STATUTORY INSTRUMENTS

1999 No. 1671

EDUCATION, ENGLAND AND WALES
WALES

The Education (School Organisation Proposals) (Wales) Regulations 1999

Made - - - - -	*9th June 1999*
Laid before Parliament	*16th June 1999*
Coming into force - -	*1st September 1999*

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In exercise of the powers conferred on the Secretary of State by sections 28(1), (2), (3), (7) and (12), 29(3) and (6) and 138(7) and (8) of, and paragraphs 7, 8(2), and 10 of Schedule 6, paragraphs 5 and 12 of Schedule 7 and paragraphs 9 and 10 of Schedule 23 to, the School Standards and Framework Act 1998,(**a**) the Secretary of State for Wales hereby makes the following Regulations—

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (School Organisation Proposals) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations apply to local education authorities and schools maintained by (or, in the case of new schools, proposed to be maintained by) local education authorities in Wales.

Interpretation

2.—(1) In these Regulations—

"admission arrangements" has the meaning given to it by section 88(2) of the Act;

"the Act" means the School Standards and Framework Act 1998;

"the Assembly" means the National Assembly for Wales or Cynulliad Cenedlaethol Cymru(**b**);

"mainstream school" means a community, foundation or voluntary school;

"relevant age group" has the meaning given to it by section 142(1) of the Act;

"special educational needs" has the meaning given to it by section 312(1) of the Education Act 1996; and

"statement of special educational needs" means a statement of special educational needs made by a local education authority under section 324 of the Education Act 1996.

(2) For the purposes of these Regulations except Part VI of Schedule 4 the capacity of a school shall be determined in accordance with Schedule 1.

(3) Unless the context otherwise requires, a reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation of or Schedule to these Regulations so numbered and a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

(**a**) 1998 c. 31. For the meaning of "prescribed" and "regulations" *see* section 142(1). *See* also footnote (b) below.

(**b**) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in the relevant sections and Schedules to the School Standards and Framework Act 1998 are to be construed as being, or including, a reference to the Assembly *see* section 43 of the Government of Wales Act 1998.

Alterations for which proposals must be published

3. For the purposes of subsections (1)(b), (1)(c) and (2)(b) of section 28 of the Act, the alterations specified in Schedule 2 are prescribed as alterations for which proposals must be published under that section.

Information to be contained in published proposals

4.—(1) This regulation prescribes for the purposes of sections 28(3)(a) and 29(3)(a) of, and paragraph 5(2)(a) of Schedule 7 and paragraph 9(1)(a) of Schedule 23 to, the Act the information which proposals relating to mainstream schools (including new schools) published under section 28 or 29 of, or paragraph 5 of Schedule 7 or paragraph 9 of Schedule 23 to, the Act must contain.

(2) Proposals published under section 28 or 29 of, or paragraph 5 of Schedule 7 to, the Act must contain the information specified in Part I of Schedule 3 together with—

(a) the information specified in Part II of that Schedule where the proposals are to establish a new school, or

(b) the information specified in Part III of that Schedule where the proposals are to make a prescribed alteration to a school, or

(c) the information specified in Part IV of that Schedule where the proposals are to discontinue a school.

(3) Proposals published under paragraph 9 of Schedule 23 to the Act must contain the information specified in Part V of Schedule 3.

Manner of publication of proposals

5.—(1) This regulation prescribes for the purposes of sections 28(3)(b) and 29(3)(b) of, and paragraph 10(4) of Schedule 6, paragraph 5(2)(b) of Schedule 7 and paragraph 9(1)(a) of Schedule 23 to, the Act the manner in which proposals relating to mainstream schools (including new schools) required to be published under sections 28 and 29 of, and paragraph 10(4) of Schedule 6, paragraph 5 of Schedule 7 and paragraph 9 of Schedule 23 to, the Act shall be published.

(2) Any proposals for the establishment of a school shall be published—

(a) by being posted in a conspicuous place in the area to be served by the school; and

(b) in at least one newspaper circulating in that area.

(3) Any proposals—

(a) for the making of a prescribed alteration to a school which would not alter the area to be served by the school;

(b) for the discontinuance of the school; or

(c) to apply to the Assembly to vary any standard number which applies to the school;

shall be published

(d) by being posted in a conspicuous place in the area served by the school;

(e) in at least one newspaper circulating in that area; and

(f) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.

(4) Any proposals for the making of a prescribed alteration to a school which would alter the area proposed to be served by the school shall be published—

(a) by being posted in a conspicuous place in the area served by the school and the area proposed to be served by the school;

(b) in at least one newspaper circulating in the areas referred to in sub-paragraph (a) above; and

(c) by being posted at or near the main entrance to the school, or, if there is more than one main entrance, all of them.

(5) Any proposals that paragraph 10(1) of Schedule 6 to the Act (requirement to implement proposals) should cease to apply in relation to proposals published under section 28 or 29 of the Act, shall be published—

(a) by being posted in a conspicuous place in the area or areas in which notice of the original proposals was required to be posted;

(b) in at least one newspaper circulating in the areas referred to in sub-paragraph (a) above; and

(c) where the proposals relate to an existing school, by being posted at or near the main entrance to the school, or, if there is more than one main entrance, all of them.

Information to be provided to the Assembly

6.—(1) This regulation prescribes for the purposes of section 28(7)(b) and section 29(6)(b) of, and paragraph 9(1)(b) of Schedule 23 to, the Act the information in connection with proposals published under sections 28 and 29 of, and paragraph 9 of Schedule 23 to, the Act which must be sent to the Assembly.

(2) Where proposals have been published under section 28 or 29 of the Act the relevant body or promoters shall send to the Assembly the information specified in Part II of Schedule 4 together with—

(a) such of the information specified in Part III of that Schedule as applies to the proposals, where the proposals are to establish a new school;

(b) such of the information specified in Part IV of that Schedule as applies to the proposals, where the proposals are to make a prescribed alteration to a school;

(c) such of the information specified in Part V of that Schedule as applies to the proposals, where the proposals are to discontinue a school.

(3) Where proposals have been published under paragraph 9 of Schedule 23 to the Act the local education authority or governing body shall send to the Assembly the information specified in Part VI of Schedule 4.

Objections to proposals

7.—(1) This regulation—

(a) prescribes for the purposes of paragraph 7(2)(a) and (3) of Schedule 6, paragraph 12(2) of Schedule 7 and paragraph 9(6) of Schedule 23 to the Act the period within which objections to proposals mentioned in those paragraphs relating to mainstream schools may be sent to the local education authority or the Assembly (as the case may be); and

(b) prescribes for the purposes of paragraph 7(2)(b) of Schedule 6 to the Act the period within which a local education authority must send to the Assembly copies of objections to proposals relating to mainstream schools.

(2) Objections to proposals published under section 28 or 29 of, or paragraph 5 of Schedule 7 or paragraph 9 of Schedule 23 to, the Act shall be sent to the local education authority or the Assembly (as the case may be)—

(a) within the period of two months after the date of publication of the proposals, except where sub-paragraph (b) applies, or

(b) within the period of one month after the date of publication of the proposals, where—

(i) the proposals are published under section 28 of the Act to make a prescribed alteration to, or published under section 29 of the Act to discontinue, a school to which section 15 of the Act applies, or

(ii) the proposals are published under section 28 of the Act to establish a new school on the same site as a school to which section 15 of the Act applies and which it is proposed to discontinue.

