

## SCHEDULES

### SCHEDULE 23

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

#### PART III

##### VARIATION OF STANDARD NUMBERS: WALES

##### *Application of Part III*

- 7 This Part of this Schedule applies to schools in Wales.

##### *Variation of standard numbers*

- 8 (1) The Secretary of State may by order applying to maintained schools of any class or description vary any standard number that would otherwise apply by virtue of paragraph 1 or 2.
- (2) Subject to sub-paragraphs (3) to (5), the Secretary of State may make a decision varying any standard number that would otherwise apply to an individual school by virtue of paragraph 1 or 2 or by virtue of any order made under sub-paragraph (1).
- (3) A decision under sub-paragraph (2) increasing a standard number may be made on the application of the admission authority for the school or on an application made by the governing body or local education authority in accordance with section 93(7).
- (4) A decision under sub-paragraph (2) reducing a standard number may only be made on the application of the admission authority for the school.
- (5) A decision under sub-paragraph (2) is subject to the procedure provided for in paragraphs 9 and 10.

##### *Procedure for application to vary standard number*

- 9 (1) Where the local education authority or the governing body intend to apply for a variation under paragraph 8(2) of any standard number applying to a school under paragraph 1, 2 or 8 for any age group in any year—
- (a) they shall publish their proposals relating to the variation in such manner, and containing such information, as may be prescribed, and
  - (b) they shall send—
    - (i) their application,
    - (ii) a copy of the published proposals, and
    - (iii) such information in connection with those proposals as may be prescribed,to the Secretary of State.

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- (2) Before making such an application, the local education authority or the governing body shall consult the governing body or the local education authority, as the case may be.
- (3) In making such an application, the local education authority or the governing body shall have regard to any guidance given from time to time by the Secretary of State (including any such guidance as to the manner in which a school's capacity to accommodate pupils should be calculated).
- (4) Sub-paragraph (2) shall not apply in relation to any application made by the local education authority or the governing body in accordance with section 93(7).
- (5) Any person may make objections to any proposals published under sub-paragraph (1).
- (6) Objections under sub-paragraph (5) shall be sent to the Secretary of State within such period as may be prescribed.
- (7) Where any proposals published under this paragraph relate to a school which is situated in an area other than that of the local education authority who maintain the school, the provisions of this paragraph and paragraph 10 shall have effect in relation to the proposals with such modifications as may be prescribed.

*Decision on application to vary standard number*

- 10 (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
  - (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—

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- (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.