

2013 No. 1800 (W. 182) (C. 74)

EDUCATION, WALES

**The School Standards and
Organisation (Wales) Act 2013
(Commencement No. 2, Savings
and Transitional Provisions) Order
2013**

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made by the Welsh Ministers under the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”).

This Order commences sections 38 and 39 in so far as those sections are not already in force on 19 July 2013 of the 2013 Act.

This Order also brings into force on 1 October 2013 the following provisions:

- (a) Chapter 2 of Part 3 (school organisation proposals);
- (b) Chapter 3 of Part 3 (rationalisation of school places);
- (c) Chapter 4 of Part 3 (regional provision for special educational needs);
- (d) Chapter 5 of Part 3 (proposals for restructuring sixth form education);
- (e) Chapter 6 of Part 3 (miscellaneous and supplemental);
- (f) Schedule 2 (regulated alterations);
- (g) Schedule 3 (implementation of statutory proposals);
- (h) paragraphs 1 to 7 and paragraphs 9 to 39 of Schedule 4 (implementation of proposals to change category of school);
- (i) section 99 (minor and consequential amendments) in so far as it relates to the amendments made by Part 2 of Schedule 5; and

(j) Part 2 of Schedule 5.

Article 4 of this Order saves various provisions in Chapter 2 of Part 2 of the School Standards and Framework Act 1998 (“the 1998 Act”) in relation to:

- (a) school organisation proposals published under sections 28, 29, 31 and 35 of the 1998 Act before 1 October 2013;
- (b) a notice by a governing body to discontinue a foundation or voluntary school served under section 30 of the 1998 Act before 1 October 2013; and
- (c) a direction requiring discontinuance of community or foundation special school given under section 32 of the 1998 Act before 1 October 2013.

Article 5 of this Order provides that until the commencement of section 21(1) of the Education (Wales) Measure 2011 the reference to a federated school in section 78 of the 2013 Act is to have effect as though it were a reference to a federated school in section 24(2) of the Education Act 2002.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
38, 39, 97 and 98	26 April 2013 insofar as those provisions relate to the making and laying of the School Organisation Code	S.I. 2013/1000 (W.105)
97 and 98	4 May 2013 fully	S.I. 2013/1000 (W.105)

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**The School Standards and
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(Commencement No. 2, Savings
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2013**

Made

16 July 2013

The Welsh Ministers, in exercise of the powers conferred upon them by section 100 of the School Standards and Organisation (Wales) Act 2013⁽¹⁾ make the following Order:

Title and interpretation

1.—(1) The title of this Order is the School Standards and Organisation (Wales) Act 2013 (Commencement No.2, Savings and Transitional Provisions) Order 2013.

(2) In this Order—

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998⁽²⁾; and

“the 2013 Act” (“*Deddf 2013*”) means the School Standards and Organisation (Wales) Act 2013.

Provisions coming into force on 19 July 2013

2. The appointed day for sections 38 and 39 of the 2013 Act coming into force is 19 July 2013, to the extent that those sections are not already in force.

Provisions coming into force on 1 October 2013

3. Subject to articles 4 and 5, the appointed day for the following provisions of the 2013 Act coming into force is 1 October 2013—

(1) 2013 anaw 1.
(2) 1998 c.31.

- (a) Chapter 2 of Part 3 (school organisation proposals);
- (b) Chapter 3 of Part 3 (rationalisation of school places);
- (c) Chapter 4 of Part 3 (regional provision for special educational needs);
- (d) Chapter 5 of Part 3 (proposals for restructuring sixth form education);
- (e) Chapter 6 of Part 3 (miscellaneous and supplemental);
- (f) Schedule 2 (regulated alterations);
- (g) Schedule 3 (implementation of statutory proposals);
- (h) paragraphs 1 to 7 and 9 to 39 of Schedule 4 (implementation of proposals to change category of school);
- (i) section 99 (minor and consequential amendments) in so far as it relates to the amendments made by Part 2 of Schedule 5; and
- (j) Part 2 of Schedule 5.

Savings in relation to Chapter 2 of Part 2 of the 1998 Act

4. Despite the coming into force of Chapters 2 and 6 of Part 3 of, and the consequential repeals in Part 2 of Schedule 5 to, the 2013 Act—

- (a) the provisions of sections 28, 29, 31, 35 of and Schedules 6 and 8 to the 1998 Act will continue to apply in relation to any proposals published under those sections before 1 October 2013;
- (b) the provisions of section 30 of the 1998 Act will continue to apply in relation to any notice served under section 30 of the 1998 Act before 1 October 2013;
- (c) the provisions of section 32 of the 1998 Act will continue to apply in relation to any direction given under that section before 1 October 2013; and
- (d) the provisions of section 33 of the 1998 Act will continue to apply in relation to proposals published under sections 28, 29, 31 or 35 of the 1998 Act before 1 October 2013.

Transitional Provision

5. Until the commencement of section 21(1) of the Education (Wales) Measure 2011⁽¹⁾ the reference to a

(1) 2011 nawm 7.

federated school in section 78 of the 2013 Act is to have effect as though it were a reference to a federated school in section 24(2) of the Education Act 2002⁽¹⁾.

Huw Lewis

Minister for Education and Skills, one of the Welsh Ministers

16 July 2013

⁽¹⁾ 2002 c.32.