
STATUTORY INSTRUMENTS

2007 No. 1288

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

PART 5

Consideration of Proposals by Local Education Authority or by the Adjudicator

Conditional approvals

20. The following events are prescribed as specified events which (if the approval is expressed to take effect only if they occur) must occur by the date specified in the approval—

- (a) the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 **(1)**;
- (b) the acquisition of the site on which a new school is to be constructed;
- (c) the acquisition of playing fields to be provided for the school;
- (d) the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- (e) the private finance credit approval given by the Department for Education and Skills following the entering into of a private finance contract by a local education authority or the approval by the Department for Education and Skills of capital grant in an equivalent arrangement for voluntary aided schools;
- (f) the entering into an agreement for any necessary building project supported by the Department for Education and Skills in connection with the programme known as “Building Schools for the Future”;
- (g) the making of any scheme relating to any charity connected with the school;
- (h) the formation of any federation (within the meaning of section 24(2) of EA 2002) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the proposed school forming part of a federation;
- (i) the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000**(2)** to an application that a foundation body shall be established and that the school shall form part of a group for which a foundation body shall act;
- (j) the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- (k) in the case of mainstream schools, the agreement to any change to admission arrangements of any other school or schools specified in the approval;

(1) 1990 c.8.

(2) S.I. 2000/2872.

- (l) the establishment of any foundation meeting the requirements of section 23A of SSFA 1998⁽³⁾;
- (m) in the case of proposals published under section 7 or 15, the making of any agreement under section 482 of EA 1996⁽⁴⁾ for the establishment of an Academy;
- (n) in the case of proposals to establish a maintained school in place of an existing independent school, the securing of approval by the Secretary of State to relax the requirements of the Education (School Premises) Regulations 1999⁽⁵⁾ as provided for by section 543 (1) of EA 1996;
- (o) in the case of proposals to establish any other maintained school, the securing of approval by the Secretary of State to relax the requirements of the Education (School Premises) Regulations 1999 in respect of school playing fields as provided for by section 543 (1) of EA 1996;
- (p) in the case of proposals whose funding is dependent upon capital receipts from the disposal of any school land or buildings, the securing of consent from the Secretary of State for the disposal as provided for by paragraph 2 of Schedule 35A to EA 1996 or section 77 of SSFA 1998, or determination in accordance with Schedule 22 to the SSFA 1998 as applicable; and
- (q) where the proposals in question depend upon any of the events specified in paragraphs (a) to (p) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event.

⁽³⁾ Section 23A of SSFA 1998 was inserted by section 33.

⁽⁴⁾ Section 482 of EA 1996 was inserted by section 65 of EA 2002 (c.32).

⁽⁵⁾ S.I. 1999/2.