

SCHEDULE 1

Regulation 2(4)

determination of numbers of pupils

1. On and after 1st September 1999 the numbers of pupils for the purposes of regulation 2(4) shall be determined—

- (a) in the case of a community school, a nursery school which is not a special school, a community special school or a pupil referral unit, by the local education authority by whom the school is maintained; and
- (b) in the case of a foundation, voluntary or foundation special school, by the governing body of the school in agreement with the local education authority by whom the school is maintained;

as that which they are satisfied is the normal number of registered pupils at the school, of the specified age, or who are boarding pupils, taking one year with another; and, if at the beginning of the autumn term at a school the actual number significantly exceeds the number so determined, the question whether the number remains the normal number shall be considered by that local education authority or the governing body, as the case may be:

provided that when a school is first established the local education authority or the governing body referred to in sub-paragraph (a) or (b) above, as appropriate, shall determine the said number having regard to the numbers specified in, or to be inferred from, the proposals published in pursuance of sections 28 or 31 of, or paragraph 5 of Schedule 7 to, the 1998 Act as the case may be (or, in the case of a school established on or after 1st September 1999 pursuant to proposals published before that date, the proposals published in pursuance of sections 35, 41, 211, 212, 339 or 502 of the 1996 Act as the case may be).

2. Until 1st September 1999 the numbers of pupils for the purposes of regulation 2(4) shall be determined—

- (a) in the case of a county school, nursery school, pupil referral unit or special school established by a local education authority, by the local education authority by whom the school is maintained;
- (b) in the case of a voluntary school, by the governing body of the school in agreement with the local education authority by whom it is maintained; and
- (c) in the case of a grant-maintained school or a grant-maintained special school, by the governing body of the school;

as that which they are satisfied is the normal number of registered pupils at the school, of the specified age, or who are boarding pupils, taking one year with another; and, if at the beginning of the autumn term at a school the actual number significantly exceeds the number so determined, the question whether that number remains the normal number shall be considered by that local education authority or the governing body, as the case may be:

provided that when a school is first established the local education authority or the governing body referred to in sub-paragraph (a), (b) or (c) above, as appropriate, shall determine the said number having regard to the numbers specified in, or to be inferred from, the proposals published in pursuance of sections 35, 41, 211, 339 or 502 of the 1996 Act as the case may be.

3. In calculating the number of pupils or number of pupils of a specified age, where one registered pupil attends only the morning sessions and another registered pupil attends only the afternoon sessions those two pupils shall count only as a single registered pupil.

4. For the purposes of this Schedule, a pupil shall, throughout any period of a year beginning on the first day of the autumn term, be treated as being of the age which was his age immediately before the beginning of that year:

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provided that—

- (a) where in the course of any such year a child attains the age of five years and is admitted to a school, he shall be treated as if he were of that age immediately before the beginning of that year; and
- (b) where the admission arrangements for a school provide for the admission otherwise than to nursery classes of children who will attain the age of five years within six months after their admission, children so admitted shall be treated as being five years of age notwithstanding that they have not attained that age.

5. Where the number of pupils at a school who have, or have not, attained a specified age is no more than 2% of the total number of pupils at the school, or two, whichever is greater, those pupils shall be disregarded in determining for the purposes of this Schedule whether the school has pupils who have not, or have, attained that age.