(3) The local education authority shall send copies of objections made (and not withdrawn in writing) within the objection period, together with their observations thereon, to the Assembly in accordance with paragraph 7(2)(b) of Schedule 6 to the Act within—

(a) the period of one month after the end of the objection period except where the proposals fall within paragraph (2)(b); and

(b) the period of two weeks after the end of the objection period where the proposals fall within paragraph (2)(b).

Approval of proposals with modifications after consultation

8.—(1) This regulation prescribes, for the purposes of paragraph 8(2)(c) of Schedule 6 to the Act, the persons or bodies with whom the Assembly must consult before approving, with modifications, proposals under section 28 or 29 of the Act.

(2) Those persons or bodies are the persons or body who published the proposals, and—

(a) where the proposals are to establish a new foundation or voluntary school, the local education authority whom it is proposed should maintain the school;

(b) where the proposals were published by the governing body of the school, the local education authority who maintain the school; and

(c) where the proposals were published by the local education authority to discontinue a voluntary or foundation school or to make a prescribed alteration to a foundation school consisting of an enlargement of the premises of the school, the governing body of the school.

Modification of approved proposals

9.—(1) This Regulation prescribes, for the purposes of paragraph 10(2) of Schedule 6 to the Act, the persons or body—

(a) at whose request the Assembly may modify approved proposals relating to a mainstream school;

(b) whom the Assembly must consult before modifying such approved proposals; and

(c) at whose request the Assembly may, where approval of proposals in respect of a mainstream school was given in accordance with paragraph 8(3) of that Schedule (approval expressed to take effect only if an event specified in the approval occurs by a date so specified), specify a later date by which the event in question must occur.

(2) The Assembly may modify approved proposals or specify a later date at the request of the persons or body who published the proposals.

(3) Before modifying approved proposals, the Assembly shall consult—

(a) where the proposals were to establish a new foundation or voluntary school, the local education authority who it is proposed should maintain the school;

(b) where the proposals were published by the governing body of the school, the local education authority who maintain the school;

(c) where the proposals were published by the local education authority to discontinue a voluntary or foundation school or to make a prescribed alteration to a foundation school consisting of an enlargement of the premises of the school, the governing body of the school.

(4) In this regulation references to approved proposals include references to proposals which the body or promoters by whom they were published have determined to implement under paragraph 9 of Schedule 6.

Application of and modification of provisions of the Act in special cases

10. Schedule 5 has effect for the purpose of applying with modifications (where specified) provisions of section 28 of, and Part II of Schedule 6 to, the Act in relation to proposals published under paragraph 10(4) of Schedule 6 to the Act relating to mainstream schools.

Review of Standard Number Decisions

11.—(1) This regulation makes provision, for the purposes of paragraph 10(7) of Schedule 23 to the Act, for enabling the Assembly—

(a) to review any relevant decision, that is to say a decision of the Assembly under paragraph 10(1) of that Schedule varying or, as the case may be, refusing to vary any standard number, and

(b) if appropriate, to revoke or vary that decision.

(2) The Assembly may carry out such a review of a relevant decision where it is satisfied, upon the application of the local education authority or the governing body, that—

(a) the decision was wrongly made by virtue of a material error of fact contained in the information provided to the Assembly in accordance with regulation 6(3), or

(b) there as an obvious error in the decision.

(3) No such application for the review of a relevant decision shall be made later than one month after the date on which the person mentioned in paragraph 8(3) or (4) of Schedule 23 who made the application to the Assembly for the decision was given written notice of that decision by the Assembly.

(4) Every application for a review of a relevant decision shall be by notice in writing setting out the grounds on which it is made; and the body making the application shall forthwith serve a copy of it on the governing body or (in a case where it was made by that body) the local education authority who, in either case, shall then be entitled, not later than 14 days after the date of service, to make written representations to the Assembly in relation to the application.

(5) If, having considered the application and any representations made as mentioned in paragraph (4), the Assembly determines that it is not satisfied as mentioned in paragraph (2) and that therefore the relevant decision does not fall to be reviewed, or (where the Assembly is so satisfied) that the relevant decision should be revoked or varied, the Assembly shall forthwith give written notice of that determination to the governing body and the local education authority.

Amendment of transitional Regulations

12. Regulation 12 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999(**a**) shall be amended in relation to Wales by the substitution for the words "section 42(1)(b)" in paragraph (b)(i) and (ii) (in both places where they occur) of the words "section 41(1)(b)".

Revocation

13. The Education (Publication of Proposals for Reduction in Standard Numbers) Regulations 1991(**b**) and the Education (Publication of School Proposals and Notices) Regulations 1993(**c**) (insofar as they have not ceased to have effect by virtue of the repeal without re-enactment of the provisions containing the powers under which they were made) are hereby revoked in relation to Wales.

Signed by authority of the Secretary for Wales

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

9th June 1999

(**a**) S.I. 1999/704.
(**b**) S.I. 1991/411.
(**c**) S.I. 1993/3113.

SCHEDULE 1

Regulation 2(2)

METHODOLOGY FOR DETERMINING SCHOOL CAPACITY

PART I

FORMULA FOR DETERMINING CAPACITY OF PRIMARY SCHOOLS

1. The capacity of a primary school is to be determined in accordance with the following formula—

$$X + Y - Z$$

where—

X is the sum of the numbers (rounded down to the nearest whole number in the case of each number) obtained by dividing the total floor area of each classroom in the school whose floor area is less than 54 square metres by 1.8;

Y is the number of complete floor areas of 54 square metres in those classrooms in the school whose floor area is 54 square metres or more, multiplied by 30;

Z is the number of pupils in the school in respect of whom notices have been served by a local education authority that they propose to make an assessment of their special educational needs in accordance with section 323 of the Education Act 1996(**a**) ("pupils subject to assessment") or for whom statements of special educational needs are maintained by such authority in accordance with section 324(**b**) of that Act ("pupils with statements"), multiplied by 2.

2. For the purposes of this Schedule "classroom" excludes—

(a) any hall or libary;

(b) any room or other area used wholly or mainly for the education of pupils subject to assessment and pupils with statements;

(c) any room or other area so constructed, adapted or equipped as to be unsuitable for general teaching purposes;

(d) where the school makes provision for nursery education, any room or other area used wholly or mainly for that purpose;

(e) any room, part of a room or other area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching,

and any part of an area which is required for the movement of pupils through that area, and which is used wholly or mainly for that purpose, is not to be taken into account in calculating the floor area of a classroom.

PART II

FORMULA FOR DETERMINING CAPACITY OF SECONDARY SCHOOLS

3. The capacity of a secondary school is to be determined in accordance with the following formula—

$$(A \times B \times C) - D$$

rounded down to the nearest whole number, where

A is the sum of the numbers obtained by adding together each workplace number, as determined in accordance with paragraphs 4 and 5 below, which applies in relation to an area of any of the following kinds of teaching space that exist at the school in question—

(i) general teaching space,

(ii) light practical teaching space,

(iii) heavy practical and large teaching space, and

(iv) sports and physical education teaching space;

B is the result of the application of the following formula—

$$\frac{b1 + b2 + b3}{N}$$

where—

b1 is the number of registered sixth form pupils at the school up to and including 150 such pupils, divided by 2;

b2 is the number of such sixth form pupils above 150, multiplied by 0.73;

(**a**) 1996 c. 56.

