



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 1

GOVERNMENT OF MAINTAINED SCHOOLS

[^{F1}32C Responsibility for fixing times of school sessions in Wales

- (1) Except in the circumstances described in subsection (2), a governing body of a maintained school must determine the times of the school sessions for the school.
- (2) The circumstances are—
 - (a) that the local authority in whose area the school is situated have given notice to the governing body that the times of the school sessions are to be determined in accordance with subsection (4), and
 - (b) that the notice has not been withdrawn by the local authority.
- (3) A local authority must not give a notice under this section unless they consider that a change in the times of the school sessions is 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 (nawm 2), or
 - (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
- (4) In the circumstances described in subsection (2)—
 - (a) where there are 2 sessions on the relevant school day—
 - (i) the 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,

Changes to legislation: *Education Act 2002, Section 32C is up to date with all changes known to be in force on or before 18 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*

- (b) where there is one school session on the relevant school day the local authority must determine the time each day at which the school session starts and ends.
- (5) The Welsh Ministers may by regulations make provision—
- (a) as to the procedure to be followed where the governing body of a community, voluntary controlled or community special school or maintained nursery school proposes to make any change in the time of the school sessions;
 - (b) as to the implementation of any such proposal;
 - (c) for enabling the 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;
 - (d) as to the procedure to be followed where the local authority propose to give a notice under this section;
 - (e) as to the form and content of such a notice;
 - (f) as to the implementation of a determination made under subsection (4).
- (6) A local authority must have regard to any guidance given by the Welsh Ministers when giving a notice under subsection (2) or discharging any function conferred by this section or regulations made under it.
- (7) In this section—
- “maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;
 - “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.]

Textual Amendments

F1 Ss. 32A-32C inserted (12.5.2014 for specified purposes, 14.7.2014 in so far as not already in force) by [Education \(Wales\) Act 2014 \(anaw 5\)](#), [ss. 42, 50\(2\)](#); [S.I. 2014/1605](#), [art. 2\(a\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)