



# 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.

**Changes to legislation:** School Standards and Organisation (Wales) Act 2013, Cross Heading: Establishment, alteration and discontinuance of maintained schools is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Commencement Information

**II** S. 40 in force at 1.10.2013 by S.I. 2013/1800, art. 3(a) (with art. 4)

### 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.

#### Commencement Information

**I2** S. 41 in force at 1.10.2013 by S.I. 2013/1800, art. 3(a) (with art. 4)

### 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.

#### Commencement Information

**I3** S. 42 in force at 1.10.2013 by S.I. 2013/1800, art. 3(a) (with art. 4)

### 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.

#### Commencement Information

**I4** S. 43 in force at 1.10.2013 by S.I. 2013/1800, art. 3(a) (with art. 4)

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**Changes to legislation:** School Standards and Organisation (Wales) Act 2013, Cross Heading: Establishment, alteration and discontinuance of maintained schools is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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#### **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.

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##### **Commencement Information**

**I5** S. 44 in force at 1.10.2013 by S.I. 2013/1800, art. 3(a) (with art. 4)

**Changes to legislation:**

School Standards and Organisation (Wales) Act 2013, Cross Heading: Establishment, alteration and discontinuance of maintained schools is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 3A inserted by [2022 asc 1 Sch. 4 para. 29\(7\)](#)
- s. 1(9A) inserted by [2022 asc 1 Sch. 4 para. 29\(2\)\(a\)](#)
- s. 38(2)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(a\)](#)
- s. 38(5)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(b\)](#)
- s. 39(1)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(4\)](#)
- Sch. 2 para. 19(2)(c)(i) word inserted by [2022 asc 1 Sch. 4 para. 29\(12\)\(b\)](#)