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**Changes to legislation:** Education Act 2002, Paragraph 12 is up to date with all changes known to be in force on or before 17 April 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

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## SCHEDULES

### SCHEDULE 4

#### ADMISSION ARRANGEMENTS

##### *Nursery education, special schools and children with statements*

- 12 (1) Section 98 of the 1998 Act (admission for nursery education etc) is amended as follows.
- (2) For subsection (2) there is substituted—
- “(2) The admission of children to a school for nursery education shall be disregarded—
- (a) for the purposes of any determination under section 89 of the number of pupils in any relevant age group that it is intended to admit to a primary school in a school year, and
- (b) in determining for the purposes of section 89A what is a relevant age group in relation to a primary school.”
- (3) In subsection (3), after “Chapter” there is inserted “ apart from subsections (4A) and (4B) ”.
- (4) After subsection (4) there is inserted—
- “(4A) The person responsible for admitting, or refusing to admit, children to a maintained school for nursery education shall be the person who (by virtue of section 88(1)) is the admission authority for the school.
- (4B) Regulations may make provision as to the person who is to be responsible for admitting, or refusing to admit, children to maintained nursery schools.”
- (5) In subsection (8) after “this section” there is inserted “ , apart from subsections (4A) and (4B), ”.
- (6) For subsection (9) there is substituted—
- “(9) Such children shall, in addition, be taken into account for the purposes of—
- (a) the references in section 86(5), (5B) and (9) to a number of pupils, and
- (b) any determination under section 89 of the number of pupils in a relevant age group that it is intended to admit, or to admit either as boarders or otherwise than as boarders, to a school in a school year.”

#### **Commencement Information**

- I1** Sch. 4 para. 12 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#) (with [Sch. para. 2](#))
- I2** Sch. 4 para. 12(1)(3)-(5) in force at 31.3.2004 for W. by [S.I. 2004/912](#), [art. 4](#), [Sch. Pt. 1](#) (with [art. 7](#))

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**I3** Sch. 4 para. 12(2)(6) in force at 1.2.2006 for W. by [S.I. 2006/172](#), art. 4, [Sch.](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)