WELSH STATUTORY INSTRUMENTS

2011 No. 190 (W.35)

EDUCATION, WALES

The School Organisation (Miscellaneous Amendments) (Wales) Regulations 2011

Made - - - -	*28 January 2011*
Laid before the National Assembly for Wales - -	*1 February 2011*
Coming into force - -	*1 March 2011*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 28 (3), 28(8), 29(3), 29(7) , 31(3), 31(8), 34, 35, 138(7) and (8), and 144 of, and paragraph 7 of Schedule 6, paragraphs 5 and 12 of Schedule 7 and paragraph 2 of Schedule 8 to, the School Standards and Framework Act 1998(**1**), and in the exercise of the powers conferred on the National Assembly for Wales by sections 113A(9) and 152(5) and (6) of, and paragraphs 20(2), 22, 28(2), 30, 39(2), 40 and 41 of Schedule 7 and paragraph 1 of Schedule 7A to, the Learning and Skills Act 2000(**2**) and now vested in them, make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the School Organisation (Miscellaneous Amendments) (Wales) Regulations 2011.

(2) These Regulations come into force on 1 March 2011.

(3) These Regulations apply in relation to Wales.

(**1**) 1998 c. 31.Sections 28 and 29 and Schedules 6 and 8 were amended so that they only apply in relation to Wales by paragraphs 18, 20, 33, 34 of Schedule 3, and Part 3 of Schedule 18 to the Education and Inspections Act 2006 (c. 40). Schedule 7 was amended so that it only applies in relation to Wales by paragraph 14 of Schedule 12 to the Education Act 2005 (c. 18). Section 28(1)(aa) and 28(1)(d) were inserted by section 154 of the Education Act 2002 (c. 32). Section 28(2)(a) was amended by section 64 of the Education Act 2005. The functions of the Secretary of State in the School Standards and Framework Act 1998 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 by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) 2000 c. 21. Section 113A was inserted by the Education Act 2002. Subsection (9)(f) of that section was repealed by paragraph 49 of Schedule 6 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). Schedule 7 was amended by Schedule 5 to the Education Act 2005. Schedule 7A was inserted by Schedule 9 to the Education Act 2002. Paragraph 1A of Schedule 7 was amended by paragraph 53 of Schedule 6 to the Apprenticeships, Skills, Children and Learning Act 2009. References to the National Assembly for Wales in the Learning and Skills Act 2000 were substituted for references to the National Council for Education and Training for Wales by the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W.243)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Amendment of the Education (Schools Organisation Proposals) (Wales) Regulations 1999

2. The Education (School Organisation Proposals) (Wales) Regulations 1999(**3**) are amended as follows—

(a) in regulation 5—

(i) before sub-paragraph (a) of paragraph (2) insert—

"(za) on a school day and not fewer than fifteen school days before the end of a school term;";

(ii) before sub-paragraph (d) of paragraph (3) insert—

"(zd) on a school day and not fewer than fifteen school days before the end of a school term;";

(iii) before sub-paragraph (a) of paragraph (4) insert—

"(za) on a school day and not fewer than fifteen school days before the end of a school term;";

(iv) before sub-paragraph (a) of paragraph (5) insert—

"(za) on a school day and not fewer than fifteen school days before the end of a school term;";

(b) in regulation 7—

(i) in paragraph (2) for the words after "(as the case may be)", substitute "within the period of one month after the date of publication of the proposals."; and

(ii) in paragraph (3) for the words after "Schedule 6 to the Act within", substitute "the period of two weeks after the end of the objection period.";

(c) in Schedule 5 for the modification to paragraph 7 of Schedule 6 to the School Standards and Framework Act 1998 substitute—

"That paragraph shall have effect as if—

in sub-paragraph (1) for "section 28, 29 or 31" there were substituted "paragraph 10(4)";

in sub-paragraph (2)(a) for "such period as may be prescribed" there were substituted "one month after the date on which the proposals were published";

in sub-paragraph (2)(b) for "such period as may be prescribed" there were substituted "two weeks after the end of the objection period";

in sub-paragraph (3) for "such period as may be prescribed" there were substituted "one month after the date on which the proposals were published"".

Savings in relation to the Education (Schools Organisation Proposals) (Wales) Regulations 1999

3.—(1) Paragraph (2) applies in relation to any proposal published—

(a) before the coming into force of these Regulations; and

(b) to which the Education (School Organisation Proposals) (Wales) Regulations 1999 apply.

(2) The Education (School Organisation Proposals) (Wales) Regulations 1999 continue to apply to that proposal as if the amendments made by these Regulations had not been made.

(**3**) S.I. 1999/1671 as amended by S.I. 2004/908 (W.91), S.I. 2006/173 (W.24) and S.I. 2010/1142 (W.101).

Amendment of the Education (Maintained Special Schools) (Wales) Regulations 1999

4.—(1) The Education (Maintained Special Schools) (Wales) Regulations 1999(**4**) are amended as follows—

(a) in regulation 5—

(i) for paragraph (2) substitute—

"(2) Any proposals for the establishment of a school must be published—

(a) on a school day and not fewer than fifteen school days before the end of a school term; and

(b) in at least one newspaper circulating in the area proposed to be served by the school.";

(ii) before sub-paragraph (a) of paragraph (3) insert—

"(za) on a school day and not fewer than fifteen school days before the end of a school term;";

(iii) before sub-paragraph (a) of paragraph (4) insert—

"(za) on a school day and not fewer than fifteen school days before the end of a school term;"; and

(iv) before sub-paragraph (a) of paragraph (5) insert—

"(za) on a school day and not fewer than fifteen school days before the end of a school term;";

(b) in regulation 8—

(i) in paragraph (2) for the words after "(as the case may be)", substitute "within the period of one month after the date of publication of the proposals."; and

(ii) in paragraph (3) for the words after "Schedule 6 to the Act within", substitute "the period of two weeks after the end of the objection period."; and

(c) in Schedule 4 for the modification to paragraph 7 of Schedule 6 to the School Standards and Framework Act 1998 substitute—

"That paragraph shall have effect as if—

in sub-paragraph (1) for "section 28, 29 or 31" there were substituted "paragraph 10(4)";

in sub-paragraph (2)(a) for "such period as may be prescribed" there were substituted "one month after the date on which the proposals were published";

in sub-paragraph (2)(b) for "such period as may be prescribed" there were substituted "two weeks after the end of the objection period";

in sub-paragraph (3) for "such period as may be prescribed" there were substituted "one month after the date on which the proposals were published"".

Savings in relation to the Education (Maintained Special Schools) (Wales) Regulations 1999

5.—(1) Paragraph (2) applies in relation to any proposal published—

(a) before the coming into force of these Regulations; and

(**4**) S.I. 1999/1780 as amended by S.I. 2001/3710 (W.306), S.I. 2005/3238 (W.243), S.I. 2009/48 (W.16) and S.I. 2010/1142 (W.101).