

*Status: Point in time view as at 01/09/2023.*

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## SCHEDULE 5

(Introduced by section 99)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### AMENDMENTS RELATING TO PART 2 (STANDARDS)

##### *Education Reform Act 1988*

- 1 (1) Section 219 of the Education Reform Act 1988 (powers of Welsh Ministers and Secretary of State in relation to certain educational institutions) is amended as follows.
- (2) In subsection (3) after “institution” insert “ in England ”.
- (3) After subsection (3) insert—
- “(3A) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to an institution in Wales to which this section applies as if—
- (a) a reference to the governing body of a maintained school included a reference to the governing body of an institution to which this section applies;
- (b) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
- (c) sections 3 to 9 and 12 to 16 of the 2013 Act did not apply.”

#### Commencement Information

- II** Sch. 5 para. 1 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

##### *Education Act 1996*

- 2 (1) The Education Act 1996 is amended as follows.
- (2) In section 409(4) (complaints and enforcement: maintained schools in Wales) for the words from “section 496” to “duties)” substitute “ Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities) ”.
- (3) In section 484(7) (education standards grants) for “sections 495 to 497” substitute “ section 495 or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 ”.
- (4) In section 496(2) (power to prevent unreasonable exercise of functions)—
- (a) in paragraph (a), after “local authority” insert “ in England ”;
- (b) in paragraph (b), after “school” in each place it appears insert “ in England ”.
- (5) In section 497(2) (general default powers for failure to discharge duty)—
- (a) in paragraph (a), after “local authority” insert “ in England ”;

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- (b) in paragraph (b), after “school” in each place it appears insert “ in England ”.
- (6) In section 497A(1) (power to secure proper performance of functions) for “a local authority’s education functions” substitute “ the education functions of a local authority in England ”.
- (7) In section 560(6) (work experience in last year of compulsory schooling) after “or 496” insert “ or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 ”.
- (8) <sup>F1</sup>In paragraph 6(4) of Schedule 1 (pupil referral units) for the words from “section 496” to “powers” substitute “ Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) ”.]

#### Textual Amendments

- F1** Sch. 5 para. 2(8) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 14(3)**

#### Commencement Information

- I2** Sch. 5 para. 2 in force at 20.2.2014 by [S.I. 2014/178](#), **art. 2(f)** (with art. 3)

#### *Teaching and Higher Education Act 1998*

- 3 In section 19 of the Teaching and Higher Education Act 1998 (requirement to serve induction period) for subsection (12) substitute—
- “(12) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to duties imposed and powers conferred by virtue of this section as if—
- (a) references to functions under the Education Acts included duties imposed and powers conferred by virtue of this section;
  - (b) references to the governing body of a maintained school included—
    - (i) the governing body of a special school not maintained by a local authority,
    - (ii) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
    - (iii) an appropriate body for the purposes of subsection (2);
  - (c) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
  - (d) sections 3 to 9 and 12 to 16 of that Act did not apply.
- (13) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of this section as if references to education functions included duties imposed and powers conferred on a local authority by virtue of this section.”

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#### Commencement Information

**I3** Sch. 5 para. 3 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

#### *School Standards and Framework Act 1998*

- 4 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) Chapter 4 of Part 1 (intervention in schools in Wales causing concern) is repealed.
- (3) In section 51A (expenditure incurred for community purposes)—
- (a) omit “section 17 or”;
  - (b) after “15” insert “ or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
- (4) In section 62 (reserve power to prevent breakdown of discipline)—
- (a) in subsection (1)—
    - (i) after “local authority” insert “ in England ”;
    - (ii) omit “or (3)”;
  - (b) omit subsection (3).
- (5) In section 89C(2) (further provision about schemes for co-ordinating admission arrangements) for “, sections 496” to the end substitute—
- “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) is to apply as if any obligations imposed on a governing body under the scheme were duties imposed by the Education Acts.
  - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) is to apply as if any obligation imposed on a local authority were an education function.”
- (6) In section 142(4)(b) (general interpretation) omit “of section 16(6) or (8)”.
- (7) In section 143 (index) in the entry for “maintained school”, omit the entry beginning “(in Chapter 4 of Part 1)”.
- (8) Omit Schedule 1A (governing bodies consisting of interim executive members).
- (9) In Schedule 22 (disposal of land), in paragraph 5(1)(b)(i) for “section 19(1)” substitute “ section 16 of the School Standards and Organisation (Wales) Act 2013 ”.

