

*Status: Point in time view as at 01/01/2022.*

*Changes to legislation: School Standards and Organisation (Wales) Act 2013, PART 3 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 2 **E+W**

### REGULATED ALTERATIONS

#### PART 3 **E+W**

##### COMMUNITY, FOUNDATION AND VOLUNTARY SCHOOLS

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

#### Commencement Information

- I1** 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

- I2** 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.

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**Commencement Information**

**I3** 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**

**I4** Sch. 2 para. 12 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(f\)](#)

- 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**

**I5** 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**

**I6** Sch. 2 para. 14 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(f\)](#)

*[<sup>F1</sup>Special educational][<sup>F1</sup>Additional learning] needs*

**Textual Amendments**

**F1** Words in Sch. 2 para. 15 heading substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), [Sch. 1 para. 22\(6\)\(a\)\(i\)](#); [S.I. 2021/373](#), arts. 3, 4, 6, 7 (as amended by [S.I. 2021/938](#), [art. 2](#)); [S.I. 2021/1243](#), [art. 3\(o\)\(xxi\)](#); [S.I. 2021/1244](#), [art. 3\(o\)\(xxi\)](#); [S.I. 2021/1245](#), arts. 3(o)(xxi), 4 (with art. 1(4))

- 15 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with [<sup>F2</sup>special educational][<sup>F2</sup>additional learning] needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with [<sup>F3</sup>special educational][<sup>F3</sup>additional learning] needs, a change in the type of such provision.

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#### Textual Amendments

- F2** Words in Sch. 2 para. 15(1) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 22(6)(a)(ii)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3(o)(xxi); S.I. 2021/1244, art. 3(o)(xxi); S.I. 2021/1245, arts. 3(o)(xxi), 4 (with art. 1(4))
- F3** Words in Sch. 2 para. 15(2) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 22(6)(a)(iii)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3(o)(xxi); S.I. 2021/1244, art. 3(o)(xxi); S.I. 2021/1245, arts. 3(o)(xxi), 4 (with art. 1(4))

#### Commencement Information

- I7** 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

- I8** 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.

#### Commencement Information

- I9** Sch. 2 para. 17 in force at 1.10.2013 by S.I. 2013/1800, **art. 3(f)**

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