



School Standards and Organisation (Wales) Act 2013

2013 anaw 1

PART 3

SCHOOL ORGANISATION

CHAPTER 6

MISCELLANEOUS AND SUPPLEMENTAL

80 Notice by governing body to discontinue foundation or voluntary school

- (1) The governing body of a foundation or voluntary school may discontinue the school by giving the Welsh Ministers and the local authority that maintains the school two years' notice of its intention to do so.
- (2) The Welsh Ministers' consent is required before giving a notice under this section if expenditure has been incurred on the school premises (otherwise than in connection with repairs)—
 - (a) by the Welsh Ministers, or
 - (b) by any local authority.
- (3) The governing body must consult the Welsh Ministers before giving a notice under this section if discontinuing the school would affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19.
- (4) If, while a notice under this section is in force, the governing body informs the local authority that it is unable or unwilling to carry on the school until the notice expires, the authority—
 - (a) may conduct the school for all or part of the unexpired period of the notice as if it were a community school, and

Status: This is the original version (as it was originally enacted).

- (b) is entitled to use the school premises free of charge for that purpose.
- (5) While the school is being so conducted—
- (a) the authority must keep the school premises in good repair, and
 - (b) any interest in the premises which is held for the purposes of the school is to be treated, for all purposes relating to the condition, occupation or use of the premises, or the making of alterations to them, as vested in the authority.
- (6) Despite subsection (5) the governing body may use the premises, or any part of them, when not required for the purposes of the school to the same extent as if it had continued to carry on the school during the unexpired period of the notice.
- (7) A notice under subsection (1) may not be withdrawn without the consent of the local authority.
- (8) If a foundation or voluntary school is discontinued under this section, the duty of the local authority to maintain the school as a foundation or voluntary school ceases.
- (9) Nothing in section 43 applies in relation to the discontinuance of a foundation or voluntary school under this section.
- (10) Subsection (11) applies where—
- (a) land occupied by the school is held by any trustees for the purposes of the school,
 - (b) the trustees (being entitled to do so) intend to give notice to the governing body of the school to terminate the school's occupation of that land, and
 - (c) the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site.
- (11) The notice given by the trustees to the governing body to terminate the school's occupation of the land must be at least two years; but if, during the first twelve months of that notice period, the governing body gives notice under subsection (1), the trustees' notice does not have the effect of terminating the school's occupation of the land until the expiry of the governing body's notice.
- (12) A copy of the trustees' notice must also be given to the Welsh Ministers and the local authority at the time when the notice is given to the governing body.
- (13) Where trustees give, at the same (or substantially the same) time, notices purporting to terminate a foundation or voluntary school's occupation of two or more pieces of land held by the trustees for the purposes of the school, then for the purpose of determining whether subsection (10)(c) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the school's occupation of both or all of them.
- (14) If a question arises as to whether the termination of a school's occupation of any land would have the result mentioned in subsection (10)(c) (including a question as to whether subsection (13) applies in any particular circumstances), it is to be determined by the Welsh Ministers.