



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III **U.K.**

#### SCHOOL ADMISSIONS

### CHAPTER II **E+W**

#### SELECTION OF PUPILS

##### *Grammar schools*

#### **105 Procedure for deciding whether grammar schools should retain selective admission arrangements. **E+W****

- (1) The Secretary of State may by regulations make provision for ballots of parents to be held, at their request, for determining whether the grammar schools to which such ballots relate should retain selective admission arrangements.
- (2) Ballot regulations may provide for a ballot under this section to relate—
  - (a) to all grammar schools within the area of a prescribed local education authority or within such other area as may be prescribed,
  - (b) to a prescribed group of grammar schools, or
  - (c) to any grammar school not falling within paragraph (a) or (b).
- (3) Ballot regulations may make provision—
  - (a) requiring a request for a ballot under this section to be made by means of a petition signed by parents eligible to request the ballot;
  - (b) prescribing the form of any such petition and other requirements (whether as to the procedure to be followed or otherwise) which are to be complied with in relation to any such petition;

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*Status: Point in time view as at 01/10/1998. This version of this provision has been superseded.*

**Changes to legislation:** School Standards and Framework Act 1998, Section 105 is up to date with all changes known to be in force on or before 08 September 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)

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- (c) prescribing the body (“the designated body”) to which any such petition is to be sent and which, under arrangements made by the Secretary of State, is to—
    - (i) make the arrangements for the holding of ballots under this section, and
    - (ii) discharge such other functions with respect to such petitions and the holding of such ballots as may be prescribed (which may include the determination of any question arising as to the validity of any request for a ballot or as to a person’s eligibility to request or vote in a ballot);
  - (d) requiring prescribed bodies or persons, or bodies or persons falling within any prescribed category—
    - (i) to provide the designated body or any other person with any prescribed information requested by that body or person, or
    - (ii) to publish prescribed information in such manner as may be prescribed;
  - (e) authorising any such bodies or persons to charge a fee (not exceeding the cost of supply) for documents supplied by them in pursuance of regulations made by virtue of paragraph (d)(i);
  - (f) prescribing the terms of the question on which a ballot under this section is to be held and the manner in which such a ballot is to be conducted;
  - (g) enabling the Secretary of State, in any prescribed circumstances, to declare a previous ballot under this section void and require the holding of a fresh ballot;
  - (h) requiring anything falling to be done under the regulations to be done within such period as may be specified in or determined in accordance with the regulations.
- (4) Ballot regulations may provide—
- (a) for parents of any prescribed description to register with the designated body, in such manner and at such time as may be prescribed, in order to be eligible to request or vote in a ballot;
  - (b) that for all or any prescribed purposes of the regulations references to parents are to be read as excluding those who are not individuals.
- (5) Ballot regulations may provide for a request for a ballot under this section to be made, in any prescribed circumstances, by means of two or more petitions.
- (6) The information required to be provided in pursuance of subsection (3)(d) may include the names and addresses of parents of any prescribed description.
- (7) Ballot regulations may provide for sections 496 and 497 of the <sup>M1</sup>Education Act 1996 (default powers of Secretary of State) to apply to proprietors of independent schools in relation to a duty imposed by or under the regulations.
- (8) Where—
- (a) a ballot has been held under this section, and
  - (b) the result of the ballot was to the effect that the schools or school in question should retain selective admission arrangements,
- no further ballot relating to the schools or school shall be held under this section within such period as is specified in ballot regulations.
- (9) The Secretary of State may make (or arrange for the making of) payments in respect of any expenses incurred by—
- (a) the governing body of a school maintained by a local education authority,

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- (b) the proprietor of an independent school, or
- (c) a local education authority,

in complying with any obligations which may be imposed by regulations made under subsection (3)(d)(i) or (ii).

Payments under this subsection may be made on such terms as the Secretary of State may determine.

- (10) For the purposes of this section and sections 106 and 107, in their application in relation to any time falling before the appointed day, a grant-maintained school or a grant-maintained special school within the meaning of the <sup>M2</sup>Education Act 1996 shall be taken—

- (a) to be a school maintained by a local education authority, and
- (b) to be maintained by the authority in whose area it is situated.

- (11) In this section and section 106 “ballot regulations” means regulations made under this section.

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**Modifications etc. (not altering text)**

**C1** S. 105 applied (3.12.1998) by S.I. 1998/2876, art. 11(1).

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**Marginal Citations**

**M1** 1996 c. 56.

**M2** 1996 c. 56.

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