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STATUTORY INSTRUMENTS

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**2005 No. 2836**

**EDUCATION, ENGLAND**

**The Southwark London Borough Council  
(Prescribed Alteration) Order 2005**

*Made* - - - - *11th October 2005*  
*Laid before Parliament* *19th October 2005*  
*Coming into force* - - *18th November 2005*

Whereas, the Southwark London Borough Council acting in their capacity as a local education authority (“the authority”) wish to make an alteration to the upper age limit at four community schools maintained by them (“the schools”) for a period of two years;

Whereas the authority has, in accordance with section 4(2) of the Education Act 2002(1) (“the Act”), consulted such persons as appear to them to be appropriate;

Whereas it is the opinion of the Secretary of State, having regard to the matters set out in section 1(2) of the Act, that the implementation by the authority of the provisions of this Order may contribute to the raising of educational standards achieved by children in England;

Now, therefore, in exercise of the powers conferred upon the Secretary of State by section 2(1) of the Act, the Secretary of State for Education and Skills, on the application of the authority, makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as The Southwark London Borough Council (Prescribed Alteration) Order 2005 and shall come into force on 18<sup>th</sup> November 2005.

(2) In this Order—

“the 1998 Act” means the School Standards and Framework Act 1998(2);

“the Regulations” means the Education (School Organisation Proposals) Regulations 1999(3);

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(1) 2002 c. 32.

(2) 1998 c. 31.

(3) SI 1999/2213, as amended by the Education (School Organisation Proposals) (England) (Amendment) Regulations 2000 (SI 2000/2198), the Education (School Organisation Proposals) (England) (Amendment) Regulations 2001 (SI 2001/1405), the Education (School Organisation Proposals) (England) (Amendment) Regulations 2003 (SI 2003/1229), the Education (School Organisation Proposals) (Miscellaneous Amendment) (England) Regulations 2004 (SI 2004/3052) and the Education (School Organisation Proposals) (England) (Amendment) Regulations 2005 (SI 2005/1801).

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**Status:** This is the original version (as it was originally made).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

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“the schools” means Walworth School(4), Waverley School(5), Kingsdale Secondary School(6) and Aylwin Girls' School(7); and

“the upper age limit” in relation to a school means the highest age of pupils for whom education is normally provided at the school.

**Exemption**

2. The following provisions of the 1998 Act shall not, in respect of any alteration of the upper age limit at the schools, apply to the authority—

- (a) section 28(1)(b); and
- (b) section 33(1)(b).

**Time period**

3. This Order shall have effect until 18<sup>th</sup> November 2007.

11th October 2005

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

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(4) DfES number 210/4215.  
(5) DfES number 210/4303.  
(6) DfES number 210/4265.  
(7) DfES number 210/4009

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## EXPLANATORY NOTE

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

This Order enables the Southwark London Borough Council (“the authority”) to change the age range of pupils at four community schools maintained by it (“the schools”) without having to publish statutory proposals. Under the Education (School Organisation Proposals) Regulations 1999, as amended (“the Regulations”), the alteration of the upper age limit (as defined in the Order) at the schools as proposed by the authority would constitute a “prescribed alteration” for the purposes of section 28(1) of the School Standards and Framework Act 1998. Such a prescribed alteration would require the publication of statutory proposals by the authority in accordance with section 28 and the Regulations. Section 33(1)(b) of the School Standards and Framework Act 1998 provides that no prescribed alteration can be made to a maintained school except in pursuance of proposals falling to be implemented under any enactment.

The Order is made under section 2 of the Education Act 2002, and in Article 2 exempts the Southwark London Borough Council from the duty to publish statutory proposals in respect of any alteration of the upper age limit at the schools. Article 3 provides that the Order has effect until 18 November 2007.