
STATUTORY INSTRUMENTS

2007 No. 1288

The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 and come into force on 25th May 2007.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“the Act” means the Education and Inspections Act 2006;

“EA 1996” means the Education Act 1996(1);

“EA 2002” means the Education Act 2002(2);

“EA 2005” means the Education Act 2005(3);

“SSFA 1998” means the School Standards and Framework Act 1998(4);

“Accessibility Strategy” has the meaning given by section 28D of the Disability Discrimination Act 1995(5);

“APA rating” means the rating awarded to a local authority for children and young people’s services used by the Audit Commission when categorising local authorities for the purposes of reports produced under section 99 of the Local Government Act 2003(6) or the performance rating awarded to a local authority under section 138 (3) of the Act;

“competition notice” means a notice published under section 7 inviting proposals from persons other than local education authorities for the establishment of any new school falling within section 7(2);

“date of publication” of proposals means, in relation to proposals published under section 7,10,11 or 15 or under paragraph 21(4) of Schedule 2 to the Act—

(a) the date on which the requirements of regulations 8(3), 13(3), 15(2) or 26(3), as applicable, are satisfied, and

(1) 1996 c.56.

(2) 2002 c.32.

(3) 2005 c.18.

(4) 1998 c.31.

(5) 1995 c.50. Section 28D is inserted by section 14 (1) of the Special Educational Needs and Disability Act 2001 (c.10).

(6) 2003 c. 26.

- (b) where different requirements are satisfied on different days, the last of such days;
- “discontinuance proposals” means proposals published under section 15 by a local education authority or by a governing body to discontinue a school;
- “Early Years Foundation Stage” means the foundation stage defined by section 81 of EA 2002 or the learning and development and welfare requirements specified by the Secretary of State by order and regulations made under section 39 of the Childcare Act 2006(7) when they come into force;
- “early years provision” has the meaning given by section 20 of the Childcare Act 2006;
- “extended services” has the meaning given to it in the publication entitled “Extended Schools: Access to Opportunities and Services for All” published by the Department for Education and Skills, dated June 2005 and with ISBN Number 1-84478-451-7;
- “initial decision” means a decision made by the adjudicator under paragraph 8 of Schedule 2 to the Act except any decision made by him following a referral to him by an aggrieved person pursuant to paragraph 14 of Schedule 2 to the Act;
- “mainstream school” means a maintained school which is not a special school;
- “NHS foundation trust” has the same meaning as in section 30(1) of the National Health Service Act 2006(8);
- “NHS trust” means a body established by the Secretary of State under section 25 of the National Health Service Act 2006;
- “Primary Care Trust” means a body established or continuing under section 18 of the National Health Service Act 2006;
- “relevant age group”, in relation to a school, means an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school;
- “relevant school”, in relation to a local education authority, means a maintained school maintained by the authority or an Academy, city technology college or city college for the technology of the arts in the area of the authority;
- “representation period” means the period prescribed by regulation 16(1) for making objections or comments in relation to the proposals;
- “sixth form education” means full-time secondary education suitable to the requirements of pupils over compulsory school age;
- “special educational needs” has the meaning given by section 312 of EA 1996(9);
- “special school” means a community special or a foundation special school;
- “the upper and lower age limits” means the highest and lowest ages of pupils for whom it is intended that education is normally provided at the school;
- “14-16 education” means educational provision for 14-16 year olds;

and any reference to sections 7, 8, 9, 10, 11, 13, 15, 61 or 62 is a reference to that section of the Act.

(7) 2006 c.26.

(8) 2006 c.41.

(9) Section 312 was amended by section 57(1) and paragraph 23 of Schedule 7 to the Education Act 1997 (c.44); section 140(1) and (3) and paragraph 71(a) and (b) of Schedule 30 to SSFA 1998; section 149 of and paragraphs 1 and 56 of Schedule 9 to the Learning and Skills Act 2000 (c. 21); and section 6(2) and paragraphs 2 and 3 of Schedule 1 to the Act.