(**b**) Section 324 is prospectively amended by paragraph 77(a) of Schedule 30 to the Act and amended by paragraph 77(b) of that Schedule with effect from 1st October 1998 (S.I. 1998/2212, Schedule 1).

b3 is the number of registered pupils, excluding any sixth form pupils, at the school, multiplied by the age factor, as determined in accordance with paragraph 6 below, which applies in relation to the school; and

N is the total number of registered pupils at the school;

C is the result of the application of the following formula—

$$\frac{(A \times B) - 1200}{11{,}000} + 1$$

where—

A and B have the same definitions as set out respectively in relation to those letters above in this paragraph; and

D is the number of registered pupils at the school in respect of whom notices have been served by a local education authority that they propose to make an assessment of their special educational needs in accordance with section 323 of the Education Act 1996 or for whom statements of special educational needs are maintained by such authority in accordance with section 324 of that Act, multiplied by 3.

4.—(1) For the purposes of paragraph 3 above and subject to paragraph 5 below, the workplace number which applies in relation to an area of teaching space is that specified in the second column of the table below, opposite the reference in the first column of the table to the area of teaching space at the school which shall be determined by calculating the floor area, in square metres, of that space, rounded down to the nearest whole number.

TABLE

Teaching Space (in square metres of floor area)	*Workplace Number*
General Teaching Space	
9 or, less	0
10-14	0 or, in the case of such teaching space for the purposes of sixth form pupils, 5 if the local education authority so determine.
15-19	10
20-29	15
30-39	20
40-45	25
46 *or over*	30, or such larger number, being a multiple of 5, as the local education authority may determine.
Heavy Practical and Large Teaching Space	
19 or less	0
20-39	5
40-79	10
80-119	20
120 *or over*	30, or such larger number, being a multiple of 5, as the local education authority may determine.
Light Practical Teaching Space	
19 or less	0
20-39	5
40-59	10
60-79	20
80 *or over*	30, or such larger number, being a multiple of 5, as the local education authority may determine.
Sports and Physical Education Teaching Space	
39 or less	0
40-79	5
80-159	10
160-239	20
240 *or over*	30 multiplied by the number of complete floor areas of 240 square metres contained in the teaching space.

5. In the case of any area of general teaching space used partly for social, dining or careers advice purposes and any area of teaching space used other than by the school during any part of the school day, the area of teaching space shall be treated as if it included any area which falls to be excluded from being teaching space by virtue of paragraph 7(g)(iv) below and the workplace number shall be the workplace number as determined in accordance with paragraph 4 above multiplied by the proportion of the school day for which the area is available for teaching, rounded down to the nearest whole number.

6. For the purposes of paragraph 3 above, the "age factor" is the number specified in the second column of the table below, opposite the reference in the first column of the table to the age range which most closely reflects the age range of the school excluding its sixth form pupils.

Age Range	*Age Factor*
9-13	0.80
11-13	0.78
11-15	0.75
12-15	0.74
13-15	0.72
14-15	0.70

7. For the purposes of this Part of this Schedule—

(a) "general teaching space" means teaching space other than teaching space of the kinds described in sub-paragraphs (b), (d) and (f) below;

(b) "heavy practical and large teaching space" includes—

(i) teaching space used or available mainly for the purposes of teaching any one or more of the following—

workshop crafts, cookery, drama and dance; and

(ii) includes teaching space in any assembly hall and library;

(c) "light crafts" includes pottery and print making;

(d) "light practical teaching space" includes—

(i) teaching space used or available mainly for the purposes of teaching any one or more of the following—

art, sculpture light crafts, needlecraft, fabrics and textiles, technical drawing and design, music, business studies, commerce, typing and computer studies, and

(ii) includes teaching space in any science or language laboratory;

(e) "projectile room" includes a room used for the purposes of any of the following—

archery, gun or rifle shooting, golf, bowls and cricket;

(f) "sports and physical education teaching space" includes teaching space in any sports hall, gymnasium, projectile room, squash court, indoor swimming pool, or any room used for weight or fitness training or both;

(g) "teaching space" means any area in the school in question used or available for teaching or study, or both, for all or part of the school day, but excluding the following—

(i) any room, part of a room, or other area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;

(ii) any part of any area in the school which is required for the movement of pupils through that area and which is used wholly or mainly for that purpose;

(iii) in the case of the area of any gymnasium, sports hall or indoor swimming pool, any area, in terms of square metres of floor area, in excess of a floor area of 240 square metres save that, where the floor area of any gymnasium, sports hall or indoor swimming pool is equal to, or greater than, a multiple of 240 square metres, the area equal to that multiple or, where greater than a multiple, rounded down to the nearest multiple, is to be included as teaching space; and

(iv) in the case of any area partly used for social, dining or careers advice purposes and any area used other than by the school during any part of the school day, the proportion of that area, in terms of square metres of floor area, equal to the proportion of the school day for which the area is not available for teaching, rounded down to the nearest whole number; and

(h) "workshop crafts" includes craft design and technology, woodwork, metalwork and engineering.

SCHEDULE 2

Regulation 3

ALTERATIONS FOR WHICH PROPOSALS MUST BE PUBLISHED

1.—(1) An enlargement, other than a temporary enlargement, of the premises of the school which,

(a) would increase the capacity of the school by more than 30 pupils, and

(b) when taken together with all previous enlargements (if any) taking place since the appropriate date would increase the capacity of the school by the relevant amount as compared with—

(i) its capacity on the appropriate date, or

(ii) if at any time after that date its capacity was lower than its capacity on that date, its lowest capacity at any such time,

whichever gives rise to the greater increase in capacity.

(2) The making permanent of a temporary enlargement of the school.

(3) In this paragraph—

"temporary enlargement" of the premises of a school is an enlargement of the premises in circumstances where it is anticipated that within three years of the enlargement the capacity of the school will revert to what it was before the enlargement was made;

"the appropriate date" means whichever is the latest of the following dates—

(a) the date falling five years before the date on which the local education authority or, as the case may be, the governing body, form the intention to make the enlargement concerned;

(b) the date when the school was established;

(c) where any proposals for a significant enlargement of the premises of the school or for a prescribed alteration to a school consisting of an enlargement of the premises of the school have been—

(i) approved under section 12 or 13 of the Education Act 1980(**a**);

(ii) approved under section 98 of the Education Act 1993(**b**);

(iii) approved under section 37, 43 or 261 of the Education Act 1996(**c**);

(iv) approved under paragraph 8 of Schedule 6 to the Act; or

(v) approved or adopted under paragraph 14 of Schedule 7 to the Act,

the date (or latest date) on which any such proposals were implemented, and

(d) where the local education authority, promoters or other body (as the case may be) have determined to implement any proposals for a significant enlargement of the premises of a school or for prescribed alterations to a school consisting of an enlargement of the premises of the school under section 12(7) of the Education Act 1980, section 38(**d**) of the Education Act 1996 or paragraph 9 of Schedule 6 to the Act the date (or latest date) on which any such proposals were implemented; and

"relevant amount" means 25 per cent of the capacity of the school (before the enlargement) or 200 pupils whichever is the lesser.

