
STATUTORY INSTRUMENTS

2007 No. 1355

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

PART 2

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

Undetermined Proposals published under SSFA 1998 and EA 2005: general

- 3.—(1) The following provisions of this regulation apply to—
- (a) proposals which were published before 25th May 2007 and which remain undetermined by that date, and
 - (b) the notice and proposals made under section 66 (7) of EA 2005 pursuant to the notice or proposals published under section 66 (8) (b) of EA 2005, where the notice was published before 25th May 2007.

(2) Where proposals for the establishment or discontinuance of a mainstream school have been published under section 28, 28A or 29 of SSFA 1998 **(1)**, regulations 1, 2, 4, 5 and 7 (1) and (2) of the School Organisation Proposals Regulations continue to apply in relation to the proposals.

(3) Where a notice inviting proposals for the establishment of a school has been published under section 66 of EA 2005 **(2)**, regulations 1 to 5 and 7 to 12 of the New Secondary School Proposals Regulations continue to apply in relation to the notice and proposals made under section 66 (7) of EA 2005 pursuant to the notice or published under section 66(8)(b) of EA 2005.

(4) Where proposals for the establishment or discontinuance of a special school have been published under section 31 of SSFA **(3)**, regulations 1, 2, 4, 5, 8(1) and (2) of the Special Schools Regulations continue to apply in relation to the proposals.

(5) Sections 28(6), 29(5), 28A(6) and 31(5) of SSFA 1998, regulation 6 of the School Organisation Proposals Regulations, regulation 13 of the New Secondary School Proposals Regulations and regulation 6 of the Special Schools Regulations continue to apply in relation to information to be sent to the school organisation committee.

(6) In cases where the provisions for making objections and comments continue in accordance with the regulations referred to in regulation 4 as applicable, the school organisation committee must send copies of the proposals referred to in paragraphs (2) to (4) respectively (together with any objections or comments and other information received by it in accordance with the regulations

(1) Sections 28, 28A and 29 of SSFA 1998 ceased to apply to England by virtue of being amended by section 30 of and paragraph 18 and 20 of Schedule 3 to the Act.

(2) Section 66 of EA 2005 ceased to apply to England by virtue of its being amended by section 30 of and paragraph 49 of Schedule 3 to the Act.

(3) Section 31 of SSFA 1998 ceased to apply to England by virtue of its being amended by section 30 of and paragraph 23 of Schedule 3 to the Act.

referred to paragraph 5 as applicable) to the relevant authority as defined by regulation 5(2), or to the adjudicator as provided for in regulation 9 within 1 week of the end of the representation period.

(7) Except where paragraph (6) or (8) applies, any other proposals referred to in paragraphs (2) to (4) (together with any objections or comments and other information received by it in accordance with the regulations referred to paragraph 5 as applicable) must be sent by the school organisation committee to the relevant authority or to the adjudicator as provided for in regulation 9 by 1st June 2007, and determined in accordance with this Part of these Regulations.

(8) Where the school organisation committee has failed to reach a decision as provided for in paragraph 3(6) of Schedule 6 to SSFA 1998 or regulation 17(1) of the New Secondary School Proposals Regulations, it must send copies of the proposals referred to in paragraphs (2) to (4) respectively (together with any objections or comments or other information received by it in accordance with the regulations referred to paragraph 5 as applicable) to the adjudicator by 1st June 2007 and determined in accordance with regulation 14.

(9) Any proposals as referred to in paragraphs (2) to (4) that have been sent to the adjudicator for determination pursuant to—

- (a) paragraph 3(5), 3(6), 3(6A), or 3 (6D) of Schedule 6 to SSFA 1998, or
- (b) regulation 17 of the New Secondary School Proposals Regulations,

must be determined by the adjudicator afresh as provided for in regulation 14.