



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 1

GOVERNMENT OF MAINTAINED SCHOOLS

32 Responsibility for fixing dates of terms and holidays and times of sessions

- (1) In the case of a community, voluntary controlled or community special school or a maintained nursery school—
 - (a) the [^{F1}local authority] shall determine the dates when the school terms and holidays are to begin and end, and
 - (b) [^{F2}subject to subsections (5) to (9),] the governing body shall determine the times of the school sessions.
- (2) In the case of a foundation, voluntary aided or foundation special school the governing body shall determine—
 - (a) the dates and times when the school terms and holidays are to begin and end, and
 - (b) [^{F3}subject to subsections (5) to (9)] the times of the school sessions.
- (3) Regulations may make provision—
 - (a) as to the procedure to be followed where the governing body of a school within subsection (1) propose to make any change in the time of the school sessions;
 - (b) as to the implementation of any such proposal;
 - (c) for enabling the [^{F1}local authority] to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school.

Status: Point in time view as at 05/05/2010. This version of this provision has been superseded.

Changes to legislation: Education Act 2002, Section 32 is up to date with all changes known to be in force on or before 10 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)

- (4) In this section “the times of the school sessions” means the times at which each of the school sessions (or, if there is only one, the school session) is to begin and end on any day.
- [^{F4}(5) Subsections (1)(b) and (2)(b) do not apply in relation to a school in Wales in the circumstances specified in subsection (6).
- (6) The circumstances are—
- (a) that the [^{F1}local authority] in whose area the school is situated have given notice in writing to the governing body of the school that the times of the school sessions are to be determined in accordance with subsection (8), and
 - (b) that the notice has not been withdrawn by the [^{F1}local authority].
- (7) A [^{F1}local authority] must not issue a notice of the kind mentioned in subsection (6)(a) unless they consider a change in the times of the sessions of that school to be necessary or expedient in order to—
- (a) promote the use of sustainable modes of travel within the meaning of section 11 of the Learner Travel (Wales) Measure 2008, or
 - (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
- (8) In relation to a school subject to a notice of the kind mentioned in subsection (6)(a)—
- (a) where there are two school sessions on the relevant school day—
 - (i) the [^{F1}local authority] must determine the time each day at which the first school session starts and the second school session ends, and
 - (ii) the governing body must determine the time each day at which the first school session ends and the second school session starts;
 - (b) where there is one school session on the relevant school day the [^{F1}local authority] must determine the time each day at which the school session starts and ends.
- (9) The Welsh Ministers may make provision by regulations—
- (a) as to the procedure to be followed where the [^{F1}local authority] propose to issue a notice of the kind mentioned in subsection (6)(a);
 - (b) as to the matters to be included in such a notice;
 - (c) as to the implementation of any determination under subsection (8);
 - (d) for enabling the [^{F1}local authority] to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school.
- (10) In giving notice as described in subsection (6) and in discharging any function conferred by subsections (7) or (8) or by regulations under subsection (9), a [^{F1}local authority] must have regard to guidance given by the Welsh Ministers.]

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. 11(2)**
- F2** Words in s. 32(1)(b) inserted (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 21(2)(a), 28(2); S.I. 2009/371, art. 2(1), Sch. Pt. 1**
- F3** Words in s. 32(2)(b) inserted (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 21(2)(b), 28(2); S.I. 2009/371, art. 2(1), Sch. Pt. 1**

Status: Point in time view as at 05/05/2010. This version of this provision has been superseded.

Changes to legislation: Education Act 2002, Section 32 is up to date with all changes known to be in force on or before 10 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)

- F4** S. 32(5)-(10) inserted (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), **ss. 21(2)(c), 28(2)**; S.I. 2009/371, art. 2(1), Sch. Pt. 1

Modifications etc. (not altering text)

- C1** S. 32 applied (with modifications) (1.9.2005) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005 (S.I. 2005/2039), reg. 1(1), **Sch. 1 para. 9**
- C2** S. 32 applied (with modifications) (23.4.2007) by The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 (S.I. 2007/1069), **reg. 1(1), Sch. 1 para. 9**
- C3** S. 32 applied (with modifications) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 17**
- C4** S. 32(1)(b) modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **3(g)**

Commencement Information

- I1** S. 32 in force at 1.9.2003 except in relation to W. by S.I. 2003/1667, **art. 4**
- I2** S. 32 in force at 1.9.2004 for W. by S.I. 2004/1728, art. 5, **Sch. Pt. 2**

Status:

Point in time view as at 05/05/2010. This version of this provision has been superseded.

Changes to legislation:

Education Act 2002, Section 32 is up to date with all changes known to be in force on or before 10 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.