

Status: Point in time view as at 02/12/2008. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 29 June 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)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

MISCELLANEOUS

School Standards and Framework Act 1998 (c. 31)

53 The School Standards and Framework Act 1998 is amended as follows.

Commencement Information

- 11** Sch. 1 para. 53 in force at 2.12.2008 for specified purposes by S.I. 2008/3077, art. 2(d)
12 Sch. 1 para. 53 in force at 2.12.2008 for specified purposes for E. by S.I. 2008/3077, art. 3(b)

- 54 (1) Section 86 (parental preferences) is amended as follows.
- (2) After subsection (1) insert—
- “(1ZA) Subsection (1) does not apply in relation to—
- (a) sixth form education, or
- (b) any other education to be provided for a child who—
- (i) has ceased to be of compulsory school age, or
- (ii) will have ceased to be of compulsory school age before the education is provided for him.”
- (3) In subsection (2), for “subsections (3) and (3A)” substitute “ subsection (3) ”.
- (4) Omit subsections (3A) and (3B).
- (5) In subsection (5), after “section” insert “ 88C or ”.
- (6) In subsection (5A)—
- (a) after “under section” insert “ 88C or ”;
- (b) for “paragraphs (a) and (b) of section 89A(2)” substitute “ section 88D(2)(a) and (b) or 89A(2)(a) and (b) ”.
- (7) In subsection (5B)(a) and (b), after “section” insert “ 88C or ”.
- (8) In subsection (8), for “subsections (3) and (3A)” substitute “ subsection (3) ”.
- (9) In subsection (9), omit “or arrangements such as are mentioned in subsection (3B)”.

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Commencement Information

I3 Sch. 1 para. 54(5)(6)(7) in force at 2.12.2008 for E. by S.I. 2008/3077, art. 3(b)

VALID FROM 26/01/2009

55 In section 87 (no requirement to admit children permanently excluded from two or more schools), in subsection (1), for “duty imposed by section 86(2) does” substitute “ duties imposed by section 86(2) and section 86B(1) do ”.

VALID FROM 26/01/2009

56 After section 88Q (inserted by section 151) insert—

“Admission arrangements: Wales

88R Prohibition on interviews

- (1) No admission arrangements for a maintained school in Wales may require or authorise any interview with an applicant for admission to the school or his parents, where the interview is to be taken into account (to any extent) in determining whether the applicant is to be admitted to the school.
- (2) If the maintained school is one at which boarding accommodation is provided for pupils, subsection (1) does not apply in relation to any interview intended to assess the suitability of an applicant for a boarding place.
- (3) Where the admission arrangements for a maintained school in Wales make provision for a permitted form of selection by aptitude, subsection (1) does not prevent the arrangements from requiring or authorising any audition or other oral or practical test to be carried out in relation to an applicant solely for the purpose of ascertaining the applicant's aptitude in accordance with the arrangements.
- (4) In this section “permitted form of selection by aptitude” is to be read in accordance with section 99(4).”

57 (1) Section 89 (procedure for determining admission arrangements) is amended as follows.

- (2) In subsection (1), after “maintained school” insert “ in Wales ”.
- (3) Omit subsections (1ZA) and (1A).
- (4) In subsection (5), for “the adjudicator” substitute “ the Welsh Ministers ”.
- (5) In subsection (6)—
 - (a) for “The adjudicator” substitute “ The Welsh Ministers ”;
 - (b) for “he determines” substitute “ they determine ”;
 - (c) for “he may determine” substitute “ they may determine ”;

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- (d) in paragraph (a), for “his” substitute “ their ”.
- (6) Omit subsection (7).
- (7) In subsection (8)(g), for “the Secretary of State considers” substitute “ the Welsh Ministers consider ”.
- (8) In subsection (10) omit paragraph (b).

Commencement Information

I4 Sch. 1 para. 57 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

- 58
- (1) Section 89A (determination of admission numbers) is amended as follows.
 - (2) In subsection (1), after “maintained school” insert “ in Wales ”.
 - (3) In subsection (3), after “maintained school” insert “ in Wales ”.

