



School Standards and Organisation (Wales) Act 2013

2013 anaw 1

PART 3

SCHOOL ORGANISATION

CHAPTER 5

PROPOSALS FOR RESTRUCTURING SIXTH FORM EDUCATION

Implementation of proposals for restructuring sixth form education

74 Form of implementation

- (1) This section applies to proposals which have been adopted by the Welsh Ministers under section 73.
- (2) The proposals must (subject to the following provisions of this section) be implemented in the form in which they were adopted.
- (3) At the request of a specified body, the Welsh Ministers—
 - (a) may modify proposals adopted under section 73 after consulting the specified bodies, and
 - (b) where the adoption of proposals was expressed to take effect subject to the occurrence of a specified event, may specify a later date by which that event must occur.
- (4) The Welsh Ministers may determine that subsection (2) does not apply to the proposals if they are satisfied, after consulting the specified bodies—
 - (a) that implementation of the proposals would be unreasonably difficult, or
 - (b) that circumstances have so altered since the proposals were adopted that implementation of the proposals would be inappropriate.

Status: Point in time view as at 01/01/2022.

Changes to legislation: *School Standards and Organisation (Wales) Act 2013, Cross Heading: Implementation of proposals for restructuring sixth form education is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) Each of the following is a “specified body” for the purposes of subsections (3) and (4)—
- (a) the governing body of the school to which the proposals relate;
 - (b) in the case of a proposal to establish a new school, the temporary governing body constituted in accordance with arrangements made under section 34 of the Education Act 2002;
 - (c) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;
 - (d) where the school to which the proposals relate is a community special school each local authority which maintains [^{F1}a statement of special educational needs under Part 4 of the Education Act 1996][^{F1}an individual development plan under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018] in respect of a registered pupil at the school.

Textual Amendments

- F1** Words in s. 74(5)(d) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\), s. 100\(3\), Sch. 1 para. 22\(4\)](#); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3(o)(xxi); S.I. 2021/1244, art. 3(o)(xxi); S.I. 2021/1245, arts. 3(o)(xxi), 4 (with art. 1(4))

Commencement Information

- I1** S. 74 in force at 1.10.2013 by [S.I. 2013/1800, art. 3\(d\)](#)

75 Responsibility for implementation

- (1) Proposals to establish a school must be implemented by the local authority that it is proposed will maintain the school.
- (2) Proposals to make an alteration described in paragraph 6 of Schedule 2 must be implemented—
 - (a) in the case of proposals relating to a community school, by the local authority that maintains the school;
 - (b) in the case of proposals relating to a voluntary aided school—
 - (i) so far as relating to the provision of any relevant premises, by the local authority that maintains the school, and
 - (ii) otherwise, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so;
 - (c) in the case of proposals relating to any other school, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so.
- (3) In subsection (2) “relevant premises” means—
 - (a) playing fields, or
 - (b) buildings which are to form part of the school premises but are not to be school buildings.
- (4) Proposals to discontinue a school must be implemented—

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- (a) in the case of proposals relating to a community or community special school, by the local authority that maintains the school, and
 - (b) in any other case, by the local authority that maintains the school and the governing body of the school.
- (5) If a school changes category from a community school after proposals have been published under section 72 but before they have been implemented, the proposals (to the extent that they have not been implemented) must be implemented by the local authority that maintains the school (despite subsections (2) and (4)).

Commencement Information

I2 S. 75 in force at 1.10.2013 by S.I. 2013/1800, art. 3(d)

76 Further provision as to implementation

- (1) Where a local authority is required by virtue of section 75 to provide a site for a foundation or voluntary controlled school, paragraph 7 of Schedule 3 (provision of site and buildings for foundation or voluntary controlled school) applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- (2) Paragraph 8 of Schedule 3 (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under section 75(2)(b)(ii) as it applies in relation to the obligations referred to in paragraph 8(1)(a) of that Schedule.
- (3) Paragraph 9 of Schedule 3 (assistance from local authority in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under section 75(2)(b)(ii) as it applies in relation to the obligations referred to in that paragraph 9, and paragraph 11 of that Schedule (duty on local authority to transfer interest in premises provided under paragraph 9 or 10) applies accordingly.

Commencement Information

I3 S. 76 in force at 1.10.2013 by S.I. 2013/1800, art. 3(d)

Status:

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