



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 6

### GENERAL

#### 97 Orders and regulations

- (1) A power of the Welsh Ministers to make an order or regulations under this Act is to be exercised by statutory instrument.
- (2) A power of the Welsh Ministers to make an order or regulations under this Act includes power—
  - (a) to make different provision for different cases or classes of case, different areas or different purposes;
  - (b) to make different provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;
  - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument containing regulations made under this Act or an order under section 56(2) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) A statutory instrument containing an order under paragraph 26(1) of Schedule 2 must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

#### Commencement Information

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| <b>I1</b> | S. 97 in force at 26.4.2013 for specified purposes by <a href="#">S.I. 2013/1000, art. 2(c)</a>           |
| <b>I2</b> | S. 97 in force at 4.5.2013 in so far as not already in force by <a href="#">S.I. 2013/1000, art. 3(a)</a> |

*Status: Point in time view as at 01/09/2022.*

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## 98 General interpretation and index of defined expressions

(1) The provisions of this Act and those of the Education Act 1996 are to be read as if they were all contained in the Education Act 1996.

(2) But where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the Education Act 1996, the meaning given for the purposes of that provision is to apply instead of the one given for the purposes of the Education Act 1996.

(3) In this Act—

“appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“appropriate religious body” (“*corff crefyddol priodol*”) means—

- (a) in the case of a Church in Wales school or a Roman Catholic Church school, or proposed such school, the appropriate diocesan authority, and
- (b) in the case of other schools or proposed schools, the body representing the religion or religious denomination stated, or that it is intended to be stated, in relation to the school in an order under section [F168A] of the School Standards and Framework Act 1998;

“Church in Wales school” (“*un o ysgolion yr Eglwys yng Nghymru*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“the Code” (“*y Cod*”) in Chapter 2 of Part 3 means the code on school organisation issued under section 38(1);

“foundation body” (“*corff sefydledig*”) has the same meaning as in section 21(4)(a) of the School Standards and Framework Act 1998;

“foundation governor” (“*llywodraethwr sefydledig*”), in relation to a foundation school or a voluntary school, means a person appointed as a foundation governor in accordance with regulations under section 19 of the Education Act 2002;

“local authority” (“*awdurdod lleol*”) (except in section 54(2)(b)) means a county or county borough council in Wales;

“maintained school” (“*ysgol a gynhelir*”) means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“objection period” (“*cyfnod gwrthwynebu*”) is defined in section 49(2) for the purposes of Chapter 2 of Part 3;

“powers to make proposals to alter its school” (“*pŵerau i wneud cynigion i newid ei ysgol*”) is defined in section 83 for the purposes of Part 3;

“powers to make proposals to establish, alter or discontinue schools” (“*pŵerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion*”) is defined in section 83 for the purposes of Part 3;

“prescribed” (“*rhagnodedig*”) means prescribed by regulations;

“primary school” (“*ysgol gynradd*”) is defined in section 90 for the purposes of sections 88 and 89;

“proposer” (“*cynigydd*”) is defined in section 56 for the purposes of Chapter 2 of Part 3;

“provide” (“*darparu*”) is defined in section 90 for the purposes of sections 88 and 89;

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“pupil” (“*disgybl*”) is defined in section 90 for the purposes of sections 88 and 89;

“regional provision” (“*darpariaeth ranbarthol*”) is defined in section 64 for the purposes of Chapter 4 of Part 3;

“regulated alteration” (“*newid rheoleiddiedig*”) in Chapter 2 of Part 3 means an alteration described in Schedule 2;

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;

“Roman Catholic Church school” (“*un o ysgolion yr Eglwys Gatholig Rufeinig*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“school authority” (“*awdurdod ysgol*”) is defined in section 32 for the purposes of Chapter 3 of Part 2;

“small school” (“*ysgol fach*”) is defined in section 56 for the purposes of Chapter 2 of Part 3;

[<sup>F2</sup>“special education functions” (“*swyddogaethau addysg arbennig*”)] [<sup>F2</sup>additional learning needs functions (“*swyddogaethau anghenion dysgu ychwanegol*”)] is defined in section 64 for the purposes of Chapter 4 of Part 3.

- (4) For references in Part 3 to—
- (a) the discontinuance of a maintained school, see section 83;
  - (b) a school's category, see section 83.
- (5) A reference in this Act to a school which has a religious character is to a school which is designated as having such a character by an order under section [<sup>F3</sup>68A] of the School Standards and Framework Act 1998.

#### Textual Amendments

- F1** Word in s. 98(3) substituted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), s. 84(1), [Sch. 2 para. 69\(a\)](#) (with savings and transitional provisions in [S.I. 2022/111](#), regs. 1, 3)
- F2** Words in s. 98(3) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 22\(5\)](#); [S.I. 2021/373](#), arts. 3, 4, 6, 7 (as amended by [S.I. 2021/938](#), art. 2); [S.I. 2021/1243](#), art. 3 (with arts. 4-23) (as amended by [S.I. 2021/1428](#), art. 2); [S.I. 2021/1244](#), art. 3 (with arts. 4-21) (as amended by [S.I. 2021/1428](#), art. 3); [S.I. 2021/1245](#), arts. 3, 4 (with art. 1(4)); [S.I. 2022/891](#), art. 3 (with arts. 4-25); [S.I. 2022/892](#), arts. 2, 3 (with arts. 4-18); [S.I. 2022/893](#), art. 4; [S.I. 2022/894](#), art. 3; [S.I. 2022/895](#), arts. 3, 4; [S.I. 2022/896](#), art. 3 (with arts. 1(7), 4-22); [S.I. 2022/897](#), art. 3 (with arts. 1(8), 4-21); [S.I. 2022/898](#), arts. 2, 3
- F3** Word in s. 98(5) substituted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), s. 84(1), [Sch. 2 para. 69\(b\)](#) (with savings and transitional provisions in [S.I. 2022/111](#), regs. 1, 3)

#### Commencement Information

- I3** S. 98 in force at 26.4.2013 for specified purposes by [S.I. 2013/1000](#), [art. 2\(d\)](#)
- I4** S. 98 in force at 4.5.2013 in so far as not already in force by [S.I. 2013/1000](#), [art. 3\(b\)](#)

## 99 Minor and consequential amendments

Schedule 5 contains minor and consequential amendments.

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#### Commencement Information

- I5** S. 99 not in force at Royal Assent; s. 99 in force for specified purposes at 4.5.2013, see s. 100(3)  
**I6** S. 99 in force at 1.10.2013 for specified purposes by S.I. 2013/1800, art. 3(i)  
**I7** S. 99 in force at 20.2.2014 by S.I. 2014/178, art. 2(d) (with art. 3)

### 100 Commencement

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—  
 section 1;  
 this section;  
 section 101.
- (2) The following provisions come into force on 1 April 2013—  
 sections 88 to 90;  
 sections 92 and 93.
- (3) The following provisions come into force at the end of the period of two months beginning on the day on which this Act receives Royal Assent—  
 Chapter 3 of Part 2; section 91;  
 sections 94 and 95;  
 paragraphs 31, 33, 34(1) and (3), 35 and 36 of Part 3 of Schedule 5 (and section 99 in so far as relating to those paragraphs).
- (4) The remaining provisions of this Act are to come into force on a day appointed by the Welsh Ministers in an order.

### 101 Short title and inclusion as one of the Education Acts

- (1) The short title of this Act is the School Standards and Organisation (Wales) Act 2013.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.

**Status:**

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**Changes to legislation:**

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