2. The alteration of the upper or lower age limits of the school by a year or more, except—

(a) any alteration which consists of providing or ceasing to provide education for pupils over compulsory school age who are repeating a course of education completed before they reached compulsory school age;

(b) any alteration of the upper age limit of the school resulting from persons beginning or ceasing to be provided with education falling within section 80(1) of the Act; or

(c) any alteration which consists of providing or ceasing to provide education under a partnership arrangement within the meaning of section 60A of the Further and Higher Education Act 1992(**e**).

In this paragraph the upper and lower age limits of a school mean respectively the highest and the lowest ages of pupils for whom education is normally provided at the school.

3. The establishment or discontinuance of provision which is recognised by the local education authority as reserved for children with special educational needs.

4. The introduction of admission arrangements to which section 101(1) of the Act applies.

5.—(1) An alteration to a school such that—

(a) a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes, or

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(**a**) 1980 c. 20. Sections 12 and 13 were repealed by Schedule 38 to the Education Act 1996.
(**b**) 1993 c. 35. Section 98 was repealed by the said Schedule 38.
(**c**) 1996 c. 56. Sections 37, 43 and 261 are prospectively repealed by Schedule 31 to the Act.
(**d**) Section 38 is prospectively repealed by Schedule 31 to the Act.
(**e**) 1992 c. 13 Section 60A is prospectively inserted by section 125(4) of the Act.

(b) a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only.

For the purposes of this paragraph a school is to be treated as an establishment which admits pupils of one sex only if the admission of pupils of the other sex—

(a) is limited to pupils over compulsory age; and

(b) does not exceed 25% of the number of pupils in the age group in question normally at the school.

6.—(1) In the case of a school at which one or more (but not all) relevant subjects are taught (wholly or mainly) through the medium of English to any year group of pupils at the school, an alteration to the school such that the number of relevant subjects taught to pupils in that year group which are taught (wholly or mainly) through the medium of Welsh would be increased or decreased by—

(a) 3 or more, in the case of a primary school, or

(b) 4 or more, in the case of a secondary school.

(2) In the case of a school at which one or more (but not all) relevant subjects are taught (wholly or mainly) through the medium of Welsh to any year group of pupils at the school, an alteration to the school such that the number of relevant subjects taught to pupils in that year group which are taught (wholly or mainly) through the medium of English would be increased or decreased by—

(a) 3 or more, in the case of a primary school, or

(b) 4 or more, in the case of a secondary school.

(3) In the case of a school at which there is any year group of pupils who are taught (wholly or mainly) through the medium of English, every relevant subject which is taught to pupils in that year group, an alteration to the school such that—

(a) 2 or more of those subjects, in the case of a primary school, or

(b) 3 or more of those subjects, in the case of a secondary school,

would be taught (wholly or mainly) through the medium of Welsh to pupils in that year group.

(4) In the case of a school at which there is any year group of pupils who are taught (wholly or mainly) through the medium of Welsh, every relevant subject which is taught to pupils in that year group, an alteration to the school such that

(a) 2 or more of those subjects, in the case of a primary school, or

(b) 3 or more of those subjects, in the case of a secondary school,

would be taught (wholly or mainly) through the medium of English to pupils in that year group.

(5) In the case of a school at which any relevant subject is taught to any pupils (wholly or mainly) through the medium of English, an alteration to the school such that all pupils at the school would be taught all relevant subjects (wholly or mainly) through the medium of Welsh.

(6) In the case of a school at which any relevant subject is taught to any pupils (wholly or mainly) through the medium of Welsh, an alteration to the school such that all pupils at the school would be taught all relevant subjects (wholly or mainly) through the medium of English.

(7) For the purposes of this paragraph, the following are relevant subjects—

(a) religious education, and

(b) the subjects other than English and Welsh which are foundation subjects, within the meaning of section 354 of the Education Act 1996, in relation to one or more key stages as defined in section 355 of that Act (whether or not they are foundation subjects in relation to the pupils concerned).

7.—(1) The introduction or ending of boarding provision.

(2) The alteration of boarding provision such that the number of pupils for whom boarding provision is made is increased or decreased by 50 pupils or 50 per cent (whichever is the greater).

8.—(1) The transfer of a school to a new site except—

(a) where the transfer is to a site which formerly consisted of playing fields used by the school, or

(b) where, in the opinion of the local education authority,—

(i) it is not reasonably practicable to make to the existing premises of the school any alterations necessary to secure that they conform to the standards prescribed under section 542 of the Education Act 1996(**a**), or

(ii) the teaching accommodation at the school is too small to enable teaching to be undertaken satisfactorily in the light of the number of pupils at the school and it is not reasonably practicable to enlarge the teaching accommodation,

and the main entrance of the school on its new site will be within 3.218688 kilometres (two miles) of the main entrance of the school on its old site; or

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(**a**) Section 542 is prospectively amended by paragraph 158 of Schedule 30 to the Act. The current regulations are the Education (School Premises) Regulations 1999 (S.I. 1999/2).

(c) where the transfer has been authorised by an Order made before 1st September 1999 under section 47 of the Education Act 1996(**a**).

(2) In this paragraph "playing fields" has the same meaning as in section 77 of the Act.

SCHEDULE 3

Regulation 4

INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS

PART I

INFORMATION TO BE CONTAINED IN ALL PUBLISHED PROPOSALS TO ESTABLISH, ALTER OR DISCONTINUE A SCHOOL

1. The name of the persons or body publishing the proposals.

2. The date on which the proposals are planned to be implemented or where the proposals are planned to be implemented in stages the date on which each stage is planned to be implemented.

3. A statement explaining the effect of paragraph 7 of Schedule 6 or paragraph 12 of Schedule 7 to the Act (as the case may be) and regulation 7 including—

(a) the date by which objections should be sent to the local education authority or the Assembly; and

(b) the address of the local education authority or the Assembly to which objections should be sent.

PART II

ADDITIONAL INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO ESTABLISH A NEW SCHOOL

4. The location of the site of the proposed school (including, where appropriate, the postal address).

5. The category (as set out in section 20(1) of the Act) into which the proposed school will fall.

6. Information on—

(a) whether the new school will admit pupils of both sexes or whether it will admit pupils of one sex only;

(b) whether it is proposed that the admission arrangements for the new school will make any provision for selection by aptitude; and

(c) whether it is proposed that the admission arrangements for the new school will make provision for selection by ability such as is mentioned in section 101 of the Act (pupil banding).

7. If the new school is to have a religious character, information about such religious character.

8. The proposed arrangements for transport of pupils to the new school.

9. The number of pupils to be admitted to the new school in each relevant age group in the first school year in which the proposals have been implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the new school in the first school year in which each stage has been implemented.

10. Where the proposed school is to be established on the site which is occupied by a school to which section 15 of the Act applies and which it is intended to discontinue, a statement as to how the curriculum, staffing and (if relevant) the buildings of the proposed school will differ from those of the school proposed to be discontinued.

11. A statement as to whether the governing body of the proposed school or the local education authority will be the admission authority.

12. Where the proposals are to establish a new voluntary controlled or foundation school a statement as to whether the proposals are to be implemented by the local education authority or the promoters, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

(**a**) Section 47 is prospectively repealed by Schedule 31 to the Act.

