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STATUTORY INSTRUMENTS

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**1998 No. 3165**

**EDUCATION, ENGLAND AND WALES**

**The Education (Determining School Admission Arrangements for the Initial Year) Regulations 1998**

<i>Made</i>	- - - -	<i>16th December 1998</i>
<i>Laid before Parliament</i>		<i>16th December 1998</i>
<i>Coming into force</i>	- -	<i>6th January 1999</i>

In exercise of the powers conferred upon the Secretary of State by sections 89(2), (3) and (8) and 144(1) of the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Education (Determining School Admission Arrangements for the Initial Year) Regulations 1998 and shall come into force on 6th January 1999.

**Interpretation**

2. In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

“education authority” means a local education authority;

“the initial year” means the 2000/2001 school year, and admission arrangements are “for the initial year” if 2000/2001 is the school year in which pupils are to be admitted to the relevant school in consequence of the arrangements;

“main entrance”, in relation to a school, means the principal entrance to the land on which the school is situated, or (if it has more than one site) to the land on which the school’s principal administrative building is situated;

“school” means a maintained school<sup>(2)</sup>;

“section” means a section of the Act.

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<sup>(1)</sup> 1998 c. 31.

<sup>(2)</sup> The definition of “maintained school” in section 84(6) is modified, in respect of any period before the appointed day (1st September 1999), by SI 1998/3130.

### **Prevention of premature determination of admission arrangements**

3. The admission authority for a school shall not, before 1st April 1999, determine the admission arrangements for the school for the initial year or any later school year.

### **Determination of admission arrangements for the initial year**

4.—(1) Every admission authority for a school shall take all steps necessary to ensure that they will, before 1st April 1999, have completed the consultation required by section 89(2) in respect of the proposed admission arrangements for the school for the initial year.

(2) In addition, every such admission authority shall take all steps necessary to ensure that they will, before 1st May 1999, have determined the admission arrangements for the school for the initial year.

### **Relevant areas for consultation for the initial year**

5.—(1) Paragraph (2) determines, for the purposes of section 89(3)(b), the relevant area that is to apply for consultation by an admission authority under section 89(2)(b) about the proposed admission arrangements for a school for the initial year.

(2) In relation to the proposed admission arrangements for each school, the relevant area shall be the area described by a circle—

- (a) of which the centre is the school's main entrance; and
- (b) which has a radius of 4.83 kilometres.

(3) For the purposes of section 89(2)(b) as it applies to consultation about proposed admission arrangements for the initial year, a school is only to be regarded as within the relevant area prescribed by paragraph (2) if its main entrance lies within that area.

### **Consultation within relevant area by authority for a primary school**

6. In relation to proposed admission arrangements for the initial year for a primary school, section 89(2)(b) shall only require the admission authority to consult the admission authorities for other schools in the relevant area which are primary schools.

### **Additional consultation requirements**

7.—(1) In relation to proposed admission arrangements for the initial year, this regulation prescribes the admission authorities for schools who are to be consulted by virtue of section 89(2)(c).

(2) Where the consulting admission authority are the education authority, they shall consult every education authority any part of whose area adjoins the area of the consulting authority.

(3) Where the consulting admission authority are the governing body of the school, they shall consult every education authority any part of whose area lies within, or adjoins, the relevant area applicable by virtue of regulation 5.

### **Matters to which consultation is to relate**

8. In relation to admission arrangements for the initial year, consultation under section 89(2) shall relate to every provision which the admission authority propose to include in those admission arrangements, except any provision of the kind mentioned in regulation 9(2).

### **Manner of consultation**

9.—(1) In relation to admission arrangements for the initial year, consultation by an admission authority under section 89(2) shall consist, at least, in sending each admission authority which they are required to consult's a written copy of the proposed admission arrangements and inviting their comments.

(2) For the purpose of information, the written copy of the proposed arrangements sent for the purpose of consultation shall include any provision of the proposed admission arrangements to which, by virtue of section 103(1), section 89 does not apply; but the consulting admission authority may indicate on the written copy by any appropriate means that comments are not sought on that provision.

(3) References in this regulation to sending a written copy of proposed arrangements include transmitting this written material in electronic form, except in any case where there are grounds for believing that the intended recipient is unable to make use of it in that form.

15th December 1998

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

16th December 1998

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 89 of the School Standards and Framework Act 1998 requires the admission authority for every maintained school to determine the school's admission arrangements for each school year in accordance with the requirements of that section. These Regulations make provision for a number of purposes relating to section 89, so far as it will apply to the determination of the admission arrangements for schools for the 2000/2001 school year (called in the Regulations "the initial year"). Under regulation 2, admission arrangements are "for the initial year" if 2000/2001 is the school year in which pupils will be admitted to the school as a result of the arrangements. The Regulations come into force on 6th January 1999.

Regulation 3 prevents the premature determination of admission arrangements. Admission authorities may not determine admission arrangements for the initial year, or a later year, earlier than 1st April 1999. Regulation 4 requires admission authorities to take steps to complete the consultation required by section 89 on their proposed admission arrangements for the initial year before 1st April 1999, and to determine the admission arrangements before 1st May 1999.

Regulation 5 specifies the "relevant area" under section 89(2)(b), which requires the authority for a school to consult the authorities for other schools situated in this area. This is to be the area lying within a radius of 4.83 kilometres (almost exactly 3 miles) from the main entrance of the school. Regulation 6 provides that, where the admission arrangements are for a primary school, the duty under section 89(2)(b) only requires consultation of the authorities for other primary schools. Regulation 7 specifies the additional consultation required by virtue of section 89(2)(c). An admission authority which is a local education authority must consult every neighbouring local education authority. An admission authority which is the governing body for a school must consult a local education authority if part of its administrative area lies within, or adjoins, the "relevant area".

Regulation 8 provides that the consultation is to relate to all provisions in the admission arrangements, except a provision to which section 89 does not apply. Such a provision must, nevertheless, be included for information purposes in the written document which regulation 9 requires to be sent to the authorities being consulted.