



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER II

ESTABLISHMENT, ALTERATION OR DISCONTINUANCE OF SCHOOLS

Modifications etc. (not altering text)

C1 Pt. II Chapter II modified (1.9.1999) by [S.I. 1999/704](#), regs. 21, 22, [Sch.](#)

Mainstream schools maintained by ^{F1}local authorities]

Textual Amendments

F1 Words in [Act](#) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, [Sch. 2 para. 10\(3\)](#) (with [Sch. 2 para. 10\(4\)](#))

^{F3}28 **Proposals for establishment or alteration of community, foundation or voluntary school [^{F2}in Wales].**

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Changes to legislation: School Standards and Framework Act 1998, Chapter II is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F2** Words in s. 28 heading inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 18\(10\)](#); S.I. 2007/935, art. 7(o)
- F3** S. 28 omitted (W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 19\(4\)](#); S.I. 2013/1800, art. 3(j)

^{F4}28A Proposals for establishment of community, foundation or voluntary school maintained by English LEA

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Textual Amendments

- F4** S. 28A repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 19](#), [Sch. 18 Pt. 3](#) (with savings in [The School Organisation \(Transitional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1355\)](#), regs. 1(1), [3\(5\)](#)); S.I. 2007/935, [art. 7\(o\)\(q\)](#)

^{F6}29 Proposals for discontinuance of community, foundation, voluntary or maintained nursery school [^{F5}in Wales].

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Textual Amendments

- F5** Words in s. 29 heading inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 20\(12\)](#); S.I. 2007/935, art. 7(o)
- F6** S. 29 omitted (W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 19\(4\)](#); S.I. 2013/1800, art. 3(j)

30 Notice by governing body to discontinue foundation or voluntary school [^{F7}in England].

- (1) Subject to the following provisions of this section, the governing body of a foundation or voluntary school [^{F8}in England] may discontinue the school by serving on the Secretary of State and the [^{F9}local authority] at least two years' notice of their intention to do so.
- (2) If expenditure has been incurred on the school premises (otherwise than in connection with repairs)—
 - (a) by the Secretary of State,
 - (b) by the Funding Agency for Schools,
 - (c) by any [^{F9}local authority], or
 - (d) by an authority which was a local education authority within the meaning of any enactment repealed by the ^{M1}Education Act 1944 or an earlier Act,
 no such notice may be served without the consent of the Secretary of State.
- (3) If discontinuing the school would affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained

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the age of 19, the governing body shall, before serving a notice under this section, ^{F10}consult—

- (a) if the school is in England—
 - (i) the ^{F11}Secretary of State], and
 - (ii) each local authority which has secured the provision of education for any such persons at the school;

^{F12}(b)]

(4) If, while a notice under subsection (1) is in force in respect of a foundation or voluntary school, the governing body inform the ^{F9}local authority] that they are unable or unwilling to carry on the school until the notice expires, the authority—

- (a) may conduct the school for all or part of the unexpired period of the notice as if it were a community school, and
- (b) shall be entitled to use the school premises free of charge for that purpose.

(5) While the school is being so conducted—

- (a) the authority shall keep the school premises in good repair, and
- (b) any interest in the premises which is held for the purposes of the school shall be deemed, for all purposes relating to the condition, occupation or use of the premises, or the making of alterations to them, to be vested in the authority.

(6) Despite the provisions of subsection (5) the governing body may use the premises, or any part of them, when not required for the purposes of the school to the same extent as if they had continued to carry on the school during the unexpired period of the notice.

(7) A notice served under subsection (1) may not be withdrawn without the consent of the ^{F9}local authority].

(8) If a foundation or voluntary school is discontinued under this section, the duty of the ^{F9}local authority] to maintain the school as a foundation or voluntary school shall cease.

^{F13}(9) Nothing in any of the following provisions applies in relation to the discontinuance under this section of a foundation or voluntary school—

- ^{F14}(a)
- (b) sections 15 and 28 of the Education and Inspections Act 2006 (which relate to England).]

(10) Where—

- (a) land occupied by a foundation or voluntary school is held by any trustees for the purposes of the school, and
- (b) the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site,

then if the trustees (being entitled to do so) give any notice to the governing body which purports to terminate the school's occupation of the land, any such notice shall not be effective to terminate its occupation of the land unless the requirements of subsection (11) are complied with in relation to the notice (without prejudice to any other statutory or other requirements falling to be so complied with).

