

---

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

---



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III

#### SCHOOL ADMISSIONS

#### CHAPTER I

##### ADMISSION ARRANGEMENTS

*<sup>F1</sup>Admission arrangements: Wales*

#### Textual Amendments

- F1** [S. 88R](#) and cross-heading inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 56](#); S.I. 2008/3077, art. 4(g)

#### **88R** Prohibition on interviews

- (1) No admission arrangements for a maintained school in Wales may require or authorise any interview with an applicant for admission to the school or his parents, where the interview is to be taken into account (to any extent) in determining whether the applicant is to be admitted to the school.
- (2) If the maintained school is one at which boarding accommodation is provided for pupils, subsection (1) does not apply in relation to any interview intended to assess the suitability of an applicant for a boarding place.
- (3) Where the admission arrangements for a maintained school in Wales make provision for a permitted form of selection by aptitude, subsection (1) does not prevent the arrangements from requiring or authorising any audition or other oral or practical test

---

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

---

to be carried out in relation to an applicant solely for the purpose of ascertaining the applicant's aptitude in accordance with the arrangements.

- (4) In this section “permitted form of selection by aptitude” is to be read in accordance with section 99(4).]

## 89 Procedure for determining admission arrangements.

- (1) The admission authority for a maintained school [<sup>F2</sup>in Wales] shall, before the beginning of each school year, determine in accordance with this section the admission arrangements which are to apply for that year.

<sup>F3</sup>(1ZA) .....

<sup>F4</sup>(1A) .....

- [<sup>F5</sup>(2) Before determining the admission arrangements which are to apply for a particular school year, the admission authority shall consult the following about the proposed arrangements, namely—

- (a) whichever of the governing body and the [<sup>F6</sup>local authority] are not the admission authority,
- (b) the admission authorities for all other maintained schools in the relevant area or for such class of such schools as may be prescribed,
- (c) the governing bodies for all community and voluntary controlled schools in the relevant area (so far as not falling within paragraph (a) or (b)), <sup>F7</sup>...
- (d) the admission authorities for maintained schools of any prescribed description; [<sup>F8</sup>and
- (e) in the case of a foundation or voluntary school which has a religious character for the purposes of Part 2, such body or person representing the religion or religious denomination in question as may be prescribed.]

- (2A) Subsection (2) does not apply in relation to the proposed admission arrangements for a particular school year if—

- (a) the admission authority are the school's governing body, and
- (b) prescribed conditions are satisfied in relation to that year.]

- (3) In subsection (2) “the relevant area” means—

- (a) the area of the [<sup>F6</sup>local authority]; or
- (b) if regulations so provide, such other area (whether more or less extensive than the area of the [<sup>F6</sup>local authority]) as may be determined by or in accordance with the regulations.

- (4) Once the admission authority have carried out any such consultation, the authority shall—

- (a) determine that their proposed arrangements (either in their original form or with such modifications as the authority think fit) shall be the admission arrangements for the school year in question; and
- (b) (except in such cases as may be prescribed) notify the [<sup>F9</sup>appropriate bodies] of those admission arrangements.

- (5) Where an admission authority—

- (a) have in accordance with subsection (4) determined the admission arrangements which are to apply for a particular school year, but

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

- (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined,

the authority shall (except in a case where their proposed variations fall within any description of variations prescribed for the purposes of this subsection) refer the proposed variations to [<sup>F10</sup>the Welsh Ministers], and shall (in every case) notify the [<sup>F9</sup>appropriate bodies] of the proposed variations.

- (6) [<sup>F11</sup>The Welsh Ministers] shall consider whether the arrangements should have effect with those variations until the end of that year; and if [<sup>F12</sup>they determine] that the arrangements should so have effect or that they should so have effect subject to such modification of those variations as [<sup>F13</sup>they may determine]—

- (a) the arrangements shall have effect accordingly as from the date of [<sup>F14</sup>their] determination; and
- (b) the admission authority shall (except in such cases as may be prescribed) notify the [<sup>F15</sup>appropriate bodies] of the variations subject to which the arrangements are to have effect.