#### Commencement Information

**I4** Sch. 5 para. 4 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

#### *Local Government Act 2000*

- 5 (1) Schedule 1 to the Local Government Act 2000 (executive arrangements in Wales) is amended as follows.
- (2) For paragraph 10 substitute—

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- “10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if—
- (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; an
  - (b) sections 24 to 27 of that Act did not apply.”

(3) In paragraph 11A for “9” substitute “ 10 ”.

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education Act 2002*

- 6 (1) The Education Act 2002 is amended as follows.
- (2) In section 34(7) (arrangements for government of new schools) after “State)” insert “ and Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools in Wales) ”.
  - (3) In section 35(7) (staffing of community, voluntary controlled, community special and maintained nursery schools)—
    - (a) omit “section 17 of, or”;
    - (b) after “2006” insert “ , or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
  - (4) In section 36(7) (staffing of foundation, voluntary aided and foundation special schools) —
    - (a) omit “section 17 of, or”;
    - (b) after “2006” insert “ , or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
  - (5) In section 37(11) (payments in respect of dismissal, etc)—
    - (a) omit “section 17 of, or”;
    - (b) after “1998 (c 31)” insert “ or section 8 of the School Standards and Organisation (Wales) Act 2013 ”.
  - (6) Omit sections 55 to 59 and section 63 (powers of intervention).
  - (7) In section 64 (provisions supplementary to powers to require local authorities to obtain advisory services)—
    - (a) in subsection (1)—
      - (i) omit “or 63”;
      - (ii) omit “or the National Assembly for Wales”;
      - (iii) omit “or it”;
      - (iv) omit “or the Assembly” (in both places);
    - (b) in subsection (2) omit “or 63”;
    - (c) in subsection (7) omit “or 63” and “or 63(2)”.

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- (8) Omit Schedules 5 and 6 (amendments relating to schools causing concern and governing bodies consisting of interim executive members).
- (9) In Schedule 21 (minor and consequential amendments) omit paragraphs 92 to 94 and 103.
- (10) See also the amendment made by paragraph 21(11) of this Schedule to paragraph 5(2)(b)(iii) of Schedule 1 (which is in part consequential on Part 2 of this Act).

#### Commencement Information

**I6** Sch. 5 para. 6 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

#### *Children Act 2004*

- 7 (1) The Children Act 2004 is amended as follows.
- (2) In section 50 (intervention)—
  - (a) in subsection (1) after “local authority” insert “ in England ”;
  - (b) in subsection (2)(c) omit “or under sections 25, 26 and 29 above (in the case of a local authority in Wales)”;
  - (c) in the heading after “Intervention” insert “ - England ”.
- (3) After section 50 insert—

#### **“50A Intervention – Wales**

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to the functions of a local authority in Wales which are specified in subsection (2) as it applies in relation to a local authority's education functions but as if the only relevant ground for intervention were ground 3 in section 21 of that Act.
- (2) The functions of a local authority are—
  - (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
  - (b) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a)); and
  - (c) the functions conferred on the authority under sections 25, 26 and 29 above.
- (3) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) the functions of the local authority which are specified in subsection (2).
- (4) In this section—

“education functions” has the meaning given by section 579(1) of the Education Act 1996;

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“social services functions” has the same meaning as in the Local Authority Social Services Act 1970.”

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education Act 2005*

- 8 (1) The Education Act 2005 is amended as follows.
- (2) Omit section 45 (power to direct closure of school).
- (3) In section 114(8) (supply of information about school workforce)—
- (a) omit “and” at the end of paragraph (a);
  - (b) in paragraph (b) at the beginning insert “ in relation to England, ”;
  - (c) after paragraph (b) insert—
    - “and
    - (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
      - (i) references to a local authority included a reference to a prescribed person,
      - (ii) duties imposed by virtue of this section were education functions,
      - (iii) the only relevant ground for intervention were ground 1 in section 21, and
      - (iv) sections 24 to 27 did not apply.”
- (4) In Schedule 9 (amendments relating to school inspection) omit paragraphs 14 to 20.
- (5) See also the amendment made by paragraph 22(2)(b) of this Schedule to section 28(4) (c) of the Education Act 2005 (which is in part consequential on Part 2 of this Act).

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education and Inspections Act 2006*

- 9 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In Schedule 7 (amendments relating to schools causing concern) omit paragraphs 3 to 14, 16, 17, 18, 19(b) and 21.
- (3) In Schedule 17 (miscellaneous amendments) omit paragraphs 1, 2 and 6.

