
STATUTORY INSTRUMENTS

2007 No. 1355

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

PART 5

Savings and transitional provisions relating to proposals for the making of prescribed alterations to maintained schools and to changes of category where the proposals have been published and determined under SSFA 1998

Requirement to Implement Proposals

41.—(1) This regulation applies to proposals relating to a prescribed alteration or to a change of category of a maintained school published under section 28 or 31 of SSFA 1998 or paragraph 2 or 3 of Schedule 8 to SSFA and approved or determined under paragraph 3 of Schedule 6 to SSFA 1998 or paragraph 4 of Schedule 6 to SSFA 1998 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 these Regulations.

Modification post determination

42.—(1) The adjudicator may at the request of the authority or governing body who made the proposals—

- (a) modify the proposals, and
- (b) where any approval was given in accordance with paragraph 3 (3) of Schedule 6 to SSFA 1998 specify a later date by which the event in question must occur.

(2) Before modifying any proposals the adjudicator must consult the relevant governing body and the local education authority (unless they proposed the modification)

Revocation of proposals (after approval)

43.—(1) If the adjudicator is satisfied that—

- (a) implementation of the proposals would be unreasonably difficult; or
- (b) circumstances have so altered since approval was given that implementation would be inappropriate,

the adjudicator may determine that regulation 41(2) (duty to implement) 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 governing body or the local authority as appropriate under paragraph (3) (“revocation proposals”).

(3) Revocation proposals must contain—

- (a) a description of the original proposals as published in accordance with section 28, 31 of, or paragraph 2 or 3 of Schedule 8 to, SSFA 1998;
 - (b) the date of publication of the original proposals;
 - (c) a statement as to why it is proposed that, in accordance with paragraph (1), regulation 41(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, and at or near the main entrance to the school or, if there is more than one main entrance, all of them, and
 - (b) publishing them in at least one newspaper circulating in the area to be served by the school.
- (5) The local education authority or the governing body 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 from the date of publication of the proposals.

Proposals not falling to be implemented

44.—(1) Where by virtue of regulation 43(1), regulation 41(2) (duty to implement) ceases to apply to any proposals, those proposals are to be treated as if they had been rejected.

(2) Where any approval was given in accordance with paragraph 3 (3) of Schedule 6 to SSFA 1998 and the event specified in the approval does not occur by the date in question, regulation 41 (2) ceases to apply to the proposals.

(3) Where by virtue of sub-paragraph (2), regulation 41 (2) ceases to apply to any proposals, those proposals must be considered afresh by the adjudicator under regulation 27.

Unimplemented statutory proposals

45.—(1) Where a school changes category and there are other proposals for prescribed alterations falling to be implemented in respect of that school which have not been implemented—

- (a) in the case of a school which has changed category from a community or community special school, the proposals must be to the extent to which they have not been implemented, be implemented by the local education authority;
- (b) in the case of a school which has changed category from a community or voluntary aided school to become a voluntary controlled school, the proposals must to the extent that they have not been implemented, be implemented by the authority;
- (c) in the case of a school which has changed category from a foundation or voluntary controlled school to become a voluntary aided school, the proposals must continue to be implemented by the governing body and local education authority (as the case may be) as if the school had remained a foundation or voluntary controlled school.

Provisions applicable to proposals relating to change of category only

46. Insofar as proposals relating to a change of category are unimplemented, such proposals must be implemented in accordance with provisions as specified in Schedules 3 and 4 to these Regulations.