
Status: Point in time view as at 01/09/2014. This version of this provision has been superseded.

Changes to legislation: Education Act 2002, Paragraph 3 is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

ADMISSION ARRANGEMENTS

Parental preferences

- 3 (1) Section 86 of the 1998 Act (parental preferences) is amended as follows.
- (2) In subsection (2), for “subsections (3) and (6)” there is substituted “ subsections (3) and (3A) ”.
- (3) After subsection (2) there is inserted—
- “(2A) Arrangements made under subsection (1) may allow the parent of a child to express preferences for more than one school; but nothing in this section requires the admission authority for a maintained school for which a child’s parent has expressed a preference to offer the child admission to the school if, in accordance with a scheme adopted or made by virtue of section 89B, the child is offered admission to a different school for which the parent has also expressed a preference.”
- (4) In subsection (3)—
- (a) at the end of paragraph (a) there is inserted “ or ”, and
- (b) paragraph (b) is omitted.
- (5) After subsection (3) there is inserted—
- “(3A) In relation to a preference expressed by a parent as to the school at which he wishes secondary education suitable to the requirements of pupils who are over compulsory school age to be provided for his child, the duty imposed by subsection (2) also does not apply if the relevant selection arrangements are wholly based on selection by reference to ability or aptitude and compliance with the preference would be incompatible with selection under those arrangements.
- (3B) In subsection (3A) “the relevant selection arrangements”, in relation to a school, means—
- (a) the arrangements for admission to the school for secondary education suitable to the requirements of pupils who are over compulsory school age, or
- (b) those arrangements and the arrangements for entry to the sixth form of children who have been admitted to the school;
- and references in this subsection to entry to the sixth form of children who have been admitted to a school shall be construed in accordance with section 94(7).”
- (6) Subsection (6) shall cease to have effect.

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(7) In subsection (8), for “subsection (3)” there is substituted “ subsections (3) and (3A) ”.

(8) In subsection (9), for “provide for all pupils admitted to the school” there is substituted “ , or arrangements such as are mentioned in subsection (3B), provide for all pupils selected under the arrangements ”.

Commencement Information

- I1** Sch. 4 para. 3 partly in force; Sch. 4 para. 3 not in force at Royal Assent, see s. 216; Sch. 4 para. 3 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) (as amended (4.12.2003) by [S.I. 2003/2992](#), [arts. 1, 3](#))
- I2** Sch. 4 para. 3(1)-(5) (7)(8) in force at 31.5.2005 for W. by [S.I. 2005/1395](#), [art. 4](#), [Sch.](#) (with [art. 5\(1\)](#))
- I3** Sch. 4 para. 3(6) in force at 1.2.2006 for W. by [S.I. 2006/172](#), [art. 4](#), [Sch.](#)

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