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STATUTORY INSTRUMENTS

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**2013 No. 3109**

**The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013**

**PART 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and come into force on 28th January 2014.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Education and Inspections Act 2006;

“EA 1996” means the Education Act 1996(1);

“EA 2002” means the Education Act 2002(2);

“Accessibility Strategy” has the meaning given by paragraph 1 of Schedule 10 to the Equality Act 2010(3);

“competition notice” means a notice published under section 7 inviting proposals from persons other than local authorities for the establishment of any new school falling within section 7(2);

“discontinuance proposals” means proposals published under section 15 by a local authority or by a governing body to discontinue a school;

“Early Years Foundation Stage” has the meaning given in section 39 of the Childcare Act 2006(4);

“representation period” means the period in which objections or comments must be sent as set out in regulation 13(1);

“revocation proposals” means proposals published under paragraph 21(4) of Schedule 2 to the Act;

“sixth form education” means full-time secondary education suitable to the requirements of pupils over compulsory school age(5);

“special educational needs” has the meaning given by section 312(1) of EA 1996(6);

“special school” means a community special or a foundation special school; and

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(1) 1996 c. 56.

(2) 2002 c. 32.

(3) 2010 c. 15.

(4) 2006 c. 21.

(5) For the meaning of “compulsory school age” see section 8 of the Education Act 1996.

(6) Section 312 was amended by section 57(1) and paragraph 23 of Schedule 7 to the Education Act 1997 (c.44) and section 140(1) and (3), and paragraph 71(a) and (b) of Schedule 30 to the School Standards and Framework Act 1998 (c.31) (“SSFA 1998”).

“SSFA 1998” means the School Standards and Framework Act 1998.

(2) In these Regulations, any reference to sections 7, 10, 11, 12 and 15 is a reference to that section of the Act(7).

### **Revocations and saving provisions**

3.—(1) The following are revoked—

- (a) the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007(8);
- (b) the School Organisation (Transitional Provisions) (England) Regulations 2007(9);
- (c) regulations 2 to 16 of the School Organisation and Governance (Amendment) (England) Regulations 2007(10);
- (d) regulation 5 of the School Organisation and Governance (Amendment) (England) Regulations 2009(11);
- (e) the School Organisation (Establishment and Discontinuance of Schools) (Amendment) (England) Regulations 2009(12);
- (f) article 22 of the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments to Subordinate Legislation) (England) Order 2010(13);
- (g) article 17 of the Young People’s Learning Agency Abolition (Consequential Amendments to Subordinate Legislation) (England) Order 2012(14).

(2) Notwithstanding the provisions of paragraph (1) the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 continue to apply in relation to those cases where before 28th January 2014—

- (a) a competition notice has been published;
- (b) proposals have been published by a local authority or by any persons under section 10(1) or (2) (publication of proposals with consent of Secretary of State);
- (c) proposals have been published by a local authority or by any persons under section 11(1) or (2) (publication of proposals to establish maintained schools (special cases)); and
- (d) proposals have been published by a local authority or by the governing body of a foundation, voluntary or foundation special school under section 15(1) or (2) (publication of proposals to discontinue schools maintained by local authority).

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(7) Section 12 was amended by section 37 of, and Schedule 11 to, the Education Act 2011, and [S.I. 2010/1080](#). Section 15 was amended by [S.I. 2010/1158](#).

(8) [S.I. 2007/1288](#).

(9) [S.I. 2007/1355](#).

(10) [S.I. 2007/3464](#).

(11) [S.I. 2009/1556](#).

(12) [S.I. 2009/2984](#).

(13) [S.I. 2010/1941](#).

(14) [S.I. 2012/956](#).