WELSH STATUTORY INSTRUMENTS

2012 No. 1797 (W.227)

EDUCATION, WALES

The Education (Middle Schools) (Wales) Regulations 2012

Made - - - -	*6 June 2012*
Laid before the National Assembly for Wales - -	*10 June 2012*
Coming into force - -	*1 September 2012*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 5(4) and 569(4) and (5) of the Education Act 1996(**1**) and now vested in them make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Middle Schools) (Wales) Regulations 2012, and they come into force on 1 September 2012.

(2) These Regulations apply in relation to Wales.

Revocation and savings

2.—(1) The following regulations are revoked in relation to Wales—

(a) the Education (Middle Schools) Regulations 1980(**2**); and

(b) the Education (Middle Schools) (Amendment) Regulations 1994(**3**).

(2) The regulations referred to in paragraph (1) continue to apply in relation to those proposals which have been implemented before the date on which these Regulations come into force.

Interpretation

3. In these Regulations—

"2002 Act" ("*Deddf 2002*") means the Education Act 2002(**4**);

(**1**) 1996 c. 56. Section 569(4) was amended by the Education (Wales) Measure 2009 (nawm 5), section 8. The functions of the Secretary of State under sections 5 and 569(4) and (5) of the Education Act 1996 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and then to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(**2**) S.I. 1980/918.
(**3**) S.I. 1994/581.
(**4**) 2002 c. 32.

"Education Act purposes" ("*dibenion y Ddeddf Addysg*") means the purposes of the Education Act 1996 and the other enactments relating to education;

"fourth key stage" ("*pedwerydd cyfnod allweddol*") means the period set out in section 103(1)(d) of the 2002 Act;

"governing body" ("*corff llywodraethu*") includes a temporary governing body constituted in accordance with section 34 of the 2002 Act(**5**);

"primary age range" ("*ystod oedran ysgol gynradd*") means the range of years during which a pupil is between the age of 11 years and the lower age specified in the proposals;

"promoters" ("*hyrwyddwyr*") means persons other than a local authority who have published proposals for the establishment of a new school under section 28(2) of the School Standards and Framework Act 1998;

"proposals" ("*cynigion*") means the proposals referred to in section 28 of the School Standards and Framework Act 1998(**6**) and which—

(a) specify an age which is below the age of 10 years 6 months and an age which is above the age of 12 years; and

(b) provide that the school to which the proposals relate is to be a school providing full-time education suitable to the requirements of pupils whose ages are between the ages specified; and

"secondary age range" ("*ystod oedran ysgol uwchradd*") means the range of years during which a pupil is between the age of 11 years and the higher age specified in the proposals.

Determination of a middle school as secondary school

4. A middle school, to which the proposals relate, is to be treated as a secondary school for Education Act purposes where—

(a) that school has a wider secondary age range of pupils than of primary age range pupils;

(b) the school proposes to provide education for pupils until they cease to be of compulsory school age or are above compulsory school age; and

(c) (where paragraph (b) applies) the Welsh Ministers have not made a determination under regulation 5(2).

Determination of a middle school as primary school

5.—(1) A middle school, to which the proposals relate, is to be treated as a primary school for Education Act purposes where that school has a wider primary age range of pupils than of secondary age range pupils, and—

(a) regulation 4(b) does not apply; or

(b) regulation 4(b) does apply but the Welsh Ministers have made a determination under paragraph (2).

(**5**) 2002 c. 32, as amended by paragraph 11(1) and (2) of Part 1 of Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158).

(**6**) The heading was amended by the Education and Inspections Act 2006 (c. 40), paragraph 18(1) and (10). Sub-section (1) was amended by the Education and Inspections Act 2006 (c. 40) paragraph 18(1), (2)(a) and (b) of Schedule 3 and by Part 3 of Schedule 18, and also by the Education Act 2002, section 154(1) to (3), and by paragraph 10(1) and (2) of Part 1 of Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010, and also by the Education (Wales) Measure 2011 (nawm 7), section 26(1) and (2)(a). Sub-section (2)(a) was amended by the Education Act 2002, paragraph 97(1) and (3) of Schedule 21, and by the Education Act 2005, Part 2 of Schedule 19, and by the Education and Inspections Act 2006, paragraph 18(1) and (3)(a) of Schedule 3 and also by the Education (Wales) Measure 2011, section 26(1) and (2)(b). Sub-section (2)(b) was amended by the Education Act 2002, section 73, and by the Education and Inspections Act 2006, paragraph 18(1), (3)(b)(i) and (ii) of Part 3 of Schedule 18.