**Commencement Information**

**I9** Sch. 5 para. 9 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

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### *Childcare Act 2006*

- 10 For section 29 of the Childcare Act 2006 (powers of Welsh Ministers to secure proper performance etc) substitute—

#### **“29 Powers of intervention of Welsh Ministers**

- (1) Chapter 2 of Part 2 the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to a Welsh local authority and the powers conferred or the duties imposed on it by, under or for the purposes of this Part as it applies in relation to the education functions (as defined by section 579(1) of the Education Act 1996) of such an authority.
- (2) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) functions of a Welsh local authority under this Part.”

#### **Commencement Information**

**I10** Sch. 5 para. 10 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

### *Equality Act 2010*

- 11 (1) Section 87 of the Equality Act 2010 (application of certain powers under Education Act 1996) is amended as follows.
- (2) At the beginning insert—

“(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.”
  - (3) After subsection (2) insert—

“(3) In the case of a school in Wales—

    - (a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—
      - (i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and
      - (ii) sections 3 to 9 and 12 to 16 of that Act did not apply;
    - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—
      - (i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and
      - (ii) sections 24 to 27 of that Act did not apply.
  - (4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).”

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**I11** Sch. 5 para. 11 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Apprenticeships, Skills, Children and Learning Act 2009*

- 12 In the Apprenticeships, Skills, Children and Learning Act 2009 omit section 205 and Schedule 14 (powers in relation to schools causing concern).

**Commencement Information**

**I12** Sch. 5 para. 12 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

*Education (Wales) Measure 2011*

- 13 (1) The Education (Wales) Measure 2011 is amended as follows.
- (2) Omit section 16 (federation of schools causing concern by direction of the Welsh Ministers).
- (3) In section 18(1) (federations: supplementary provisions)—
- (a) for paragraph (a) substitute—
- “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools), or”;
- (b) in paragraph (b) for “that Act” substitute “ the School Standards and Framework Act 1998 ”.

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 20.2.2014 by S.I. 2014/178, art. 2(f) (with art. 3)

**PART 2**

AMENDMENTS RELATING TO PART 3 (SCHOOL ORGANISATION)

*Education Reform Act 1988*

- 14 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 198(1) (transfers under Parts 1 and 2) after paragraph (c) insert—
- “or
- (d) Part 3 of Schedule 4 to the School Standards and Organisation (Wales) Act 2013;”.



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**Commencement Information**

**I14** Sch. 5 para. 14 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

F2  
...

**Textual Amendments**

**F2** Sch. 5 para. 15 and cross-heading repealed (29.6.2021) by [Diocesan Boards of Education Measure 2021 \(No. 1\)](#), [ss. 21\(3\)\(f\), 24\(3\)](#) (with [s. 23\(8\)](#), [Sch. 2 para. 6](#))

F215 .....

*Further and Higher Education Act 1992*

- 16 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 58 (reorganisation of schools involving establishment of further education corporation)—
- (a) in subsection (3), for paragraph (b) substitute—  
“(b) a relevant alteration has been made to the school,”;
  - (b) omit subsection (4);
  - (c) at the end insert—  
“(5) In subsection (3)(b) “relevant alteration” means—
    - (a) in the case of a school in England, a prescribed alteration within the meaning of section 18 of the Education and Inspections Act 2006, and
    - (b) in the case of a school in Wales, a regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

**Commencement Information**

**I15** Sch. 5 para. 16 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Education Act 1996*

- 17 (1) The Education Act 1996 is amended as follows.
- (2) In section 5(3A)(b) (primary schools, secondary schools and middle schools)—
- (a) the words after “Wales,” become sub-paragraph (i);
  - (b) after “1998” insert—  
“, and  
(ii) section 48, 59 or 68 of the School Standards and Organisation (Wales) Act 2013”.

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- (3) In section 394 (determination of cases in which requirement for Christian collective worship is not to apply), omit subsection (9)(b).
- (4) In section 409(2) (complaints and enforcement: maintained schools in Wales), omit “or foundation special”.
- (5) In section 529(2) (power to accept gifts on trust for educational purposes)—
  - (a) for “28 and 31 of the School Standards and Framework Act 1998” substitute “41 and 44 of the School Standards and Organisation (Wales) Act 2013”;
  - (b) for the words from “(so that” to “in Wales” substitute “and sections 48 to 55 of, and Schedule 3 to, that Act (school organisation proposals”.
- (6) In section 530(3)(b) (compulsory purchase of land) for the words from “paragraph 18” to the end substitute “ paragraph 9 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (assistance in respect of maintenance and other obligations relating to voluntary aided schools) (including that paragraph as applied by section 76(3) of that Act) ”.

