

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 94(4)(b) of, and paragraph 8 of Schedule 17 to, the Coronavirus Act 2020 (c.7), for approval by resolution of Senedd Cymru within 40 days beginning with the day on which the instrument is made.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 640 (W. 147)

EDUCATION, WALES

**The Maintained Schools
(Amendment of paragraph 7 of
Schedule 17 to the Coronavirus Act
2020) (Wales) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 7(5) of Schedule 17 to the Coronavirus Act 2020 (“the 2020 Act”) sets out the enactments that the Welsh Ministers may, by notice under paragraph 7(1)(a) of that Schedule, disapply for a period specified in the notice.

Regulation 2(2) amends the list in paragraph 7(5) to add regulations 3 and 4 of the Changing of School Session Times (Wales) Regulations 2009 (S.I. 2009/572 (W. 54)). These provisions set out procedures that must be followed by local authorities and governing bodies of maintained schools in order to change school session times.

Regulation 3 makes transitional provision so that any change to school sessions times implemented during the period when a notice has effect is reversed after the notice ceases to have effect.

The table in paragraph 7(6) of Schedule 17 to the 2020 Act sets out the enactments that the Welsh Ministers may, by notice under paragraph 7(1)(b) of that Schedule, modify for a period specified in the notice and sets out the manner in which they may be modified.

Regulation 2(3) amends the table to add new entries for provisions of the School Organisation Code made by the Welsh Ministers under sections 38 and 39 of the

School Standards and Organisation (Wales) Act 2013 (“the Code”) relating to consultation on school organisation proposals, setting out the modifications that may be made to those provisions by notice under paragraph 7(1)(b) of Schedule 17 to the 2020 Act.

Regulation 4 makes transitional provision for a modification made by a notice relating to the Code to continue to have effect after the notice expires in respect of a consultation under the Code that is open at any time during the period specified in the notice.

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W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 640 (W. 147)

EDUCATION, WALES

**The Maintained Schools
(Amendment of paragraph 7 of
Schedule 17 to the Coronavirus Act
2020) (Wales) Regulations 2020**

Made at 10.53 a.m. on 25 June 2020

*Coming into force
at 12.00 p.m. on 25 June
2020*

*Laid before Senedd
Cymru at 2.00 p.m on 25 June 2020*

The Welsh Ministers make the following Regulations in exercise of their powers under section 92 of, and paragraph 8 of Schedule 17 to, the Coronavirus Act 2020(1).

Title and coming into force

1.—(1) The title of these Regulations is the Maintained Schools (Amendment of paragraph 7 of Schedule 17 to the Coronavirus Act 2020) (Wales) Regulations 2020.

(2) These Regulations come into force at 12.00 p.m. on 25 June 2020.

(1) 2020 c. 7.

Amendment of Schedule 17 to the Coronavirus Act 2020

2.—(1) Schedule 17 to the Coronavirus Act 2020 is amended as follows.

(2) In paragraph 7(5), after paragraph (m), insert—

“(n) regulations 3 and 4 of the Changing of School Session Times (Wales) Regulations 2009 (S.I. 2009/572 (W. 54))”.

(3) In paragraph 7(6), in the table, after the entry for the Child Minding and Day Care (Wales) Regulations 2010(1), insert—

“School Organisation Code made by the Welsh Ministers under sections 38 of the School Standards and Organisation (Wales) Act 2013 (Statutory Code Document Number 011/18)	Paragraph 3.4 (consultation document)	Paragraph 3.4 has effect as if the references to “school day” include a day on which there would have been a school session but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus.
School Organisation Code made by the Welsh Ministers under sections 38 of the School Standards and Organisation (Wales) Act 2013 (Statutory Code Document Number 011/18)	Paragraph 3.5 (consultation with children and young people)	Any duty imposed on a person by paragraph 3.5 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
School Organisation	Paragraph 4.1 (manner of	Paragraph 4.1 has effect as

(1) S.I. 2010/2574 (W. 214).

<p>Code made by the Welsh Ministers under sections 38 of the School Standards and Organisation (Wales) Act 2013 (Statutory Code Document Number 011/18)</p>	<p>publication)</p>	<p>if the references to “school day” include a day on which there would have been a school session but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus.”</p>
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Transitional provision: Changing school session times

3.—(1) This regulation applies where a relevant notice has expired.

(2) Any change to the session times of a school implemented during the period when the relevant notice or a preceding notice has effect ceases to have effect.

(3) The governing body of the school must ensure that the session times of the school revert to the session times that were required to be implemented immediately before the notice was given or, where the notice is the last of a series of such notices that have effect consecutively without a break, the only or first preceding notice was given (as the case may be).

(4) Paragraph (3) does not affect the powers of the governing body of a school or a local authority to change school session times in accordance with the Changing of School Session Times (Wales) Regulations 2009(1) (“the 2009 Regulations”).

(5) In this regulation, “relevant notice” means a notice made under paragraph 7(5)(n) of Schedule 17 to the Coronavirus Act 2020 (disapplication of the 2009 Regulations) or, in the case of series of such notices that have effect consecutively without a break, the last notice in the series.

(6) In this regulation, “preceding notice” means a notice made under paragraph 7(5)(n) of Schedule 17 to the Coronavirus Act 2020 that forms part of a series of such notices including the relevant notice that have effect consecutively without a break.

(1) S.I. 2009/572 (W. 54).

Transitional provision: School Organisation Code

4.—(1) Where a consultation or an objection period under the School Organisation Code made by the Welsh Ministers under section 38 of the School Standards and Organisation (Wales) Act 2013⁽¹⁾ (“the Code”) is open at any time during the period specified in a relevant notice, the modification of the Code made by the notice continues to have effect in relation to the consultation and the objection period after the notice has expired.

(2) In this regulation, “a relevant notice” means a notice under paragraph 7 of Schedule 17 to the Coronavirus Act 2020 modifying paragraph 3.4, 3.5 or 4.1 of the Code in the manner described in paragraph 7(6) of Schedule 17 to the Coronavirus Act 2020.

Kirsty Williams

Minister for Education, one of the Welsh Ministers

At 10.53 a.m. on 25 June 2020

(1) Statutory Code Document Number 011/18