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WELSH STATUTORY INSTRUMENTS

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**2009 No. 1845 (W.169)**

**EDUCATION, WALES**

**The School Admission Appeals 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<sup>(1)</sup> make the following Order:

**Title and application**

**1.**—(1) The title of this Order is the School Admission Appeals 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 Admission Appeals 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

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<sup>(1)</sup> [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**Status:** This is the original version (as it was originally made).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.

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## EXPLANATORY NOTE

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

This Order appoints 15 July 2009 as the day on which the School Admission Appeals Code (“the Appeals 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 Appeals Code applies in relation to Wales.

The Appeals Code replaces the National Assembly for Wales Code of Practice on School Admission Appeals which came into force on 1 September 1999 (“the 1999 Code of Practice”). The Appeals Code reflects changes made to the SSFA 1998 since that date.

The new Code imposes requirements and includes guidelines setting out aims, objectives and other matters in relation to the arrangements for appeals in relation to 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.

Section 150 of the Education and Skills Act 2008 (“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.

Section 152 of the ESA 2008 amends section 94 of the SSFA 1998 to provide a corresponding right for children to appeal decisions in relation to admissions from the 2010—2011 school year. These changes are reflected in paragraphs 5.8 and A3 of the Code.

The Appeals Code comes into force on 15 July 2009 and applies to all appeals lodged on or after that date. The 1999 Code of Practice applies to appeals submitted before this date.