Commencement Information

I5 Sch. 1 para. 58 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

VALID FROM 26/01/2009

- 59
- (1) Section 89B (co-ordination of admission arrangements) is amended as follows.
 - (2) In subsection (1), after “authority” insert “ in Wales ”.
 - (3) In subsection (2)—
 - (a) for “the Secretary of State” substitute “ the Welsh Ministers ”;
 - (b) after “authority” insert “ in Wales ”.
 - (4) In subsection (3)(b)—
 - (a) for “the Secretary of State” substitute “ the Welsh Ministers ”;
 - (b) for “him” substitute “them.
 - (5) In subsection (4)—
 - (a) for “The Secretary of State” substitute “ The Welsh Ministers ”;
 - (b) after “authorities” in the first place in which it occurs, insert “ in Wales ”;
 - (c) for “them” substitute “ such other authorities ”.
 - (6) In subsection (5)—
 - (a) in paragraph (a), after “authority” in the first place in which it occurs insert “ in Wales ”;
 - (b) in paragraph (b), after “maintained school” insert “ in Wales ”.
 - (7) After subsection (6) insert—
 - “(7) Nothing in this section applies in relation to arrangements for the admission to maintained schools in Wales of pupils—
 - (a) who—
 - (i) have ceased to be of compulsory school age, or

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- (ii) will have ceased to be of compulsory school age before education is provided for them at the school, or
 (b) for the purpose of receiving sixth form education.”

VALID FROM 26/01/2009

- 60 (1) Section 89C (further provision about schemes adopted or made by virtue of section 89B) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “local education authorities” insert “ in Wales ”;
- (b) in paragraph (b), after “maintained schools” insert “ in Wales ”.
- (3) In subsection (2)—
- (a) after “local education authority” in the first place where it occurs, insert “ in Wales ”;
- (b) after “maintained school” insert “ in Wales ”.
- (4) In subsections (3) and (3A), after “a maintained school” insert “ in Wales ”.
- (5) In subsections (6) and (7), for “the Secretary of State” in each place substitute “ the Welsh Ministers ”.
- 61 Omit section 89D (power to restrict alteration of admission arrangements following establishment or expansion).

Commencement Information

I6 [Sch. 1 para. 61](#) in force at 2.12.2008 by [S.I. 2008/3077](#), [art. 2\(d\)](#)

- 62 (1) Section 90 (reference of objections to adjudicator or Secretary of State) is amended as follows.
- (2) In the title, for “adjudicator or Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsections (1) and (2), for “the adjudicator” substitute “ the Welsh Ministers ”.
- (4) After subsection (2) insert—
- “(2A) Where any objection is referred to the Welsh Ministers, they shall decide whether, and (if so) to what extent, the objection should be upheld.”
- (5) Omit subsections (3) to (5).
- (6) In subsection (5A)—
- (a) for “the adjudicator or the Secretary of State is” substitute “ the Welsh Ministers are ”;
- (b) for “subsection (3)(a) or (b) or (5)(c)” substitute “ (2A) ”;
- (c) for “he” (in both places) substitute “ they ”.
- (7) In subsection (5B)—
- (a) for “him” substitute “ them ”;

