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STATUTORY INSTRUMENTS

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**1999 No. 2262**

**The Education (New Schools) (England) Regulations 1999**

**PART II**

**ARRANGEMENTS FOR THE COMPOSITION  
OF TEMPORARY GOVERNING BODIES**

**Arrangements made in anticipation of approval of proposals**

5.—(1) Where any proposals to establish a school have been published under section 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act the local education authority may make arrangements (which shall be treated for the purposes of the 1988 Act as if made under section 44(1) of that Act) in anticipation of approval of the proposals under paragraph 3 of Schedule 6 or paragraph 8 or 9 of Schedule 7 to that Act or, as the case may be, the determination by the authority under paragraph 4 of Schedule 6 to that Act that they should be implemented.

(2) If the proposals are published under section 28(2)(a) of the 1998 Act and are proposals to establish a voluntary controlled school, the local education authority shall consult the promoters—

- (a) as to whether the power given to the local education authority in paragraph (1) above should be exercised; and
- (b) if the local education authority propose to exercise it, as to the date on which the arrangements should be made.

(3) If the proposals are published under section 28(2)(a) of the 1998 Act and the proposals are to establish a voluntary aided or foundation school, the local education authority and the promoters shall consider—

- (a) whether the power given to the local education authority in paragraph (1) above should be exercised, and
- (b) where they agree that it should, on what date the arrangements should be made.

(4) Where in a case falling within paragraph (3) the local education authority and the promoters fail to agree on the question mentioned in sub-paragraph (a) or on that mentioned in sub-paragraph (b), either of them may refer the matter to the Secretary of State and on a reference under this paragraph the Secretary of State shall give such direction as he thinks fit.