

1999 No. 2103

EDUCATION, ENGLAND

The Education (Proposals for Grammar Schools to cease to have Selective Admission Arrangements) Regulations 1999

Made - - - - - 22nd July 1999

Laid before Parliament 26th July 1999

Coming into force 1st September 1999

In exercise of the powers conferred on the Secretary of State by sections 105, 109(3) and (4) and 138(7) of the School Standards and Framework Act 1998^(a) the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Proposals for Grammar Schools to cease to have Selective Admission Arrangements) Regulations 1999 and shall come into force on 1st September 1999.

Interpretation

2. In these Regulations—

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

“the Ballot Regulations” means the Education (Grammar School Ballots) Regulations 1998^(b);

“relevant proposals” means proposals for the revision of admission arrangements of a grammar school such as are mentioned in section 109(1) of the Act (proposals to end selective admission arrangements); and

“area ballot”, “ballot result date”, “designated body”, “feeder school ballot”, “group of grammar schools”, “school registered parent”, “stand alone grammar school” and “valid petition” have the same meanings as in the Ballot Regulations.

Modification to Schedule 6 to the Act

3. In its application to relevant proposals paragraph 12 of Schedule 6 to the Act shall have effect as if for sub-paragraph (2) there were substituted—

“(2) The proposals shall be implemented by the admission authority for the school (within the meaning of Chapter I of Part III).”

Circumstances in which proposals will be of no effect

4. For the purposes of section 109(3)(b) of the Act (which provides that in any prescribed circumstances following the making of a request for a ballot to be held under section 105 of the Act relevant proposals under section 28 of the Act shall be of no effect) the circumstances are—

(a) 1998 c. 31.

(b) S.I. 1998/2876.

- (a) that after the proposals are published and before a decision is taken under paragraph 3 of Schedule 6 to the Act as to whether they should be approved, the designated body notifies the school organisation committee under regulation 10(2)(e) of the Ballot Regulations that a petition which has been received relating to the grammar school in question is a valid petition; or
- (b) that at the time when the proposals are published the designated body has notified the school organisation committee under regulation 10(2)(e) of the Ballot Regulations that a petition which has been received relating to the grammar school in question is a valid petition but the ballot result date for the ballot arising from that petition has not occurred.

Schools to be disregarded where relevant proposals fall to be implemented

5.—(1) This regulation applies where relevant proposals have fallen to be implemented under paragraph 5 of Schedule 6 to the Act and in this regulation—

- (a) “the disregarded school” means the school in relation to which the proposals fall to be implemented; and
- (b) “the relevant date” is the date on which the proposals were approved under paragraph 3 of Schedule 6 to the Act.

(2) Where the disregarded school is a stand alone grammar school and a petition for a feeder school ballot which relates to the disregarded school is received by the designated body after the relevant date, that petition shall not be a valid petition.

(3) Where the disregarded school is a grammar school in a group of grammar schools and a petition for a feeder school ballot which relates to that group is received after the relevant date, the petition shall be treated as relating to the group of grammar schools excluding the disregarded school and accordingly—

- (a) a school registered parent shall not be a relevant eligible parent in accordance with regulation 9(1) to (5) of the Ballot Regulations unless he has at least one child, who does not fall to be disregarded under regulation 4(6) of those Regulations, who is a pupil at a school which is a feeder school for the group excluding the disregarded school; and
- (b) registered parents at any school which was a feeder school for the group including the disregarded school but is not a feeder school for the group excluding the disregarded school shall not be included in the parent population for the purpose of regulation 7(5) of the Ballot Regulations.

(4) Where the ballot result date of an area ballot is after the relevant date the ballot shall not relate to the disregarded school.

Consequential amendment of Ballot Regulations

6.—(1) The Ballot Regulations shall be amended as follows.

(2) In regulation 18(2)(a)(i) and (b)(iii) for “regulation 23(3) to (5) will not apply” there shall be substituted “neither regulation 23(3) to (5) nor regulation 5 of the Education (Proposals for Grammar Schools to cease to have Selective Admission Arrangements) Regulations 1999 will apply”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions where proposals are published under section 28 of the School Standards and Framework Act 1998 by the governing body of a grammar school to end selective admission arrangements.

Regulation 3 modifies Schedule 6 to the School Standards and Framework Act 1998 to take account of the fact that the proposals can only be published by a governing body and not by a local education authority.

Regulation 4 provides that such proposals will be of no effect if a valid petition requesting a ballot to determine whether a grammar school should retain selective admission arrangements is received after the proposals are published and before they are decided or if a valid petition has been received when the proposals are published but the ballot result date has not yet occurred.

Regulation 5 makes provisions for disregarding, for the purposes of the Education (Grammar School Ballots) Regulations 1998, a school where such proposals fall to be implemented and regulation 6 makes a consequential amendment to the Education (Grammar School Ballots) Regulations 1998.

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EDUCATION, ENGLAND AND WALES

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