<sup>F16</sup>(7) .....

- (8) Regulations may make provision—

- (a) specifying matters to which any consultation required by subsection (2) is, or is not, to relate;
- (b) as to the manner in which, and the time by which, any such consultation is to be carried out;
- (c) as to the manner in which, and the time by which, any notification required by this section is to be given;
- (d) specifying matters which are, or are not, to constitute major changes in circumstances for the purposes of subsection (5)(b);
- (e) authorising an admission authority, where they have in accordance with subsection (4) determined the admission arrangements which are to apply for a particular school year, to vary those arrangements to such extent or in such circumstances as may be prescribed;
- (f) for the application of any of the requirements of subsections (5) and (6) to variations proposed to be made by virtue of paragraph (e), or to any prescribed description of such variations, as if they were variations proposed to be made under subsection (5);

[<sup>F17</sup>(fa) requiring an admission authority who have made a determination of a prescribed description under this section to publish such information relating to the determination (including information as to the authority's reasons for making the determination) as may be prescribed;]

- (g) as to such other matters connected with the procedure for determining or varying admission arrangements under this section as [<sup>F18</sup>the Welsh Ministers consider] appropriate.

[<sup>F19</sup>(8A) The power under paragraph (fa) of subsection (8) to require an admission authority to publish information includes power to require them to publish it—

- (a) by giving a notice containing the information to prescribed persons, or
- (b) in any other prescribed manner.]

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

[<sup>F20</sup>(9) Where the [<sup>F6</sup>local authority] are the admission authority for a community or voluntary controlled school, they shall consult the governing body before making any reference under subsection (5).]

[<sup>F21</sup>(10) In this section, “the appropriate bodies”, in relation to an admission authority, means—

(a) the bodies or persons whom they were required to consult under subsection (2), or would but for subsection (2A) have been required to consult,

<sup>F22</sup>  
...  
<sup>F23</sup>(b) .....]

### Textual Amendments

- F2** Words in s. 89(1) inserted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 57(2)**; S.I. 2008/3077, art. 2(d)
- F3** S. 89(1ZA) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 57(3), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)
- F4** S. 89(1A) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 57(3), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)
- F5** S. 89(2)(2A) substituted for s. 89(2) (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 5(2)** (with ss. 210(8), 214(4) and S.I. 2006/173, reg. 6); S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 5); S.I. 2006/172, art. 4, Sch.
- F6** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F7** Word in s. 89(2)(c) repealed (8.1.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 45(a), 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 2(b)(e); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F8** S. 89(2)(e) and word inserted (8.1.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 45(b), 188(3); S.I. 2006/3400, art. 2(b); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F9** Words in s. 89(4)(5) substituted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 5(3)** (with ss. 210(8), 214(4) and S.I. 2006/173, reg. 6); S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 5); S.I. 2006/172, art. 4, Sch.
- F10** Words in s. 89(5) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 57(4)**; S.I. 2008/3077, art. 2(d)
- F11** Words in s. 89(6) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 57(5)(a)**; S.I. 2008/3077, art. 2(d)
- F12** Words in s. 89(6) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 57(5)(b)**; S.I. 2008/3077, art. 2(d)
- F13** Words in s. 89(6) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 57(5)(c)**; S.I. 2008/3077, art. 2(d)
- F14** Word in s. 89(6)(a) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 57(5)(d)**; S.I. 2008/3077, art. 2(d)
- F15** Words in s. 89(6) substituted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 5(3)** (with ss. 210(8), 214(4) and S.I. 2006/173, reg. 6); S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 5); S.I. 2006/172, art. 4, Sch.
- F16** S. 89(7) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 57(6), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)
- F17** S. 89(8)(fa) inserted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 5(4)** (with ss. 210(8), 214(4) and S.I. 2006/173, reg. 6); S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 5); S.I. 2006/172, art. 4, Sch.
- F18** Words in s. 89(8)(g) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 57(7)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)

