

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⁽¹⁾;
 - (ii) approved under section 98 of the Education Act 1993⁽²⁾;
 - (iii) approved under section 37, 43 or 261 of the Education Act 1996⁽³⁾;
 - (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⁽⁴⁾ 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—

(1) 1980 c. 20. Sections 12 and 13 were repealed by Schedule 38 to the Education Act 1996.
(2) 1993 c. 35. Section 98 was repealed by the said Schedule 38.
(3) 1996 c. 56. Sections 37, 43 and 261 are prospectively repealed by Schedule 31 to the Act.
(4) Section 38 is prospectively repealed by Schedule 31 to the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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⁽⁵⁾.

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
- (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.

(5) 1992 c. 13 Section 60A is prospectively inserted by section 125(4) of the Act.

(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⁽⁶⁾, 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
- (c) where the transfer has been authorised by an Order made before 1st September 1999 under section 47 of the Education Act 1996⁽⁷⁾.

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

⁽⁶⁾ 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).

⁽⁷⁾ Section 47 is prospectively repealed by Schedule 31 to the Act.