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STATUTORY INSTRUMENTS

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**1999 No. 1064**

**EDUCATION, ENGLAND AND WALES**

**The School Standards and Framework Act 1998 (Admissions and Standard Numbers) (Modification) Regulations 1999**

<i>Made</i>	- - - -	<i>30th March 1999</i>
<i>Laid before Parliament</i>		<i>1st April 1999</i>
<i>Coming into force</i>		
<i>Except for regulation 9</i>		<i>22nd April 1999</i>
<i>Regulation 9</i>		<i>1st September 1999</i>

In exercise of the powers conferred on the Secretary of State by section 144 of the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Employment, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the School Standards and Framework Act 1998 (Admissions and Standard Numbers) (Modification) Regulations 1999; and this regulation and regulations 2 to 8 and 10 shall come into force on 22nd April 1999, and regulation 9 shall come into force on 1st September 1999.

(2) In these Regulations—

“the 1998 Act” means the School Standards and Framework Act 1998;

“the plan approval date”, in relation to any local education authority in England, means the date on which the first school organisation plan for that authority is approved under section 26 of the 1998 Act;

“the relevant time” means any time after the coming into force of these Regulations and before 1st September 1999<sup>(2)</sup>.

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<sup>(1)</sup> 1998 c. 31.

<sup>(2)</sup> 1st September 1999 is the appointed day for the purposes of section 20 of the School Standards and Framework Act 1998; see S.I. 1998/2083.

**Modification of section 84 of the 1998 Act**

2.—(1) During the relevant time, section 84(6) of the 1998 Act shall apply with the following modifications.

(2) After the definition of “child” insert the following definition—

““denominational school” means a voluntary or grant-maintained school (within the meaning of the Education Act 1996(3)) at which—

- (a) the provision for religious education required for registered pupils by section 352(1)(a) of that Act to be included in the basic curriculum is, pursuant to section 378(1) or 381(2) of that Act, in accordance with the tenets of a particular religion or religious denomination; or
- (b) the registered parents of any pupils are able to request, pursuant to section 377 or 380(2) and (3) of that Act, that the pupils may receive religious education in accordance with the tenets of a particular religion or religious denomination;”.

(3) For the definition to the “the relevant standard number” substitute—

““the relevant standard number” in relation to a maintained school, a relevant age group and a school year, means—

- (a) (in the case of a county or voluntary school) the standard number applying to the school under sections 417 to 420 of the Education Act 1996 in relation to that age group and year, or
- (b) (in the case of a grant-maintained school) the approved admission number applying to the school under sections 426 to 428 of that Act for that age group and year;”.

(4) After the definition of “the relevant standard number” (as so substituted) insert the following definition—

““school maintained by a local education authority” means a county, voluntary, maintained special, grant-maintained or grant-maintained special school (within the meaning of the Education Act 1996).”.

**Modification of section 86 of the 1998 Act**

3.—(1) During the relevant time, section 86 of the 1998 Act shall apply with the following modification.

(2) In subsection (3)(b), for “foundation or voluntary aided” substitute “denominational”.

**Modification of section 91 of the 1998 Act**

4.—(1) During the relevant time, section 91 of the 1998 Act shall apply with the following modification.

(2) In subsection (1), for “foundation or voluntary aided school which has a religious character” substitute “denominational school”.

**Modification of section 94 of the 1998 Act**

5.—(1) During the relevant time, section 94 of the 1998 Act shall apply with the following modifications.

(2) In subsection (1)(b) and (6)(b), for “a community or voluntary controlled school” substitute (in each place) “a county or controlled school (within the meaning of the Education Act 1996)”.

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(3) 1996 c. 56.

(3) In subsection (2), for “a foundation or voluntary aided school” substitute “a grant-maintained or aided school (within the meaning of the Education Act 1996)”.

(4) In subsections (3) and (4), for “foundation or voluntary aided” substitute (in each place) “grant-maintained or aided”.

#### **Modification of section 95 of the 1998 Act**

6.—(1) During the relevant time, section 95 of the 1998 Act shall apply with the following modification.

(2) In subsection (2), for “community or voluntary controlled” substitute “county or controlled”.

#### **Modification of section 98 of the 1998 Act**

7.—(1) During the relevant time, section 98 of the 1998 Act shall apply with the following modification.

(2) In subsection (5), for “community or foundation special schools” substitute “maintained or grant-maintained special schools (within the meaning of the Education Act 1996)”.

#### **Modification of section 103 of the 1998 Act**

8.—(1) In relation to any time before section 28 of the 1998 Act comes into force, section 103 of that Act shall apply with the following modification.

