

SCHEDULE 1

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.

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 the making of a significant enlargement of the premises of the school or for a prescribed alteration to the school consisting of an enlargement of the premises of the school have been approved under—
 - (i) section 12 or 13 of the Education Act 1980⁽¹⁾,
 - (ii) section 98 of the Education Act 1993⁽²⁾.
 - (iii) section 37, 43 or 261 of the Education Act 1996⁽³⁾, or
 - (iv) paragraph 3 of Schedule 6, or paragraph 8 or 9 of Schedule 7, the date (or latest date) on which any such proposals were implemented; and
- (d) where the local education authority have determined to implement any proposals for the making of a significant enlargement of the premises of the school or for prescribed alteration to the school consisting of an enlargement of the premises of the school under section 12(7) of the Education Act 1980, section 38 of the Education Act 1996 or paragraph 4 of Schedule 6 the date (or latest date) on which any such proposals were implemented;

“relevant amount” means 25% of the capacity of the school (before the enlargement) or 200 pupils whichever is the lesser.

- 2)—(1) An increase in the number of pupils in any relevant age group by an additional form of entry except any such increase taking effect in the 1999–2000 school year.

(2) In this paragraph a form of entry means—

- (a) the number of pupils who are normally taught together in one class at the school, or

(1) 1980 c. 20. Sections 12 and 13 are repealed by Schedule 38 to the Education Act 1996.

(2) 1993 c. 35 repealed by Schedule 38 to the Education Act 1996.

(3) 1996 c. 56. Sections 36, 43 and 261 are prospectively repealed by Schedule 31 to the Act.

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- (b) 30, whichever is the less.
- 3. The alteration of the upper or lower age limits of the school by a year or more, except—
 - (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; or
 - (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.

In this paragraph the upper and lower age limits of a school means respectively the highest and the lowest ages of pupils for whom education is normally provided at the school.

- 4. The establishment or discontinuance of provision which is recognised by the local education authority as reserved for children with special educational needs.
- 5. The introduction of admission arrangements to which section 101(1) of the Act applies.
- 6. The revision of admission arrangements of a grammar school such as is mentioned in section 109(1) of the Act.
- 7. An alteration to a school to provide 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.

- 8.—(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% (whichever is the greater).
- 9. 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;
 - (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, 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; or
 - (c) where the transfer has been authorised by an order made before 1st September 1999 under section 47 of the Education Act 1996; and, in the case of a transfer such as is described in sub-paragraph (a) or (b), where 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.

In this paragraph “playing fields” have the same meaning as in section 77 of the Act.

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