**Commencement Information**

**I16** Sch. 5 para. 17 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Education Act 1997*

- 18 (1) The Education Act 1997 is amended as follows.
- (2) In section 29 (functions of the Welsh Ministers in relation to curriculum and assessment)—
  - (a) in subsection (5) in the definition of “maintained school”, omit “or foundation”;
  - (b) in subsection (6) omit “or foundation”.
- (3) In section 43(2)(c) (provision of careers education in schools in Wales), omit “or foundation”.

**Commencement Information**

**I17** Sch. 5 para. 18 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*School Standards and Framework Act 1998*

- 19 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 20(2A)(b) (new categories of maintained schools) after “this Act” insert “or sections 45 to 55 of, and Schedule 4 to, the School Standards and Organisation (Wales) Act 2013”.
- (3) In section 21(6) (kinds of foundation and voluntary schools and types of foundations)—
  - (a) in paragraph (a)—
    - (i) omit “in accordance with Schedule 8 or”, and

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- (ii) after “Act 2006” insert “ or in accordance with proposals made under section 45 of the School Standards and Organisation (Wales) Act 2013 ”;
- (b) in paragraph (f)—
  - (i) in sub-paragraph (i), omit “under paragraph 2 of Schedule 8 or” and after “Act 2006” insert “ or under section 48 of the School Standards and Organisation (Wales) Act 2013 ”,
  - (ii) in sub-paragraph (ii), for “that paragraph or that section” substitute “ either of those sections ”,
  - (iii) omit sub-paragraph (iii).
- (4) Omit sections 28 and 29 (proposals for establishment, alteration and discontinuance of mainstream schools).
- (5) In section 30 (notice by governing body to discontinue foundation or voluntary school)—
  - (a) in subsection (1) after “voluntary school” insert “ in England ”;
  - (b) in subsection (3) omit paragraph (b);
  - (c) in subsection (9) omit paragraph (a);
  - (d) in the heading after “voluntary school” insert “ in England ”.
- (6) Omit sections 31 to 35 (provisions relating to special schools, rationalisation of school places and change of category of schools).
- (7) In section 49(6) (maintained schools to have delegated budgets)—
  - (a) omit “paragraph 14(2) of Schedule 6, paragraph 3(3) of Schedule 7A to the Learning and Skills Act 2000”;
  - (b) after “2002” insert “ section 75(2)(b) of, or paragraph 4 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013 ”.
- (8) In section 82(1) (modification of trust deeds) for “or the Academies Act 2010” substitute “ , the Academies Act 2010 or the School Standards and Organisation (Wales) Act 2013 ”.
- (9) Omit section 101(3) (permitted selection: pupil banding).
- (10) In section 103(2)(b) (permitted selection: introduction, variation or abandonment of provision for such selection) for “prescribed alteration for the purposes of section 28” substitute “ regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013 ”.
- (11) In section 143 (index)—
  - (a) omit the entry beginning “alteration”;
  - (b) omit the entry beginning “area”;
  - (c) omit the entry beginning “discontinuing”;
  - (d) omit the entry beginning “promoters”;
  - (e) omit the entry beginning “school opening date”.
- (12) In Schedule 3 (funding of foundation, voluntary and foundation special schools)—
  - (a) in paragraph 2(2)(a)(ii), for the words from “or promoters” to “proposals” substitute “ or the person by whom proposals were made is required to provide by virtue of Part 2 of Schedule 3 to the School Standards and