- F19** S. 89(8A) inserted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 5(5)** (with ss. 210(8), 214(4) and S.I. 2006/173, reg. 6); S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 5); S.I. 2006/172, art. 4, Sch.
- F20** S. 89(9) substituted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 5(6)** (with ss. 210(8), 214(4) and S.I. 2006/173, reg. 6); S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 5); S.I. 2006/172, art. 4, Sch.
- F21** S. 89(10) substituted (27.2.2007) by Education and Inspections Act 2006 (c. 40), **ss. 41(7)**, 188(3); S.I. 2006/3400, art. 7(a)
- F22** Word in s. 89(10) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 2**; S.I. 2008/3077, **art. 2(e)**
- F23** S. 89(10)(b) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 57(8), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)

#### Modifications etc. (not altering text)

- C1** S. 89 excluded (6.1.1999 with application as mentioned) (*temp.*) by S.I. 1998/3198, **arts.3, 4**
- C2** S. 89(1) excluded (27.3.2007) by The School Admissions (Alteration and Variation of, and Objections to, Arrangements) (England) Regulations 2007 (S.I. 2007/496), regs. 1(2), **14(2)**
- C3** S. 89(1) excluded (E.) (25.5.2007) by The School Admissions (Alteration and Variation of, and Objections to, Arrangements) (England) Regulations 2007 (S.I. 2007/496), regs. 1(3), **4(4)**
- C4** S. 89(2)-(10) excluded (27.3.2007) by The School Admissions (Alteration and Variation of, and Objections to, Arrangements) (England) Regulations 2007 (S.I. 2007/496), regs. 1(2), **14(2)**
- C5** S. 89(2)-(10) excluded (E.) (25.5.2007) by The School Admissions (Alteration and Variation of, and Objections to, Arrangements) (England) Regulations 2007 (S.I. 2007/496), regs. 1(3), **4(4)**
- C6** S. 89(5)-(7) excluded (W.) (1.2.2006) by The Education (Variation of Admission Arrangements) (Wales) Regulations 2006 (S.I. 2006/177), regs. 1(1), **3(3)**

#### Commencement Information

- I1** S. 89 wholly in force; s. 89 not in force at Royal Assent see s. 145(3); s. 89(2)-(8) in force for certain purposes at 1.10.1998 by S.I. 1998/2212, **art. 2, Sch. 1 Pt. 1**; s. 89 in force at 6.1.1999 in so far as not already in force by S.I. 1998/3198, **arts. 2, 3** and 4

### [<sup>F24</sup>89A Determination of admission numbers

- (1) A determination under section 89 by the admission authority for a maintained school [<sup>F25</sup>in Wales] of the admission arrangements which are to apply for a school year shall include a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year.
- (2) Such a determination under section 89 may also, if the school is one at which boarding accommodation is provided for pupils, include—
  - (a) a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year as boarders, and
  - (b) a determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year otherwise than as boarders.
- (3) Regulations may make provision about the making of any determination required by subsection (1), and may in particular require the admission authority for a maintained school [<sup>F26</sup>in Wales] to have regard, in making any such determination, to—
  - (a) any prescribed method of calculation, and
  - (b) any other prescribed matter.

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

- (4) References in this section to the determination of any number include references to the determination of zero as that number.]

#### Textual Amendments

- F24** S. 89A inserted (1.10.2002 for E., 1.2.2006 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 47(2)**, 216(4) (with **ss. 210(8)**, **214(4)** and S.I. 2006/173, reg. 6); [S.I. 2002/2439](#), **art. 3** (with **art. 4**, **Sch. paras. 3**, **5**) (which transitional provisions in **Sch. para. 4** are substituted (6.3.2003) by [S.I. 2003/606](#), **art. 2** and (4.12.2003) by [S.I. 2003/2992](#), **art. 3**); [S.I. 2006/172](#), **art. 4**, **Sch.**
- F25** Words in **s. 89A(1)** inserted (2.12.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **s. 173(4)**, **Sch. 1 para. 58(2)**; [S.I. 2008/3077](#), **art. 2(d)**
- F26** Words in **s. 89A(3)** inserted (2.12.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **s. 173(4)**, **Sch. 1 para. 58(3)**; [S.I. 2008/3077](#), **art. 2(d)**

