

*Status: Point in time view as at 20/02/2014.*

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## SCHEDULE 2

(Introduced by section 40)

### REGULATED ALTERATIONS

#### PART 1

##### ALL MAINTAINED SCHOOLS

- 1 Paragraphs 2 and 3 describe regulated alterations in relation to community, foundation, voluntary schools, community special schools, and maintained nursery schools.

##### Commencement Information

- I1** Sch. 2 para. 1 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

##### *Site transfers*

- 2 The transfer of a school to a new site or sites unless a main entrance of the school on its new site or sites would be within 1.609344 kilometres (one mile) of a main entrance of the school on its current site or sites.

##### Commencement Information

- I2** Sch. 2 para. 2 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

##### *Mixed sex and single-sex schools*

- 3 (1) An alteration to a school so that—  
(a) a school which admitted pupils of one sex only admits pupils of both sexes, or  
(b) a school which admitted pupils of both sexes admits pupils of one sex only.  
(2) For the purposes of this paragraph a school is to be treated as admitting pupils of one sex only if the admission of pupils of the other sex—  
(a) is limited to pupils over compulsory school age; and  
(b) does not exceed 25% of the number of pupils in the age group in question normally at the school.

##### Commencement Information

- I3** Sch. 2 para. 3 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

#### PART 2

##### ALL MAINTAINED SCHOOLS OTHER THAN MAINTAINED NURSERY SCHOOLS

- 4 Paragraphs 5 to 8 describe regulated alterations in relation to community, foundation and voluntary schools, and community special schools.

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**Commencement Information**

**I4** Sch. 2 para. 4 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Age range*

- 5 (1) The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school.
- (2) The alteration by a year or more of the highest age of pupils for whom education is normally provided at a school where the school, both before and after the alteration, provides education suitable to the requirements of pupils of compulsory school age and does not provide full time education suitable to the requirements of pupils over compulsory school age.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Sixth form provision*

- 6 (1) The introduction of the provision of full-time education suitable to the requirements of pupils over compulsory school age at a school which provides full time education suitable to the requirements of pupils of compulsory school age.
- (2) The ending of the provision of full time education suitable to the requirements of pupils over compulsory school age at a school which is to continue to provide full time education suitable to the requirements of pupils of compulsory school age.

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Language medium – primary education*

- 7 (1) This paragraph applies to—
- (a) primary schools,
  - (b) special schools but only in relation to the provision of primary education to pupils at the schools, and
  - (c) middle schools but only in relation to the provision of primary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of a class of pupils in an age group (or groups) at a school falls within a description in an entry in column 1 of table 1 below, and it is proposed to alter the teaching of the corresponding class of pupils in that age group (or those age groups) so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph—
- (a) “age group” means—

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- (i) a year group of the foundation phase (within the meaning given by section 102 of the Education Act 2002), or
- (ii) a year group of the second key stage (within the meaning given by section 103 of the Education Act 2002);
- (b) a reference to the teaching of a class of pupils does not include a school assembly or other school activities usually conducted with large groups of pupils.

TABLE 1

1	2
At least 20% but no more than 80% of the teaching is conducted through the medium of English	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of Welsh
At least 20% but no more than 80% of the teaching is conducted through the medium of Welsh	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of English
More than 80% of the teaching is conducted through the medium of English, and some teaching is conducted through the medium of Welsh	An increase of more than 10% in the teaching which is conducted through the medium of Welsh
More than 80% of the teaching is conducted through the medium of Welsh, and some teaching is conducted through the medium of English	An increase of more than 10% in the teaching which is conducted through the medium of English
No teaching is conducted through the medium of Welsh	More than 10% of teaching is conducted through the medium of Welsh
No teaching is conducted through the medium of English	More than 10% of teaching is conducted through the medium of English
Some teaching is conducted through the medium of English	No teaching is conducted through the medium of English
Some teaching is conducted through the medium of Welsh	No teaching is conducted through the medium of Welsh

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Language medium - secondary education*

- 8 (1) This paragraph applies to—
- (a) secondary schools,
  - (b) special schools but only in relation to the provision of secondary education to pupils at the schools, and

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- (c) middle schools but only in relation to the provision of secondary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of pupils in a year group at a school falls within a description in an entry in column 1 of table 2 below, and it is proposed to alter the teaching of pupils in that year group so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph a “relevant subject” is any subject other than English and Welsh which is taught at the school to pupils in the year group concerned.

TABLE 2

1	2
Five or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of Welsh to any pupils
Five or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of Welsh to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of English to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils	No relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of English to any pupils	No relevant subject is taught (wholly or mainly) through the medium of English to any pupils

**Commencement Information**

**18** Sch. 2 para. 8 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

**PART 3**

COMMUNITY, FOUNDATION AND VOLUNTARY SCHOOLS

- 9 Paragraphs 10 to 17 describe regulated alterations in relation to community, foundation and voluntary schools.

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**Commencement Information**

**I9** Sch. 2 para. 9 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Alterations to premises*

- 10 (1) An enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date.
- (2) In determining an increase in capacity for the purpose of sub-paragraph (1), all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement.
- (3) The “appropriate date” is the latest of—
- (a) the date falling five years before the date on which it is planned to implement the proposals to make the enlargement;
  - (b) the date when the school first admitted pupils;
  - (c) the date (or latest date) of implementation of proposals to make an alteration to the school consisting of an enlargement of its premises which proposals were published under—
    - (i) section 48, 59, 68 or 72, or
    - (ii) section 28 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act.
- (4) References in this paragraph to an enlargement do not include a temporary enlargement.

