
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe various matters relating to proposals for the establishment and discontinuance of schools pursuant to the provisions contained in Part 2 of the Education and Inspections Act 2006 (“the Act”).

Regulation 4 prescribes the interval after which a date can be set for proposals in response to a competition notice to be sent to the local authority.

Regulation 5 prescribes the information to be contained in a notice (“competition notice”) published by a local authority inviting proposals for the establishment of a foundation, voluntary or foundation special school (other than one providing education suitable only to the requirements of persons above compulsory school age), or an Academy.

Regulation 6 prescribes the information that has to be contained in proposals for the establishment of a new school made pursuant to a competition notice.

Regulation 7 prescribes the manner in which details of proposals that a local authority have received in response to a competition notice must be published, the requirement to make copies of proposals available, and also those bodies to whom copies of proposals should be sent.

Regulation 8 with Schedule 1 prescribes the information to be contained in proposals for the establishment with the consent of the Secretary of State—

- by a local authority of a new community or community special school, or a new foundation or foundation special school, (other than one providing education suitable only to the requirement of persons above compulsory school age); or
- by other persons (proposers) of a new foundation, voluntary or foundation special school (other than one providing education suitable only to the requirements of persons above compulsory school age).

Regulation 9 with Schedule 1 prescribes the information that has to be contained in proposals for the establishment—

- by a local authority of a new maintained nursery school, or a new foundation or foundation special school providing education suitable only to the requirements of persons above compulsory school age; or
- by any persons of a new foundation, voluntary or foundation special school which is to provide education suitable only to the requirements of persons above compulsory school age, is to replace an independent school that is not an Academy, a city technology college or city college for the technology of the arts, or in the case of a new foundation special school, is to replace a non-maintained special school.

Regulation 10 prescribes the manner in which the details of proposals made pursuant to sections 10 and 11 of the Act that they have received or made themselves must be published by the local authority, the requirement to make copies available and also those bodies to whom copies of proposals should be sent.

Regulation 11 with Schedule 2 prescribes the information that has to be contained in proposals made, either by a local authority or the governing body, to discontinue a maintained school. Regulation 12 prescribes the manner in which the details of proposals to discontinue a school that the local authority have received or made themselves must be published by the local authority, the requirement to make copies available and also those bodies to whom copies of proposals must be sent.

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

Regulation 13 provides for the making of objections or comments to the local authority in relation to published proposals and for the time period in which they may be made.

Regulation 14 prescribes in relation to proposals the time period in which a local authority must determine whether to give approval under paragraph 8(3) or 8(4) of Schedule 2 to the Act.

Regulation 15 prescribes the period within which a local authority must make a determination in relation to proposals to discontinue a school where there have been no objections to the proposals or any objections made have all been withdrawn.

Regulation 16 prescribes the events that may be specified in a conditional approval.

Regulation 17 prescribes the time within which the local authority must refer matters to the adjudicator.

Regulation 18 prescribes the time within which requests made by a relevant person under paragraph 14(1) of Schedule 2 to the Act must be made, and the time within which such requests must be referred to the adjudicator.

Regulation 19 prescribes the period of time in which related proposals must be referred to the adjudicator pursuant to paragraph 15 of Schedule 2 to the Act.

Regulation 20 prescribes the persons that must be notified of a decision taken under paragraph 8 or 21(3) of Schedule 2 to the Act.

Regulation 21 prescribes the information that must be contained in proposals that the original proposals should not be implemented and the manner of publication of such proposals. Schedule 3 to these Regulations modifies the application of Schedule 2 to the Act where proposals are published under paragraph 21(4) of Schedule 2 to the Act. Regulation 21(8) provides that the local authority must refer to the adjudicator paragraph 21(4) proposals (and the time within which they must be made) where the initial decision was made by the adjudicator.

Regulation 22 prescribes cases that must be referred to the adjudicator, the time within which such referrals must be made and the persons who must be consulted before proposals are modified or a later date for a conditional approval is set under paragraph 21(2) of Schedule 2 to the Act.

Regulation 23 with Schedule 3 makes provision for references to the adjudicator by relevant persons following a determination by a local authority under paragraph 21(4) of Schedule 2 to the Act.

Regulation 24 with Schedule 4 modifies sections 7, 10 and 11 of, and Schedule 2 to, the Act in relation to proposals to establish schools in an area outside the area of the relevant local authority.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen since the net impact is to reduce burdens and constraints on governing bodies, and it will not impose any additional cost or increase the workload for schools and local authorities.