



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III

#### SCHOOL ADMISSIONS

#### CHAPTER I

#### ADMISSION ARRANGEMENTS

#### *Admission arrangements*

### **88 Admission authorities and admission arrangements.**

(1) In this Chapter “the admission authority”—

- (a) in relation to a community or voluntary controlled school, means—
  - (i) the local education authority, or
  - (ii) where with the governing body’s agreement the authority have delegated to them responsibility for determining the admission arrangements for the school, the governing body; and
- (b) in relation to a foundation or voluntary aided school, means the governing body.

[<sup>F1</sup>(1A) Where the admission authority for a community or voluntary controlled school is the local authority, it is the duty of the governing body to implement any decision relating to the admission of pupils to the school which is taken by or on behalf of the admission authority.

(1B) Subsection (1A) does not affect—

- (a) any right of appeal which the governing body may have by virtue of arrangements made in pursuance of section 95(2) (appeals in relation to

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- children to whom section 87(2) applies, other than looked after children in England),
- (b) any right to refer the matter to the adjudicator which the governing body may have by virtue of section 95A(3) (references to the adjudicator in relation to looked after children in England to whom section 87(2) applies), or
  - (c) the application of section 101(2A) or section 109(2).]
- (2) In this Chapter “admission arrangements”, in relation to a maintained school, means the arrangements for the admission of pupils to the school, including the school’s admission policy.

#### Textual Amendments

**F1** S. 88(1A)(1B) inserted (8.1.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 43(1)**, 188(3); S.I. 2006/3400, art. 2(a)

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

**C1** S. 88 modified (6.1.1999) by [S.I. 1998/3130](#), **reg. 3**

### [<sup>F2</sup>88A Prohibition on interviews

- (1) No admission arrangements for a maintained school 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 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 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).]

#### Textual Amendments

**F2** S. 88A inserted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 44**, 188(3); S.I. 2006/3400, art. 6(c)

### 89 Procedure for determining admission arrangements.

- (1) The admission authority for a maintained school 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) This section has effect subject to sections 89D and 90A (restrictions on alteration of admission arrangements in England).]

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- [<sup>F4</sup>(1A) Regulations may require the admission authorities for maintained schools [<sup>F5</sup>in England] to include in their admission arrangements such provision relating to the admission of children who are looked after by a local authority [<sup>F6</sup>in England]<sup>F7</sup>... as may be prescribed, which may in particular include provision for securing that, subject to sections 86(3) and (3A) and 87 (cases where duty to comply with parental preference does not apply), such children are to be offered admission in preference to other children.]
- [<sup>F8</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 local education 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>F9</sup>and]
  - (d) the admission authorities for maintained schools of any prescribed description; [<sup>F10</sup>and ]
  - [<sup>F10</sup>(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 local education authority; or
  - (b) if regulations so provide, such other area (whether more or less extensive than the area of the local education 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>F11</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
  - (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

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the proposed variations to the adjudicator, and shall (in every case) notify the [<sup>F11</sup>appropriate bodies] of the proposed variations.

- (6) The adjudicator shall consider whether the arrangements should have effect with those variations until the end of that year; and if he determines that the arrangements should so have effect or that they should so have effect subject to such modification of those variations as he may determine—
- (a) the arrangements shall have effect accordingly as from the date of his determination; and
  - (b) the admission authority shall (except in such cases as may be prescribed) notify the [<sup>F12</sup>appropriate bodies] of the variations subject to which the arrangements are to have effect.
- (7) In relation to a maintained school in Wales any reference to the adjudicator in subsection (5) or (6) shall be read as a reference to the Secretary of State.
- (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>F13</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 the Secretary of State considers appropriate.
- [<sup>F14</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.]

[<sup>F15</sup>(9) Where the local education 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>F16</sup>(10) In this section, “the appropriate bodies”, in relation to an admission authority, means—

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- (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, and
- (b) in the case of an admission authority for a maintained school in England, the admission forum for the area of the local education authority in which the school is situated.]

#### Textual Amendments

- F3** S. 89(1ZA) inserted (27.2.2007) by Education and Inspections Act 2006 (c. 40), **ss. 46(1)**, 188(3); S.I. 2006/3400, art. 7(c)
- F4** S. 89(1A) inserted (3.10.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), **ss. 106**, 125(4) (with s. 119); S.I. 2005/2034, art. 6; S.I. 2006/1338, art. 3, Sch. 1
- F5** Words in s. 89(1A) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), **ss. 52(2)(a)**, 188(2)
- F6** Words in s. 89(1A) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), **ss. 52(2)(b)**, 188(2)
- F7** Words in s. 89(1A) repealed (8.1.2007) by Education and Inspections Act 2006 (c. 40), **ss. 50(3)**, 188(3), **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 3(c)(h)
- F8** 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.
- F9** Word in s. 89(2)(c) repealed (8.1.2007 for E.) 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)
- F10** S. 89(2)(e) and word inserted (8.1.2007 for E.) by Education and Inspections Act 2006 (c. 40), **ss. 45(b)**, 188(3); S.I. 2006/3400, art. 2(b)
- F11** 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.
- F12** 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.
- F13** 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.
- F14** 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.
- F15** 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.
- F16** 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)

