

SCHEDULE 4

TRANSITIONAL AND SAVING PROVISIONS RELATING TO THE ADMISSION OF CHILDREN TO MAINTAINED SCHOOLS

School admissions: parental preferences

2.—(1) Subject to sub-paragraph (5) below, sections 86 and 87 of the 1998 Act shall not apply in relation to—

- (a) the admission of a child to a school in any school year earlier than the 1999/2000 school year, or
- (b) an application for admission to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to an application made before 1st September 1999 for the admission of a child to a school in the 1999/2000 or any earlier school year.

(3) Where an application to which sub-paragraph (2) applies relates to the admission of a child to a county or voluntary school, the following provisions shall continue to have effect in relation to an application, namely—

- (a) section 411 of the 1996 Act (as amended by the modification regulations);
- (b) sections 411A and 430(2) of that Act;
- (c) the transitional provisions regulations (in so far as they are applicable); and
- (d) the school's admission arrangements for the school year concerned.

(4) Where an application to which sub-paragraph (2) applies relates to the admission of a child to a grant-maintained school, the following provisions shall continue to have effect in relation to that application, namely—

- (a) the provisions of that school's articles of government concerning the determination of applications for admission;
- (b) section 425B of that Act (as inserted by the modification regulations);
- (c) section 430(2) of the 1996 Act;
- (d) paragraphs 3 and 4 of Schedule 33B to that Act;
- (e) the transitional provisions regulations (in so far as they are applicable); and
- (f) the school's admission arrangements for the school year concerned.

(5) Section 86(3)(a) and (4) of the 1998 Act shall apply as from 1st April 1999 for the purposes of section 96(4) or 97(5) of that Act in relation to the admission of a child to a school in the 1998/1999 or 1999/2000 school year.

(6) An application made on or after 1st September 1999 for the admission of a child to a school in the 1999/2000 school year shall be determined in accordance with the school's admission arrangements for that year.

(7) Section 86(3)(b) of the 1998 Act shall have effect in relation to an application referred to in sub-paragraph (6) above as if, for the words "special arrangements under section 91 (admission arrangements to preserve the religious character of a foundation or voluntary aided school)" there were substituted—

"arrangements in relation to the 1999/2000 school year for preserving the particular religious character of the school made before 1st September 1999—

- (i) between the governing body and the local education authority under section 413 of that Act (where the school immediately before that date was an aided or special agreement school), or

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- (ii) by the governing body in accordance with the school’s articles of government (where the school immediately before that date was a grant-maintained school);”.
- (8) Any reference in sub-paragraphs (2) and (6) to an application for the admission of a child to a school includes a reference to–
 - (a) a preference expressed by a parent in accordance with arrangements made by a local education authority under section 411(1) of the 1996 Act; and
 - (b) an application as mentioned in section 438(4) or 440(2) of that Act.
- (9) Sub-paragraphs (3) and (4) shall have effect notwithstanding–
 - (a) the repeal of sections 218 to 221, 411, 411A and 413 of, and Schedules 23 and 33B to, the 1996 Act; and
 - (b) the coming into force of sections 86 and 87 of the 1998 Act.