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STATUTORY INSTRUMENTS

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**1995 No. 2368**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Changes for England (School Reorganisation and Admissions) Regulations 1995**

<i>Made</i>	- - - -	<i>7th September 1995</i>
<i>Laid before Parliament</i>		<i>8th September 1995</i>
<i>Coming into force</i>	- -	<i>2nd October 1995</i>

In exercise of the powers conferred on the Secretary of State by sections 19 and 26(4) of the Local Government Act 1992<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations:

**1.—**(1) These Regulations may be cited as the Local Government Changes for England (School Reorganisation and Admissions) Regulations 1995 and shall come into force on 2nd October 1995.

(2) In these Regulations—

- (a) “the 1988 Act” means the Education Reform Act 1988<sup>(2)</sup>;
- (b) “the preliminary period” in relation to an authority means the period specified as such in relation to that authority in a section 17 order;
- (c) “the reorganisation date” in relation to an authority means the date (being 1st April in any year) which is specified as such in relation to that authority in a section 17 order;
- (d) “section 17 order” means an order made under section 17 of the Local Government Act 1992; and
- (e) any reference to a transferee authority is a reference to an authority by which the functions of a local education authority in relation to an area are, by or in consequence of a structural or boundary change (or both such changes) effected by a section 17 order, exercisable in relation to that area on and after the reorganisation date.

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(1) 1992 c. 19.  
(2) 1988 c. 40.

### **School Reorganisation Proposals**

2.—(1) Subject to paragraph (2) below, where before the reorganisation date a transferee authority intend to do on or after that date anything mentioned in section 12(1) of the Education Act 1980(3) (establishment, alteration and discontinuance of schools by local education authorities) that section shall apply in relation to that authority before the reorganisation date as it applies in relation to a local education authority, and sections 14 and 16 of that Act (supplementary provisions) and sections 272 and 229(3) of the Education Act 1993 (power of governing bodies of county school to propose change of character etc.) shall apply accordingly.

(2) In their application by virtue of paragraph (1) above sections 12(1)(d) and 16(1A)(c) of the Education Act 1980 and sections 272(1)(b) and (c) and 229(3)(b) of the Education Act 1993 shall have effect as if the references in those sections to the area or (in the case of section 16(1A)(c)) to the same area were references to the area of the transferee authority.

3. Where before the reorganisation date a transferee authority intend to do on or after that date anything mentioned in section 183(2) of the Education Act 1993 (establishment, alteration and discontinuance of maintained special schools) sections 183 to 185 of that Act shall apply in relation to that authority before the reorganisation date as they apply in relation to a local education authority.

### **Admissions to county and voluntary schools**

4.—(1) Paragraph (2) below applies to a transferee authority during the preliminary period in respect of any county or voluntary school for which the local education authority is the admissions authority and for which the transferee authority will be the admissions authority from the reorganisation date by or in consequence of a structural or boundary change (or both such changes) effected by a section 17 order.

(2) Notwithstanding section 27(6) of the 1988 Act, a transferee authority may apply to the Secretary of State for an order under section 27(5) of that Act reducing any standard number that would otherwise apply under the Act in relation to any school year beginning after the reorganisation date.

(3) Subject to paragraph (4) below, where a transferee authority intends to exercise the power in paragraph (2) above section 28 of the 1988 Act shall apply in relation to the transferee authority as it applies in relation to a local education authority which is an admissions authority.

(4) In its application by virtue of paragraph (3) above section 28(6) of the 1988 Act shall have effect as the reference to the local education authority were a reference to the transferee authority by which the proposals are made.

(5) In this regulation—

“admissions authority” means the authority responsible under the articles of government for any county or voluntary school for determining the arrangements for the admission of pupils to the school; and

“standard number” means the standard number applying in relation to a school, age group and school year under section 27 of the 1988 Act.

5.—(1) Paragraph (2) below applies to a transferee authority during the preliminary period in respect of any county or voluntary school for which the local education authority is not the admissions authority.

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(3) 1980 c. 20. Section 12(1) and (3) was amended and subsections (1A) and (1B) were inserted by section 229 of the Education Act 1993 (c. 35). Section 12(2) was amended and subsection (2A) was inserted by section 31(4) of the Education Reform Act 1988 (c. 40).

(2) Where this paragraph applies a transferee authority may make such a proposal as is mentioned in section 26(4) of the 1988 Act and, where it does so, section 26(4) to (10) and section 27(5) and (7) of that Act shall, subject to paragraph (3) below, apply accordingly.

(3) In its application by virtue of paragraph (2) above section 27(7) of the 1988 Act shall have effect as if the reference in that section to the local education authority were a reference to the transferee authority by which the proposals are made.

### **Representation of voluntary school bodies on committees**

6.—(1) In this regulation—

“the direction” means the direction given by the Secretary of State for Education and the Secretary of State for Wales under section 297 of the Education Act 1993 the terms of which are set out in the Annex to Circular number 19/94 entitled “Arrangements for Education Committees” issued by the Department for Education in July 1994; and

“strategic planning functions with respect to education” has the meaning assigned thereto by paragraph (2) of the direction.

(2) Subject to paragraph (4) below, the direction shall apply in relation to any committee referred to in paragraph (3) below as it applies in relation to a committee appointed by a local education authority for the purpose of discharging any of that authority’s strategic planning functions with respect to education.

(3) The committee referred to in paragraph (2) above is any committee appointed in accordance with section 102 of the Local Government Act 1972(4) by a transferee authority (or by such an authority and any other authority) for the purpose of discharging any of that authority’s (or those authorities’) functions with respect to education exercisable by virtue of these Regulations, other than a committee with responsibility for any of the matters set out in paragraph 5(i) to (iii) of the direction.

(4) In its application by virtue of paragraph (2) above, paragraph (4) of the direction shall have effect as if the reference in that paragraph to the area of a local education authority were a reference to the area of the transferee authority.

1995

Secretary of State for Education and  
Employment

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(4) 1972 c. 70.

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make incidental and transitional provision of general application in the fields of school reorganisation and admissions in consequence of orders made under section 17 of the Local Government Act 1992 (which make boundary and structural changes to local government areas in England).

Regulations 2 to 5 provide for transferee authorities, which will exercise the functions of a local education authority in consequence of an order under section 17 of the 1992 Act, during the period before the change made by the order takes effect, to make proposals or applications relating to the establishment, alteration or discontinuance of schools and certain matters in connection with school admissions.

Regulation 6 brings into effect in relation to transferee authorities the Secretary of State's direction of July 1994, made under section 297 of the Education Act 1993, concerning the composition of local authority committees dealing with education matters. The direction is set out in the Annex to Department for Education Circular 19/94, copies of which may be obtained from Schools Organisation Branch, Department for Education and Employment, Sanctuary Buildings, Great Smith Street, LONDON SW1P 3BT.