PART III

ADDITIONAL INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO MAKE A PRESCRIBED ALTERATION TO A SCHOOL

13. A description of the proposed alteration.

14. Where the alteration consists of an enlargement of the premises of the school falling within paragraph 1(1) of Schedule 2, a statement of the number of pupils at the school at the time of publication of the proposals, the capacity of the school and the proposed capacity of the school after the enlargement.

15. The number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals have been implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage has been implemented.

16. Where the proposals relate to a foundation or voluntary controlled school, a statement as to whether the proposals are to be implemented by the local education authority or the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

PART IV

ADDITIONAL INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO DISCONTINUE A SCHOOL

17. Details of the schools which pupils who are at the school to be discontinued may attend including any interim arrangements.

18. Details of any other measures proposed to be taken to increase the number of school places available in consequence of the proposed discontinuance.

19. The proposed arrangements for transport of such pupils to other schools.

PART V

INFORMATION TO BE CONTAINED IN PUBLISHED PROPOSALS TO VARY A STANDARD NUMBER

20. The name of the local education authority or governing body publishing the proposals.

21. The standard number applying to the school at the time of the publication of the proposals for the relevant age group to which the proposals relate.

22. The standard number proposed for that relevant age group.

23. The number of pupils admitted to the school in that relevant age group during the school year in which the proposals are published.

24. The date from which it is proposed that the new standard number should take effect.

25. A statement explaining the effect of paragraph 9(5) and (6) of Schedule 23 to the Act and regulation 7 including—

(a) the date by which objections should be sent to the Assembly; and

(b) the address of the Assembly to which such objections should be sent.

SCHEDULE 4

Regulation 6

INFORMATION TO BE PROVIDED TO THE ASSEMBLY

PART I

INTERPRETATION

1.—(1) In this Schedule—

"the current school year" means the school year in which the proposals are published;

"GCE 'A' level examination" and "GCE 'AS' examinations" mean General Certificate of Education advanced level examinations and General Certificate of Education advanced supplementary examinations respectively;

"GCSE" means General Certificate of Secondary Education;

"GNVQ" means General National Vocational Qualification;

"nursery education" means education provided for children who are below compulsory school age;

"NVQ" means National Vocational Qualification; and

"sixth form education" means full-time education suitable to the requirements of pupils over compulsory school age.

(2) Any reference in this Schedule to the relevant radius is—

(a) where the school or proposed school the subject of the proposals is, or is to be, a primary school, a radius of 3.218688 kilometres (two miles); and

(b) where the school or proposed school the subject of the proposals is, or is to be, a secondary school, a radius of 4.828032 kilometres (3 miles).

(3) Any reference in this Schedule to proposals being approved or rejected (however framed) includes a reference to the body or promoters by whom they were published determining under paragraph 9 of Schedule 6 to the Act to implement or not to implement (as the case may be) the proposals.

PART II

INFORMATION TO BE PROVIDED IN ALL CASES WHERE THE PROPOSALS ARE PUBLISHED UNDER SECTION 28 OR 29 OF THE ACT

2. The objectives of the proposals.

3. Evidence of the consultation carried out before the proposals were published including—

(a) copies of the consultation documents; and

(b) the views and responses from the persons consulted.

4. A map showing the location of the school or proposed school the subject of the proposals and all other community, voluntary and foundation schools within the relevant radius of the school or proposed school.

5. A list of all schools within the relevant radius of the school or proposed school the subject of the proposals, stating which of such schools are maintained by a different local education authority, together with the following information in respect of each such school for the current school year, and (except for the information specified in sub-paragraph (d)) the previous school year:

(a) the standard number for each relevant age group;

(b) the number of year groups;

(c) the capacity of the school; and

(d) the number of pupils at the school;

and a forecast of the matters specified in sub-paragraphs (b) to (d) for each of the subsequent five school years.

PART III

ADDITIONAL INFORMATION TO BE PROVIDED WHERE THE PROPOSALS ARE TO ESTABLISH A NEW SCHOOL

6. The following information relating to the proposed school—

(a) the standard number for each relevant age group;

(b) the number of year groups;

(c) the capacity of the proposed school; and

(d) where it is intended that the proposed school should provide nursery education—

(i) the number of pupils for which it is intended that such education is to be provided, and

(ii) the capacity of the accommodation to be provided for nursery education,

for the school year in which the first pupils will be admitted to the school and a forecast of the matters specified in sub-paragraphs (b) and (c) for the subsequent four school years.

7. The following information relating to the proposed accommodation (including temporary accommodation)—

(a) the location of the accommodation;

(b) whether the proposed school is to occupy a single or split site;

(c) how accessible the accommodation will be;

(d) details of general and specialist accommodation (both teaching and non-teaching); and

(e) (where relevant) details of accommodation for nursery education.

8. Where the proposed school is to be established in substitution for an independent school the information referred to in paragraph 7 relating to the accommodation at the independent school.

9. A statement indicating how the proposal would contribute to enhancing the diversity and quality of education.

10. A breakdown of the costs of the establishment of the proposed school.

11.—(1) Information as to whether the school will make provision which is recognised by the local education authority as reserved for children with special educational needs and, if so, the nature of such provision and the proposed number of pupils for whom such provision is to be made.

(2) Details of the proposed policy of the school relating to the education of pupils with special educational needs.

12. Details of the proposed staffing of, and the balance of specialisms at, the proposed school.

13. Details of how the proposed curriculum at the school will meet the requirements of the basic curriculum (within the meaning of section 352 of the 1996 Act(**a**)) and any provision which will be in addition to the basic curriculum.

14. Details of the proposed admission arrangements for the proposed school.

15. Where the proposed school is to be a voluntary aided school—

(a) details of the tenure (freehold or leasehold) on which the site of the proposed school will be held, and if the site is to be held on a lease, details of the proposed lease;

(b) details of the trusts on which the site is to be held together with details of any arrangements to secure that, if the proposed school is discontinued or transfers to a new site, the proceeds of sale of the site will be available for use in connection with another maintained school;

(c) the estimated purchase price of the site (and any existing buildings to be used);

(d) the amount of grant under paragraph 5 or 6 of Schedule 3 to the Act in respect of the acquisition of the site for which it is intended that an application should be made;

(e) a breakdown of costs between—

(i) the costs to be borne by the governing body together with the level of grant under paragraph 5 or 6 of Schedule 3 to the Act in respect of those costs for which it is intended that an application shall be made, and

(ii) the costs to be borne by the local education authority,

profiled over the expected life of the buildings of the proposed school;

(f) a statement as to whether, as a result of the proposals, premises used for the purposes of another school will no longer be required and if so—

(i) a statement as to whether those premises will be sold, and if so, the estimated sale proceeds, and

(ii) if those premises are not to be sold, a statement as to the proposed use of the premises;

(g) a statement that the governing body will be able and willing to carry out their obligations under Schedule 3 to the Act;

(h) a statement as to whether the freehold interest in the proposed site is to be held by the trustees of the school and if it is not, details of the ownership of the freehold interest in the site;

(i) a statement as to whether the Secretary of State has indicated that in principle grant will be paid under paragraph 5 or 6 of Schedule 3 to the Act; and

(j) a statement as to whether the proceeds of sale of other premises will be available to the trustees.

