STATUTORY INSTRUMENTS

2016 No. 608

EDUCATION, ENGLAND

The Education (Pupil Referral Units) (Application of Enactments) (England) (Amendment) Regulations 2016

Made - - - -	*25th May 2016*
Laid before Parliament	*26th May 2016*
Coming into force - -	*27th June 2016*

The Secretary of State for Education, in exercise of the powers conferred by section 569(4) of, and paragraph 3 of Schedule 1 to, the Education Act 1996(**1**) and section 1D(2) of the Academies Act 2010(**2**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Education (Pupil Referral Units) (Application of Enactments) (England) (Amendment) Regulations 2016 and come into force on 27th June 2016.

Amendment of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007

2. Part 1 of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007(**3**) is amended as follows.

3. In paragraph 23C(**4**)—

(a) after sub-paragraph (1) insert—

"(1A) Subsection (A1) has effect as if the following were substituted for it—

"(A1) The Secretary of State must make an Academy order in respect of a unit in England if the circumstances in relation to maintained schools as set out in section 61 or section 62 of the Education and Inspections Act 2006(**5**) apply in relation to the unit."; and"

(b) for sub-paragraph (2) substitute—

(**1**) 1996 c.56. See section 579(1) for the definitions of "regulations" and "prescribed".
(**2**) 2010 c.32. Section 1D was inserted by section 53 of the Education Act 2011 (c.21).
(**3**) S.I. 2007/2979, as amended by S.I. 2012/1201. There are other amendments which are not relevant to these Regulations.
(**4**) Paragraphs 23B to F of the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 were inserted by S.I. 2012/1201.
(**5**) 2006 c.40.

"(2) Subsection (1) has effect as if the following were substituted for it—

"(1) The Secretary of State may make an Academy order in respect of a unit in England if an application in respect of the unit is made under section 3."."

4. In paragraph 23D—

(a) omit the word "and" from sub-paragraph (2)(a);

(b) at the end of sub-paragraph (2)(b) omit the full stop and insert ", and";

(c) after sub-paragraph (2)(b) insert—

"(c) for "the school's governing body" there were substituted "the unit's management committee"."";

(d) for sub-paragraph (3) substitute—

"(3) Subsection (2) has effect as if—

(a) the words "or (1)(b)" were omitted, and

(b) for "the school" there were substituted "the unit"."";

(e) for sub-paragraph (4) substitute—

"(4) Subsection (3) has effect as if for "the school" there were substituted "the unit"."";

(f) for sub-paragraph (5) substitute—

"(5) Subsection 4 does not apply to units."; and

(g) omit sub-paragraph (6).

5. After paragraph 23D insert—

"**23DA.**—(1) Section 5B(**6**) of that Act (Duty to facilitate conversion) applies in relation to units as it applies in relation to maintained schools with the following modifications.

(2) Subsection (1) has effect as if—

(a) the words "or (1)(b)" were omitted,

(b) for "school" in each place where the word occurs there were substituted "unit",

(c) for "the governing body" there were substituted "the management committee",

(d) for "the local authority" there were substituted "the local authority that maintains the unit", and

(e) for "into an Academy" there were substituted "into an alternative provision Academy".

(3) Subsection (2) has effect as if for "the governing body" there were substituted "the management committee".

23DB.—(1) Section 5C of that Act (Power to give directions to do with conversion) applies in relation to units as it applies in relation to maintained schools with the following modifications.

(2) Subsection (1) has effect as if—

(a) the words "or (1)(b)" were omitted,

(b) for "school" in each place where the word occurs there were substituted "unit",

(c) for "the governing body" there were substituted "the management committee",

(**6**) Sections 5B to E of the Academies Act 2010 were inserted by the Education and Adoption Act 2016 (c.6).