WELSH STATUTORY INSTRUMENTS

2004 No. 908 (W.91)

EDUCATION, WALES

The Education (School Organisation Proposals) (Wales) (Amendment) Regulations 2004

Made - - - -	*24th March 2004*
Coming into force - -	*31st March 2004*

The National Assembly for Wales, in exercise of the powers in sections 28(1), (3), and (7), and 138(7) of, and paragraphs 7, 8(2) and 10 of Schedule 6 and paragraphs 5 and 12 of Schedule 7 to the School Standards and Framework Act 1998(**1**), makes the following Regulations —

Title, application and commencement

1. These Regulations may be cited as the Education (School Organisation Proposals) (Wales) (Amendment) Regulations 2004, they apply to Wales and come into force on 31 March 2004.

Interpretation

2. In these Regulations "the Principal Regulations" means the Education (School Organisation Proposals) (Wales) Regulations 1999 (**2**).

Amendment of the Principal Regulations

3. The Principal Regulations are amended in accordance with the provisions of regulations 4 to 10.

4. In regulation 2(1) the words "or a maintained nursery school" are inserted after "school" in the definition of "mainstream school".

5. The following regulation is inserted after regulation 3 —

> "**3A.** For the purposes of subsection 1(d) of section 28 of the Act, the alterations specified in Schedule 2A are prescribed as alterations for which proposals must be published under that section.".

(**1**) 1998 c. 31. Section 28 of the School Standards and Framework Act 1998 was amended by section 154 of the Education Act 2002 (c. 32). The functions of the Secretary of State in the cited provisions of the 1998 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(**2**) S.I. 1999/1671.

6. In paragraph 1 of Schedule 1 the words ",other than a nursery school," are inserted after "primary school".

7. After paragraph 6(7) of Schedule 2 the following sub-paragraph is inserted —

"(8) Sub-paragraphs (1), (2), (3) and (5) do not apply to an alteration that forms part of a Welsh language project approved by the National Assembly for Wales.".

8. The provisions set out in the Schedule to these regulations are inserted after Schedule 2.

9.—(1) Schedule 3 is amended in accordance with the provisions of this regulation —

(2) For paragraph 5 the following paragraph is substituted —

"**5.** The category of school (that is to say, community school, foundation school, voluntary aided school, voluntary controlled school or maintained nursery school) into which the proposed school will fall.".

10.—(1) Schedule 4 is amended in accordance with the provisions of this regulation.

(2) In paragraph 1(2)(a) the words "(including a nursery school)" are inserted after "primary school".

(3) In paragraph 4 the words "voluntary, foundation and maintained nursery schools" are substituted for "voluntary and foundation schools".

(4) In paragraph 6 —

(a) at the beginning the following words are inserted —

"Except where the proposed school is to be a maintained nursery school";

(b) the word "and" is inserted after sub-paragraph (b) and omitted after sub-paragraph (c); and

(c) sub-paragraph (d) is revoked.

(5) Paragraph 7(e) is revoked.

(6) In paragraph 13 at the beginning there is inserted —

"Except where the proposed school is to be a maintained nursery school".

(7) After paragraph 18 the following paragraph is inserted —

"**18A.** Where the proposed school will be a maintained nursery school or a primary school providing nursery education —

(a) the number of full-time and part-time pupils for which it is intended that nursery education is to be provided,

(b) the capacity of the accommodation to be provided for nursery education

(c) details of how the nursery education resulting from the proposals (if implemented) will be organised, including the number of sessions in each week,

(d) the extent to which the proposals, if approved, will integrate the education provided with child care services or are consistent with the integration of nursery education and child care,

(e) evidence of demand for additional provision of nursery education including the numbers of pupils receiving such education at schools maintained by the local education authority within a radius of 3.218688 kilometres (two miles),

(f) a statement of the reasons as to why any school which has unused capacity to accommodate children under compulsory school age cannot make provision for any forecast increase in the numbers of such children,