#### [<sup>F27</sup>89B Co-ordination of admission arrangements

- (1) Regulations may require a [<sup>F6</sup>local authority][<sup>F28</sup>in Wales]—
- to formulate, for any academic year in relation to which prescribed conditions are satisfied, a qualifying scheme for co-ordinating the arrangements for the admission of pupils to maintained schools in their area, and
  - to take prescribed action with a view to securing the adoption of the scheme by themselves and each governing body who are the admission authority for a maintained school in their area.
- (2) Subject to subsection (3), [<sup>F29</sup>the Welsh Ministers] may make, in relation to the area of a [<sup>F6</sup>local authority][<sup>F30</sup>in Wales] and an academic year, a scheme for co-ordinating the arrangements, or assisting in the co-ordination of the arrangements, for the admission of pupils to maintained schools in that area.
- (3) A scheme may not be made under subsection (2) in relation to a [<sup>F6</sup>local authority] and an academic year if, before the prescribed date in the year preceding the year in which that academic year commences—
- a scheme formulated by the [<sup>F6</sup>local authority] in accordance with subsection (1) is adopted in the prescribed manner by the persons mentioned in paragraph (b) of that subsection, and
  - the authority provide [<sup>F31</sup>the Welsh Ministers] with a copy of the scheme and inform [<sup>F32</sup>them] that the scheme has been so adopted.
- (4) [<sup>F33</sup>The Welsh Ministers] may by regulations require [<sup>F34</sup>local authorities][<sup>F35</sup>in Wales] to provide other [<sup>F34</sup>local authorities] with such information as may be required by [<sup>F36</sup>such other authorities] in connection with the exercise of any of their functions under this Chapter.
- (5) Regulations may provide—
- that each [<sup>F6</sup>local authority][<sup>F37</sup>in Wales] shall secure that, subject to such exceptions as may be prescribed, no decision made by any admission authority for a maintained school in their area to offer or refuse a child admission to the school shall be communicated to the parent of the child except on a single day, designated by the [<sup>F6</sup>local authority], in each year, or
  - that, subject to such exceptions as may be prescribed, a decision made by the admission authority for a maintained school [<sup>F38</sup>in Wales] to offer or refuse a

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

child admission to the school shall not be communicated to the parent of the child except on a prescribed day.

(6) In this section—

“academic year” means a period commencing with 1st August and ending with the next 31st July;

“qualifying scheme” means a scheme that meets prescribed requirements.

[ Nothing in this section applies in relation to arrangements for the admission to <sup>F39</sup>(7) maintained schools in Wales of pupils—

(a) who—

(i) have ceased to be of compulsory school age, or

(ii) will have ceased to be of compulsory school age before education is provided for them at the school, or

(b) for the purpose of receiving sixth form education.]

#### Textual Amendments

- F6** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F27** Ss. 89B, 89C inserted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), **ss. 48**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2006/172, art. 4, Sch.
- F28** Words in s. 89B(1) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(2)**; S.I. 2008/3077, art. 4(g)
- F29** Words in s. 89B(2) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(3)(a)** (with s. 167(2)); S.I. 2008/3077, art. 4(g)
- F30** Words in s. 89B(2) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(3)(b)**; S.I. 2008/3077, art. 4(g)
- F31** Words in s. 89B(3)(b) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(4)(a)** (with s. 167(2)); S.I. 2008/3077, art. 4(g)
- F32** Word in s. 89B(3)(b) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(4)(b)**; S.I. 2008/3077, art. 4(g)
- F33** Words in s. 89B(4) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(5)(a)** (with s. 167(2)); S.I. 2008/3077, art. 4(g)
- F34** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(3)** (with Sch. 2 para. 10(4))
- F35** Words in s. 89B(4) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(5)(b)**; S.I. 2008/3077, art. 4(g)
- F36** Words in s. 89B(4) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(5)(c)**; S.I. 2008/3077, art. 4(g)
- F37** Words in s. 89B(5)(a) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(6)(a)**; S.I. 2008/3077, art. 4(g)
- F38** Words in s. 89B(5)(b) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 59(6)(b)**; S.I. 2008/3077, art. 4(g)
- F39** S. 89B(7) inserted (26.1.2009 for E., 31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), s. 173(3)(4), **Sch. 1 para. 59(7)**; S.I. 2008/3077, **art. 5(e)**; S.I. 2009/784, **art. 3(d)**

