



School Standards and Framework Act 1998

1998 CHAPTER 31

PART III

SCHOOL ADMISSIONS

CHAPTER I

ADMISSION ARRANGEMENTS

Code [^{F1}for school admissions]

Textual Amendments

- F1** Words in s. 84 cross-heading substituted (12.12.2006 for E., 1.9.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 40(7), 188(3); S.I. 2006/2990, art. 2(a) (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), Sch. Pt. 3 (with art. 4)

84 Code [^{F2}for school admissions].

- (1) The Secretary of State shall issue, and may from time to time revise, [^{F3}a code for school admissions containing such provision] as he thinks appropriate in respect of the discharge by—
- (a) local education authorities,
 - (b) the governing bodies of maintained schools,
 - [^{F4}(ba) admission forums,]
 - (c) appeal panels, and
 - (d) adjudicators,
- of their respective functions under this Chapter.

Status: Point in time view as at 15/07/2009.

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Code for school admissions is up to date with all changes known to be in force on or before 02 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) The code may [^{F5}impose requirements, and may include guidelines setting out aims, objectives and other matters,] in relation to the discharge of their functions under this Chapter by local education authorities and such governing bodies.
- (3) It shall be the duty of—
- (a) each of the bodies and persons mentioned in subsection (1) when exercising functions under this Chapter, and
 - (b) any other person when exercising any function for the purposes of the discharge by a local education authority, or the governing body of a maintained school, of functions under this Chapter,
- [^{F6}to act in accordance with] any relevant provisions of the code.
- (4) The Secretary of State shall publish the code as for the time being in force.
- (5) The Secretary of State may under subsection (1)—
- (a) make separate provision (by means of separate codes ^{F7}...) in relation to different functions under this Chapter of the bodies and persons mentioned in that subsection;
 - (b) make different provision for England and for Wales (whether or not by means of separate codes ^{F7}...);

and references in this section to “the code” or to functions under this Chapter shall have effect, in relation to any such separate code ^{F7}..., as references to that code or to functions under this Chapter to which it relates (as the case may be).

- (6) In this Chapter—
- “admission arrangements” and “the admission authority” have the meaning given by section 88;
- [^{F8}“admission forum” means a forum established under section 85A, including a joint admission forum established in pursuance of regulations under subsection (3)(c) of that section;]
- “appeal panel” means a panel constituted [^{F9}in accordance with regulations under section 94(5) or 95(3)] for the purpose of hearing an appeal under this Chapter;
- “child” (except in sections 96 and 97) includes a person who has not attained the age of 19;
- “maintained school” means a community, foundation or voluntary school;
- ^{F10}
...

[^{F11}(7) In this Chapter, references to a child who is looked after by a local authority are to be read in accordance with section 22(1) of the Children Act 1989.]

Textual Amendments

- F2** Words in s. 84 heading substituted (12.12.2006 for E., 1.9.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 40(7)**, 188(3); S.I. 2006/2990, **art. 2(a)** (with **arts. 3, 4**) (as amended (17.1.2008) by S.I. 2008/54, **arts. 1(1), 2**); S.I. 2008/1429, **art. 3(3)**, **Sch. Pt. 3** (with **art. 4**)
- F3** Words in s. 84(1) substituted (12.12.2006 for E., 1.9.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 40(2)(a)**, 188(3); S.I. 2006/2990, **art. 2(a)** (with **arts. 3, 4**) (as amended (17.1.2008) by S.I. 2008/54, **arts. 1(1), 2**); S.I. 2008/1429, **art. 3(3)**, **Sch. Pt. 3** (with **art. 4**)

