
STATUTORY INSTRUMENTS

1993 No. 3113

EDUCATION, ENGLAND AND WALES

**The Education (Publication of School
Proposals and Notices) Regulations 1993**

<i>Made</i>	- - - -	<i>9th December 1993</i>
<i>Laid before Parliament</i>		<i>10th December 1993</i>
<i>Coming into force</i>		
	<i>regulations 1(1), (2) and (4), 6 and 7(1) (so far as relating to section 32(2)(a) of the Education Act 1993) Schedules 1 and 2 (so far as relating to section 32(2)(a))</i>	<i>1st January 1994</i>
	<i>remaining provisions</i>	<i>1st April 1994</i>

In exercise of the powers conferred on the Secretary of State by the provisions set out in column 1 of Schedule 1 to these Regulations as amended by the provisions set out in column 2 of the said Schedule, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Education (Publication of School Proposals and Notices) Regulations 1993.

(2) Regulations 1(1), (2) and (4), 6 and 7(1) (so far as it relates to section 32(2)(a) of the Education Act 1993) of, and Schedules 1 and 2 (so far as it relates to the said section 32(2)(a)) to, these Regulations shall come into force on 1st January 1994 and the remaining provisions shall come into force on 1st April 1994.

(3) The Education (Publication of School Proposals) (No.2) Regulations 1980(1) shall be revoked.

(4) Regulation 3 of the Education (Grant-maintained Schools) (Publication of Proposals) Regulations 1989(2) shall cease to have effect on the date that this paragraph comes into force, and those Regulations shall be revoked on 1st April 1994.

Interpretation

2. In these Regulations “promoters” has the meaning given by section 49(1)(3) of the Education Act 1993.

Manner of Publication of Proposals

3.—(1) Any proposals which (as the case may be) are required to be, or may be, published pursuant to—

- (a) section 12(1) or 13(1) of the Education Act 1980(4) (proposals for the establishment, discontinuance, alteration or transfer of schools by local education authorities or for the establishment, alteration or transfer of voluntary schools);
- (b) section 96(1)(a) or 97(2) of the Education Act 1993(5) (proposals for the alteration or transfer of grant-maintained schools);
- (c) section 104(4) or 105(2) of the Education Act 1993(6) (proposals for the discontinuance of grant-maintained schools); or
- (d) section 272(2) of the Education Act 1993(7) (proposals for the alteration of schools proposed for grant-maintained status),

shall be published—

- (i) by being posted in at least one conspicuous place, in the case of proposals for the establishment of a school, in the area proposed to be served by the school, in the case of proposals for the alteration of a school which would not alter the area served by the school, or for the discontinuance of a school, in the area served by the school, and, in any other case, in both such areas;
- (ii) in at least one newspaper circulating in the area or areas referred to in sub-paragraph (i) above;
- (iii) in the case of proposals relating to an existing school, by being posted at or near the main entrance to the school, or (if there is more than one main entrance) all of them.

(2) For the purposes of this regulation, references to the discontinuance of a school, in the case of a school which is maintained by a local education authority, are references to that authority ceasing to maintain the school.

4. Any proposals which are required to be published by section 48(3)(a) or 49(1)(a) of the Education Act 1993(8) (proposals for the establishment of grant-maintained schools) shall be published—

- (a) by being posted in at least one conspicuous place in the area proposed to be served by the school to which the proposals relate;
- (b) by being made available for inspection at all reasonable times at any place in that area to which members of the public may conveniently have access;

(2) [S.I. 1989/1469](#).

(3) Section 49(1) is not in force at the date of these Regulations.

(4) [1980 c. 20](#); sections 12(1) and 13(1) are amended by, respectively, sections 229(1) and 230(1) of the Education Act 1993.

(5) Sections 96(1)(a), 97(2), 104(4), 105(2), 272(2) are not in force at the date of these Regulations.

(6) Sections 48(3)(a) and 49(1)(a) are not in force at the date of these Regulations.

(7) Section 234(1) is not in force at the date of these Regulations. The expressions “maintained special school” and “grant-maintained special school” are defined in section 182(2) and (3) of the Education Act 1993 respectively; that section is not in force at the date of these Regulations.

(8) Sections 183, 72(4) and 73(5)(b) and Schedule 3 are not in force at the date of these Regulations.

- (c) in at least one newspaper circulating in that area; and
- (d) in the case of proposals by promoters to establish a grant-maintained school in place of an existing independent school, by being posted at or near the main entrance to that school or (if there is more than one main entrance) all of them.

5.—(1) Any proposals, other than in respect of any maintained or grant-maintained special school, which may be made pursuant to section 234(1) of the Education Act 1993⁽⁹⁾ (proposals for the establishment, alteration or discontinuance of schools by Secretary of State following making of directions to the local education authority, the funding authority or the governing body of a voluntary school to make such proposals) shall be published—

- (a) in the case of proposals relating to the establishment of any grant-maintained school, in accordance with regulation 4(a) to (c) above;
- (b) in all other cases, in accordance with regulation 3 above.

(2) Where any proposals in respect of the establishment, alteration or any maintained or grant-maintained special school are made pursuant to section 234(1) of that Act, notice of them shall be served on those persons on whom notice would be required to be served under regulations made pursuant to section 183 of that Act⁽¹⁰⁾, as if that section applied to the proposals.

Notice of Governors

6.—(1) Any notice required to be published by section 72(4) or section 73(5)(b) of the Education Act 1993⁽¹¹⁾ (notice of determination of initial governors) shall be published—

- (a) by being posted at or near the main entrance to the school, or (if there is more than one main entrance) all of them;
- (b) by being posted in the same place within the area served by the school as that in which the proposals for acquisition of grant-maintained status for the school as published were posted in accordance with paragraph 1(1)(b) of Schedule 3 to the Education Act 1993⁽¹²⁾; and
- (c) by being made available for inspection at all reasonable times at the same place as that at which those proposals as published were made available for inspection in accordance with paragraph 1(1)(c) of that Schedule.

