
STATUTORY INSTRUMENTS

2007 No. 3475

The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007

Part 1

Removal of Foundation and Reduction in Number of Foundation Governors

Requirement to publish proposals in certain circumstances

5.—(1) This regulation applies where—

- (a) the school's instrument of government provides for the majority of governors to be foundation governors, and
- (b) the governing body has not made a decision to publish proposals under section 25(4) of EIA 2006.

(2) Subject to paragraph (4), where at least one third of the governors give notice in writing to the clerk of the governing body that they require the publication of proposals for either or both of the following alterations to the school—

- (a) the removal of the foundation, or
- (b) the alteration of the instrument of government in such a way that foundation governors will cease to constitute the majority of governors,

the governing body must publish proposals for such alteration or alterations (as the case may be) under section 25 of EIA 2006 and in accordance with this Part.

(3) Unless matters are referred to the adjudicator under regulation 6 (*determination of land issues*) (in which case the governing body must publish proposals within 1 month of receipt of the adjudicator's determination), the governing body must publish such proposals within 3 months of the receipt of notice by the clerk under paragraph (2).

(4) Paragraph (2) does not require the governing body to publish proposals under section 25 of EIA 2006—

- (a) at any time within a 5 year period beginning with the date on which—
 - (i) proposals for the establishment of the school were implemented under Schedule 2 to EIA 2006, or
 - (ii) proposals for the acquisition of a foundation, for a relevant change⁽¹⁾ in the instrument of government or for a change of category to foundation or foundation special school were implemented under the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007⁽²⁾, or

⁽¹⁾ As defined in section 25(7) of EIA 2006.

⁽²⁾ [S.I. 2007/1289](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) at any time within a 5 year period beginning with the date on which previous proposals published under section 25 of EIA 2006 in pursuance of paragraph (2) of this regulation (governing body required to publish proposals) were rejected by the governing body in accordance with regulation 11.