
WELSH STATUTORY INSTRUMENTS

2002 No. 432

**The School Organisation Proposals by the National Council
for Education and Training for Wales Regulations 2002**

Name, commencement and application

1.—(1) These Regulations are called the School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations—

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998;

“the 2000 Act” (“*Deddf 2000*”) means the Learning and Skills Act 2000;

“16 to 19 institution” (“*sefydliad 16 i 19 oed*”) means a maintained school which—

- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
- (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age;

“the Council” (“*y Cyngor*”) means the National Council for Education and Training for Wales;

“further education college” (“*coleg addysg bellach*”) means an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992)(1);

“mainstream school” (“*ysgol prif-ffrwd*”) means a maintained school other than a special school;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“proposals to discontinue a sixth form” (“*cynigion i gau chweched dosbarth*”) means proposals such as are mentioned in paragraph 20(1) of Schedule 7;

“relevant age group” (“*grŵp oedran perthnasol*”) has the meaning given to it by section 142(1) of the 1998 Act;

“special school” (“*ysgol arbennig*”) means a community or foundation special school;

“statement of special educational needs” (“*datganiad o anghenion addysgol arbennig*”) means a statement of special educational needs maintained under Part IV of the Education Act 1996(2).

(2) Any reference in these Regulations to Schedule 7 is a reference to Schedule 7 to the 2000 Act.

(3) For the purposes of these Regulations the date of publication of proposals is—

(1) 1992 c. 13.

(2) 1996 c. 56.

- (a) the date on which the requirements of regulation 4 are satisfied; or
- (b) where different requirements are satisfied on different dates, the last of such dates.

Information to be contained in published proposals

3.—(1) This regulation prescribes for the purposes of paragraphs 20(2) and 28(2) of Schedule 7, the information which proposals published under paragraph 20 or 28 of Schedule 7 must contain.

- (2) Such proposals must contain the information specified in Schedule 1 to these Regulations.

Manner of publication of proposals

4.—(1) This regulation prescribes for the purposes of paragraphs 20(2) and 28(2) of Schedule 7 the manner of publication of proposals required to be published under paragraph 20 or 28 of Schedule 7.

- (2) Where the school is a maintained school, such proposals shall be published—
 - (a) by being posted in a conspicuous place in the area served by the school;
 - (b) in at least one newspaper circulating in that area; and
 - (c) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.
- (3) Where the school is a special school, such proposals shall be published—
 - (a) in at least one newspaper circulating in the area of the local education authority who maintain the school; and
 - (b) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.

Information to be sent to the National Assembly

5.—(1) This regulation prescribes for the purposes of paragraphs 21(1)(b) and 29(1)(b) of Schedule 7 the information which the Council must send to the National Assembly.

(2) The Council shall send to the National Assembly the information specified in Part II of Schedule 2 to these Regulations, where the school is a mainstream school, or Part III of that Schedule, where the school is a special school, together with—

- (a) the information specified in Part IV of that Schedule, where the proposals are to discontinue a sixth form; or
- (b) the information specified in Part V of that Schedule, where the proposals are to discontinue a 16—19 institution.

(3) Part 1 of Schedule 2 applies for the purpose of the interpretation of terms used in Parts II to V of that Schedule.

Bodies to whom a copy of the published proposals must be sent — special schools

6.—(1) This regulation prescribes for the purposes of paragraphs 21(2) and 29(2) of Schedule 7 the bodies or persons to whom, in the case of a special school, the Council shall also send a copy of the published proposals.

- (2) The Council shall send a copy of the published proposals to—
 - (a) the local education authority who maintain the school;
 - (b) each local education authority who maintain a statement of special educational needs in respect of a registered pupil at the school;

- (c) the parents of each registered pupil at the school;
- (d) any Health Authority which acts for any area which includes any part of the area of the local education authority who maintain or who it is proposed should maintain the school; and
- (e) any National Health Service Trust who have responsibility for the ownership or management of any hospital or other establishment or facilities in the area of the local education authority who maintain the school.

Objections to proposals

7.—(1) This regulation prescribes for the purposes of paragraph 41 of Schedule 7 the period within which objections to the proposals may be sent to the National Assembly.

(2) Objections shall be sent to the National Assembly within one month after the date of publication of the proposals.

Conditional approvals

8.—(1) This regulation prescribes kinds of events for the purposes of paragraph 42(4) of Schedule 7 (which provides that approval of proposals may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind).

(2) The kinds of events are any of the following events relating to any other school or proposed school in respect of which proposals have been published under section 28 or 31 of the 1998 Act—

- (a) the grant of planning permission under Part III of the Town and Country Planning Act 1990⁽³⁾;
- (b) the acquisition of a site on which the new school, a proposed enlargement of the premises of the school or other alteration of the premises of the school is to be constructed;
- (c) the acquisition of playing fields to be provided for the school;
- (d) the securing of any necessary access to a site or playing fields referred to in paragraphs (b) and (c) respectively of this paragraph;
- (e) the entering into of a private finance transaction within the meaning of regulation 16 of the Local Authorities (Capital Finance) Regulations 1997⁽⁴⁾; and
- (f) the making of any scheme relating to any charity connected with the school or proposed school.

Provision of information by the National Assembly

9.—(1) The National Assembly shall notify the following persons of each decision taken under paragraph 42(1) or 43(2) of Schedule 7—

- (a) the Council;
- (b) the local education authority who maintain the school;
- (c) where the school is a special school, each local education authority who maintain a statement of special educational needs in respect of a registered pupil at the school;
- (d) the governing body of the school to which the proposals relate; and
- (e) subject to paragraph (3), each objector for whom an address has been provided to the National Assembly.

⁽³⁾ 1990 c. 8.

⁽⁴⁾ S.I.1997/319; amended by S.I. 1998/371.

(2) Where, pursuant to paragraph (1), the National Assembly notifies the persons referred to in that paragraph of a decision they shall also notify them of the reasons for that decision.

(3) Where objections to a proposal take the form of a petition (that is to say a document containing the text of one objection signed by more than one objector) the National Assembly may comply with paragraph (1)(e) by—

- (a) notifying the person (if any) who appears to them to have arranged for the petition to be sent to the National Assembly (if an address has been provided for that person); or
- (b) if there is no such person (or an address has not been provided for that person), notifying any one objector whose name appears on the petition.

Proposals published under paragraph 43(4) of Schedule 7

10. Schedule 3 to these Regulations has effect in relation to proposals under paragraph 43(4) of Schedule 7 (proposals previously published and approved under Schedule 7 not to be implemented).

Change of category of school

11. Where, after proposals have been published under Schedule 7 but before they have been implemented, a school changes category under Schedule 8 to the 1998 Act from a community or community special school the proposals shall (to the extent that they have not been implemented) be implemented by the local education authority (despite paragraph 44 of Schedule 7).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

26th February 2002

D. Elis - Thomas
The Presiding Officer of the National Assembly