
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 422 of the Education Act 1996 sets out procedures for determining admission arrangements at new schools. These procedures are repealed from 1st September 1999 by the coming into force of the admission procedures under the School Standards and Framework Act 1998.

Before coming into operation a new community, foundation or voluntary school will need to have an admission authority defined by the 1998 Act. These Regulations make provision for this.

These Regulations make provision in relation to the determination of the initial admission arrangements for, and applications for admission to, new schools.

Regulations 1 and 2 provide for the citation, commencement, application and interpretation of the Regulations.

Regulation 3 specifies who is to be the admission authority responsible for the determination of the arrangements for admission of pupils to the school for the school year in which it will first admit pupils. Where the school is to be a community or voluntary controlled school, the admission authority will be the local education authority or the temporary governing body where the LEA have delegated this responsibility to them. Where the new school will be a foundation or voluntary aided school, the temporary governing body (or promoters) will be the admission authority.

Regulation 4 sets out the procedure for an admission authority to consult the local education authorities and other admission authorities in the relevant area before determining the initial admission arrangements for the new school and prescribes a timetable for that consultation. There is provision for the initial admission arrangements to be varied in view of a major change of circumstances after they have been determined subject to referring the proposed variation to the Assembly.

Regulation 5 makes provision for other admission authorities, after the initial admission arrangements have been determined, to refer objections to the Assembly. If at the time the objection is referred to the Assembly the proposals for the establishment of the school which are required to be published under the 1998 Act have not yet been approved, the Assembly is not required to determine the objection until such time as the proposals have been approved. Regulation 6 applies where a new school will have a religious character. It makes provision for the inclusion in initial admission arrangements of special arrangements to preserve that character of a school which reflect the provisions of section 91 of the 1998 Act.

Regulation 7 and the Schedule provide for certain provisions of the Education Acts to apply, with modifications, to the admission authorities for new schools for the purposes of determining (i) the initial admission arrangements, and (ii) individual arrangements for admission to the school. Regulation 8 contains transitional provisions in relation to the admission of pupils to schools established pursuant to proposals published under Part II of the Education Act 1996 which first admit pupils in the 1999/2000 school year.