STATUTORY INSTRUMENTS

2000 No. 180

EDUCATION, ENGLAND

The Infant Class Sizes (Admission and Standard Numbers) (England) Regulations 2000

Made - - - - -	*28th January 2000*
Laid before Parliament	*31st January 2000*
Coming into force - -	*21st February 2000*

In exercise of the powers conferred on the Secretary of State by sections 93(8) and (9) and 138(7) of the School Standards and Framework Act 1998(**a**) and of all other powers enabling him in that behalf, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Infant Class Sizes (Admission and Standard Numbers) (England) Regulations 2000 and shall come into force on 21st February 2000.

(2) These Regulations apply in relation to the admission of children to maintained schools in England for education in an infant class in the 2000–2001 school year.

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" means the Education Act 1996(**b**);

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

"the Transitional Provisions Regulations" means the Education (Infant Class Sizes) (Transitional Provisions) Regulations 1998(**c**);

"Schedule 23" means Schedule 23 to the 1998 Act;

"designated provisions" means the following provisions of the 1998 Act—

(a) section 93(1) (admission authority not to fix an admission number which is less than the relevant standard number);

(b) section 86(5) (prejudice not to be taken to arise from the admission to a maintained school of a number of pupils in a relevant age group which does not exceed the relevant standard number);

"maintained school" means a community, foundation or voluntary school which contains an infant class;

"qualifying prejudice" means prejudice to the provision of efficient education or the efficient use of resources by reason of measures required to be taken in order to ensure compliance with the duty imposed by section 1(6) of the 1998 Act;

(**a**) 1998 c. 31; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. For the definition of "regulations" *see* section 142(1).

(**b**) 1996 c. 56.

(**c**) S.I. 1998/1947.

"revised admission number" means the number of children in a relevant age group whom it is intended to admit to a maintained school in the school year 2000–2001, in substitution for any admission number or (as the case may be) approved admission number previously fixed in accordance with section 93 of the 1998 Act or section 416 or 426 of the 1996 Act and which would otherwise apply.

(2) Unless the context otherwise requires, words or expressions used in these Regulations set out in the first column of the following table shall have the meanings attributed to them by the provisions of the 1998 Act set out opposite thereto in the second column.

adjudicator	section 25(3)
admission arrangements	section 88(2)
admission authority	section 88(1)
infant class	section 4
relevant age group	section 142(1)
school organisation committee	section 24(4)
relevant standard number	section 84(6)

Suspension of designated provisions of the 1998 Act

3.—(1) This regulation applies to—

(a) a maintained school—

(i) whose admission authority have before 21st February 2000 carried out a review (as defined in paragraph 2(a) below) of any relevant standard number or (as the case may be) an approved admission number applicable to admissions to an infant class at that school, and

(ii) in relation to which a relevant application (as defined in paragraph 2(b) below) has been submitted to the Secretary of State or (as the case may be) the school organisation committee; but

(iii) no determination has been made before the date referred to in sub-paragraph (a)(i) above in relation to that application by the Secretary of State or (as the case may be) the school organisation committee or the adjudicator.

(b) a maintained school—

(i) in relation to which a certificate pursuant to regulation 3(1) of the Transitional Provisions Regulations was given by the Secretary of State relating to the 1999–2000 school year, and

(ii) whose admission authority have not before 21st February 2000 published in accordance with paragraph 5(1) of Schedule 23 their proposals relating to the variation of the relevant standard number which they intend to apply for under paragraph 4(4) of that Schedule; or

(c) a maintained school in relation to which, following an application submitted by or on behalf of the admission authority, the Secretary of State certifies that, in his opinion, the admission to that school in the 2000–2001 school year of a number of children in any relevant age group equal to the relevant standard number may result in qualifying prejudice (whether that prejudice would arise in that school year or in any subsequent year).

(2) For the purposes of paragraph (1)—

(a) a "review" means—

(i) the review required under paragraph 11 of Schedule 23 of the relevant standard number applicable to admissions to an infant class at a maintained school;

(ii) the review required under section 421A(2) of the 1996 Act(**a**) of the relevant standard number applicable to admissions to an infant class at a school which was formerly a county or voluntary school within the meaning of that Act; or

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(**a**) Section 421A was inserted into the 1996 Act by paragraph 2 of the Schedule to the Education Act 1996 (Infant Class Sizes) (Modification) Regulations 1998 (S.I. 1998/1948). It was repealed by section 140(3) of, and Schedule 31 to, the 1998 Act, brought into force from 1st September 1999 by Article 2(3) of, and Schedule 3 to, the School Standards and Framework Act 1998 (Commencement No. 6 and Saving and Transitional Provisions) Order 1999 (S.I. 1999 No. 1016 (c. 29)).

(iii) the review required under section 426A(2) of the 1996 Act(**a**) of the approved admission number applicable to admissions to an infant class at a school which was formerly a grant-maintained school within the meaning of the 1996 Act.

(b) a "relevant application" means—

(i) an application for a decision under paragraph 4(2) of Schedule 23 varying any relevant standard number to such number as will be compatible with the duty to comply with the limit on infant class sizes prescribed by regulations made under section 1 of the 1998 Act(**b**);

(ii) (in the case of a school which was formerly a county or voluntary school) an application for an order under section 420(2) of the 1996 Act(**c**) varying any relevant standard number to such number as will be compatible with the duty to comply with the limit on infant class sizes prescribed by regulations made under section 1 of the 1998 Act; or

(iii) (in the case of a school which was formerly a grant-maintained school) an application for approval under section 426(4) of the 1996 Act(**d**) of any variation in the approved admission number to such number as will be compatible with the duty to comply with the limit on infant class sizes prescribed by regulations made under section 1 of the 1998 Act.