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- Organisation (Wales) Act 2013 (provision of premises and other assistance”);
- (b) in paragraph 7—
- (i) in sub-paragraph (3)(a) after “28,” insert—
- “(ia) the implementation of proposals made under section 42 of the School Standards and Organisation (Wales) Act 2013 to make a regulated alteration to a school.”;
- (ii) in sub-paragraph (5) for “to the promoters” substitute—
- “(a) in relation to England, to the promoters, and  
 (b) in relation to Wales, to the person who made the proposals under section 41(2) of the School Standards and Organisation (Wales) Act 2013”.
- (13) Omit Schedules 6 to 8 (provisions about procedure and implementation of statutory proposals, rationalisation of school places and changes of category of schools).
- (14) In Schedule 22 (disposals of land)—
- (a) in paragraph 1,—
- (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;
- (ii) after sub-paragraph (1)(a) insert—
- “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act.”;
- (b) in paragraph 2, after sub-paragraph (1)(a) insert—
- “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under either of those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act.”;
- (c) in paragraph 2A—
- (i) in sub-paragraph (1) omit “or foundation special”;
- (ii) after sub-paragraph (1)(a) insert—
- “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act.”;
- (iii) in sub-paragraph (1)(b) after “(a)” insert “or (aa)”;
- (iv) in sub-paragraph (1)(c) omit “or foundation special”;
- (v) in sub-paragraph (2)(a)(ii) after “(a)” insert “or (aa)”;
- (vi) in sub-paragraph (2)(b) after “(a)” insert “or (aa)”;
- (vii) in sub-paragraph (6) omit “or foundation special”;
- (viii) in the heading omit “or foundation special school”;
- (d) in paragraph 3—
- (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;

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- (ii) after sub-paragraph (1)(a) insert—
  - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
- (iii) in sub-paragraph (3) after “(a),” insert “ (aa), ”;
- (iv) in sub-paragraph (4)(c)(ii) after “this Act” insert “ or under paragraph 7(6) of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 ”;
- (v) in sub-paragraph (8)(b)(i) for “, voluntary or foundation special” substitute “ or voluntary ”;
- (vi) in sub-paragraph (8)(b)(ii) for “foundation, voluntary or foundation special” substitute “ voluntary ”;
- (vii) in sub-paragraph (12) for “, voluntary or foundation special” substitute “ or voluntary ”;
- (viii) in the heading for “, voluntary or foundation special” substitute “ or voluntary ”;
- (e) in paragraph 4(1)(a)(i) for “, voluntary or foundation special” substitute “ or voluntary ”;
- (f) in paragraph 5—
  - (i) in sub-paragraph (1)(b)(i) for “, voluntary or foundation special” substitute “ or voluntary ”;
  - (ii) omit sub-paragraph (1)(b)(ii);
  - (iii) in sub-paragraph (4)(c) after “alteration” insert “ or regulated alteration ”;
  - (iv) in sub-paragraph (4A) omit “or foundation special” and after “(a),” insert “ (aa), ”;
  - (v) in sub-paragraph (4B)(b)(ii) omit “or foundation special”;
  - (vi) in sub-paragraph (4B)(d) after “alteration” insert “ or regulated alteration ”;
  - (vii) in sub-paragraph (6)(a) after “2A(1)(a),” insert “ (aa), ”;
- (g) in paragraph 6—
  - (i) in sub-paragraph (1) after “section 30(1)” insert “ or section 80 of the School Standards and Organisation (Wales) Act 2013 ”;
  - (ii) in sub-paragraph (2)(a) after “section 30(2)” insert “ or section 80(2) of the School Standards and Organisation (Wales) Act 2013 ”;
- (h) in paragraph 8—
  - (i) in sub-paragraph (1) after “section 30(10)” insert “ or section 80(11) of the School Standards and Organisation (Wales) Act 2013 ”;
  - (ii) in sub-paragraph (2) after “section 30(2)(a) to (d)” insert “ or section 80(2) of the School Standards and Organisation (Wales) Act 2013 ”;
- (i) in paragraph 10 after sub-paragraph (1)(e) insert—
  - “(f) “regulated alteration” has the same meaning as in Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

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**Commencement Information**

**I18** Sch. 5 para. 19 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#) (with [art. 4](#))

*Learning and Skills Act 2000*

- 20 (1) The Learning and Skills Act 2000 is amended as follows.
- (2) In section 33P(3)(b)(i) (application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties) omit “or foundation”.
- (3) After section 83(9) (area inspections) insert—
- “(9A) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the Education Act 2005.”
- (4) Omit sections 113 and 113A.
- (5) In section 126(3)(b) (educational institutions: information and access) omit “or foundation”.
- (6) Omit the following provisions—
- (a) Schedules 7 and 7A;
  - (b) paragraphs 84, 89 and 90 of Schedule 9.