#### Modifications etc. (not altering text)

- C7** S. 89B applied (with modifications) (E.) (8.5.2003) by The New School (Admissions) (England) Regulations 2003 (S.I. 2003/1041), regs. 1(1), 9, **Sch. para. 1(b)**

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

- C8** S. 89B applied (with modifications) (W.) (1.2.2006) by [The New School \(Admissions\) \(Wales\) Regulations 2006 \(S.I. 2006/175\)](#), regs. 1(1), 9, [Sch.](#) (with reg. 2(2))

## **89C Further provision about schemes adopted or made by virtue of section 89B**

- (1) Regulations may make provision about the contents of schemes under section 89B(2), including provision about the duties that may be imposed by such schemes on—
  - (a) [<sup>F34</sup>local authorities][<sup>F40</sup>in Wales], and
  - (b) the admission authorities for maintained schools [<sup>F41</sup>in Wales].
- (2) Regulations may provide that where a [<sup>F6</sup>local authority][<sup>F42</sup>in Wales] or the governing body of a maintained school [<sup>F43</sup>in Wales] have, in such manner as may be prescribed, adopted a scheme formulated by a [<sup>F6</sup>local authority] for the purpose mentioned in section 89B(1)(a), sections 496 and 497 of the Education Act 1996 shall apply as if any obligations imposed on the [<sup>F6</sup>local authority] or governing body under the scheme were duties imposed on them by that Act.
- (3) Regulations may provide that where any decision as to whether a child is to be granted or refused admission to a maintained school [<sup>F44</sup>in Wales] falls to be made in prescribed circumstances, the decision shall, if a scheme adopted or made [<sup>F45</sup>by virtue of section 89B] so provides, be made by the [<sup>F6</sup>local authority] regardless of whether they are the admission authority for the school.

[ Where any decision as to whether a child is to be granted or refused admission to a

<sup>F46</sup>(3A) maintained school [<sup>F47</sup>in Wales] is (by virtue of regulations under subsection (3)) made by the [<sup>F6</sup>local authority] although they are not the admission authority, the governing body of the school must implement the decision.]

- (4) Before proposing a scheme for adoption under section 89B(1) a [<sup>F6</sup>local authority] shall comply with such requirements as to consultation as may be prescribed.
- (5) Regulations under subsection (4) may in particular require consultations to be undertaken with a view to securing that the arrangements for the admission of pupils to maintained schools in the areas of different [<sup>F34</sup>local authorities] are, so far as is reasonably practicable, compatible with each other.
- (6) Before making a scheme under section 89B(2) in relation to the area of any [<sup>F6</sup>local authority], [<sup>F48</sup>the Welsh Ministers] shall consult—
  - (a) the [<sup>F6</sup>local authority], and
  - (b) any governing body who are the admission authority for a school which appears to the Secretary of State to be a school to which the scheme will apply.
- (7) A scheme made under section 89B(2) may be varied or revoked by [<sup>F49</sup>the Welsh Ministers].]

### **Textual Amendments**

- F6** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 10\(2\)](#) (with [Sch. 2 para. 10\(4\)](#))
- F27** Ss. 89B, 89C inserted (1.10.2002 for E., 1.2.2006 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 48](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2006/172](#), art. 4, [Sch.](#)



