
WELSH STATUTORY INSTRUMENTS

2009 No. 1844 (W.168)

EDUCATION, WALES

**The School Admissions Code
(Appointed Day) (Wales) Order 2009**

Made - - - -

6 July 2009

The Welsh Ministers in exercise of the power conferred on the Secretary of State by section 85(5) of the School Standards and Framework Act 1998 and now vested in them⁽¹⁾ make the following Order:

Title and application

1.—(1) The title of this Order is the School Admissions Code (Appointed Day) (Wales) Order 2009.

(2) This Order applies in relation to Wales.

Appointed Day

2. The day appointed for the coming into force of the School Admissions Code (a copy of a draft of which was laid before the National Assembly for Wales on 18 May 2009) is 15 July 2009.

6 July 2009

Jane Hutt
Minister for Children, Education, Lifelong
Learning and Skills, one of the Welsh Ministers

⁽¹⁾ 1998 c. 31. The function of the Secretary of State under this section was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 15 July 2009 as the day on which the School Admissions Code (“the Code”) issued under sections 84 and 85 of the School Standards and Framework Act 1998 (“the SSFA 1998”) by the Welsh Ministers, comes into force. The Code applies in relation to Wales. The Code replaces the Welsh Office Code of Practice on School Admissions which came into force on 1 April 1999.

The Code imposes requirements and includes guidelines setting out aims, objectives or other matters in relation to the arrangements for admission to schools. Under section 84(3) of the SSFA 1998, it is the duty of local education authorities, the governing bodies of maintained schools, admission forums, and appeal panels, when exercising functions under Chapter 1 of Part 3 of the SSFA 1998, to act in accordance with any relevant provisions of the Code. In addition, any other person, when exercising any function for the purpose of the discharge by a local education authority or the governing body of a maintained school of functions under that Chapter, must act in accordance with any relevant provisions of the Code.

The revised version of the Code reflects changes to the law made by sections 150, 152 and 153 of the Education and Skills Act 2008 (“the ESA 2008”):

Section 150 of the ESA 2008 inserts section 86A into the SSFA 1998. This places a new duty on local education authorities to make arrangements for children to express a preference as to the school at which they wish to receive sixth form education or for children above compulsory school age to express a preference as to the school at which they wish to receive education, other than sixth form education.

The Code also reflects changes made to the categories of pupils who may be classed as excepted pupils in order to comply with the duty under section 1 of the SSFA 1998. The new and amended categories were introduced by the Education (Infant Class Sizes) (Wales) (Amendment) Regulations 2009 [S.I. 2009/828 \(W.75\)](#).

The Code also highlights and imposes new duties upon local education authorities and governing bodies in relation to children looked after by a local authority as a result of the Education (Admission of Looked After Children) (Wales) Regulations 2009 [S.I. 2009/821 \(W.72\)](#).