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

- C2** S. 89 excluded (6.1.1999 with application as mentioned) (*temp.*) by S.I. 1998/3198, **arts.3, 4**
- C3** 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)**

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#### Commencement Information

- II** 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>F17</sup>89A Determination of admission numbers

- (1) A determination under section 89 by the admission authority for a maintained school 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 to have regard, in making any such determination, to—
  - (a) any prescribed method of calculation, and
  - (b) any other prescribed matter.
- (4) References in this section to the determination of any number include references to the determination of zero as that number.]

#### Textual Amendments

- F17** 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.](#)

#### [<sup>F18</sup>89B Co-ordination of admission arrangements

- (1) Regulations may require a local education authority—
  - (a) 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
  - (b) 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), the Secretary of State may make, in relation to the area of a local education authority 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.

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- (3) A scheme may not be made under subsection (2) in relation to a local education authority and an academic year if, before the prescribed date in the year preceding the year in which that academic year commences—
- (a) a scheme formulated by the local education authority in accordance with subsection (1) is adopted in the prescribed manner by the persons mentioned in paragraph (b) of that subsection, and
  - (b) the authority provide the Secretary of State with a copy of the scheme and inform him that the scheme has been so adopted.
- (4) The Secretary of State may by regulations require local education authorities to provide other local education authorities with such information as may be required by them in connection with the exercise of any of their functions under this Chapter.
- (5) Regulations may provide—
- (a) that each local education authority 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 local education authority, in each year, or
  - (b) that, subject to such exceptions as may be prescribed, a decision made by the admission authority for a maintained school to offer or refuse a 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.

#### Textual Amendments

**F18** 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.

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

**C4** 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)**

**C5** 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) local education authorities, and
  - (b) the admission authorities for maintained schools.
- (2) Regulations may provide that where a local education authority or the governing body of a maintained school have, in such manner as may be prescribed, adopted a scheme formulated by a local education 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

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imposed on the local education 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 falls to be made in prescribed circumstances, the decision shall, if a scheme adopted or made [<sup>F19</sup>by virtue of this section][<sup>F19</sup>by virtue of section 89B] so provides, be made by the local education 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>F20</sup>(3A) maintained school is (by virtue of regulations under subsection (3)) made by the 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 local education 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 local education 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 local education authority, the Secretary of State shall consult—
- (a) the local education 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 the Secretary of State.]

#### Textual Amendments

- F18** 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.
- F19** Words in s. 89C(3) substituted (8.1.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 43(3)(a)**, 188(3); [S.I. 2006/3400](#), art. 2(a)
- F20** S. 89C(3A) inserted (8.1.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 43(3)(b)**, 188(3); [S.I. 2006/3400](#), art. 2(a)

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

- C6** 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)**
- C7** 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>F21</sup>89D Power to restrict alteration of admission arrangements following establishment or expansion

- (1) Subsection (2) applies in relation to a maintained school in England where—
- (a) proposals for the establishment of, or the making of a prescribed alteration to, the school have been published under Part 2 of the Education and Inspections



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- Act 2006 or under section 113A of, or Schedule 7 to, the Learning and Skills Act 2000,
- (b) in the case of proposals for the making of a prescribed alteration to the school, the proposals are for an increase in the number of pupils that may be admitted to the school or for an enlargement of the premises,
  - (c) the proposals fall to be implemented (with or without modifications), and
  - (d) prescribed conditions are satisfied.
- (2) Regulations may provide that, where this subsection applies in relation to a maintained school—
- (a) the admission arrangements for the initial period (as defined by subsection (7)) and each of a prescribed number of school years following that period are to be the arrangements which fall to be implemented in accordance with the proposals (or in accordance with the proposals as modified), and
  - (b) those arrangements may not be varied by the admission authority for the school except—
    - (i) to comply with any duty imposed on them by regulations under section 89(1A), or
    - (ii) in accordance with regulations under subsection (5).
- (3) Regulations under subsection (2) may exclude or modify any provision of section 89 (other than section 89(1A)) in its application to cases to which the regulations apply.
- (4) Regulations under subsection (2) may provide that in cases to which the regulations apply the admission arrangements which fall to be implemented in accordance with the proposals (or in accordance with the proposals as modified) are to be treated for the purposes of section 86(5) to (5B) as having been determined by the admission authority under section 89.
- (5) Regulations may prescribe circumstances in which an admission authority may refer to the adjudicator proposals to vary admission arrangements in cases to which regulations under subsection (2) apply.
- (6) Regulations may make provision as to the determination by the adjudicator of any reference made by virtue of subsection (5).
- (7) In this section—
- “initial period” means—
- (a) in relation to a maintained school which is being established, the period beginning with the day on which the school opens and ending with the beginning of the first school term to begin after the following July;
  - (b) in relation to a maintained school which is increasing the number of pupils that may be admitted to the school or enlarging its premises, the period beginning with the first day on which additional pupils may be admitted or (as the case may be) the enlarged premises are in use and ending with the beginning of the first school term to begin after the following July;
- “prescribed alteration” means an alteration prescribed for the purposes of section 18 of the Education and Inspections Act 2006.]

