals in respect of an excepted expansion, all references to “two months” in paragraph (2) shall be read as references to “six weeks”.”;

(c) in paragraph (3) for “paragraph (6)”, substitute “paragraphs (3A) and (6)”;

(d) after paragraph (3), add the following paragraph—

“(3A) In the case of proposals in respect of an excepted expansion, all references to “two months” in paragraph (3) shall be read as references to “six weeks”.”.

8. In regulation 10C—

(a) in paragraph (1) for “popular school but not a grammar school” substitute—

“(a) a secondary school which is not a grammar school; or

(b) a popular primary school.”;

(b) in paragraph (2) , after “2” add “,3,” and for “or 12” substitute “,12 or 13”;

(c) for sub-paragraph (4)(b) substitute the following—

“(b) a primary school is a “popular primary school” if the number of first preferences of parents for places at the school exceeds the admission number for the relevant age group in the current school year by more than 10%.”;

(d) for sub-paragraph 4(c) substitute the following—

“(c) “first preferences” for a school are applications made during the normal admissions round which are ranked by parents on an area’s common application form as their first preference of school; and”;

(e) for sub-paragraph 4(d) substitute the following—

“(d) admission number” means the number of pupils in any relevant age group as determined by the admission authority in accordance with sections 89 and 89A of the Act.”;

(f) omit sub-paragraph 4(e);

(g) after paragraph (4) insert the following—

“(5) The relevant school organisation committee shall inform—

(a) the representative or representatives of the governing body, who attend a school organisation committee meeting pursuant to regulation 7A, at the start of the meeting; or

(b) where there are no representatives, the governing body at the time of notification pursuant to regulation 12, of their entitlement under paragraph 3(6C) of Schedule 6.”

2nd July 2005

*Jacqui Smith*  
Minister of State  
Department for Education and Skills

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Education (School Organisation Proposals) (England) Regulations 1999 (No 2213) (“the Principal Regulations”).

These amendments supplement the amendments made to the Principal Regulations by the Education (School Organisation Proposals) (England) (Amendment) Regulations 2000 (S.I.2000/2198) and by the Education (School Organisation Proposals) (England) (Amendment) Regulations 2003 (S.I.2003/1229).

Regulation 4 defines an “excepted expansion” (this covers both physical enlargements and increases in the number of pupils).

Regulation 5 has the effect of reducing the period for objections and comments in respect of an excepted expansion to be sent to the local education authority or the relevant school organisation committee from six weeks to one month and where the proposals were published by a local education authority, the period for copies of these representations together with any of the authority’s observations on them to be sent to the school organisation committee from one month to two weeks.

Regulation 6 inserts a new regulation 7A into the Principal Regulations, the effect of which is to provide that school organisation committees should, within two weeks of receiving the proposals, inform governing bodies of schools which are the subject of proposals for excepted expansions of the details of the meeting at which the determination of the proposals will occur within two weeks of receiving the proposals. Up to 2 representatives of that governing body shall be entitled to attend that meeting and make representations.

Regulation 7 reduces the period after which a school organisation committee must refer proposals to the adjudicator from two months to six weeks, if requested to do so by those bringing forward the proposals.

Regulation 8 amends regulation 10C of the Principal Regulations so that this provision now applies to all secondary schools (but not grammar schools) as well as to popular primary schools (which is defined), and further provides that such an opportunity to have proposals referred to the adjudicator shall be made known by a school organisation committee to the representatives of the relevant governing body or to the governing body itself.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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