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

- 11 (1) An enlargement of the premises of the school which would increase the capacity of the school if the date on which it is planned to implement the proposals to make the enlargement falls within the period described in sub-paragraph (2).
- (2) The period is five years beginning with the date (or latest date) of implementation of proposals falling within paragraph 13 (reducing a school's capacity).
- (3) “Enlargement” does not include a temporary enlargement.

**Commencement Information**

**I11** Sch. 2 para. 11 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

- 12 The making permanent of a temporary enlargement which at the time of its making would have fallen within paragraph 10 (but for the fact that it was temporary).

**Commencement Information**

**I12** Sch. 2 para. 12 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

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- 13 An alteration of the premises of the school which would reduce the capacity of the school, where the proposed capacity would be lower than the highest number of registered pupils at the school at any time during the two years before the date on which the proposer formed the intention to make the proposed alteration.

**Commencement Information**

**I13** Sch. 2 para. 13 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

- 14 For the purposes of paragraphs 10 to 13—
- (a) references to the capacity of a school are to the number of pupils the school can accommodate as determined in accordance with guidance given by the Welsh Ministers, and
  - (b) a “temporary enlargement” is an enlargement of a school's premises which it is anticipated, at the time of its making, will be in place for fewer than three years.

**Commencement Information**

**I14** Sch. 2 para. 14 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Special educational needs*

- 15 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

**Commencement Information**

**I15** Sch. 2 para. 15 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Admission arrangements*

- 16 The introduction of admission arrangements to which section 101(1) of the School Standards and Framework Act 1998 (pupil banding) applies.

**Commencement Information**

**I16** Sch. 2 para. 16 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Boarding provision*

- 17 (1) The introduction or ending of provision for boarding accommodation.
- (2) The alteration of provision for boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 50 pupils or more or by 50% or more.

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**Commencement Information**

**I17** Sch. 2 para. 17 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

**PART 4**

**SPECIAL SCHOOLS**

- 18 Paragraphs 19 to 21 describe regulated alterations in relation to community special schools.

**Commencement Information**

**I18** Sch. 2 para. 18 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Increase in pupils*

- 19 (1) Except where the school is established in a hospital, an increase in the number of pupils for whom the school makes provision which, when taken with all previous increases since the appropriate date, would increase the number of pupils at least by 10% or by the relevant number as compared with the number of pupils on the appropriate date.
- (2) In this paragraph—
- the “appropriate date” (“*dyddiad priodol*”) is the latest of—
- (a) 19 January 2012;
  - (b) the date when the school first admitted pupils;
  - (c) the date (or latest date) of implementation of proposals to make an alteration to the school to increase the number of pupils for whom the school makes provision which proposals were published under—
    - (i) section 48, 59, 68 or 72, or
    - (ii) section 31 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act; and
- “relevant number” (“*y nifer perthnasol*”) in relation to the number of pupils at a school, is—
- (a) where the school provides boarding accommodation only, 5, and
  - (b) in any other case, 20.

**Commencement Information**

**I19** Sch. 2 para. 19 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Boarding provision*

- 20 The alteration of the provision of boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 5 pupils or more.

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**Commencement Information**

**I20** Sch. 2 para. 20 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Special educational needs provision*

- 21 A change in the type of special educational needs for which the school is organised to make provision.

**Commencement Information**

**I21** Sch. 2 para. 21 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

**PART 5**

**MAINTAINED NURSERY SCHOOLS**

- 22 Paragraphs 23 to 25 describe regulated alterations in relation to maintained nursery schools.

**Commencement Information**

**I22** Sch. 2 para. 22 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Teaching space*

- 23 (1) An enlargement of the teaching space, other than a temporary enlargement, by 50% or more.
- (2) The making permanent of a temporary enlargement of the teaching space by 50% or more.
- (3) In this paragraph—
- “teaching space” (“*man addysgu*”) means any area used wholly or mainly for the provision of nursery education excluding—
- (a) any area used wholly or mainly for the education of pupils whose educational needs are being assessed under section 323 of the Education Act 1996 and pupils with statements of special educational needs maintained under section 324 of that Act;
- (b) any area constructed, adapted or equipped so as to be unsuitable for general teaching purposes;
- (c) any area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;
- (d) 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;
- a “temporary enlargement” (“*ehangu dros dro*”) is an enlargement of the teaching space which it is anticipated, at the time of its making, will be in place for fewer than three years.



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**Commencement Information**

**I23** Sch. 2 para. 23 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Special educational needs*

- 24 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

**Commencement Information**

**I24** Sch. 2 para. 24 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

*Language medium*

- 25 (1) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of Welsh, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of English.
- (2) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of English, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of Welsh.

**Commencement Information**

**I25** Sch. 2 para. 25 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

**PART 6**

**SUPPLEMENTARY**

*Power to amend*

- 26 (1) The Welsh Ministers may by order amend any provision of this Schedule.
- (2) An order under sub-paragraph (1) may make consequential amendments to any provision of Part 3 of this Act.

**Commencement Information**

**I26** Sch. 2 para. 26 in force at 1.10.2013 by S.I. 2013/1800, art. 3(f)

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