(3) Where this regulation applies to a maintained school, the designated provisions shall not have effect in relation to the admission to that school of any child who falls within an age group of pupils who would be educated in an infant class at the school in the 2000–2001 school year.

Schools to which regulation 3 applies: fixing admission numbers, etc

4.—(1) The admission authority for a maintained school to which regulation 3(1)(a) applies, and whose published admission number differs from the standard number that they have proposed in a relevant application (as defined in regulation 3(2)(b)), shall forthwith determine and publish a revised admission number, which shall be the same as the proposed standard number.

(2) The admission authority for a maintained school to which regulation 3(1)(b) applies and whose published admission number differs from the maximum admission number (as defined in paragraph (3) below), shall forthwith determine and publish a revised admission number which shall be the same as the maximum admission number.

(3) For the purposes of paragraph (2) above, the maximum admission number shall be the number stated in any certificate referred to in regulation 3(1)(b)(i).

(4) Where the Secretary of State gives a certificate referred to in regulation 3(1)(c) in relation to a maintained school, the admission authority for that school shall—

(a) (if they have not already done so) forthwith carry out the review of the relevant standard number applicable to admissions to an infant class as required under paragraph 11(2) of Schedule 23 and, where appropriate, apply for a variation of that number as required by paragraph 11(3) of that Schedule, and

(b) if their published admission number differs from the maximum admission number (as defined in paragraph (5) below), forthwith determine and publish a revised admission number, which shall be the same as the maximum admission number.

(5) For the purposes of paragraph (4) above, the maximum admission number shall be the number stated in any certificate referred to in regulation 3(1)(c).

(**a**) Section 426A was inserted into the 1996 Act by paragraph 5 of the Schedule to the Education Act 1996 (Infant Class Sizes) (Modification) Regulations 1998 (S.I. 1998/1948). It was repealed by section 140(3) of, and Schedule 31 to, the 1998 Act, brought into force from 1st September 1999 by Article 2(3) of, and Schedule 3 to, the School Standards and Framework Act 1998 (Commencement No. 6 and Saving and Transitional Provisions Order 1999 (S.I. No. 1016 (c. 29)).

(**b**) The limit prescribed in relation to England for maintained schools containing an infant class by the Education (Infant Class Sizes) (England) Regulations 1998 (S.I. 1998/1973) applies in the 2001–2002 school year and any subsequent year.

(**c**) Section 420 was repealed by section 140(3) of, and Schedule 31 to, the 1998 Act, brought into force from 1st September 1999 by the Article 2(3) of and Schedule 3 to, the School Standards and Framework Act 1998 (Commencement No. 6 and Saving and Transitional Provisions) Order 1999 (S.I. 1999 No. 1016 (c. 29)), subject to the transitional and saving provisions in paragraph 6 of Schedule 4 to that Order.

(**d**) Section 426 was repealed by section 140(3) of, and Schedule 31 to, the 1998 Act, brought into force from 1st September 1999 by the Article 2(3) of and Schedule 3 to, the School Standards and Framework Act 1998 (Commencement No. 6 and Saving and Transitional Provisions) Order 1999 (S.I. 1999 No. 1016 (c. 29)), subject to the transitional and saving provisions in paragraph 7 of Schedule 4 to that Order.

(6) In any case where paragraphs (1), (2) or (4)(b) above apply, the admission authority shall publish the following information in a newspaper circulating in the locality served by the school, namely—

(a) the name of the admission authority and of the school or schools to which any revised admission number applies;

(b) the fact that the admission number for the school year 2000–2001 has been revised and a statement summarising the effect;

(c) the fact that the admission number has been revised by virtue of these Regulations for the purpose of securing that the limit imposed under section 1 of the 1998 Act is complied with in relation to infant classes at maintained schools;

(d) the fact that the revised admission number may be subject to change in the 2001–2002 school year or any subsequent school year;

(e) the fact that further information about the effect of the revised admission number may be obtained from the admission authority, including an address and telephone number for such contact.

(7) An admission authority to whom this regulation applies shall determine and publish, in the manner specified, a revised admission number no later than 20th March 2000 or within four weeks of the date of any certificate given by the Secretary of State referred to in regulation 3(1)(c), whichever is the later.

Duration of suspension of designated provisions

5. Any suspension of the designated provisions by virtue of these Regulations shall apply throughout the 2000–2001 school year.

Estelle Morris
Minister of State,
28th January 2000 Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions in connection with the imposition of a limit on the size of infant classes at maintained schools in England under section 1 of the School Standards and Framework Act 1998. They apply in relation to the admission of children to such schools for education in infant classes in the 2000–2001 school year.

The Regulations disapply certain provisions of the 1998 Act concerning the fixing of the number of children to be so admitted. The disapplication is for the purpose of enabling a school's relevant standard number to be adjusted so that it is compatible with the duty to comply with the limit on infant class sizes which will apply in relation to schools in England from the 2001–2002 school year. The circumstances in which disapplication is to apply are set out in *regulation 3*.

The provisions in *regulation 4* apply where, before 21st February 2000, the admission authority of a maintained school to which the disapplication provisions apply have already published an admission number which, if that number of children were to be admitted, would mean that the class size limit could not be met without prejudice to efficient education or the efficient use of resources. Where those provisions apply, an admission authority are required to determine and publish a revised admission number corresponding to that proposed (or to be proposed) in any pending application for variation of the school's relevant standard number (or, where applicable, for approval of a varied approved admission number).

Regulation 5 provides for disapplication to apply throughout the whole of the 2000–2001 school year.

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