**Commencement Information**

**I19** Sch. 5 para. 20 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Education Act 2002*

- 21 (1) The Education Act 2002 is amended as follows.
- (2) In section 19(2)(e) (governing bodies) omit “, a foundation special school”.
- (3) Omit section 72 (restructuring sixth form education).
- <sup>F3</sup>(4) .....
- <sup>F3</sup>(5) .....
- <sup>F3</sup>(6) .....
- (7) In section 129(6)(b) (transfer of employment) after “1998” insert “ or Part 3 of the School Standards and Organisation (Wales) Act 2013 ”.
- (8) In section 153(4) (powers of local authority in respect of funded nursery education) in the definition of “maintained school” omit “or foundation”.
- (9) Omit section 154 (establishment or alteration of maintained nursery schools).
- (10) Omit sections 191 to 193 (regional provision for special educational needs).

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- (11) In paragraph 5(2)(b) of Schedule 1 (incorporation and powers of governing body for paragraphs (i) to (iii) substitute—
- “(i) the date on which proposals for discontinuing the school are implemented under Part 3 of the School Standards and Organisation (Wales) Act 2013,
  - (ii) the date on which the school is discontinued under section 80 of the School Standards and Organisation (Wales) Act 2013, or
  - (iii) the date specified in a direction given under section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”.
- (12) Omit Schedules 9 and 10 (proposals relating to sixth forms and establishment of schools).
- (13) In Schedule 21 (minor and consequential amendments) omit paragraphs 98, 115, 116 and 126.

#### Textual Amendments

**F3** Sch. 5 para. 21(4)-(6) omitted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), s. 84(1), [Sch. 2 para. 70](#) (with savings and transitional provisions in [S.I. 2022/111](#), [regs. 1, 3](#))

#### Commencement Information

**I20** Sch. 5 para. 21 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

#### *Education Act 2005*

- 22 (1) The Education Act 2005 is amended as follows.
- (2) In section 28 (duty to arrange regular inspections of certain schools)—
- (a) in subsection (2)(b) omit “and foundation”;
  - (b) in subsection (4)—
    - (i) in paragraph (a) omit “or foundation”;
    - (ii) in paragraph (b) for “section 30 of the School Standards and Framework Act 1998 (c31)” substitute “ section 80 of the School Standards and Organisation (Wales) Act 2013 ”;
    - (iii) in paragraph (c) omit “or foundation” and for “section 19 or 32 of that Act” substitute “ section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013 ”;
    - (iv) in paragraph (d) omit “or foundation”.
- (3) In section 31(1) (interpretation of Chapter 3) in the definition of “maintained school” omit “or foundation”.
- (4) In section 41(3) (destination of reports: non-maintained schools) omit “or foundation”.
- (5) In section 42(4) (statement to be prepared by proprietor of school) omit “or foundation”.

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- (6) In section 43 (interpretation of Chapter 4) in the definition of “maintained school” omit “or foundation”.
- (7) Omit the following provisions—
  - (a) section 46 (sixth forms requiring significant improvement);
  - (b) sections 68, 69, 70, 71 (school organisation).
- (8) In paragraph 1 of Schedule 4 (school inspections in Wales under section 28) in the definition of “appropriate authority” omit “or foundation”.
- (9) Omit the following provisions—
  - (a) Schedule 5 (sixth forms requiring significant improvement);
  - (b) paragraphs 7, 8, 13 and 14 of Schedule 12 (amendments relating to school organisation).

**Commencement Information**

**I21** Sch. 5 para. 22 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Education and Inspections Act 2006*

- 23 (1) The Education and Inspections Act 2006 is amended as follows.
  - (2) Omit section 54(1)(e) (pupil banding).
  - (3) In Schedule 3 (amendments relating to school organisation) omit paragraphs 14(b)(ii), 18, 20, 22 to 26, 33 to 36, 46 and 50.
  - (4) In Schedule 14 (minor and consequential amendments) omit paragraphs 61 and 66.

**Commencement Information**

**I22** Sch. 5 para. 23 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*National Health Service (Wales) Act 2006*

- 24 (1) The National Health Service (Wales) Act 2006 is amended as follows.
  - (2) In paragraph 5(1)(a) and (b) of Schedule 1 (further provision about the Welsh Ministers and services under this Act) for “, voluntary or foundation special” substitute “ or voluntary ”.

**Commencement Information**

**I23** Sch. 5 para. 24 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Learner Travel (Wales) Measure 2008*

- 25 (1) The Learner Travel (Wales) Measure 2008 is amended as follows.
  - (2) In section 24(1) (general interpretation) in the definition of “maintained school” omit “or foundation”.