16. Where the proposed school is to be a foundation school a statement as to whether the school—

(a) will have a foundation established otherwise than under the Act;

(**a**) Section 352 is prospectively amended by paragraph 86 of Schedule 30 to the Act.

(b) will belong to a group of schools for which a foundation body acts under section 20 of the Act; or

(c) will not fall within sub-paragraph (a) or (b).

17. Where the proposed school is to be a foundation or voluntary school which it is proposed should have a religious character an estimate of the demand in the area for religious education in accordance with the tenets of the religion or religious denomination in question.

18. Where the proposed school is to be a voluntary or foundation school established in substitution for an independent school—

(a) a statement as to the likely future of the independent school if the proposals were rejected; and

(b) copies of accounts for the independent school for the previous two years.

19. Where the establishment of the new school involves development for the purpose of the Town and Country Planning Act 1990(**a**) a statement as to whether planning permission has been obtained and, if it has not been obtained, details of the reason (if known) why such permission has not been obtained.

PART IV

ADDITIONAL INFORMATION TO BE PROVIDED WHERE THE PROPOSALS ARE TO MAKE A PRESCRIBED ALTERATION TO A SCHOOL

20. The following information relating to the school for the current school year and (except for the information specified in sub-paragraph (d)), the previous school year—

(a) the standard number for each relevant age group;

(b) the number of year groups;

(c) the capacity of the school; and

(d) the number of pupils at the school,

and a forecast of the matters specified in sub-paragraphs (b) to (d) for each of the subsequent five years on the assumption that the proposals are approved.

21.—(1) A statement as to whether the school has been inspected under section 10 of the School Inspections Act 1996(**b**) during the period starting three years before the date of publication of the proposals.

(2) Where the school has been inspected during that period the date of the inspection and details of the outcome of the inspection.

22. Except where the proposals are such as are mentioned in paragraph 29(e) below, details of how the curriculum at the school meets the requirements of the basic curriculum (within the meaning of section 352 of the 1996 Act) and any provision which will be in addition to the basic curriculum.

23. Where the proposals relate to a voluntary school—

(a) a statement as to whether any new or additional site will be required for the school if the proposals are implemented and if so—

(i) details of the tenure (freehold or leasehold) on which the site will be held, and if the premises are to be held on a lease, details of the proposed lease;

(ii) details of the trusts on which the site is to be held together with details of any arrangements to secure that if the school is discontinued or transfers to a new site the proceeds of sale of the site will be available for use in connection with another maintained school;

(iii) the estimated purchase price of the site (and any existing buildings to be used); and

(iv) the amount of grant under paragraph 5 and 6 of Schedule 3 to the Act in respect of the acquisition of the site for which it is intended that an application should be made;

(b) a breakdown of any costs involved in the implementation of the proposals between—

(i) the costs to be borne by the governing body together with the level of grant under paragraph 5 or 6 of Schedule 3 to the Act in respect of those costs for which it is intended that an application should be made; and

(ii) the costs to be borne by the local education authority,

profiled over the expected life of the buildings of the school; and

(c) a statement as to whether, as a result of the proposals, premises used for the purposes of the school will no longer be required and if so—

(i) a statement as to whether those premises will be sold, and, if so, the estimated sale proceeds; and

(ii) if the premises are not be to sold a statement as to the proposed use of the premises.

(**a**) 1990 c. 8.

(**b**) 1996 c. 57. Subsection (3) of Section 10 is amended and subsections (4A) and (4B) inserted by paragraph 6 of Schedule 6 to the Education Act 1997 (1997 c. 44); and the section is prospectively amended by paragraph 191 of Schedule 30 to the Act.

24. Where the proposals are to make an enlargement of the premises of the school—

(a) details of how it is intended to fund the implementation of the proposals;

(b) an estimate of any recurrent savings to—

(i) the individual schools' budget for the local education authority, or

(ii) transport and other recurrent costs incurred by the local education authority,

which would occur if the proposals were implemented.

25. Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education—

(a) the proposed numbers of pupils over compulsory school age in the school year in which the proposals are intended to be implemented and the subsequent school year if the proposals are approved;

(b) details of any full-time sixth form education currently provided;

(c) details of the number of pupils over compulsory school age in each year group leaving the school and transferring to other institutions providing full-time education together with the names of the institutions in question for the most recent school year ending before that in which the proposals were published;

(d) the number of pupils referred to in sub-paragraph (c) in each year group as a proportion of the total number of pupils in that year group;

(e) details of the following examination results, for the two school years before the current school year, at the school the subject of the proposals and at each maintained school, city technology college and institution within the further education sector named in accordance within sub-paragraph (c)—

(i) results of GCSE examinations, limited in the case of schools other than the school the subject of the proposals and institutions in the further education sector, to the results of GCSE examinations taken by pupils over compulsory school age,

(ii) results of GCE 'A' level and 'AS' examinations,

(iii) NVQs, GNVQs and other vocational qualifications attained by pupils over compulsory school age;

(f) a development plan of the school setting out the long term effect of the proposals;

(g) details of the courses to be offered (if the proposals are approved) leading to GCE 'A' level and 'AS' examinations and advanced vocational qualifications and the forecast demand for each such course, including details of how the requirement for religious education of pupils over compulsory school age will be met;

(h) the proposed number of pupils who will be provided with sixth form education if the proposals are approved;

(i) the capacity of the proposed accommodation for pupils who will be provided with sixth form education if the proposals are approved;

(j) the number of places available at institutions named in accordance with sub-paragraph (c) which are schools;

(k) details of any recurrent costs following implementation of the proposals and any savings in expenditure as a result of implementation of the proposals; and

(l) details of—

(i) any additional specialist resources to support the proposed provision,

(ii) arrangements to inform pupils and parents about the opportunities for education suitable to the requirements of pupils over compulsory school age in the area, and

(iii) the present and proposed arrangements for co-operation and the exchange of information between the school the subject of the proposals, other maintained schools and institutions within the further education sector.

26. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education—

(a) details of the number of pupils over compulsory school age in each year group remaining at the school the subject of the proposals in the two school years before the current school year;

(b) details of the number of pupils over compulsory school age who have transferred from the school the subject of the proposals to another institution providing full-time or part-time education during the period referred to in sub-paragraph (a);

(c) the names of the institutions to which the pupils referred to in sub-paragraph (b) transferred indicating how many pupils went to each such institution;

(d) the number of pupils referred to in respectively, sub-paragraph (a) and (b) in each year group as a proportion of the total number of pupils in that year group;

(e) the following details of the sixth form education currently provided—

(i) courses leading to GCE 'A' level and 'AS' examinations,

(ii) courses leading to advanced GNVQs and other advanced vocational qualifications,

(iii) other courses, and

(iv) the number of pupils attending each course;

(f) details of transitional arrangements which will apply to pupils currently receiving sixth form education if the proposals are approved;

(g) details of the following examination results, for the two school years before the current school year, at the school the subject of the proposals and at each maintained school, city technology college and institution within the further education sector named in accordance with sub-paragraph (c)—

(i) results of GCSE examinations, limited in the case of schools other than the school the subject of the proposals and institutions in the further education sector, to the results of GCSE examinations taken by pupils over compulsory school age;

(ii) results of GCE 'A' level and 'AS' examinations;

(iii) NVQs, GNVQs and other vocational qualifications attained by pupils over compulsory school age;

(h) a development plan of the school setting out the long-term effect of the proposals;

(i) the number of places available at institutions named in accordance with sub-paragraph (c);

(j) details of any recurrent costs following implementation of the proposals and any savings in expenditure as a result of implementation of the proposals.