(2) A notice of the kind referred to in paragraph (1) above, shall be published within 7 days beginning with the date of, as the case may be, the relevant election, appointment or selection.

Proposals and Prescribed Information for Nursery Education

7.—(1) Proposals published under any of the following sections of the Education Act 1993, namely, section 32(2)(a), 48(3)(a), 49(1)(a), 96(1)(a) or 97(2)⁽¹³⁾ (proposals for the acquisition of grant-maintained status for schools or for the establishment, alteration or transfer of grant-maintained schools), shall, if pupils are proposed to be admitted for nursery education to the school the subject of the proposals, give the information specified in Schedule 2.

(2) Proposals made under section 234(1) of the Education Act 1993⁽¹⁴⁾ (proposals for the establishment, alteration or discontinuance of schools by Secretary of State following making of directions to the local education authority, the funding authority or the governing body of a voluntary

⁽⁹⁾ Sections 32(2)(a), 48(3)(a), 49(1)(a), 96(1)(a), 97(2) and 234(1) are not in force at the date of these Regulations.

⁽¹⁰⁾ S.I. 1987/34.

⁽¹¹⁾ S.I. 1991/411.

⁽¹²⁾ 1980 c. 20.

⁽¹³⁾ 1993 c. 35.

⁽¹⁴⁾ 1986 c. 61.

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

school to make such proposals), shall, if pupils are proposed to be admitted for nursery education to a grant-maintained school the subject of the proposals, give the information specified in Schedule 2.

Amendment of Regulations

8.—(1) For regulation 2(c) of the Education (Publication of proposals to change status of a controlled school) Regulations 1987(**15**) there shall be substituted the following—

“(c) by being posted at or near the main entrance to that school or (if there is more than one main entrance) all of them.”.

(2) For regulation 2(c) of the Education (Publication of Proposals for Reduction in Standard Number) Regulations 1991(**16**) there shall be substituted the following—

“(c) by being posted at or near the main entrance to that school or (if there is more than one main entrance) all of them.”.

(15) 1988 c. 40.
(16) 1992 c. 13.

SCHEDULE 1

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

1	Section	2
Education Act 1980 (12)	12(1)	Education Act 1993 (13) 13(1)sections 229(1) and 230(1) respectively;
	13(1)	
Education (No. 2) Act 1986 (14)	54(3)	
Education Reform Act 1988 (15)	28(1)	
	63(4)	
	89(1)	Further and Higher Education Act 1992 (16) section 13(3);
	92(2)	
Education Act 1993	32(2)(a)	
	48(3)(a)	
	49(1)(a)	
	72(4)	
	73(5)(b)	
	96(1)(a)	
	96(4)	
	97(2)	
	97(5)	
	104(4)	
	105(2)	
	234(1)	
	234(2)(b)(ii)	
	272(2)	
	Schedule 3 paragraphs 4(3) and 7(2)	

(12) 1980 c. 20.
(13) 1993 c. 35.
(14) 1986 c. 61.
(15) 1988 c. 40.
(16) 1992 c. 13.

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

SCHEDULE 2

INFORMATION TO BE GIVEN IN PROPOSALS.

1. The number of pupils for whom nursery education is proposed to be provided in the first school year beginning on or after the proposed date of implementation of the proposals.
2. The number of school sessions proposed to be provided in each normal school week during that year and the number of school sessions it is proposed that each such pupil shall attend in each normal school week during that year.
3. The number of pupils for whom nursery education can be provided at the school.
4. A description of the accommodation proposed to be used to provide nursery education.
5. For the purposes of paragraph 2 above a “normal school week” means any period beginning on a Monday and ending on the following Friday in which there are no school or public holidays.

6th December 1993

John Patten
Secretary of State for Education

9th December 1993

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations prescribe the manner in which proposals for the establishment, discontinuance, alteration or transfer of schools maintained at public expense and notice of the determination of initial governors are to be published (*regulations 3-6(1)*). They also prescribe the time limit for publishing such notices (*regulation 6(2)*), and the information to be given in proposals for the acquisition of grant-maintained status or the establishment, alteration or transfer of grant-maintained schools, where pupils are proposed to be admitted for nursery education (*regulation 7*).

The Regulations revoke and replace (with minor drafting modifications) the Education (Publication of School Proposals) (No.2) Regulations 1980 on 1st April 1994 (which relate to the manner of publication of proposals under section 12(1) or 13(1) of the Education Act 1980 for the establishment, discontinuance or alteration of schools) (*regulations 1(3) and 3*).

The Regulations also revoke regulation 3 of the Education (Grant-maintained Schools) (Publication of Proposals) Regulations 1989 on 1st January 1994 and the remainder of those Regulations on 1st April. Regulation 3 of those Regulations (which concerned the time limit for publishing notices with respect to proposals for the acquisition of grant-maintained status) is superseded as from 1st January 1994, by the provisions of paragraph 1 of Schedule 3 to the Education Act 1993 and the remainder of those Regulations is replaced (with minor drafting modifications and the omission of the requirement that the proposals be made available for inspection) by these Regulations (*regulations 1(4) and 3*).

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

The Regulations amend regulation 2(c) of, respectively, the Education (Publication of proposals to change status of a controlled school) Regulations 1987 and the Education (Publication of Proposals for Reduction in Standard Number) Regulations 1991 (*regulation 8*).