Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The New School (Admissions) (Wales) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2006 No. 175 (W.26)

EDUCATION, WALES

The New School (Admissions) (Wales) Regulations 2006

Made - - - -	*31 January 2006*
Coming into force - -	*1 February 2006*

In exercise of the powers conferred on the Secretary of State by sections 72 and 138(7) of the School Standards and Framework Act 1998(**1**) now vested in the National Assembly for Wales(**2**), the National Assembly for Wales makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is The New School (Admissions) (Wales) Regulations 2006 and they come into force on 1 February 2006.

(2) These Regulations apply in relation to new schools in Wales which, in the school year in which they will first admit pupils, are to be community, foundation or voluntary schools.

(3) Regulations 5, 6 and 7 do not apply in relation to a new school where the admission authority for such a school, established in connection with proposals involving the discontinuance of another school maintained by a local education authority, determine that the initial admission arrangements are to be the same as those of the discontinued school.

Commencement Information

I1 Reg. 1 in force at 1.2.2006, see **reg. 1(1)**

Revocation and transitional provision

2.—(1) Subject to paragraph (2), the New School (Admissions) (Wales) Regulations 1999(**3**) are revoked.

(2) The New School (Admissions) (Wales) Regulations 1999 are to continue to have effect in relation to any school established in accordance with proposals published under section 28 of the 1998 Act the opening date for which is before the school year 2007-8 and nothing in these Regulations applies in relation to such a school.

(**1**) 1998 c. 31. For the meaning of "regulations" *see* section 142(1).
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 1999/2800 (W. 14).

Commencement Information
I2 Reg. 2 in force at 1.2.2006, see **reg. 1(1)**

Interpretation

3. In these Regulations—

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;

"the 2000 Act" ("*Deddf 2000*") means the Learning and Skills Act 2000(**4**);

"admission authority" ("*awdurdod derbyn*"), in relation to a new school, means the person or body responsible under regulation 4 for making the school's initial admission arrangements;

"admission number" ("*nifer derbyn*") means the number of pupils in any relevant age group intended to be admitted to the school as determined by an admission authority in accordance with regulation 6;

"initial year" ("*blwyddyn gychwynnol*"), in relation to a new school, means the first school year in which pupils are (or, it is intended, should be) admitted to the school;

"initial admission arrangements" ("*trefniadau derbyn cychwynnol*"), in relation to a new school, means the arrangements for the admission of children to the school (including the school's admission policy) determined by an admission authority in accordance with regulation 5(1);

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"new school" ("*ysgol newydd*") means a new school within the meaning of section 72(3) of the 1998 Act;

"the school opening date" ("*dyddiad agor yr ysgol*") in relation to a new school, means the date when the school first admits pupils;

"temporary governing body" ("*corff llywodraethu dros dro*") means a temporary governing body constituted under section 34 of the Education Act 2002(**5**).

Commencement Information
I3 Reg. 3 in force at 1.2.2006, see **reg. 1(1)**

Responsibility for initial admission arrangements

4.—(1) The initial admission arrangements for a new school which is to be a community or voluntary controlled school are to be made by—

(a) the local education authority; or

(b) the temporary governing body where, with the agreement of that body, the local education authority have delegated to them responsibility for determining those arrangements.

(2) The initial admission arrangements for a new school which is to be a foundation or a voluntary aided school are to be made by—

(a) the temporary governing body; or

(**4**) 2000 c. 21.
(**5**) 2002 c. 32.

(b) (unless sub-paragraph (c) applies) the promoters where—

(i) the temporary governing body have not yet been constituted, and

(ii) the promoters consider it expedient for the admission arrangements to be determined without delay, or

(c) in the case of a foundation school which is to be established by a local education authority pursuant to proposals published under section 28(1)(a) of the 1998 Act, that authority where—

(i) the temporary governing body have not yet been constituted, and

(ii) that authority considers it expedient for the admission arrangements to be determined without delay.

Commencement Information

I4 Reg. 4 in force at 1.2.2006, see **reg. 1(1)**

Procedure for determining admission arrangements

5.—(1) The admission authority for a new school must determine the initial admission arrangements for the initial year and the following school year not less than six months before the school opening date.

(2) Subject to paragraph (4), before determining the initial admission arrangements the admission authority must consult the following about the proposed arrangements, namely—

(a) where the local education authority are the admission authority, every local education authority any part of whose area adjoins the area of the consulting authority;

(b) where the temporary governing body or promoters are the admission authority, every local education authority any part of whose area lies within, or adjoins, the relevant area; and

(c) in all cases—

(i) the admission authorities for all other maintained schools in the relevant area;

(ii) the governing bodies of all community and voluntary controlled schools (so far as not falling within paragraph (i)) in the relevant area.

(3) In paragraph (2) "the relevant area" is the relevant area or relevant areas determined by the local education authority in accordance with Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999(**6**).

(4) In relation to the proposed initial admission arrangements for a primary school, paragraph (2) only requires the admission authority to consult—

(a) the admission authorities for other schools in the relevant area which are primary schools; and

(b) the governing bodies of all community and voluntary controlled schools (so far as not falling within sub-paragraph (a)) in the relevant area which are primary schools.