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### Textual Amendments

**F21** S. 89D inserted (27.2.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 46(2)**, 188(3); S.I. 2006/3400, art. 7(c)

## 90 Reference of objections to adjudicator or Secretary of State.

(1) Where—

(a) admission arrangements have been determined by an admission authority under section 89(4), but

[<sup>F22</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 the adjudicator.

(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 the adjudicator.

(3) On a reference under subsection (1) or (2) the adjudicator shall either—

(a) decide whether, and (if so) to what extent, the objection should be upheld, or

(b) in such cases as may be prescribed, refer the objection to the Secretary of State for that question to be decided by him.

(4) Where the objection is referred to the Secretary of State under subsection (3)(b), the adjudicator shall, if the Secretary of State so requests, give his advice on the question referred to in that provision.

(5) In relation to a maintained school in Wales—

(a) the reference to the adjudicator in subsection (1) or (2) shall be read as a reference to the Secretary of State;

(b) subsections (3) and (4) shall not apply; and

(c) where any objection is referred to the Secretary of State by virtue of paragraph (a) above, he shall decide whether, and (if so) to what extent, the objection should be upheld.

[<sup>F23</sup>(5A) Where the adjudicator or the Secretary of State is required by virtue of subsection (3) (a) or (b) or (5)(c) to decide whether to uphold an objection to admission arrangements, he may consider whether it would be appropriate for changes to be made to any aspect of the admission arrangements, whether or not he would be required to do so for the purpose of determining the objection.

(5B) In the case of any objection referred to him under this section, the adjudicator or the Secretary of State (as the case may be) must publish a report containing the following—

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- (a) his decision on the objection,
  - (b) any decision he has made on whether it would be appropriate for changes to be made to the admission arrangements, whether in the light of his decision on the objection or otherwise,
  - (c) if, in relation to a maintained school in England, he considers that any change required ought not to be protected under section 90A for the number of school years prescribed under section 90A(2), that section 90A is not to apply to that change or that the change will be protected only for such lesser number of school years as he may specify, and
  - (d) his reasons for the decisions mentioned in paragraphs (a) to (c).
- (5C) Where the adjudicator or the Secretary of State (as the case may be) decides that it would be appropriate for changes to be made to the admission arrangements, his decision may specify the modifications that are to be made to the arrangements.]
- (6) [<sup>F24</sup>Where the adjudicator or the Secretary of State decides that an objection referred to him under this section should be upheld to any extent, his decision on the objection may specify the modifications that are to be made to the admission arrangements in question.]
- (7) [<sup>F24</sup>In the case of any objection referred to him under this section, the adjudicator or the Secretary of State (as the case may be) shall publish his decision on the objection and the reasons for it.]
- (8) [<sup>F25</sup>The decisions of the adjudicator or the Secretary of State 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 the adjudicator or the Secretary of State has 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 the adjudicator or the Secretary of State under subsection (1) or (2), or
    - (ii) the adjudicator or the Secretary of State is required to determine an objection referred to him under subsection (2);
  - (b) prescribing the steps which may be taken by an admission authority where an objection has been referred to the adjudicator or the Secretary of State under subsection (1) or (2) but has not yet been determined;
  - [<sup>F26</sup>(ba) requiring an admission authority for a maintained school in England to provide information which—
    - (i) falls within a prescribed description, and
    - (ii) is requested by the adjudicator or the Secretary of State for the purposes of his functions under this section;]
  - (c) as to the manner in which [<sup>F27</sup>any matters required to be published under subsection (7) are][<sup>F27</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;

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- (e) prohibiting or restricting the reference under subsection (1) or (2), within such period following a decision by the adjudicator or the Secretary of State 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 the adjudicator or the Secretary of State relating to the admission arrangements for another school, and the procedure to be followed in such a case.
- (10) <sup>[F28]</sup> Regulations shall make provision for the cases to be referred to the Secretary of State under subsection (3)(b) to include cases where the objection is concerned with admissions criteria relating to a person’s religion or religious denomination.]
- <sup>[F29]</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, and
  - (b) in the case of admission arrangements determined by an admission authority for a maintained school in England, the admission forum for the area of the local education authority in which the school is situated.]

