
STATUTORY INSTRUMENTS

2007 No. 1355

The School Organisation (Transitional Provisions) (England) Regulations 2007

PART 1

General

Citation, commencement and application

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

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

Interpretation

2.—(1) In these Regulations—

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

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

“EA 2005” means the Education Act 2005(2);

“SSFA 1998” means the School Standards and Framework Act 1998(3);

“the Change of Category Regulations” means Education (Change of Category of Maintained Schools) (England) Regulations 2000(4);

“the Constitution Regulations” means the School Governance (Constitution) (England) Regulations 2007(5);

“discontinuance proposals” means proposals published under section 29 or 31 of SSFA 1998 for the discontinuance of a maintained school;

“excepted expansion” means, in respect of secondary schools except grammar schools, a prescribed alteration falling within paragraphs 1, 2 3 (but in respect of a prescribed alteration falling with paragraph 3, only where the alteration of the upper age limit is being made so as to provide sixth form education) 11, 12 or 13 of Schedule 1 to the Education (School Organisation Proposals) (England) Regulations 1999(6);

(1) 1996 c.56.

(2) 2005 c.18.

(3) 1998 c.31.

(4) S.I. 2000/2195; relevant amending instruments are S.I. 2003/2136, S.I. 2005/1731, and S.I. 2006/1507. These Regulations were otherwise revoked by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (S.I. 2007/1289).

(5) S.I. 2007/957.

(6) S.I. 1999/2213; relevant amending instruments are S.I. 2000/2198, S.I. 2003/1229, S.I. 2005/1801 and S.I. 2005/3342. These Regulations were otherwise revoked by the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (S.I. 2007/1288).

“the implementation date” means the date approved or specified by the governing body, local education authority, or school organisation committee (as the case may be) as the date on which it is intended that the change of category or prescribed alteration which falls to be implemented, should take place;

“initial decision” means in relation to Part 2 a decision made by the adjudicator under regulation 7 except a decision made by him following a referral to him by an aggrieved person pursuant to regulation 11;

“mainstream school” means a maintained school which is not a special school;

“the New Secondary School Proposals Regulations” means the Education (New Secondary School Proposals) (England) Regulations 2006(7);

“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 authority” has the meaning given by regulation 5 (2) in Parts 2 and 3 of these Regulations;

“representation period” means any period prescribed in these Regulations or the regulations referred to in regulations 4 and 26 in which objections or comments may be made on, or in relation to, the proposals or revocation proposals;

“special school” means a community special or a foundation special school;

“the Special Schools Regulations” means the Education (Maintained Special Schools) (England) Regulations 1999(9);

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

“undetermined proposal” means proposals for the establishment, discontinuance or alteration of a maintained school that have been published under section 28, 28A, 29 or 31 of SSFA 1998 or section 66 of EA 2005 before 25th May 2007 and that have not been determined by either the school organisation committee or by the adjudicator;

“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 and 15 or to Schedule 2 is a reference to that section of, or Schedule to, the Act.

(2) For the purposes of Part 2 and 4 of these Regulations, proposals are to be treated as published before 25th May 2007, if one or more of the requirements of the following regulations as applicable are satisfied before that date—

- (a) regulation 5 of School Organisation Proposals Regulations and
- (b) regulation 5 of the Special Schools Regulations.

(7) [S.I. 2006/2139](#), amended by [SI 2007/59](#). These Regulations were otherwise revoked by the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 ([S.I. 2007/1288](#)).

(8) [2006 c.26](#).

(9) [S.I. 1999/2212](#) amended by [S.I. 2002/2469](#); there is another amending instrument but it is not relevant. These Regulations were otherwise revoked by the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 ([S.I. 2007/1288](#)).

(3) For the purposes of Part 2 of these Regulations, a notice under section 66 of EA 2005 is to be treated as published before 25th May 2007, if one or more of the requirements of regulation 5 of the New Secondary School Proposals Regulations are satisfied before that date.