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WELSH STATUTORY INSTRUMENTS

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**1999 No. 2800**

**The New Schools (Admissions) (Wales) Regulations 1999**

**Procedure for determining admission arrangements**

4.—(1) The admission authority for a new school shall determine the initial admission arrangements not less than six months in advance of the school opening date.

(2) Before determining the initial admission arrangements the admission authority shall, not less than nine months in advance of the school opening date, consult the following about the proposed arrangements, namely —

- (a) the local education authority (where the temporary governing body or promoters are the admission authority), and
- (b) the admission authorities for all other maintained schools in the relevant area.

(3) In paragraph (2) “the relevant area” shall be

- (a) in the case of a school which will first admit pupils in any school year commencing earlier than 2001, the area described by a circle —
  - (i) of which the centre is the proposed main entrance to the new school; and
  - (ii) which has a radius of 4.83 kilometres (3 miles);
- (b) in the case of a school which will first admit pupils in the school year commencing in 2001 or in any later school year, the relevant area or relevant areas determined by the local education authority in accordance with S.I.1999/124.

(4) A school is only to be regarded as within the relevant area prescribed by paragraph (3)(a) if its main entrance lies within that area.

(5) In relation to the proposed initial admission arrangements for a primary school, paragraph (2) shall only require the admission authority to consult the admission authorities for other schools in the relevant area which are primary schools.

(6) Once any such consultation has been carried out, the admission authority shall —

- (a) determine that their proposed arrangements (either in their original form or with such modifications as the authority think fit) shall be the initial admission arrangements; and
- (b) notify the bodies whom they consulted under paragraph (2) of those arrangements.

(7) Where an admission authority —

- (a) have in accordance with paragraph (6) determined the initial admission arrangements, but
- (b) at any time before the end of the initial year consider that the arrangements should be varied in view of a major change of circumstances occurring since they were so determined,

the authority shall refer the proposed variations to the Assembly and shall (in every case) notify the bodies whom they consulted under subsection (2) of the proposed variations.

(8) The Assembly shall consider whether the arrangements should have effect with those variations until the end of the initial year; and if it determines that the arrangements should so have effect or that they should so have effect subject to such modification of those variations as it may determine —

- (a) the arrangements shall have effect accordingly as from the date of its determination; and
- (b) the admission authority shall notify the bodies whom they consulted under paragraph (2) of the variations subject to which the arrangements are to have effect;

save that nothing in this paragraph shall require the Assembly to make such determination before the proposals required to be published under section 28(1) and (2) of the 1998 Act have been approved in accordance with the provisions of Schedule 6 to that Act.

(9) Where the local education authority are the admission authority for a community or voluntary controlled school, they shall —

- (a) when preparing for consultation under paragraph (2) their proposed initial admission arrangements for the initial year, consult the temporary governing body about the initial admission arrangements which the authority may propose for the school; and
- (b) in addition consult the temporary governing body before making any reference under paragraph (7).