*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

- F34** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(3)** (with Sch. 2 para. 10(4))
- F40** Words in s. 89C(1)(a) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(2)(a)**; S.I. 2008/3077, art. 4(g)
- F41** Words in s. 89C(1)(b) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(2)(b)**; S.I. 2008/3077, art. 4(g)
- F42** Words in s. 89C(2) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(3)(a)**; S.I. 2008/3077, art. 4(g)
- F43** Words in s. 89C(2) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(3)(b)**; S.I. 2008/3077, art. 4(g)
- F44** Words in s. 89C(3) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(4)**; S.I. 2008/3077, art. 4(g)
- F45** Words in s. 89C(3) substituted (8.1.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 43(3)(a)**, 188(3); S.I. 2006/3400, art. 2(a); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F46** S. 89C(3A) inserted (8.1.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 43(3)(b)**, 188(3); S.I. 2006/3400, art. 2(a); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F47** Words in s. 89C(3A) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(4)**; S.I. 2008/3077, art. 4(g)
- F48** Words in s. 89C(6) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(5)** (with s. 167(2)); S.I. 2008/3077, art. 4(g)
- F49** Words in s. 89C(7) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 60(5)** (with s. 167(2)); S.I. 2008/3077, art. 4(g)

**Modifications etc. (not altering text)**

- C9** S. 89C applied (with modifications) (E.) (8.5.2003) by The New School (Admissions) (England) Regulations 2003 (S.I. 2003/1041), regs. 1(1), 9, **Sch. para. 1(b)**
- C10** S. 89C applied (with modifications) (W.) (1.2.2006) by The New School (Admissions) (Wales) Regulations 2006 (S.I. 2006/175), regs. 1(1), 9, **Sch.** (with reg. 2(2))

**<sup>F50</sup>89D Power to restrict alteration of admission arrangements following establishment or expansion**

.....

**Textual Amendments**

- F50** S. 89D repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 61, **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)

**90 Reference of objections to [<sup>F51</sup>Welsh Ministers].**

(1) Where—

- (a) admission arrangements have been determined by an admission authority under section 89(4), but
  - [<sup>F52</sup>(b) an appropriate body wishes to make an objection about those arrangements, and]
  - (c) the objection does not fall within any description of objections prescribed for the purposes of this paragraph,
- that body may refer the objection to [<sup>F53</sup>the Welsh Ministers].

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

(2) Where—

- (a) admission arrangements have been determined by an admission authority under section 89(4), but
- (b) any parent of a prescribed description wishes to make an objection about those arrangements, and
- (c) the objection falls within any description of objections prescribed for the purposes of this paragraph,

that person may refer the objection to [<sup>F54</sup>the Welsh Ministers].

[<sup>F55</sup>(2A) Where any objection is referred to the Welsh Ministers, they shall decide whether, and (if so) to what extent, the objection should be upheld.]

<sup>F56</sup>(3) .....

<sup>F56</sup>(4) .....

<sup>F56</sup>(5) .....

[<sup>F57</sup>(5A) Where [<sup>F58</sup>the Welsh Ministers are] required by virtue of [<sup>F59</sup>(2A)] to decide whether to uphold an objection to admission arrangements, [<sup>F60</sup>they] may consider whether it would be appropriate for changes to be made to any aspect of the admission arrangements, whether or not [<sup>F60</sup>they] would be required to do so for the purpose of determining the objection.

(5B) In the case of any objection referred to [<sup>F61</sup>them] under this section, [<sup>F62</sup>the Welsh Ministers] must publish a report containing the following—

- (a) [<sup>F63</sup>their] decision on the objection,
- (b) any decision [<sup>F64</sup>they have] made on whether it would be appropriate for changes to be made to the admission arrangements, whether in the light of [<sup>F65</sup>their] decision on the objection or otherwise,

<sup>F66</sup>(c) .....

(d) [<sup>F67</sup>their] reasons for the decisions mentioned in paragraphs (a) [<sup>F68</sup>and (b)].

(5C) Where [<sup>F69</sup>the Welsh Ministers decide] that it would be appropriate for changes to be made to the admission arrangements, [<sup>F70</sup>their] decision may specify the modifications that are to be made to the arrangements.]

<sup>F71</sup>(6) .....

<sup>F71</sup>(7) .....

