

*These notes refer to the School Standards and Organisation (Wales)
Act 2013 (c.1) which received Royal Assent on 4 March 2013*

SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - General

Section 97 – Orders and regulations

113. This section requires the regulations and orders under the Act to be made by statutory instrument and provides the National Assembly for Wales procedure in respect of these instruments.

Section 98 – General interpretation and index of defined expressions

114. **Section 98** defines terms used in the Act and also contains an index of terms that are defined for the purpose of some provisions of the Act. Subsection (1) provides that the Act is to be read as one with the Education Act 1996. This means that general provisions and general definitions in that Act will also apply to this Act. For example the definition of the “education functions” of a local authority in the Education Act 1996 refers to the functions set out in Schedule 36A to that Act. That term, when used in this Act, has the same meaning. If there is a difference in meaning between a term used in this Act and in the Education Act 1996, the meaning given for the purpose of this Act applies.

Section 99 and Schedule 5 – Minor and consequential amendments

115. **Section 99** gives effect to Schedule 5, which contains minor and consequential amendments as a result of the provisions in Parts 2, 3 and 5 of this Act.
116. Amongst other things it amends the Diocesan Board of Education Measure 1991. This is a Church of England Measure. Whilst almost all of Wales is within the boundaries of the Church in Wales, there are some parishes in Powys that form part of dioceses within the Church of England.
117. Amendments to the Church of England Measure could have been made by this Act, by the Secretary of State for Wales under section 150 of the Government of Wales Act 2006, by a UK Act of Parliament or by a Church of England Measure. The Welsh Government sought the views of the Church of England on this matter and obtained the agreement of the Secretary General to the Archbishops' Council to the amendments to be made by this Act.

Section 100 – Commencement

118. This section provides for sections 1 (overview), 100 (commencement) and 101 (short title and inclusion as one of the Education Acts) to come into force the day after Royal Assent is received.

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119. **Sections 88 to 90** (free school breakfasts) and sections 92 and 93 (school-based counselling) come into force on 1 April 2013.
120. **Chapter 3** (school improvement guidance) of Part 2, section 91 (amendment to power to charge for school meals etc) and paragraphs 31, 34(1) and (3), 35 and 36 of Part 3 of Schedule 5 (amendments consequential on section 91) (and section 99 in relation to those paragraphs), and sections 94 and 95 (parents' meetings) and paragraph 33 of Part 3 of Schedule 5 (amendment consequential on sections 94 and 95) come into force 2 months after Royal Assent is received.
121. The remainder of the Act will come into force in accordance with one or more commencement orders made by the Welsh Ministers.

Section 101 – Short title and inclusion as one of the Education Acts

122. This section establishes the Act's title as the School Standards and Organisation (Wales) Act 2013. It also provides that the Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996. This means that references in any legislation to "the Education Acts" will include this Act.