27. Where the proposals are to establish provision such as is mentioned in paragraph 3 of Schedule 2—

(a) a description of the types of learning difficulties in respect of which education would be provided;

(b) details of any additional specialist features to be provided;

(c) the proposed numbers of pupils for which the provision is to be made;

(d) details of how the provision would be funded;

(e) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

(f) a statement as to whether the expenses of the provision would be met from the school's delegated budget; and

(g) the location of the provision if it is not to be established on the existing site of the school.

28. Where the proposals are to discontinue provision such as is mentioned in paragraph 3 of Schedule 2—

(a) details of alternative provision for pupils for whom such provision is currently made;

(b) details of the number of pupils for whom such provision was made during each of the four school years preceding the current school year;

(c) proposals for amendment of the statements of special educational needs of the pupils for whom provision is currently made; and

(d) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of that authority as a result of the discontinuance of the provision.

29. Where the proposals are to alter the upper or lower age limits of the school (other than proposals such as are described in paragraph 25 or 26)—

(a) the current age range of the school;

(b) the proposed age range of the school if the proposals are approved;

(c) any changes to the accommodation of the school which will be necessary if the proposals are approved;

(d) the proposed admission arrangements;

(e) where the proposals are to alter the lower age limit of the school such that the school provides nursery education or additional nursery education—

(i) details of how the education resulting from the proposals (if implemented) will be organised, including the number of full-time and part-time pupils and the number of sessions in each week,

(ii) the extent to which the proposals, if approved, will integrate the education provided with child care services or are consistent with the integration of nursery education and child care,

(iii) evidence of demand for additional provision of nursery education including the numbers of pupils receiving such education at schools maintained by the local education authority within a radius of 3.218688 kilometres (two miles),

(iv) a statement of the reasons as to why any school which has unused capacity to accommodate children under compulsory school age cannot make provision for any forecast increase in the numbers of such children,

(v) an estimate of the proportion of children under compulsory school age in the area of the local education authority who are educated at schools maintained by the local education authority,

(vi) an estimate of the proportion of such children in the area of the local education authority who are educated at schools not maintained by the local education authority,

(vii) an estimate of the proportion of children referred to in paragraph (v) of this sub-paragraph who are educated at schools maintained by the local education other than in reception classes (within the meaning of section 579(1) of the Education Act 1996),

(viii) an estimate of the extent of deprivation in the area served by the school, and

(ix) whether child care will be provided outside school hours if the proposals are approved; and

(f) details of any recurrent costs following implementation of the proposals and any savings in expenditure as a result of implementation of the proposals.

30. Where the proposals are for the introduction of admission arrangements to which section 101 of the Act applies, details of the admission arrangements for the school and of the admission arrangements which are proposed for the school if the proposals are approved.

31. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

(a) details of the likely effect which the alteration will have on the balance of the provision of education for boys and girls in the area; and

(b) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975)(**a**).

32. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only, details of the likely effect which the alteration will have on the balance of the provision for boys and girls in the area.

33. Where the proposals are for a change in the language medium of teaching at the school falling within any of the descriptions of such changes referred to in paragraph 6 of Schedule 2—

(a) evidence as to the level of demand (or projected demand) by parents living in the area served by the school to which the proposals relate with children of the year group or year groups concerned, for those children to be provided with education through, respectively, the medium of English and the medium of Welsh; evidence as to the extent to which existing provision by the authority of such education for that area exceeds, or falls short of, such demand (or projected demand); and evidence as to the extent to which the proposed change would remedy any such excess or shortfall; or

(b) any other reasons for the proposed change.

34. Where the proposals are proposals for the introduction or ending of boarding provision, or the alteration of boarding provision such as is mentioned in paragraph 7(2) of Schedule 2—

(a) the current number of pupils for whom boarding provision can be made;

(b) the number of pupils for whom it is intended that boarding provision shall be made if the proposals are approved;

(c) except where the proposals are to introduce boarding provision, a description of the boarding provision;

(d) where the proposals are to end or reduce boarding provision a statement as to the use to which the former boarding accommodation will be put if the proposals are approved; and

(e) except where the proposals are to end boarding provision, arrangements for safeguarding the welfare of children at the school.

35. Where the proposals are to transfer a school to a new site—

(a) the map such as is referred to in paragraph 4 showing the location of the school at the proposed new site (as well as the existing site);

(b) the information referred to in paragraph 5 relating to schools within the relevant radius of the school at its proposed new site (as well as its existing site);

(c) the following information relating to the accommodation both at the old site and at the proposed new site—

(i) the location of the accommodation and proposed accommodation,

(ii) whether the school occupies or it is proposed that it should occupy a single or split site,

(iii) how accessible the accommodation is and the proposed accommodation will be,

(iv) details of the general and specialist accommodation or proposed accommodation (both teaching and non-teaching), and

(v) (where relevant) details of accommodation or proposed accommodation for nursery provision;

(**a**) 1975 c. 65. Section 27 is prospectively amended by paragraph 6 of Schedule 30 to the Act.

(d) whether it is anticipated that there will be a shortage of school places at the schools within the relevant radius of the school at its existing site;

(e) if any of the schools within the relevant radius of the proposed new site has unused capacity, a statement of the reasons why such school cannot make provision for any forecast increase in the numbers of children who might otherwise attend that school; and

(f) details of any recurrent costs following implementation of the proposals, and any savings in expenditure as a result of implementation of the proposals.

36. Where the implementation of the proposals will involve development for the purposes of the Town and Country Planning Act 1990(**a**) a statement as to whether planning permission has been obtained, and, if it has not been obtained, details of the reason (if known) why such permission has not been obtained.

37. Where the school is a voluntary or foundation school which has a religious character, except where the proposals are to transfer the school to a new site, an estimate of the demand in the area for religious education in accordance with the tenets of the particular religion or religious denomination in question.

PART V

ADDITIONAL INFORMATION TO BE PROVIDED WHERE THE PROPOSALS ARE TO DISCONTINUE A SCHOOL

38. The following information relating to the school for the current school year and (except for the information specified in sub-paragraph (d)), the previous school year—

(a) the standard number for each relevant age group;

(b) the number of year groups;

(c) the capacity of the school; and

(d) the number of pupils at the school.

39. The following information relating to the accommodation at the school—

(a) the location of the accommodation;

(b) whether the school occupies a single or split site; and

(c) details of general and specialist accommodation.

40. Details of proposals for pupils who are currently at the school to transfer to other schools together with any transitional arrangements.

41. An assessment of the quality of any schools to which it is proposed that such pupils may transfer.

42. Where the school provides sixth form education the information specified in paragraph 26 in relation to the school.

PART VI

INFORMATION TO BE PROVIDED WHERE PROPOSALS ARE PUBLISHED UNDER PARAGRAPH 9 OF SCHEDULE 23 TO THE ACT

43. The objectives of the proposal.

44. Except where the application to vary a standard number is made in accordance with section 93(7) of the Act, evidence of the consultation which has taken place as required by paragraph 9(2) of Schedule 23 to the Act and evidence of any consultation required by section 89(2) of the Act relating to proposed admission arrangements where such arrangements have given rise to the proposal to vary a standard number, including—

(a) copies of the consultation documents; and

(b) the views and responses from the persons consulted.