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- (b) for “the adjudicator or the Secretary of State (as the case may be)” substitute “ the Welsh Ministers ”;
 - (c) in paragraphs (a), (b) and (d), for “his” substitute “ their ”;
 - (d) in paragraph (b) for “he has” substitute “ they have ”;
 - (e) omit paragraph (c);
 - (f) in paragraph (d), for “to (c)” substitute “ and (b) ”.
- (8) In subsection (5C)—
- (a) for “the adjudicator or the Secretary of State (as the case may be) decides” substitute “ the Welsh Ministers decide ”;
 - (b) for “his” substitute “ their ”.
- (9) In subsection (8)—
- (a) for “the adjudicator or the Secretary of State” (in both places) substitute “ the Welsh Ministers ”;
 - (b) for “has” substitute “ have ”.
- (10) In subsection (9)—
- (a) in paragraph (a)—
 - (i) for “the adjudicator or the Secretary of State” (in sub-paragraphs (i) and (ii)) substitute “ the Welsh Ministers ”;
 - (ii) in sub-paragraph (ii), for “is” substitute “ are ” and for “him” substitute “ them ”;
 - (b) in paragraph (b), for “the adjudicator or the Secretary of State” substitute “ the Welsh Ministers ”;
 - (c) omit paragraph (ba);
 - (d) in paragraphs (e) and (f), for “the adjudicator or the Secretary of State” substitute “ the Welsh Ministers ”.
- (11) In subsection (11), omit paragraph (b).

Commencement Information

I7 Sch. 1 para. 62 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

63 After section 90 insert—

“90ZA Regulations by Welsh Ministers under sections 89 to 90

In sections 89 to 90—

“prescribed” means prescribed by regulations made by the Welsh Ministers;

“regulations” means regulations made by the Welsh Ministers.”

Commencement Information

I8 Sch. 1 para. 63 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

64 Omit section 90A (restrictions on alteration of admission arrangements following adjudicator's decision).

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I9 Sch. 1 para. 64 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

VALID FROM 26/01/2009

65 Before section 92 insert— “ Publication of information about admissions: England and Wales ”

VALID FROM 26/01/2009

66 Omit section 94(7).

VALID FROM 26/01/2009

67 (1) Section 95 (appeals relating to children to whom section 87 applies) is amended as follows.

(2) In subsection (1)—

- (a) for “the parent of a child” substitute “ the appropriate person ”;
- (b) in paragraph (b), for “the child” substitute “ a child ”.

(3) After that subsection insert—

“(1A) In subsection (1), “the appropriate person”, in relation to a child, has the same meaning as in section 94.”

68 (1) Section 98 (admission for nursery education or to nursery or special school: children with statements of special educational needs) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), after “section” insert “ 88C or ”;
- (b) in paragraph (b), after “section” insert “ 88D or ”.

(3) In subsection (9)(b), after “section” insert “ 88C or ”.

Commencement Information

I10 Sch. 1 para. 68 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

69 In section 103 (permitted selection: introduction, variation or abandonment of provision for such selection), in subsection (1), after “sections” insert “ 88C to 88K or, as the case may be, ”.

Commencement Information

I11 Sch. 1 para. 69 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

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- 70 In section 108 (implementation of decision that school should cease to have selective admission arrangements), in subsection (2), after “sections” insert “ 88C to 88K or, as the case may be, ”.

Commencement Information

I12 Sch. 1 para. 70 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

- 71 After section 138 insert—

“138A Regulations made by Welsh Ministers under sections 89 to 90

- (1) Any power of the Welsh Ministers to make regulations under sections 89 to 90 shall be exercisable by statutory instrument.
- (2) A statutory instrument containing any such regulations made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (3) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.”

Commencement Information

I13 Sch. 1 para. 71 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

- 72 In section 142(1) (general interpretation)—
- (a) in the definition of “prescribed”, after “ “prescribed”” insert “ (except in sections 89 to 90) ”;
 - (b) in the definition of “regulations”, after “ “regulations”” insert “ (except in sections 89 to 90) ”.

Commencement Information

I14 Sch. 1 para. 72 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

- 73 (1) Section 143 (index) is amended as follows.
- (2) For the entry relating to “prescribed” substitute—

“prescribed	
(generally)	section 142(1)
(in sections 89 to 90)	section 90ZA”.

- (3) For the entry relating to “regulations” substitute—

“regulations	
(generally)	section 142(1)
(in sections 89 to 90)	section 90ZA”.

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I15 Sch. 1 para. 73 in force at 2.12.2008 by S.I. 2008/3077, art. 2(d)

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