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- F4** S. 84(1)(ba) inserted (12.12.2006 for E., 1.9.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 40(2)(b)**, 188(3); S.I. 2006/2990, art. 2(a) (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), Sch. Pt. 3 (with art. 4)
- F5** Words in s. 84(2) substituted (12.12.2006 for E., 1.9.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 40(3)**, 188(3); S.I. 2006/2990, art. 2(a) (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), Sch. Pt. 3 (with art. 4)
- F6** Words in s. 84(3) substituted (12.12.2006 for E., 1.9.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 40(4)**, 188(3); S.I. 2006/2990, art. 2(a) (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), Sch. Pt. 3 (with art. 4)
- F7** Words in s. 84(5) repealed (12.12.2006 for E., 1.9.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 40(5)**, 188(3), **Sch. 18 Pt. 6**; S.I. 2006/2990, art. 2(a)(k) (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), Sch. Pt. 3 (with art. 4)
- F8** Words in s. 84(6) inserted (12.12.2006 for E., 1.9.2008 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 40(6)**, 188(3); S.I. 2006/2990, art. 2(a) (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), Sch. Pt. 3 (with art. 4)
- F9** Words in s. 84(6) substituted (20.1.2003 for E., 31.5.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 2** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 3); S.I. 2005/1395, art. 4, Sch. (with art. 5(3)(4))
- F10** Words in s. 84(6) repealed (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)) and S.I. 2006/173, reg. 5; S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 5); S.I. 2006/172, art. 4, Sch.
- F11** S. 84(7) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), **ss. 50(2)**, 188(3); S.I. 2006/3400, art. 3(c)

Modifications etc. (not altering text)

- C1** S. 84 modified (temp.)(22.4.1999) by S.I. 1999/1064, **reg.2**.
S. 84 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(c), **2-8**.
S. 84 applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, **2-8**.
- C2** S. 84 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)**
- C3** S. 84 applied (with modifications) (1.2.2006) by The New School (Admissions) (Wales) Regulations 2006 (S.I. 2006/175), regs. 1(1), 9, **Sch.** (with reg. 2(2))
- C4** S. 84(6) modified (6.1.1999) by S.I. 1998/3130, **reg.2**

85 [F12Making and approval of code for school admissions].

- (1) Where the Secretary of State proposes to issue or revise a code ^{F13}... under section 84, he shall prepare a draft of the code (or revised code).
- (2) The Secretary of State shall consult such persons about the draft as he thinks fit and shall consider any representations made by them.
- (3) If he determines to proceed with the draft (either in its original form or with such modifications as he thinks fit) he shall lay a copy of the draft before each House of Parliament.
- (4) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the proposed code.
- (5) If no such resolution is made within the 40-day period, the Secretary of State shall issue the code (or revised code) in the form of the draft, and it shall come into force on such date as the Secretary of State may by order appoint.

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- (6) Subsection (4) does not prevent a new draft of a proposed code from being laid before Parliament.
- (7) In this section “40-day period”, in relation to the draft of a proposed code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- [^{F14}(7A) In the case of a code issued or revised by the Welsh Ministers, subsection (7) (as modified by paragraph 33 of Schedule 11 to the Government of Wales Act 2006) has effect as if the reference to any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days were to any period during which the National Assembly for Wales is dissolved or is in recess for more than four days.]
- (8) In this section references to a proposed code include a proposed revised code.

Subordinate Legislation Made

- P1** S. 85(5): 28.2.2007 appointed by S.I. 2007/566, art. 3
- P2** S. 85(5): 17.1.2008 appointed (E.) by S.I. 2008/53, art. 2
- P3** S. 85(5): 10.2.2009 appointed (E.) by S.I. 2009/211, art. 2
- P4** S. 85(5): 10.2.2009 appointed (E.) by S.I. 2009/210, art. 2
- P5** S. 85(5): 15.7.2009 appointed (W.) by S.I. 2009/1844, art. 2
- P6** S. 85(5): 15.7.2009 appointed (W.) by S.I. 2009/1845, art. 2

Textual Amendments

- F12** S. 85 heading substituted (12.12.2006 for E., 1.9.2008 for W.) by [Education and Inspections Act 2006](#) (c. 40), **ss. 40(8)(b)**, 188(3); S.I. 2006/2990, **art. 2(a)** (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), **Sch. Pt. 3** (with art. 4)
- F13** Words in s. 85(1) repealed (12.12.2006 for E., 1.9.2008 for W.) by [Education and Inspections Act 2006](#) (c. 40), **ss. 40(8)(a)**, 188(3), **Sch. 18 Pt. 6**; S.I. 2006/2990, art. 2(a)(k) (with arts. 3, 4) (as amended (17.1.2008) by S.I. 2008/54, arts. 1(1), 2); S.I. 2008/1429, art. 3(3), **Sch. Pt. 3** (with art. 4)
- F14** S. 85(7A) inserted (25.5.2007) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), art. 1(2), **Sch. 1 para. 64**

Status:

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