45. Where the application to vary a standard number is made in accordance with section 93(7) of the Act, a copy of the proposal made under section 93(5) of the Act and of the notice under section 93(6) rejecting that proposal.

46. The number of pupils at the school during the current school year.

47. Where there is to be any change in the capacity of the school to accommodate pupils (calculated having regard to any guidance of the kind referred to in paragraph 9(3) of Schedule 23 to the Act) a description of the position before and after the proposed change.

48. Where there is no change in the capacity of the school to accommodate pupils (as so calculated), evidence of the need for the proposed change.

49. Where the proposal is to enable the objective referred to in paragraph 11(1)(b) of Schedule 23 to the Act to be achieved, a statement as to whether the proposed standard number was shown in the statement prepared under section 2 of the Act.

(**a**) 1990 c. 8.

50. A plan of the school showing the school buildings before any changes to the school buildings resulting from which the application is made, or which are proposed if a decision is made in accordance with the application, and a plan of the school showing the school buildings after such changes.

51. Details of the gross area of the school and the gross teaching area of the school in square metres.

52. Details of the number of pupils in each year group in the current school year and the preceding four school years.

SCHEDULE 5

Regulation 10

PROVISIONS OF SECTION 28 AND SCHEDULE 6 APPLYING TO PROPOSALS PUBLISHED UNDER PARAGRAPH 10(4) OF SCHEDULE 6

The provision of the Act specified in the left hand column of the table below shall have effect in relation to proposals published under paragraph 10(4) of Schedule 6 to the Act and, where modifications are specified in the right hand column of the table, shall have effect with those modifications.

Provision	*Modification*
Section 28(3) except paragraph (b).	That subsection shall have effect as if for paragraph (a) and the words "as may be prescribed" there were substituted— "contain— (a) the information contained in the original proposals; and (b) a statement as to why it is proposed that paragraph 10(1) of schedule 6 should not apply in relation to the original proposals, and in this section "the original proposals" means the proposals to which it is proposed that paragraphs 10(1) of Schedule 6 should not apply".
Section 28(5).	That subsection shall have effect as if for the words "under this section" there were substituted "under paragraph 10(4) of Schedule 6".
Section 28(7).	That subsection shall have effect as if for the words "under this section" there were substituted "under paragraph 10(4) of Schedule 6" and as if for paragraph (b) there were substituted "(b) a copy of the information sent to the National Assembly for Wales under regulations under this subsection when the original proposals were published (or, where the original proposals were published before 1st September 1999, any information sent to the Secretary of State or the Assembly in connection with the proposals); and (c) the information prescribed in Schedule 4 to the Education (School Organisation Proposales) (Wales) Regulations 1999 which would have been applicable if the original proposals had been published at the time when the proposals under paragraph 10(4) of Schedule 6 were published."
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Section 28(10).	That subsection shall have effect as if for the words "the local education authority, governing body or promoters mentioned in subsection (1) or (2) (as the case may be)" there were substituted the words "the body or promoters who, in accordance with paragraph 10(4) of Schedule 6, published the proposals".
Schedule 6 — Paragraph 6.	That paragraph shall have effect as if for the words "published under section 28, 29 or 31" there were substituted the words "published under paragraph 10(4)".
Paragraph 7.	That paragraph shall have effect as if— in sub-paragraph (1) for "section 28, 29 or 31" there were substituted "paragraph 10(4)". in sub-paragraph (2)(a) for "such period as may be prescribed" there were substituted "two months after the date on which the proposals were published;" in sub-paragraph (2)(b) for "such period as may be prescribed" there were substituted "one month after the end of the objection period"; in sub-paragraph (3) for "such period as may be prescribed" there were substituted "two months after the date on which the proposals were published".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 28 and 29 of, and Schedules 6, 7 and 23 to, the School Standards and Framework Act 1998 ("the 1998 Act"), which are concerned with:

(a) the establishment, alteration and discontinuance of community, foundation and voluntary schools, which are referred to in these Regulations as "mainstream schools" (sections 28 and 29 and Schedule 6);

(b) the rationalisation of school places at mainstream schools (Schedule 7); and

(c) the variation and review of standard numbers (Schedule 23).

Those 1998 Act provisions establish a general framework, leaving many details to be prescribed in Regulations made by the Secretary of State. These Regulations prescribe those details.

The functions of the Secretary of State under the various provisions dealt with in these Regulations will vest in the National Assembly for Wales on 1st July 1999. Since the Regulations do not come into force until 1st September 1999 (when the existing categories of maintained schools move to their new categories under the 1998 Act), this is reflected in the wording of the Regulations which refer to the Assembly, rather than to the Secretary of State.

The Regulations provide, in particular, for the following matters:

(a) the methodology for determining school capacity, other than for the purposes of Part VI of Schedule 4 (regulation 2(3) and Schedule 1);

(b) alterations to schools for which proposals must be published under section 28 of the 1998 Act (regulation 3 and Schedule 2);

(c) information which must be included in proposals published under sections 28 and 29 and paragraph 5 of Schedule 7 and paragraph 9 of Schedule 23 (regulation 4 and Schedule 3);

(d) the manner of publication of proposals referred to in (c) above and proposals under paragraph 10(4) of Schedule 6 (publication of proposals that the Assembly should determine that proposals under section 28 or 29 should not be required to be implemented because implementation would be unreasonably difficult or would not be appropriate by reason of changed circumstances), paragraph 5 of Schedule 7 and paragraph 9 of Schedule 23 (regulation 5);

(e) the information which is to be provided to the Assembly in connection with proposals published under sections 28 and 29 and paragraph 9 of Schedule 23 (regulation 6 and Schedule 4);

(f) the period within which objections to proposals under sections 28 and 29 and paragraph 5 of Schedule 7 and paragraph 9 of Schedule 23 must be submitted, and the period within which (where objections are required to be sent to the LEA) the LEA must forward objections received by them with their observations thereon to the Assembly (regulation 7);

(g) the persons who must be consulted by the Assembly before the Assembly approves, with modifications proposals under sections 28 or 29 (regulation 8);

(h) the persons or bodies—

(i) at whose request the Assembly may modify approved proposals under section 28 or 29;

(ii) whom it must consult before modifying such approved proposals; and

(iii) at whose request it may, where approval of such proposals was given in accordance with paragraph 8(3) of Schedule 6 (approval expressed to take effect only if an event specified in the approval occurs by a date so specified), specify a later date by which the event in question must occur (regulation 9);

(i) application of and modification of provisions of the 1998 Act in special cases (regulation 10 and Schedule 5); and

(j) provision (for the purposes of paragraph 10(7) of Schedule 23) relating to the review by the Assembly of decisions of the Assembly varying standard numbers.

The Regulations amend regulation 12 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999 to correct errors in that regulation—see regulation 12.

The Regulations supercede the Education (Publication of Proposals for Reduction in Standard Numbers) Regulations 1991 and the Education (Publication of School Proposals and Notices) Regulations 1993, which are revoked in relation to Wales (insofar as they would otherwise have continued to have effect)—see regulation 13.

STATUTORY INSTRUMENTS

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