(8) [<sup>F72</sup>The decisions of [<sup>F73</sup>the Welsh Ministers] mentioned in subsection (5B)(a) and (b) shall, in relation to the admission arrangements in question, be binding on the admission authority and on all persons by whom an objection may be made under subsection (1) or (2); and, if [<sup>F73</sup>the Welsh Ministers][<sup>F74</sup>have] decided that it would be appropriate for changes to be made to the admission arrangements, those arrangements shall forthwith be revised by the admission authority in such a way as to give effect to the decision.]

(9) Regulations may make provision—

(a) as to any conditions which must be satisfied before—

- (i) an objection can be referred to [<sup>F75</sup>the Welsh Ministers] under subsection (1) or (2), or

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

- (ii) [<sup>F76</sup>the Welsh Ministers][<sup>F77</sup>are] required to determine an objection referred to [<sup>F77</sup>them] under subsection (2);
  - (b) prescribing the steps which may be taken by an admission authority where an objection has been referred to [<sup>F78</sup>the Welsh Ministers] under subsection (1) or (2) but has not yet been determined;
  - <sup>F79</sup>(ba) .....
  - (c) as to the manner in which [<sup>F80</sup>a report required to be published under subsection (5B) is] to be published;
  - (d) requiring such matters to be notified to such persons, and in such manner, as may be prescribed;
  - (e) prohibiting or restricting the reference under subsection (1) or (2), within such period following a decision by [<sup>F81</sup>the Welsh Ministers] under this section as may be prescribed, of any objection raising the same (or substantially the same) issues in relation to the admission arrangements of the school in question;
  - (f) prescribing circumstances in which an admission authority may revise the admission arrangements for their school in the light of any decision by [<sup>F82</sup>the Welsh Ministers] relating to the admission arrangements for another school, and the procedure to be followed in such a case.
- <sup>F83</sup>(10) .....
- [<sup>F84</sup>(11) In this section, “appropriate body” means, in relation to the admission arrangements determined by an admission authority—
- (a) any body or person whom the admission authority were required to consult under subsection (2) of section 89, or would but for subsection (2A) of that section have been required to consult, <sup>F85</sup>...
  - <sup>F86</sup>(b) .....]

### Textual Amendments

- F51** Words in s. 90 title substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(2)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F52** S. 90(1)(b) substituted (27.2.2007) by Education and Inspections Act 2006 (c. 40), **ss. 41(8)(a)**, 188(3); S.I. 2006/3400, art. 7(a)
- F53** Words in s. 90(1) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(3)**; S.I. 2008/3077, art. 2(d)
- F54** Words in s. 90(2) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(3)**; S.I. 2008/3077, art. 2(d)
- F55** S. 90(2A) inserted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(4)**; S.I. 2008/3077, art. 2(d)
- F56** S. 90(3)-(5) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 62(5), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)
- F57** S. 90(5A)-(5C) inserted (27.2.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 47(2)**, 188(3); S.I. 2006/3400, art. 6(d); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F58** Words in s. 90(5A) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(6)(a)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F59** Word in s. 90(5A) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(6)(b)**; S.I. 2008/3077, art. 2(d)
- F60** Word in s. 90(5A) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(6)(c)**; S.I. 2008/3077, art. 2(d)