#### Textual Amendments

- F22** 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)
- F23** S. 90(5A)-(5C) inserted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(2)**, 188(3); S.I. 2006/3400, art. 6(d)
- F24** S. 90(6)(7) repealed (27.2.2007 for E.) 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)
- F25** S. 90(8) substituted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(4)**, 188(3); S.I. 2006/3400, art. 6(d)
- F26** S. 90(9)(ba) inserted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(5)(a)**, 188(3); S.I. 2006/3400, art. 6(d)
- F27** Words in s. 90(9)(c) substituted (27.2.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 47(5)(b)**, 188(3); S.I. 2006/3400, art. 6(d)
- F28** S. 90(10) repealed (27.2.2007 for E.) 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)
- F29** 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)

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

- C8** 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**).

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**[<sup>F30</sup>90A Restriction on alteration of admission arrangements following adjudicator's decision**

- (1) Where in accordance with section 90(8) the admission authority for a maintained school in England have revised any provisions of admission arrangements for a school year, this section applies except to the extent that the adjudicator or the Secretary of State determined under section 90(5B)(c), in relation to any change required, that this section was not to apply.
- (2) In this section—
  - “the protected provisions” in relation to any admission arrangements, means provisions corresponding to those revised in accordance with section 90(8) or regulations under subsection (6) (as so revised);
  - “the required number” means such number as may be prescribed or such lesser number as is specified by the adjudicator or the Secretary of State under section 90(5B)(c) in relation to a particular change.
- (3) The admission authority for the school—
  - (a) must incorporate the protected provisions in determining the admission arrangements for each of the required number of school years following the school year in relation to which the revision in accordance with section 90(8) was made, and
  - (b) may not vary those arrangements in such a way as to alter the protected provisions.
- (4) Subsection (3) does not apply to the extent that—
  - (a) the admission authority are required to determine or vary their admission arrangements in a way which alters the protected provisions in order to comply with any duty imposed on them by regulations under section 89(1A), or
  - (b) the arrangements may be determined or varied in a way which alters those provisions in accordance with regulations under subsection (6).
- (5) Regulations may exclude or modify any provision of section 89 (other than section 89(1A)) in its application to cases to which this section applies.
- (6) Regulations may prescribe circumstances in which an admission authority to whom subsection (3) applies may refer to the adjudicator proposals to determine or vary their admission arrangements in a way which alters the protected provisions.
- (7) Regulations may make provision as to the determination by the adjudicator of any reference made by virtue of subsection (6).]

**Textual Amendments**

**F30** S. 90A inserted (27.2.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 46(3)**, 188(3); S.I. 2006/3400, art. 7(c)

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

<sup>F31</sup> .....

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#### Textual Amendments

- F31** 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](#))

### [<sup>F32</sup>92 Publication of information about admissions.

Regulations may—

- (a) require the publication by a local education authority of such information relating to admissions as may be prescribed,
- (b) require the publication by the governing body of a foundation or voluntary aided school of such information relating to admissions as may be prescribed,
- (c) require or allow the publication by the governing body of any school maintained by a local education authority, or by the local education authority on behalf of the governing body, of such information relating to the school as may be prescribed, and
- (d) make provision as to the time by which, and the manner in which, information required to be published by virtue of this section is to be published.]

#### Textual Amendments

- F32** S. 92 substituted (1.10.2002 for E., 1.2.2006 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 4 para. 7](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2006/172, [art. 4](#), [Sch.](#)

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

- C9** S. 92 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. 92 restricted (29.3.1999) by S.I. 1999/1016, [art. 6](#), [Sch. 4 paras. 1, 4](#)  
S. 92 applied (with modifications) (18.10.1999) by S.I. 1999/2666, [reg. 8](#), [Sch. paras. 1\(c\), 2-8](#)  
S. 92 applied (with modifications) (1.9.1999) by S.I. 1999/2800, [reg. 7](#), [Sch. paras. 1, 2-8](#).
- C11** S. 92 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\(2\)](#))

#### Commencement Information

- I3** S. 92 wholly in force at 1.4.1999; s. 92 not in force at Royal Assent see s. 145(3); s. 92 in force for certain purposes at 1.10.1998 by S.I. 1998/2212, [art. 2](#), [Sch. 1 Pt. I](#); s. 92 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](#)).

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