



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 3

### SCHOOL ORGANISATION

#### CHAPTER 3

##### RATIONALISATION OF SCHOOL PLACES

*Directions to make proposals for rationalisation of school places*

#### **57 Directions to make proposals to remedy excessive or insufficient provision**

- (1) This section applies where the Welsh Ministers are of the opinion that there is excessive provision, or that there is, or there is likely to be, insufficient provision, for primary or secondary education in maintained schools—
  - (a) in the area of a local authority, or
  - (b) in a part of such an area.
- (2) The Welsh Ministers may—
  - (a) direct the local authority to exercise its powers to make proposals to establish, alter or discontinue schools, and
  - (b) direct the governing body of a foundation or voluntary school maintained by the authority to exercise its powers to make proposals to alter its school.
- (3) A direction under subsection (2) must—
  - (a) require the proposals to be published no later than the date specified in the direction,
  - (b) require the proposals, in giving effect to the direction, to apply any principles specified in it, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) where the Welsh Ministers are of the opinion that there is, or there is likely to be, insufficient provision, specify the additional number of pupils to be accommodated.
- (4) A direction under subsection (2)(a) may not require the proposals to relate to a named school.

## **58 Further provision about proposals made after a direction under section 57(2)**

- (1) Proposals made in accordance with a direction under section 57(2) may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by a governing body of a school maintained by it in making proposals in accordance with a direction under section 57(2).
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals made by a governing body of a school maintained by the authority in accordance with a direction under section 57(2) which have been approved or determined to be implemented.

*Proposals by Welsh Ministers to rationalise school places*

## **59 Making and publication of proposals by Welsh Ministers**

- (1) This section applies where—
  - (a) the Welsh Ministers have made a direction under section 57(2), and
  - (b) either—
    - (i) proposals have been published in accordance with the direction, or
    - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (4) The Welsh Ministers must send a copy of the proposals—
  - (a) to the local authority for the area, and
  - (b) to the governing body of each school to which the proposals relate.

*Procedure for dealing with proposals under section 59*

## **60 Objections**

- (1) Any person may object to proposals published under section 59.

- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

## **61 Local inquiry into proposals**

- (1) This section applies where the Welsh Ministers have made proposals under section 59 (other than proposals made by virtue of section 62(1)) which they have not withdrawn.
- (2) If objections have been made in accordance with section 60(2), then, unless all objections so made have been withdrawn in writing within the 28 days referred to in that section, the Welsh Ministers must cause a local inquiry to be held.
- (3) The purpose of the local inquiry is to consider the Welsh Ministers' proposals, any other proposals the Welsh Ministers refer to the inquiry and the objections mentioned in subsection (2).
- (4) Proposals referred to a local inquiry under this section are to be determined under section 62, and sections 50, 51, 53, 54, 70 and 73 do not apply to them.
- (5) Where a local inquiry is required to be held, the Welsh Ministers must refer the proposals listed in subsection (6) to the inquiry if the proposals—
- have not been determined before the proceedings on the inquiry begin, and
  - appear to the Welsh Ministers to be related to the proposals made under section 59 in respect of which the inquiry is to be held.
- (6) The proposals to be referred are—
- any other proposals published under section 59 in relation to the area of the local authority (and not withdrawn);
  - any proposals made by that authority in the exercise of their powers to make proposals to establish, alter or discontinue schools (and not withdrawn);
  - any proposals made by the governing body of a foundation or voluntary school in the area in the exercise of its powers to make proposals to alter its school (and not withdrawn);
  - any proposals made under section 68 or 71 (and not withdrawn).
- (7) If, before the proceedings on the inquiry begin, the Welsh Ministers form the opinion that any proposals should be implemented, subsection (5) does not require them to refer those proposals to the inquiry unless they form a different opinion before—
- the proceedings on the inquiry are concluded, or
  - (if earlier) the proposals are determined.
- (8) It is not open to the inquiry to question the principles specified in the direction under section 57(2).
- (9) References in this section to the determination of proposals are to—
- a determination whether or not to adopt or approve the proposals under section 50, 51, 62, 70 or 73;
  - a determination whether or not to implement the proposals under section 53;
  - a determination whether or not to approve proposals referred to the Welsh Ministers under section 54.

## **62 Adoption of proposals**

- (1) Where a local inquiry has been held, the Welsh Ministers may, after considering the report of the person appointed to hold the inquiry, do one or more of the following—
  - (a) adopt, with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers (including proposals made by them referred under section 61(5)) and considered by the inquiry;
  - (b) approve, with or without modifications, or reject any other proposals which were referred to the inquiry under section 61(5);
  - (c) make further proposals under section 59.
- (2) If the Welsh Ministers make further proposals under section 59 in accordance with subsection (1)(c), the requirement in section 61(2) to cause a local inquiry to be held does not apply.
- (3) Where the Welsh Ministers have published proposals under section 59 which are not required to be considered by a local inquiry, they may, after considering any objections made in accordance with section 60(2) (and not withdrawn)—
  - (a) adopt the proposals with or without modifications, or
  - (b) determine not to adopt the proposals.
- (4) The adoption or approval of proposals may be expressed to take effect only if an event specified in the adoption or approval occurs by a date so specified.

## **63 Implementation of proposals**

- (1) Proposals adopted or approved by the Welsh Ministers under section 62 have effect as if they had been approved by the Welsh Ministers under section 50 after having been made—
  - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
  - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (2) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals adopted or approved under section 62 which have effect as mentioned in subsection (1)(b).