
STATUTORY INSTRUMENTS

2012 No. 10

The School Admissions (Infant Class Sizes) (England) Regulations 2012

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Admissions (Infant Class Sizes) (England) Regulations 2012 and come into force on 1st February 2012.

(2) Paragraph 4 of the Schedule to these Regulations applies in relation to the 2013-2014 school year and subsequent years.

(3) These Regulations apply in relation to any maintained school in England which contains an infant class⁽¹⁾.

Interpretation

2.—(1) In these Regulations—

“EA 1996” means the Education Act 1996⁽²⁾;

“SSFA 1998” means the School Standards and Framework Act 1998;

“child with a statement” means a child in relation to whom a statement is maintained by a local authority under section 324(1) of EA 1996⁽³⁾;

“suitable education”, in relation to a child, means efficient full-time education suitable to the child’s age, ability, and aptitude and any special educational needs that child may have.

(2) For the purposes of these Regulations a child is to be treated as having been admitted to a school outside a normal admission round where paragraph (3) or (4) applies.

(3) This paragraph applies where, at the time the child was admitted to the school, that child did not fall within an age group in which pupils are normally admitted to that school.

(4) This paragraph applies to a child where—

(a) at the time of that child’s admission to the school, the child fell within an age group in which pupils are normally admitted to the school;

(b) the number of pupils in that age group seeking admission to the school in the school year in which the child was first admitted to the school was greater than the number of pupils which the admission authority intended to admit to the school in that age group in that year; and

(c) the child was offered a place at the school after the time when the admission authority had determined, in accordance with the school’s admission arrangements, which children in that age group were to be admitted to the school.

(5) In paragraphs (2) to (4) references to a child’s admission to a school are references to the child’s admission to an infant class at the school.

⁽¹⁾ See section 4 of the School Standards and Framework Act 1998 for the definition of ‘infant class’.

⁽²⁾ 1996 c.56.

⁽³⁾ Section 324(1) was amended by S.I. 2010/1158.

Regulations revoked

3. The following Regulations are revoked—

- (a) the Education (Infant Class Sizes) (England) Regulations 1998⁽⁴⁾;
- (b) the Education (Infant Class Sizes) (England) (Amendment) Regulations 2006⁽⁵⁾.

Limit on infant class sizes

4.—(1) No infant class may contain more than 30 pupils while an ordinary teaching session is conducted by a single school teacher.

(2) Where an ordinary teaching session is conducted by more than one school teacher, the class may not contain more than 30 pupils for every one of those teachers.

(3) Where an infant class contains any excepted pupil (as defined by regulation 5), the limits in paragraphs (1) and (2) apply as if the excepted pupil were not included in the class.

Excepted pupils

5.—(1) An excepted pupil is a child to whom any of paragraphs 2 to 11 of the Schedule applies.

(2) A child is not an excepted pupil at a school if suitable education could be provided for that child in an infant class at that school without relevant measures having to be taken.

(3) In paragraph (2) “relevant measures” means measures which would—

- (a) be required to be taken to ensure compliance with the duty imposed by section 1(6) of SSFA 1998, and
- (b) prejudice the provision of efficient education or the efficient use of resources.

3rd January 2012

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⁽⁴⁾ S.I. 1998/1973 as amended by S.I. 2006/3409, S.I. 2008/3089 and S.I. 2010/1172.

⁽⁵⁾ S.I. 2006/3409.