(2) In subsection (2) for “a prescribed alteration for the purposes of section 28” substitute “a significant change of character of the school for the purposes of sections 35(1), 41(2), 259(1) and 260(2) of the Education Act 1996”.

#### **Modification of Schedule 23 to the 1998 Act**

9.—(1) Where the plan approval date for any local education authority in England falls after 31st August 1999, the provisions of Schedule 23 to the 1998 Act shall, until the plan approval date for that authority (or as mentioned in paragraph (2)), apply in relation to any school maintained by, or situated in the area of that authority, with the following modifications—

- (a) in paragraph 4(2), for “the school organisation committee or the adjudicator” substitute “the Secretary of State”;
- (b) in paragraph 5(1) and (5), for “the school organisation committee” substitute (in each place) “the Secretary of State”;
- (c) in paragraph 6(1)—
  - (i) for “the school organisation committee” substitute “the Secretary of State”,
  - (ii) for “they think” substitute (in each place) “he thinks”, and
  - (iii) for “decide” substitute “decides”;
- (d) in paragraph 6(2), for “the committee” substitute “the Secretary of State”;
- (e) in paragraph 6(3)—
  - (i) for “the committee” substitute “the Secretary of State”, and
  - (ii) omit sub-paragraphs (a) and (b);
- (f) in paragraph 6(4)—
  - (i) for “the committee” substitute “the Secretary of State”, and
  - (ii) for “they are” substitute “he is”;

- (g) in paragraph 6(5)–
  - (i) for “the committee are satisfied” substitute “the Secretary of State is satisfied,”
  - (ii) for “the committee shall make a decision” substitute “the Secretary of State shall make a decision”, and
  - (iii) for “they consider” substitute “he considers”;
- (h) in paragraph 6(6)–
  - (i) for “the school organisation committee make” substitute “the Secretary of State makes”, and
  - (ii) for “the committee may” substitute “he may”;
- (i) omit paragraph 6(7) to (9);
- (j) in paragraph 6(10)–
  - (i) for “the school organisation committee or the adjudicator” substitute “the Secretary of State”, and
  - (ii) for “decision of theirs” substitute “decision of his”.

(2) The modifications made to Schedule 23 to the 1998 Act by paragraph (1) above shall continue to have effect on or after the plan approval date in relation to a school mentioned in that paragraph for the purposes of proposals to which paragraph (3) applies.

(3) This paragraph applies to proposals in connection with an application for the variation of any standard number applying at that school published in accordance with paragraph 5 of Schedule 23 on or after 1st September 1999 where no decision has been made upon that application under paragraph 6 of Schedule 23 (as so modified) before the plan approval date.

#### **Modification of Schedule 24 to the 1998 Act**

**10.**—(1) During the relevant time, Schedule 24 to the 1998 Act shall apply with the following modification.

(2) In paragraph 2(1), for “a foundation or voluntary aided school” substitute “a grant-maintained or aided school (within the meaning of the Education Act 1996)”.

28th March 1999

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

30th March 1999

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations modify provisions of the School Standards and Framework Act 1998 on admissions. Chapter I of Part III of the Act deals with arrangements for the admission of pupils to maintained schools, and includes provisions on: parental preference for particular schools; determination and publication of admission arrangements; determination, variation and review of admission numbers and standard numbers; and appeals against admission decisions.

Regulations 2 to 7 and 10 modify references in Chapter I to “the relevant standard number”, “school maintained by a local education authority”, “foundation or voluntary aided schools with a religious character”, “community or voluntary controlled school” and “foundation or voluntary school” to enable provisions in Chapter I to apply, where appropriate, to the existing framework of maintained schools during the period before the new statutory framework comes into force on 1st September 1999.

Regulation 8 modifies section 103(2) of the 1998 Act so that, until the provisions on statutory proposals in section 28 of that Act come into force, the reference in section 103 to “a prescribed alteration” will be construed as a reference to “a significant change of character” for the purposes of equivalent provisions in the Education Act 1996 relating to statutory proposals.

Regulation 9 modifies Schedule 23 to the 1998 Act (which also comes into force on 1st September 1999) in respect of schools maintained by, or in the area of, a local education authority in England whose school organisation plan is not approved until after 31st August 1999. The modifications apply until the plan is approved, and provide for proposals for the variation of standard numbers to be decided by the Secretary of State rather than the school organisation committee. The modifications will continue to apply to proposals for the variation of a standard number applying at any such school, published before the plan approval date, but not determined before that date.