

2005 No. 873

EDUCATION, ENGLAND

**The Education (Variation of Admission Arrangements)
(England) (Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>22nd March 2005</i>
<i>Laid before Parliament</i>	<i>4th April 2005</i>
<i>Coming into force</i> - -	<i>1st May 2005</i>

In exercise of the powers conferred upon the Secretary of State by sections 89(8) (e) and (f), and 138(7) of the School Standards and Framework Act 1998(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Variation of Admission Arrangements) (England) (Amendment) Regulations 2005 and shall come into force on 1st May 2005

(2) These regulations apply only in relation to England.

Amendment of the Regulations

2.—(1) The Education (Variation of Admission Arrangements) (England) Regulations 2002 (b) shall be amended as follows—

(2) In regulation 2(1) (Interpretation)—

(a) after the definition “the Act” there shall be inserted—

““admission forum” means a body established by a local education authority under section 85A” (c)

“admission forum protocol” means an arrangement of the admission forum for sharing the admission of hard to place children and which apply to all admission authorities and Academies within the area of a local education authority which have agreed to comply with such an arrangement.”

(b) after the definition of “admission number” there shall be inserted—

““hard to place children” means any child or any category of children as agreed to be included in the admission forum protocol on the basis that the children would otherwise be likely to be refused admission to a suitable school.”

(a) 1998c. 31; see section 142(1) for the meaning of “regulation” and “prescribed”. By virtue of S.I 1999/672 the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(b) S.I 2002/2898.

(c) Section 85A was inserted by section 46 of the Education Act 2002 (.32).

(3) In regulation 3 (Variation of admission arrangements) after paragraph (2) there shall be inserted—

“(3) An admission authority may vary its admission arrangements to the extent that such variation is necessary to give effect to an admission forum protocol for sharing hard to place children.”

(4) In regulation 4 (Referral of variations to the adjudicator) in the third line of paragraph (1) for “regulation 3” substitute “regulation 3(2)”

Stephen Twigg
Minister of State

22nd March 2005

Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Variation of Admission Arrangements) (England) Regulations 2002 (“the Principal Regulations”).

Regulation 2(3) amends regulation 3 of the Principal Regulations by inserting a new subparagraph (3) which provides that an admission authority may vary its admission arrangements after they have been determined for a particular school year where it is necessary to implement an admission forum protocol for sharing hard to place children.

Regulation 2(4) amends regulation 4 of the Variation of Admission Arrangements Regulations so that the requirements of section 89(5) and (6) of the School Standards and Framework Act 1998 (Procedure for determining admission arrangements) only apply to a variation to admission arrangements made pursuant to regulation 3(2) and not to regulation 3(3).

The Department considers that these Regulations will have no effect on the costs of businesses and accordingly a Regulatory Impact Assessment has not been prepared.

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