



School Standards and Framework Act 1998

1998 CHAPTER 31

PART III

SCHOOL ADMISSIONS

CHAPTER II

SELECTION OF PUPILS

Partial selection

99 General restriction on selection by ability or aptitude.

^{F1}(1)

(2) The following are [^{F2}for the purposes of section 39(1) of the Education and Inspections Act 2006] permitted forms of selection by ability—

- (a) any selection by ability authorised by section 100 (pre-existing arrangements);
- (b) any selection by ability authorised by section 101 (pupil banding); and
- (c) any selection by ability conducted in connection with the admission of pupils to the school for secondary education suitable to the requirements of pupils who are over compulsory school age.

(3) No admission arrangements for a maintained school may make provision for selection by aptitude unless they make provision for a permitted form of such selection.

(4) The following are permitted forms of selection by aptitude—

- (a) any selection by aptitude authorised by section 100 (pre-existing arrangements); and

Changes to legislation: School Standards and Framework Act 1998, Section 99 is up to date with all changes known to be in force on or before 09 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) any selection by aptitude authorised by section 102 (aptitude for particular subjects).
- (5) For the purposes of this Chapter—
 - (a) a school’s admission arrangements make provision for selection by ability or by aptitude if they make provision for all or any of the pupils who are to be admitted to the school in any relevant age group to be so admitted by reference to ability or to aptitude (as the case may be);
 - (b) “ability” means either general ability or ability in any particular subject or subjects;
 - (c) “admission arrangements” has the meaning given by section 88(2); and
 - (d) “maintained school” means a community, foundation or voluntary school.

Textual Amendments

- F1** S. 99(1) repealed (27.2.2007 for E., 30.6.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 39(4)(a), 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 6(b)(g); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F2** Words in s. 99(2) inserted (27.2.2007 for E., 30.6.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 39(4)(b)**, 188(3); S.I. 2006/3400, art. 6(b); S.I. 2008/1429, art. 3(1), Sch. Pt. 1

Modifications etc. (not altering text)

- C1** S. 99 applied (with modifications) (18.10.1999) by [S.I. 1999/2666](#), reg. 8, Sch. paras. 1(c), **2-8**.
S. 99 applied (with modifications) (1.9.1999) by [S.I. 1999/2800](#), reg. 7, Sch. paras. 1, **2-8**.
- C2** Ss. 95-99 applied (with modifications) (E.) (8.5.2003) by [The New School \(Admissions\) \(England\) Regulations 2003 \(S.I. 2003/1041\)](#), regs. 1(1), 9, **Sch. para. 1(b)**
- C3** Ss. 95-99 applied (with modifications) (W.) (1.2.2006) by [The New School \(Admissions\) \(Wales\) Regulations 2006 \(S.I. 2006/175\)](#), regs. 1(1), 9, **Sch.** (with reg. 2(2))
- C4** [S. 99\(5\)](#) modified (1.10.1998) (temp.) by [S.I. 1998/2230](#), **reg. 2**
- C5** S. 99(5) applied (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), **ss. 6(4)**, 19(2); S.I. 2010/1937, art. 2, Sch. 1

Commencement Information

- I1** S. 99 wholly in force at 1.4.1999; s. 99 not in force at Royal Assent see s. 145(3); s. 99(1)(2)(5) in force at 1.10.1998 by [S.I. 1998/2212](#), art. 2, Sch. 1 Pt. I, **Sch. 2 Pt. I para. 3**; s. 99 in force at 1.4.1999 in so far as not already in force by [S.I. 1999/1016](#), art. 2(1), **Sch. 1** (with arts. 3-6, Sch. 4).

Changes to legislation:

School Standards and Framework Act 1998, Section 99 is up to date with all changes known to be in force on or before 09 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)