



School Standards and Framework Act 1998

1998 CHAPTER 31

PART III

SCHOOL ADMISSIONS

CHAPTER I

ADMISSION ARRANGEMENTS

Admission arrangements

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.

[^{F1}(1A) Regulations may require the admission authorities for maintained schools [^{F2}in England] to include in their admission arrangements such provision relating to the admission of children who are looked after by a local authority [^{F3}in England]^{F4}... 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.]

[^{F5}(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,

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- (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)), [^{F6}and]
 - (d) the admission authorities for maintained schools of any prescribed description; [^{F7}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 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 [^{F8}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 the proposed variations to the adjudicator, and shall (in every case) notify the [^{F8}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 [^{F9}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.

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- (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);
 - [^{F10}(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.

[^{F11}(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.]

[^{F12}(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).]

[^{F13}(10) In this section “the appropriate bodies”, in relation to an admission authority, means the bodies whom they were required to consult under subsection (2), or would but for subsection (2A) have been required so to consult.]

Textual Amendments

- F1** 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
- F2** Words in s. 89(1A) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), ss. 52(2)(a), 188(2)
- F3** Words in s. 89(1A) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), ss. 52(2)(b), 188(2)
- F4** 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)
- 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.

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- F6** 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)
- F7** 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)
- F8** 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.
- F9** 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.
- F10** 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.
- F11** 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.
- F12** 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.
- F13** S. 89(10) inserted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 5(7)** (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.

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(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

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