

SCHEDULES

SCHEDULE 32

Section 420.

REDUCTION OF STANDARD NUMBER FOR ADMISSION OF PUPILS

Proposals for reduction of standard number

- 1 Where the admission authority for a county or voluntary school intend to apply for an order under section 420(2) reducing any standard number applying to the school under sections 417 to 420 for any age group in any year, they shall—
- (a) publish their proposals relating to the reduction in such manner as may be required by regulations, and
 - (b) submit a copy of the published proposals to the Secretary of State together with their application.
- 2 The published proposals shall be accompanied by a statement explaining the effect of—
- (a) paragraph 3, where the local education authority are the admission authority, or
 - (b) paragraph 4, where the governing body are the admission authority.
- 3 (1) Where the local education authority are the admission authority, objections to the proposals may, within the period of two months beginning with the date of publication of the proposals, be submitted to the authority by any of the following—
- (a) any ten or more local government electors for the authority's area,
 - (b) the governing body of any school affected by the proposals, and
 - (c) any other local education authority concerned.
- (2) Within one month after the end of the period mentioned in sub-paragraph (1), the authority shall transmit to the Secretary of State copies of all objections made (and not withdrawn in writing) within that period, together with their observations on them.
- 4 Where the governing body are the admission authority, objections to the proposals may, within the period of two months beginning with the date of publication of the proposals, be submitted to the Secretary of State by any of the following—
- (a) any ten or more local government electors for the local education authority's area,
 - (b) the governing body of any school affected by the proposals, and
 - (c) any local education authority concerned.

Order of Secretary of State

- 5 (1) Subject to sub-paragraph (2), where an application is made to the Secretary of State for any such order reducing a standard number as is mentioned in paragraph 1, he may—
- (a) make an order reducing the standard number to the number proposed;

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- (b) after consultation with both the local education authority and the governing body, make an order reducing the standard number to such number (greater than the number proposed) as he thinks desirable; or
 - (c) refuse to make any order reducing the standard number.
- (2) The Secretary of State shall not make an order reducing the standard number unless he is satisfied that the reduction is necessary, having regard to any reduction in the school's capacity to accommodate pupils as compared with its capacity at the beginning of the school year in which the current standard number first applied in relation to the age group in question (whether by virtue of section 15 of the Education Act 1980, section 27 of the Education Reform Act 1988 or sections 417 to 420 of this Act).
- (3) For the purposes of sub-paragraph (2) a school's capacity to accommodate pupils is changed if—
- (a) as a result of changes in the availability or use of accommodation at the school, there is any change in the amount of accommodation available for use by pupils at the school; or
 - (b) as a result of changes in the requirements applicable to the school under regulations made under section 542 there is any change in the number of pupils for whom accommodation may lawfully be provided at the school;
- and a school's capacity to accommodate pupils is reduced if the result of the changes is, in a case within paragraph (a), less accommodation or, in a case within paragraph (b), a reduction in the number there mentioned.

Consultation before making application

- 6 (1) Where the local education authority are the admission authority for a county or voluntary school, they shall not make an application for an order under section 420(2) reducing any standard number applying to the school without first consulting the governing body.
- (2) Where the governing body are the admission authority for such a school, they shall not make such an application without first consulting the local education authority.

References to date of publication of proposals

- 7 (1) References in this Schedule, in relation to proposals under paragraph 1, to the date of publication of the proposals are references—
- (a) to the date on which the requirements of regulations with respect to the publication of the proposals are satisfied; or
 - (b) where different such requirements are satisfied on different dates, to the last of those dates.
- (2) Where any such requirement imposes a continuing obligation with respect to the publication of any such proposals, the requirement shall for the purposes of sub-paragraph (1) be taken to be satisfied on the first date in respect of which it is satisfied.