
STATUTORY INSTRUMENTS

2003 No. 1558

New Schools (General) (England) Regulations 2003

PART 2

Arrangements for the Incorporation of Temporary Governing Bodies

Arrangements made in anticipation of approval of proposals

8.—(1) Where any proposals to establish a maintained school have been published under any enactment⁽¹⁾, the local education authority may make arrangements in anticipation of approval of the proposals⁽²⁾ or in anticipation of a determination by the authority that the proposals should be implemented⁽³⁾.

(2) If proposals are 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 proposes to exercise it, as to the date on which the arrangements should be made.

(3) If 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 referred to in sub-paragraph (a) or on that referred to 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.

Agreements necessary for arrangements

9.—(1) Where proposals to establish a foundation school or a voluntary school have been published by promoters, a local education authority shall not make arrangements in respect of the school without the agreement of the promoters as to any provision which will be made in relation to the temporary foundation governors.

(2) In the event of any disagreement between the local education authority and the promoters in respect of the provision referred to in paragraph (1), either of them may refer the issue to the

(1) Proposals may be published under section 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act, section 113A() of the 2000 Act or section 70 of the 2002 Act.
(2) Under paragraph 3 of Schedule 6 or paragraph 8 or 9 of Schedule 7 to the 1998 Act, section 113A(5)(a) of the 2000 Act or paragraph 3 of Schedule 8 to the 2002 Act.
(3) Under paragraph 4 of Schedule 6 to the 1998 Act.

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Secretary of State and, on a reference under this paragraph the Secretary of State, shall give such direction as he thinks fit.