SCHEDULE

(Regulation 4)

EXCEPTED PUPILS

1. In this Schedule—

"child" means a child who is a pupil in any infant class;

"the school" means the school of which that infant class forms part; and

"governing body" means the governing body of that school.

2. This paragraph applies at any time during the admission school year to any child with a statement admitted to the school by virtue of section 324(5)(b) of the 1996 Act(**1**) outside a normal admission round.

3. This paragraph applies at any time during the admission school year to a child admitted to the school outside a normal admission round who—

(a) was initially refused admission to the school owing to a failure properly to implement the school's admission arrangements; but

(b) was subsequently offered a place there by virtue of a determination made by the relevant person that there had been such a failure in relation to the child.

4. This paragraph applies at any time during the admission school year to a child admitted to the school outside a normal admission round by virtue of a determination of an appeal panel in accordance with paragraph 11A of Schedule 33 to the 1996 Act or(**2**) paragraph 12 of Schedule 24 to the 1998 Act(**3**).

5.—(1) This paragraph applies at any time during the admission school year to a child admitted to the school outside a normal admission round—

(a) in relation to whom that school is the only school (apart from any school to which he has been refused admission or from which he has been permanently excluded) which—

(i) is within a reasonable distance from his home, and

(ii) provides suitable education; and

(b) who did not, at the relevant time, ordinarily reside at a place which was within a reasonable distance from that school.

(2) In sub-paragraph (1)(b) "the relevant time"—

(a) in relation to a child to whom regulation 2(3) applies, means the time when the majority of pupils in the age group in which he falls were admitted to the school; and

(b) in relation to a child to whom regulation 2(4) applies, means the time referred to in sub-paragraph (c) of that paragraph.

6.—(1) This paragraph applies at any time during the admission school year to any child who was, at the time of his admission to the school, of an age at which pupils are normally admitted to the school, where education at a school which is Welsh speaking is desired for him and the school is the only such school within a reasonable distance from his home.

(2) In sub-paragraph (1) "a school which is Welsh-speaking" has the meaning given to that expression in section 354(8) of the 1996 Act.

(**1**) Section 324(5)(b) is prospectively amended by paragraph 77 of Schedule 30 to the 1998 Act.

(**2**) Paragraph 11A of Schedule 33 of the 1996 Act is inserted in that Act by paragraph 11 of the Schedule to the Education (Infant Class Sizes) (Modification) Regulations 1998 (S.I.1998/1948) for the purposes of those Regulations. Schedule 33 to the 1996 Act is prospectively repealed by Schedule 31 to the 1998 Act.

(**3**) Paragraph 12 of Schedule 24 is not yet in force.

7. This paragraph applies to a child—

(a) who is a registered pupil at a special school, but

(b) who, by arrangement with another school which is not a special school, receives part of his education at the other school,

at any time when he is in an infant class at the other school.

8.—(1) In this paragraph, "designated pupil" means a pupil with special educational needs who—

(a) is a registered pupil at a school which is not a special school; and

(b) is normally educated in a unit which—

(i) forms part of that school, and

(ii) is specially organised to provide education for pupils with special educational needs.

(2) This paragraph applies to a child who is a designated pupil at any time when he is in an infant class which does not form part of the unit referred to in sub-paragraph (1)(b).

(3) Where this paragraph applies to a child, regulation 4(1) shall have effect in relation to that child as if after "in another infant class at that school" there were inserted "(other than a class which comprises or forms part of a unit referred to in paragraph 8(1)(b) of the Schedule)".

9. Paragraphs 3 to 5 do not apply to a child with a statement.