

SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - School Organisation

Section 55 and Schedules 3 and 4 - Implementation

74. **Section 55** requires that proposals which have been approved, or the proposer has determined should be implemented, must be implemented in the form in which they were approved or determined, and in accordance with Schedule 4 for change of category proposals, or in accordance with Schedule 3 for every other type of proposal.
75. **Schedule 3** provides further detail about the implementation of statutory proposals including responsibilities for implementing different types of proposals, and the provision of premises and assistance. Schedule 4 provides further detail about the implementation of change of category proposals, including the transfer of staff and land. This Schedule provides for and sets out the process by which governing bodies and local authorities must implement the proposals to change category and makes similar provision to that found in the Change of Category of Maintained Schools (Wales) Regulations 2001. It sets out, amongst other things, details on how staff and land are to be transferred. The Welsh Ministers are provided with a regulation making power in connection with how changing category affects the government of the school.
76. The proposer may delay determination for up to three years, or determine not to implement proposals at all if it is satisfied that implementation would be unreasonably difficult or that circumstances have so altered that implementation would be inappropriate. The proposer may also determine to bring forward implementation by up to 13 weeks.
77. In making such determinations, the proposer must notify the relevant governing body and local authority (where these are not the proposer). Where proposals have received the approval of the Welsh Ministers or a local authority, the proposer must seek the agreement of the Welsh Ministers before making any determination to delay, abandon, or bring forward implementation.
78. **Section 55** and Schedule 3 replace, with amendments, Schedule 6 to the 1998 Act. Schedule 4 is based on the Change of Category of Maintained Schools Regulations 2001.