



School Standards and Framework Act 1998

1998 CHAPTER 31

PART I

MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

CHAPTER I

LIMIT ON INFANT CLASS SIZES

1 Duty to set limit on infant class sizes.

- (1) The Secretary of State shall by regulations—
 - (a) impose a limit on class sizes for infant classes at maintained schools; and
 - (b) specify the school years in relation to which any such limit is to have effect.
- (2) Any limit imposed under this section shall specify the maximum number of pupils that a class to which the limit applies may contain while an ordinary teaching session is conducted by a single [F¹school teacher].
- (3) Subject to subsections (4) and (5), regulations under this section shall be so framed that—
 - (a) the maximum number specified in pursuance of subsection (2) is 30, and
 - (b) that limit has effect in relation to the 2001-02 school year and any subsequent year.
- (4) Regulations under this section may—
 - (a) provide for any limit imposed under this section to take effect—
 - (i) at the same time in the case of each of the age groups into which the pupils in infant classes fall, or

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- (ii) at different times (which may be earlier than the beginning of the school year mentioned in subsection (3)) in the case of different such age groups;
- (b) provide that, in any circumstances specified in the regulations, any such limit either is not to apply or is to operate in such manner as is so specified.
- (5) The Secretary of State may by order amend subsection (3)—
- (a) by substituting for “30” such other number as is specified in the order; or
- (b) by substituting for the reference to the 2001-02 school year a reference to such other school year as is so specified.
- (6) Where any limit imposed under this section applies to an infant class at a maintained school, the [F2local authority] and the governing body shall exercise their functions with a view to securing that that limit is complied with in relation to that class.

Textual Amendments

- F1** Words in s. 1 substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 87](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185](#), art. 4, [Sch. Pt. 1](#); [S.I. 2003/1667](#), art. 3
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 10\(2\)](#) (with [Sch. 2 para. 10\(4\)](#))

Modifications etc. (not altering text)

- C1** S. 1 applied (with modifications) (18.10.1999) by [S.I. 1999/2666](#), reg. 8, [Sch. paras. 1\(c\), 2-8](#).
 S. 1 applied (with modifications) (1.9.1999) by [S.I. 1999/2800](#), reg. 7, [Sch. paras. 1, 2-8](#).
- C2** S. 1 applied (with modifications) (E.) (8.5.2003) by [The New School \(Admissions\) \(England\) Regulations 2003 \(S.I. 2003/1041\)](#), regs. 1(1), 9, [Sch. para. 1\(b\)](#)
- C3** S. 1 applied (with modifications) (1.2.2006) by [The New School \(Admissions\) \(Wales\) Regulations 2006 \(S.I. 2006/175\)](#), regs. 1(1), 9, [Sch.](#) (with reg. 2(2))
- C4** S. 1(6) excluded (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 43\(3\), 139\(6\)](#); [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- C5** S. 1(6) restricted (W.) (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), [ss. 48\(5\), 100\(3\)](#); [S.I. 2021/373](#), arts. 3, 4, 6, 7 (as amended by [S.I. 2021/938](#), art. 2); [S.I. 2021/1243](#), art. 3 (with arts. 4-23) (as amended by [S.I. 2021/1428](#), art. 2); [S.I. 2021/1244](#), art. 3 (with arts. 4-21) (as amended by [S.I. 2021/1428](#), art. 3); [S.I. 2021/1245](#), arts. 3, 4 (with art. 1(4)); [S.I. 2022/891](#), art. 3 (with arts. 4-25); [S.I. 2022/892](#), arts. 2, 3 (with arts. 4-18); [S.I. 2022/893](#), art. 4; [S.I. 2022/894](#), art. 3; [S.I. 2022/895](#), arts. 3, 4; [S.I. 2022/896](#), art. 3 (with arts. 1(7), 4-22); [S.I. 2022/897](#), art. 3 (with arts. 1(8), 4-21); [S.I. 2022/898](#), arts. 2, 3

F3² Plans by LEAs for reducing infant class sizes.

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Textual Amendments

- F3** S. 2 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); [S.I. 2005/394](#), art. 2(1)(i); [S.I. 2006/885](#), art. 2(3)(b)

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3 Payment of grant in connection with reductions in infant class sizes.

- [^{F4}(1) Regulations shall make provision for the payment by the Secretary of State of grants to [^{F5}local authorities] in respect of expenditure incurred or to be incurred by them for the purpose of securing that any limit imposed under section 1 is complied with in relation to infant classes at schools maintained by them.
- (2) Regulations under this section shall provide for the Secretary of State—
- (a) to withhold grants under the regulations from a [^{F2}local authority] where no proposed arrangements by that authority have been approved by him under section 2; and
 - (b) when determining whether any grant (and, if so, what amount) should be paid by him under the regulations to a [^{F2}local authority], to have regard to their proposed arrangements as so approved.
- (3) Regulations under this section may provide—
- (a) for the payment of grant under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and
 - (b) for requiring [^{F5}local authorities] to whom payments have been made under the regulations to comply with such requirements as may be so determined.]

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F4** S. 3 repealed (1.4.2003 for E., 2.1.2008 for W.) by Education Act 2002 (c. 32), ss. 18(1)(i), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(3)** (with Sch. 2 para. 10(4))

Modifications etc. (not altering text)

- C6** S. 3 modified (1.9.1998) (*temp.*) by S.I. 1998/1968, **reg.2**

4 Interpretation of Chapter I.

In this Chapter—

“class” means a group in which pupils are taught in an ordinary teaching session;

“infant class” means a class containing pupils the majority of whom will attain the age of five, six or seven during the course of the school year;

“ordinary teaching session” does not include a school assembly or other school activity usually conducted with large groups of pupils;

[^{F6}“school teacher” means a person who is a school teacher for the purposes of section 122 of the Education Act 2002 (determination of school teachers' pay and conditions)]

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Textual Amendments

- F6** Words in s. 4 substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\), s. 216\(4\)](#), [Sch. 21 para. 88](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 4, Sch. Pt. 1](#); [S.I. 2003/1667, art. 3](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)