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STATUTORY INSTRUMENTS

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**2003 No. 2045**

**The Education Act 2002 (Modification and  
Transitional Provisions) (England) Regulations 2003**

**Transitional provision for schools with head teachers of departments**

**6.—(1)** This regulation applies where immediately before 1st September 2003 a school is a relevant school.

(2) In the period commencing on 1st September 2003 and ending immediately before the relevant date in relation to a relevant school—

- (a) the school may continue to be organised in two or more separate departments, each with a head teacher;
- (b) a person holding the post of head teacher of a department of the school may continue in that post; and
- (c) for the purposes of any provision made by or under the 1996 Act, the 1998 Act or the 2002 Act which confers functions on or in relation to the head teacher of a school, any reference to a “head teacher” or to a “head teacher of a school” shall include a reference to a head teacher of a department of a relevant school.

(3) On the relevant date in relation to a relevant school—

- (a) the provisions of paragraph (2) shall cease to have effect in relation to the school;
- (b) any post of head teacher of a department of the school shall cease to exist; and
- (c) there shall be a single post of head teacher of the school.

(4) In this regulation—

“maintained school” shall be interpreted in accordance with section 20(7) of the 1998 Act;

“relevant date” means the date on or after 1st September 2003 on which one of the head teachers of a relevant school ceases to hold the post of a head teacher of a department of the school; and

“relevant school” means a maintained school which immediately before 1st September 2003 was organised in two or more separate departments each with a head teacher.