(5) The admission authority for a new foundation or voluntary school which is a Church in Wales school or a Roman Catholic Church School (as defined by section 142(1) of the 1998 Act), must when preparing initial admission arrangements for consultation under paragraph (2), consult the appropriate diocesan authority about the initial admission arrangements which they propose to determine for the school.

(**6**) S.I. 1999/124.

(6) Once the admission authority have carried out any consultation under paragraph (2) the authority must—

(a) determine that their proposed arrangements (either in their original form or with such modifications as the authority think fit) are the initial admission arrangements; and

(b) within 14 days of that determination notify the persons whom they were required to consult under paragraph (2) of those arrangements.

Commencement Information

I5 Reg. 5 in force at 1.2.2006, see **reg. 1(1)**

Determination of admission number

6.—(1) Subject to paragraph (3), a determination under regulation 5(1) by the admission authority of the initial admission arrangements must include an admission number determined for each relevant age group in accordance with paragraph (2).

(2) In relation to a new school to be established pursuant to—

(a) proposals published under section 28 of the 1998 Act, the admission number must be the same as any admission number stated in any notice of the proposals required to be published pursuant to regulations made under sub-section (3) of that section, or (if applicable) as modified by the National Assembly under paragraph 8(2) or 10(2) of Schedule 6 to the 1998 Act; or

(b) proposals made under section 113A of the 2000 Act, the admission number must be the same as any admission number stated in any notice of the proposals required to be published pursuant to regulations made under sub-section (9) of that section, or (if applicable) as modified by the National Assembly under sub-section (5) of that section, or under paragraph 1(3) of Schedule 7A to the 2000 Act.

(3) Paragraph (4) applies in any case where, at the time when the initial admission arrangements are determined by the admission authority, any proposals referred to in paragraph (2) to which those arrangements relate have not been approved.

(4) Where this paragraph applies—

(a) the admission authority must determine for each relevant age group an admission number which is the admission number determined by reference to the capacity of the school, and is the same admission number published in any notice of the proposals referred to in paragraph (2);

(b) an admission number determined in accordance with sub-paragraph (a) is deemed to be a provisional admission number pending approval of the admission number stated in the proposals or (as the case may be) modification of that admission number as described in paragraph(2)(a) and (b); and

(c) (except where the context otherwise requires) any reference in these Regulations to an admission number is to have effect as if it were a reference to a provisional admission number.

Commencement Information

I6 Reg. 6 in force at 1.2.2006, see **reg. 1(1)**

References of objections to the National Assembly

7.—(1) Where initial admission arrangements have been determined by an admission authority under regulation 5(6)(a) an objection to those arrangements may be referred to the National Assembly by any person whom the admission authority were required to consult under regulation 5(2) providing that—

(a) the objection does not fall within any description of objection prescribed under regulation 4(2) of The Education (Objections to Admission Arrangements) (Wales) Regulations 2006(**7**); or

(b) in any case where regulation 6(4) applies, the objection does not relate to the admission number in circumstances where any approval of the proposals (whether with or without modification of the admission number) is less than six months before the intended school opening date.

(2) Subject to paragraph (3), an objection may not be referred under paragraph (1) unless it is received by the National Assembly within 6 weeks after the receipt by the objecting person of a notification under regulation 5(6)(b).

(3) An objection which is received after the end of the period specified in paragraph (2) is nevertheless to be regarded as properly referred if the National Assembly is satisfied that it was not reasonably practicable for the objection to have been received earlier than the time when it was received.

(4) On referral of an objection under paragraph (1) the National Assembly must decide whether, and (if so) to what extent, the objection should be upheld, save that nothing in this paragraph requires the National Assembly to make such a determination before—

(i) proposals published under section 28(1) and (2) of the 1998 Act, have been approved or determined to be implemented in accordance with the provisions of Schedule 6 to that Act, or

(ii) proposals made under section 113A of the 2000 Act, have been approved in accordance with the provisions of subsection (5) of that section.

(5) Where the National Assembly decides that an objection should be upheld to any extent, its decision on the objection may specify the modifications that are to be made to the initial admission arrangements in question.

(6) The National Assembly must publish its decisions and the reasons for them by notification in writing to all the parties to the objection and to all other persons whom the admission authority was required to consult about the initial admission arrangements under regulation 5(2).

(7) The decision of the National Assembly, in relation to the initial admission arrangements in question, is binding on the admission authority and those persons who can make an objection about those arrangements under paragraph (1). If the objection is upheld to any extent, the admission authority must revise those arrangements forthwith to give effect to that decision.

Commencement Information

I7 Reg. 7 in force at 1.2.2006, see **reg. 1(1)**

Variation of initial admission arrangements

8.—(1) This regulation applies where—

(a) the admission authority for a new school have determined the initial admission arrangements in accordance with regulation 5(6)(a); or

(**7**) S.I. 2006/176 (W.27).