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STATUTORY INSTRUMENTS

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**2012 No. 1201**

**The Education (Pupil Referral Units) (Application of Enactments) (England) (Amendment) Regulations 2012**

**Amendment of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007**

**4.** After paragraph 23 insert—

**“Academies Act 2010**

**23B.**—(1) Section 3 of the Academies Act 2010(1) (Application for Academy Order) applies in relation to units as it applies in relation to maintained schools with the following modifications.

- (2) Subsection (1) has effect as if—
  - (a) for “The governing body of a maintained school” there were substituted “The management committee of a unit”, and
  - (b) for “the school” there were substituted “the unit”.
- (3) Subsections (2) to (6) do not apply to units.

**23C.**—(1) Section 4 of that Act(2) (Academy Orders) applies in relation to units as it applies in relation to maintained schools with the following modifications.

- (2) Subsection (1) has effect as if—
  - (a) for “maintained school” there were substituted “unit”,
  - (b) in subsection (1)(a) for “the school” there were substituted “the unit”, and
  - (c) for subsection (1)(b) there were substituted—

“if at any time the circumstances in relation to maintained schools as set out in section 61 or section 62 of the Education and Inspections Act 2006 apply in relation to a unit.”
- (3) Subsection (1A) does not apply to units.
- (4) Subsection (2) has effect as if—
  - (a) for “school” in each place where the word occurs there were substituted “unit”, and
  - (b) for “into an Academy” there were substituted “into an alternative provision Academy”.
- (5) Subsection (3) has effect as if the following were substituted for it —

“(3) A unit is “converted into” an alternative provision Academy if Academy arrangements are entered into in relation to the unit, or the school that replaces it.”.

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(1) Section 3 of the Academies Act 2010 was amended by section 57 of the Education Act 2011.

(2) Section 4 of the Academies Act 2010 was amended by section 57 of, and Schedule 13 to, the Education Act 2011.

- (6) Subsections (4) and (5) have effect as if —
- (a) for “governing body and head teacher” in each place where the words occur there were substituted “management committee and teacher in charge”,
  - (b) for “school” in each place where the word occurs there were substituted “unit”,
  - (c) for “local authority” in each place where the word occurs there were substituted “local authority that maintains the unit”, and
  - (d) paragraph (c) of both subsections were omitted.
- (7) Subsections (8) to (11) do not apply to units.

**23D.**—(1) Section 5 of that Act<sup>(3)</sup> (Consultation on conversion) applies in relation to units as it applies in relation to maintained schools with the following modifications.

- (2) Subsection (1) has effect as if—
- (a) for “maintained school” there were substituted “unit”, and
  - (b) for “Academy” there were substituted “alternative provision Academy”.
- (3) Subsection (2) has effect as if for “the school” there were substituted “the unit”.
- (4) Subsection (3) has effect as if the following were substituted for it—
- “(3) In the case of a unit where the circumstances set out in section 61 or section 62 of the Education and Inspections Act 2006 apply, the consultation may be carried out by—
- (a) the unit’s management committee, or
  - (b) a person with whom the Secretary of State proposes to enter into Academy arrangements in respect of the unit or the school that replaces it.”.

(5) Subsection (4) has effect as if for “the school’s governing body” there were substituted “the unit’s management committee”.

(6) Subsection (6) does not apply to units.

**23E.**—(1) Section 6 of that Act<sup>(4)</sup> (Effect of Academy Order) applies in relation to units as it applies in relation to maintained schools with the following modifications.

- (2) Subsection (1) has effect as if for “school” there were substituted “unit”.
- (3) Subsection (2) has effect as if the following were substituted for it—
- “(2) The local authority must cease to maintain the unit on the date (“the conversion date”) on which the unit, or a school which replaces it, opens as an Academy (“the alternative provision Academy”).”.
- (4) Subsection (2A) has effect as if for “local authority” there were substituted “local authority that maintains the unit”.
- (5) Subsections (3) and (4) do not apply to units.
- (6) Subsection (5) has effect as if for “Academy school” there were substituted “alternative provision Academy”.
- (7) Subsections (7) to (9) do not apply to units.

**23F.**—(1) Section 8 of that Act (Transfer schemes: other property, rights and liabilities) applies in relation to units as it applies in relation to maintained schools with the following modifications.

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(3) Section 5 of the Academies Act 2010 was amended by section 56 of the Education Act 2011.

(4) Section 6 of the Academies Act 2010 was amended by section 58 of, and Schedule 13 to, the Education Act 2011.

- (2) Subsection (1)(a) has effect as if for “school” there were substituted “unit”.
- (3) Subsection (1)(b) has effect as if—
  - (a) for “school” there were substituted “unit”, and
  - (b) for “Academy” there were substituted “alternative provision Academy”.
- (4) Subsection (2) has effect as if—
  - (a) for “school” in each place where the word occurs there were substituted “unit”,
  - (b) for “local authority” there were substituted “local authority that maintains the unit”,
  - (c) for “the school’s governing body” there were substituted “the unit’s management committee”, and
  - (d) for “the governing body” there were substituted “the management committee”.