
STATUTORY INSTRUMENTS

2007 No. 1355

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

PART 3

Savings and transitional provisions relating to proposals for the establishment and discontinuance of maintained schools published and determined under SSFA 1998 or EA 2005

Requirement to Implement Proposals

20.—(1) This regulation applies to proposals for the establishment or discontinuance of a maintained school published under section 28, 28A, 29 or 31 of SSFA 1998 or section 66 of EA 2005 and approved or determined under paragraph 3 or 4 of Schedule 6 to SSFA 1998 or paragraph 4 or 9 of Schedule 10 to EA 2005 as applicable.

(2) The proposals referred to in paragraph (1) must be implemented (insofar as not already implemented), in the form in which they were so approved or determined, in accordance with this Part of, and Schedule 2 to, these Regulations.

Modification post determination

21. The adjudicator may, at the request of the relevant authority or proposers who made the proposals—

- (a) modify the proposals after consulting—
 - (i) the proposers or the local education authority who made the proposals;
 - (ii) where the proposals are to establish a new foundation, foundation special or voluntary school, the local education authority who it is proposed should maintain the school;
 - (iii) where the proposals were published by the governing body of a school, the local education authority who maintain the school; and
 - (iv) where the proposals were published by the local education authority to discontinue a school, the governing body of the school, and
- (b) where any approval was given in accordance with paragraph 3(3) of Schedule 6 to the SSFA or paragraph 4(5) of Schedule 10 to EA 2005, specify a later date by which the event in question must occur.

Revocation of proposals

22.—(1) Subject to paragraph (5), if the adjudicator is satisfied—

- (a) that implementation of the proposals would be unreasonably difficult, or

(b) that circumstances have so altered since approval was given that implementation of the proposals would be inappropriate,
the adjudicator may determine that regulation 20(2) is to cease to apply to the proposals.

(2) The adjudicator may only make a determination under paragraph (1) where proposals that he should do so have been published by the proposers or a local education authority (“revocation proposals”).

(3) Revocation proposals must contain—

- (a) a description of the original proposals as published in accordance with sections 28, 28A, 29 or 31 of SSFA 1998 or section 66 of EA 2005;
- (b) the date of publication of the original proposals;
- (c) details of who published the proposals; and
- (d) a statement as to why it is proposed that, in accordance with paragraph (1), regulation 20 (2) should not apply in relation to the original proposals.

(4) Revocation proposals must be published by—

- (a) posting them in a conspicuous place in the area to be served by the school,
- (b) where the original proposals were discontinuance proposals, by posting them at or near the main entrance to the school, or if there is more than one entrance, all of them, and
- (c) publishing them in at least one newspaper circulating in the area to be served by the school.

(5) The local education authority or the proposers as the case may be must submit the revocation proposals within 1 week of the date of publication to the adjudicator.

(6) Any person may object to or comment on revocation proposals and such objections and comments must be sent to the adjudicator within 6 weeks after the date of publication of such proposals.

Proposals not falling to be implemented

23.—(1) Where, by virtue of regulation 22(1), regulation 20(2) (duty to implement) ceases to apply to any proposals, those proposals are to be treated for the purposes of this Part of these Regulations as if they had been rejected.

(2) Where—

- (a) any approval under paragraph 3 of Schedule 6 to SSFA 1998 was given in accordance with paragraph 3 (3) of Schedule 6 to SSFA 1998 or any approval under paragraph 4 of Schedule 10 to EA 2005 was given in accordance with paragraph 4 (5) of Schedule 10 to EA 2005, and
- (b) the event specified does not occur by the date in question (whether as specified under either of those provisions or as specified under paragraph 5 (2) (b) of Schedule 6 to SSFA 1998 or paragraph 10 (2)(b) of Schedule 10 to EA 2005),

regulation 20 (2) ceases to apply to the proposals.

(3) Where, by virtue of paragraph (2), regulation 20(2) ceases to apply to any proposals, those proposals must be considered afresh by the adjudicator under paragraph 8 of Schedule 2.