(11) The requirements of this subsection are—

- (a) that the period of notice must—

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- (i) be reasonable having regard to the length of time that would be required to discontinue the school (if the governing body chose to do so), and
 - (ii) in any event must not be less than two years; and
- (b) that a copy of the notice must be given to the Secretary of State and the [^{F9}local authority] at the time when the notice is given to the governing body.
- (12) Where trustees give, at the same (or substantially the same) time, notices purporting to terminate a foundation or voluntary school's occupation of two or more pieces of land held by the trustees for the purposes of the school, then for the purpose of determining whether subsection (10)(b) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the school's occupation of both or all of them.
- (13) If a question arises as to whether the termination of a school's occupation of any land would have the result mentioned in subsection (10)(b) (including a question as to whether subsection (12) applies in any particular circumstances), it shall be determined by the Secretary of State.

Textual Amendments

- F7** Words in s. 30 heading inserted (W.) (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 19\(5\)\(d\)](#); S.I. 2013/1800, art. 3(j) (with art. 4)
- F8** Words in s. 30(1) inserted (W.) (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 19\(5\)\(a\)](#); S.I. 2013/1800, art. 3(j) (with art. 4)
- F9** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 10\(2\)](#) (with Sch. 2 para. 10(4))
- F10** Words in s. 30(3) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\), art. 1\(2\)\(a\), Sch. 1 para. 35](#) (with art. 2(3))
- F11** Words in s. 30(3)(a)(i) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 16 para. 12](#); S.I. 2012/924, art. 2
- F12** S. 30(3)(b) omitted (W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 19\(5\)\(b\)](#); S.I. 2013/1800, art. 3(j) (with art. 4)
- F13** S. 30(9) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 3 para. 21](#); S.I. 2007/935, art. 7(o)
- F14** S. 30(9)(a) omitted (W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), s. 100\(4\), Sch. 5 para. 19\(5\)\(c\)](#); S.I. 2013/1800, art. 3(j) (with art. 4)

Modifications etc. (not altering text)

- C2** S. 30 excluded (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), ss. 68\(4\), 188\(3\)](#); S.I. 2007/935, art. 5(j)
- C3** S. 30 excluded (29.7.2010) by [Academies Act 2010 \(c. 32\), ss. 6\(9\), 19\(2\)](#); S.I. 2010/1937, art. 2, Sch. 1

Marginal Citations

- M1** 1944 c. 31.

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Special schools maintained by ^{F15}^{F1}local authorities] in Wales]

Textual Amendments

- F15** Words in s. 31 cross-heading substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 22**; S.I. 2007/935, art. 7(o)

^{F17}**31 Proposals for establishment, alteration or discontinuance of community or foundation special school [^{F16}in Wales].**

Textual Amendments

- F16** Words in s. 31 heading inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 23(9)**; S.I. 2007/935, art. 7(o)
- F17** Ss. 31-35 omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(6)**; S.I. 2013/1800, art. 3(j) (with art. 4)

^{F17}**32 Direction requiring discontinuance of community or foundation special school [^{F18}in Wales].**

Textual Amendments

- F17** Ss. 31-35 omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(6)**; S.I. 2013/1800, art. 3(j) (with art. 4)
- F18** Words in s. 32 heading inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 24(5)**; S.I. 2007/935, art. 7(o)

Further provisions relating to establishment, alteration or discontinuance of schools

^{F17}**33 Further provisions relating to establishment, alteration or discontinuance of schools [^{F19}in Wales].**

Textual Amendments

- F17** Ss. 31-35 omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(6)**; S.I. 2013/1800, art. 3(j) (with art. 4)
- F19** Words in s. 33 heading inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 25(6)**; S.I. 2007/935, art. 7(o)

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Rationalisation of school places

^{F17}34 Rationalisation of school places.

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Textual Amendments

F17 Ss. 31-35 omitted (W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 19(6)**; S.I. 2013/1800, art. 3(j) (with art. 4)

Change of category of school

^{F17}35 School [^{F20}in Wales] changing from one category to another.

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Textual Amendments

F17 Ss. 31-35 omitted (W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 19(6)**; S.I. 2013/1800, art. 3(j) (with art. 4)

F20 Words in s. 35 heading inserted (25.5.2007) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), **Sch. 3 para. 26(3)**; S.I. 2007/935, art. 7(o)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)