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

- F61** Word in s. 90(5B) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(7)(a)**; S.I. 2008/3077, art. 2(d)
- F62** Words in s. 90(5B) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(7)(b)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F63** Word in s. 90(5B)(a) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(7)(c)**; S.I. 2008/3077, art. 2(d)
- F64** Words in s. 90(5B)(b) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(7)(d)**; S.I. 2008/3077, art. 2(d)
- F65** Word in s. 90(5B)(b) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(7)(c)**; S.I. 2008/3077, art. 2(d)
- F66** S. 90(5B)(c) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 62(7)(e), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)
- F67** Word in s. 90(5B)(d) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(7)(c)**; S.I. 2008/3077, art. 2(d)
- F68** Words in s. 90(5B)(d) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(7)(f)**; S.I. 2008/3077, art. 2(d)
- F69** Words in s. 90(5C) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(8)(a)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F70** Word in s. 90(5C) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(8)(b)**; S.I. 2008/3077, art. 2(d)
- F71** S. 90(6)(7) repealed (27.2.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 47(3), 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 6(d)(g); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F72** S. 90(8) substituted (27.2.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 47(4), 188(3); S.I. 2006/3400, art. 6(d); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F73** Words in s. 90(8) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(9)(a)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F74** Word in s. 90(8) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(9)(b)**; S.I. 2008/3077, art. 2(d)
- F75** Words in s. 90(9)(a)(i) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(10)(a)(i)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F76** Words in s. 90(9)(a)(ii) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(10)(a)(i)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F77** Word in s. 90(9)(a)(ii) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(10)(a)(ii)**; S.I. 2008/3077, art. 2(d)
- F78** Words in s. 90(9)(b) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(10)(b)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F79** S. 90(9)(ba) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 62(10)(c), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)
- F80** Words in s. 90(9)(c) substituted (27.2.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 47(5)(b), 188(3); S.I. 2006/3400, art. 6(d); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F81** Words in s. 90(9)(e) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(10)(d)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F82** Words in s. 90(9)(f) substituted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 62(10)(d)** (with s. 167(2)); S.I. 2008/3077, art. 2(d)
- F83** S. 90(10) repealed (27.2.2007 for E., 30.6.2008 for W.) by Education and Inspections Act 2006 (c. 40), ss. 47(6), 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 6(d)(g); S.I. 2008/1429, art. 3(1), Sch. Pt. 1
- F84** S. 90(11) inserted (27.2.2007) by Education and Inspections Act 2006 (c. 40), ss. 41(8)(b), 188(3); S.I. 2006/3400, art. 7(a)
- F85** Word in s. 90(11) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 2**; S.I. 2008/3077, art. 2(e)
- F86** S. 90(11)(b) repealed (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), Sch. 1 para. 62(11), **Sch. 2**; S.I. 2008/3077, art. 2(d)(e)

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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)*

**Modifications etc. (not altering text)**

**C11** S. 90 transitional provisions for effects of 2002 c. 32, Sch. 4 para. 6 (W.) (1.2.2006) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(Wales\) Regulations 2006 \(S.I. 2006/173\)](#), regs. 1(1), 7

**Commencement Information**

**I2** S. 90 wholly in force at 1.4.1999; s. 90 not in force at Royal Assent see s. 145(3); s. 90(1)–(3), (5), (9) and (10) in force for certain purposes at 1.10.1998 by [S.I. 1998/2212](#), art. 2, [Sch. 1 Pt. 1](#); s. 90 in force at 1.4.1999 in so far as not already in force by [S.I. 1999/1016](#), art. 2(1), [Sch. 1](#) (with arts. 3-6, [Sch. 4](#)).

[<sup>F87</sup>**90ZA** **Regulations by Welsh Ministers under sections 89 to 90**

In sections 89 to 90—

“prescribed” means prescribed by regulations made by the Welsh Ministers;  
“regulations” means regulations made by the Welsh Ministers.]

**Textual Amendments**

**F87** [S. 90ZA](#) inserted (2.12.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 63](#); [S.I. 2008/3077](#), art. 2(d)

[<sup>F88</sup>**90A** **Restriction on alteration of admission arrangements following adjudicator's decision**

.....

**Textual Amendments**

**F88** [S. 90A](#) repealed (2.12.2008) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 64](#), [Sch. 2](#); [S.I. 2008/3077](#), art. 2(d)(e)

**91** **Special arrangements to preserve religious character of foundation or voluntary aided school.**

<sup>F89</sup> .....

**Textual Amendments**

**F89** [S. 91](#) repealed (1.10.2002 for E. and 19.12.2002 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 49, 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3 (with [Sch.](#)); [S.I. 2002/3185](#), art. 4, [Sch. Pt. 1](#) (with art. 7)

**Status:**

Point in time view as at 29/07/2010.

**Changes to legislation:**

School Standards and Framework Act 1998, Cross Heading: Admission arrangements: Wales is up to date with all changes known to be in force on or before 06 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.