

*Status: Point in time view as at 01/10/2002.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Decision on application to vary standard number is up to date with all changes known to be in force on or before 30 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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 23]

#### DETERMINATION, VARIATION AND REVIEW OF STANDARD NUMBERS

##### Textual Amendments

- F1** Sch. 23 repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)

##### Modifications etc. (not altering text)

- C1** Sch. 23 modified (temp.) (1.9.1999) by [S.I. 1999/1064](#), [reg. 9](#).

### [<sup>F1</sup>PART III]

#### VARIATION OF STANDARD NUMBERS: WALES

##### Textual Amendments

- F1** Sch. 23 repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)

#### *Decision on application to vary standard number*

- 10 [<sup>F1</sup>(1) Subject to the following provisions of this paragraph, on an application for a decision under paragraph 8(2), the Secretary of State may—
- (a) make a decision under that provision varying the standard number to the number proposed;
  - (b) where the application is for an increase in the standard number, make a decision under that provision increasing the standard number to such number (less than the number proposed) as he thinks desirable;
  - (c) where the application is for a reduction of the standard number, make a decision under that provision reducing the standard number to such number (greater than the number proposed) as he thinks desirable; or
  - (d) decide not to vary the standard number.
- (2) Before making any decision in accordance with paragraph (b) or (c) of sub-paragraph (1), the Secretary of State shall consult the local education authority and the governing body of the school.
- (3) When making any decision in accordance with sub-paragraph (1), the Secretary of State shall have regard to—
- (a) the school organisation plan for the area in which the school is situated, and

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- (b) where the application is for the reduction of a standard number at a primary school, any limit imposed under section 1 which applies to that school and to any other school which is likely to be affected if any reduction of that number were to be made.
- (4) Subject to sub-paragraph (5), the Secretary of State shall not make a decision reducing a standard number unless he is satisfied that the reduction is necessary, having regard to the school's capacity to accommodate pupils.
- (5) Where—
- (a) an application is for a reduction of any standard number applicable to admissions to an infant class (as defined by section 4); and
  - (b) the Secretary of State is satisfied that the admission to the school in any school year of a number of children in any relevant age group equal to the relevant standard number would cause prejudice of the kind referred to in section 86(3)(a) by reason of measures required to be taken as mentioned in subsection (4) of that section,
- the Secretary of State shall make a decision under paragraph 8(2) reducing the standard number by the smallest number which he considers sufficient to avoid such prejudice arising.
- (6) Where the Secretary of State makes a decision in accordance with paragraph (a), (b) or (c) of sub-paragraph (1), then subject to sub-paragraph (2) he may decide that the standard number shall be varied with effect from a date other than that specified in the application.
- (7) Regulations may make provision for enabling the Secretary of State—
- (a) to review any decision of his made in accordance with sub-paragraph (1), and
  - (b) (if appropriate) to revoke or vary any such decision,
- in such circumstances as may be prescribed.]

#### **Textual Amendments**

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#### **Commencement Information**

**II** Sch. 23 para. 10 wholly in force at 1.9.1999; Sch. 23 para. 10 not in force at Royal Assent see s. 145(3); Sch. 23 para. 10(7) in force at 1.10.1998 for certain purposes by [S.I. 1998/2212](#), [art. 2](#), [Sch. Pt. I](#); Sch. 23 para. 10 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/1016](#), [art. 2\(3\)](#), [Sch. 3](#) (with [arts. 3-6](#), [Sch. 4](#)).

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