



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 3

### SCHOOL ORGANISATION

#### CHAPTER 2

##### SCHOOL ORGANISATION PROPOSALS

*Establishment, alteration and discontinuance of maintained schools*

**40 Restriction on establishment, alteration and discontinuance of maintained schools**

- (1) A new community school, voluntary school or community special school may be established in Wales only in accordance with this Part.
- (2) No new foundation school or foundation special school may be established in Wales.
- (3) A maintained school may be discontinued only in accordance with this Part.
- (4) An alteration which is a regulated alteration in relation to the type of school in question may be made to a maintained school only in accordance with this Part.
- (5) No alteration may be made to a maintained school that changes the religious character of the school or causes a school to acquire or lose a religious character.
- (6) Subsection (3) has effect subject to section 16(5) (power of Welsh Ministers to direct closure of school).
- (7) Schedule 2 (which describes regulated alterations) has effect.

**41 Proposals to establish mainstream schools**

- (1) A local authority may make proposals to establish—
  - (a) a new community school, or
  - (b) a new maintained nursery school.
- (2) Any person may make proposals to establish a new voluntary school.

**42 Proposals to alter mainstream schools**

- (1) A local authority may make proposals—
  - (a) to make a regulated alteration to a community school;
  - (b) with the consent of the Welsh Ministers, to make an alteration described in paragraph 6 of Schedule 2 (opening or closing a school's sixth form) to a voluntary or foundation school;
  - (c) to make an alteration described in paragraph 10, 11, 12 or 13 of Schedule 2 (increasing and reducing capacity) to a voluntary or foundation school if that school does not have a religious character;
  - (d) to make a regulated alteration to a maintained nursery school.
- (2) The governing body of a foundation or voluntary school may make proposals to make a regulated alteration to the school.

**43 Proposals to discontinue mainstream schools**

- (1) A local authority may make proposals to discontinue—
  - (a) a community, foundation or voluntary school, or
  - (b) a maintained nursery school.
- (2) The governing body of a foundation or voluntary school may make proposals to discontinue the school.

**44 Proposals to establish, alter or discontinue community special schools**

- A local authority may make proposals—
- (a) to establish a new community special school,
  - (b) to make a regulated alteration to such a school, or
  - (c) to discontinue such a school.