



# Education (Wales) Measure 2011

2011 nawm 7

## PART 3

### FOUNDATION SCHOOLS

#### **26 Prohibition of establishment of new foundation schools**

- (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 28—
  - (a) in subsection (1)(a), omit “or foundation school”;
  - (b) in subsection (2)(a), omit “foundation or”;
  - (c) after subsection (2) insert—

“(2A) A local authority or promoters may not publish proposals for the establishment of a new foundation school in Wales.”
- (3) In paragraph 13(1) of Schedule 6, for “such” substitute “voluntary controlled”.
- (4) In section 113A(4)(a) of the Learning and Skills Act 2000, omit “foundation,”.

#### **27 Prohibition of change of category to foundation school**

- (1) Schedule 8 to the School Standards and Framework Act 1998 (changes of category of school) is amended as follows.
- (2) In paragraph 1—
  - (a) omit sub-paragraph (1);
  - (b) omit paragraph (b) of sub-paragraph (2);
  - (c) after sub-paragraph (2) insert—

“(2A) A foundation school may in accordance with this Schedule become a school within any of the following categories in pursuance of proposals published by the governing body—
    - (a) a community school;

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- (b) a voluntary aided school;
- (c) a voluntary controlled school.”

(3) In paragraph 3—

- (a) in sub-paragraph (2), omit “If the proposals are published during the period mentioned in section 35(2),”;
- (b) omit sub-paragraph (3).

## **28 Savings: proposals to establish new foundation schools**

- (1) Subsections (2) and (3) apply to a proposal by a local authority or any other person to establish a new foundation school where the proposal—
  - (a) has been published under section 28 of the School Standards and Framework Act 1998 before the coming into force of section 26, and
  - (b) has not been implemented in accordance with Schedule 6 to that Act before the coming into force of section 26.
- (2) Nothing in section 26 affects the operation of the provisions of Parts 2 and 3 of Schedule 6 to the School Standards and Framework Act 1998 in relation to the proposal.
- (3) Paragraph 13(1) of Schedule 6 to the School Standards and Framework Act 1998 has effect as if the amendment at section 26(3) had not been enacted.

## **29 Savings: proposals to change category to foundation school**

- (1) Subsection (2) applies to a proposal by a local authority or a governing body of a maintained school to change the category of a maintained school to a foundation school where the proposal—
  - (a) has been published under paragraph 2 of Schedule 8 to the School Standards and Framework Act 1998 before the coming into force of section 27, and
  - (b) has not been implemented in accordance with regulations made under paragraph 5 of Schedule 8 to that Act before the coming into force of section 27.
- (2) Schedule 8 to the School Standards and Framework Act 1998 has effect as if the amendments at section 27 had not been enacted.
- (3) In this section, “maintained school” means—
  - (a) a community school,
  - (b) a voluntary aided school, or
  - (c) a voluntary controlled school.

## **30 Supplementary powers**

- (1) The Welsh Ministers may at any time by order make—
  - (a) supplementary, incidental or consequential provision, or
  - (b) transitional, transitory or saving provision.
- (2) The Welsh Ministers may only make such provision if they consider it necessary or expedient for the purposes of, in consequence of, or for giving full effect to, sections 26 to 29.

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*Status: This is the original version (as it was originally enacted).*

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- (3) An order may, among other things, make provision amending or revoking any subordinate legislation (within the meaning of the Interpretation Act 1978) made before the passing of this Measure.