

*Status: Point in time view as at 01/10/2013.*

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## SCHEDULE 5

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### 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;”.

###### **Commencement Information**

- II** Sch. 5 para. 14 in force at 1.10.2013 by S.I. 2013/1800, art. 3(j)

###### *Diocesan Boards of Education Measure 1991*

- 15 (1) The Diocesan Boards of Education Measure 1991 is amended as follows.
- (2) In section 3 (transactions for which advice or consent of the Board is required)—
- (a) omit subsection (1)(a)(ii), (b)(ii) and (d);
- (b) in subsection (1)(c) for “1998 Act” substitute “ School Standards and Framework Act 1998 (“the 1998 Act”) ”.
- (3) In section 7 (powers of Board to give directions to governing bodies of voluntary aided church schools)—
- (a) in subsection (1)—
- (i) omit paragraphs (a)(ii), (b)(ii) and (c);
- (ii) in paragraph (b)(i) for “1998 Act” substitute “ School Standards and Framework Act 1998 ”;
- (b) in subsection (1A) omit “or paragraph 2 or 3 of Schedule 8 to the 1998 Act”;
- (c) in subsection (3)—
- (i) in paragraph (a) omit “or section 28(2)(b) of the 1998 Act”;
- (ii) omit paragraph (b);
- (iii) in the words after paragraph (b) omit “the 1998 Act and”.

###### **Commencement Information**

- I2** Sch. 5 para. 15 in force at 1.10.2013 by S.I. 2013/1800, art. 3(j)

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*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**

**I3** [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”.
- (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 ”.

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#### Commencement Information

**I4** 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

**I5** 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
    - (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);

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- (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 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,—

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- (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 ”;
  - (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 ”;

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- (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.”

#### Commencement Information

**I6** 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”.

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- (6) Omit the following provisions—
- (a) Schedules 7 and 7A;
  - (b) paragraphs 84, 89 and 90 of Schedule 9.

**Commencement Information**

**I7** 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).
  - (4) In section 97 (interpretation of Part 7)—
    - (a) in paragraph (b) in the definition of “maintained school” omit “or foundation”;
    - (b) in the definition of “maintained secondary school” omit “or foundation”.
  - (5) In section 111(4) (development work and experiments) for “, voluntary aided or foundation special” substitute “ or voluntary aided ”.
  - (6) In section 116N(3)(b) (application of local curriculum provisions to children who are registered pupils of special schools) omit “or foundation”.
  - (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).
  - (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.

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**Commencement Information**

**18** 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”.
- (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**

**19** 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.



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- (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**

**I10** 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**

**I11** 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”.

**Commencement Information**

**I12** 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**

**I13** 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”.

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**I14** 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**

**I15** 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) 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**

**I16** 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**

**I17** Sch. 5 para. 30 in force at 1.10.2013 by S.I. 2013/1800, art. 3(j)

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