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**Commencement Information**

**I24** Sch. 5 para. 25 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Learning and Skills (Wales) Measure 2009*

- 26 (1) The Learning and Skills (Wales) Measure 2009 is amended as follows.
- (2) In section 44 (learning pathways: interpretation) in the definition of “maintained school” omit “or foundation”.

**Commencement Information**

**I25** Sch. 5 para. 26 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Healthy Eating in Schools (Wales) Measure 2009*

- 27 (1) The Healthy Eating in Schools (Wales) Measure 2009 is amended as follows.
- (2) In section 11 (interpretation) in the definition of “maintained school” omit “or foundation”.

**Commencement Information**

**I26** Sch. 5 para. 27 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Equality Act 2010*

- 28 (1) The Equality Act 2010 is amended as follows.
- (2) In paragraph 4 of Schedule 11 (single-sex schools turning co-educational)—
- (a) in sub-paragraph (2) for the words from “paragraph 22” to “1998” substitute “section 82 of, or Part 3 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”;
- (b) omit sub-paragraph (5).

**Commencement Information**

**I27** Sch. 5 para. 28 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Education (Wales) Measure 2011*

- 29 (1) The Education (Wales) Measure 2011 is amended as follows.
- (2) In section 8 (interpretation of Part 1) in the definition of “maintained school” omit “or foundation”.
- (3) In section 13(b) (single governing body for federations) for the words from “Chapter 2” to the end substitute “Part 3 of the School Standards and Organisation (Wales)

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Act 2013 (school organisation) or in Part 3 of the School Standards and Framework Act 1998 (school admissions) ”.

- (4) Omit section 20 (minor and consequential amendments to the Education Act 2005).
- (5) In section 21(1) (interpretation of Chapter 1) in the definition of “maintained school” omit “or foundation”.
- (6) Omit sections 26 to 30 (foundation schools).

**Commencement Information**

**I28** Sch. 5 para. 29 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

*Welsh Language (Wales) Measure 2011*

- 30 (1) The Welsh Language (Wales) Measure 2011 is amended as follows.
- (2) In paragraph 2 of Schedule 6 in the definition of “governing body of a school” omit “or foundation”.

**Commencement Information**

**I29** Sch. 5 para. 30 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(j\)](#)

**PART 3**

AMENDMENTS RELATING TO PART 5 (MISCELLANEOUS SCHOOLS DUTIES)

*Education Act 1996 and orders made under it*

- 31 (1) In section 512A(6) of the Education Act 1996 (transfer of functions under section 512 to governing bodies), omit from “and such” to the end.
- (2) In the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999 (SI 1999/610), omit article 4.
- (3) In the Education (Transfer of Functions Concerning School Lunches) (Wales) (No. 2) Order 1999 (SI 1999/1779), omit article 4.

*Education Act 2002*

- 32 In Schedule 21 to the Education Act 2002 (minor and consequential amendments) omit paragraph 110.

**Commencement Information**

**I30** Sch. 5 para. 32 in force at 20.2.2014 by [S.I. 2014/178](#), [art. 2\(g\)](#) (with [art. 3](#))

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*Education Act 2005*

- 33 In section 103 of the Education Act 2005 (annual parents' meetings) omit subsection (2) and (3)(a)(ii).

*Education and Inspections Act 2006*

- 34 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) Omit section 58 (code of practice as to relationships between local authorities and maintained schools).
- (3) In section 87 (power to charge for provision of meals)—
- (a) in subsection (1), omit paragraph (b);
  - (b) in subsection (2), omit paragraph (b).

**Commencement Information**

**I31** Sch. 5 para. 34 not in force at Royal Assent; Sch. 5 para. 34(1)(3) in force at 4.5.2013, see s. 100(3)

**I32** Sch. 5 para. 34(2) in force at 20.2.2014 by S.I. 2014/178, art. 2(g) (with art. 3)

*Healthy Eating in Schools (Wales) Measure 2009*

- 35 In section 8(2)(b) of the Healthy Eating in Schools (Wales) Measure 2009 (which provides for a new subsection (4A) to be inserted into section 512 of the Education Act 1996), for “7(5)” substitute “ 4 ”.

*Education Act 2011*

- 36 In section 35 of the Education Act 2011 (duties in relation to school meals)—
- (a) in subsection (2) omit paragraph (b);
  - (b) in subsection (3) omit paragraph (b).

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