



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III U.K.

#### SCHOOL ADMISSIONS

### CHAPTER I E+W

#### ADMISSION ARRANGEMENTS

*Nursery and special schools, etc: children with statements*

**98 Admission for nursery education or to nursery or special school: children with statements of special educational needs [F1 or EHC plans]. E+W**

(1) Children admitted to a school for nursery education and subsequently transferred to a reception class at the school shall be regarded for the purposes of this Chapter as admitted to the school (otherwise than for nursery education) on being so transferred.

[F2](2) The admission of children to a school for nursery education shall be disregarded—

- (a) for the purposes of any determination under section [F388C or] 89 of the number of pupils in any relevant age group that it is intended to admit to a primary school in a school year, and
- (b) in determining for the purposes of section [F488D or] 89A what is a relevant age group in relation to a primary school.]

(3) Subject to subsection (4), nothing in this Chapter [F5 apart from subsections (4A) and (4B)] applies in relation to—

- (a) nursery schools, or
- (b) children who will be under compulsory school age at the time of their proposed admission.

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- (4) Where the arrangements for the admission of pupils to a maintained school provide for the admission to the school of children who will be under compulsory school age at the time of their proposed admission, this Chapter shall apply in relation to the admission of such pupils to the school otherwise than for nursery education.
- <sup>F6</sup>[(4A) The person responsible for admitting, or refusing to admit, children to a maintained school for nursery education shall be the person who (by virtue of section 88(1)) is the admission authority for the school.]
- (4B) Regulations may make provision as to the person who is to be responsible for admitting, or refusing to admit, children to maintained nursery schools.]
- (5) Regulations may make provision in connection with the arrangements for the admission of pupils to community or foundation special schools, and for the allocation between the [<sup>F7</sup>local authority] and the governing body of such a school of functions in connection with such arrangements.
- (6) Apart from section [<sup>F8</sup>92(c) and (d)] and subsection (5) above, nothing in this Chapter applies in relation to special schools.
- (7) Subject to subsections (8) and (9), nothing in this Chapter applies in relation to children for whom [<sup>F9</sup>EHC plans are maintained under section 37 of the Children and Families Act 2014 or][<sup>F10</sup>individual development plans are maintained under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 in respect of which section 48 of that Act applies (duty to admit children to maintained schools)].
- (8) Any provision made by, or (as the case may be) by virtue of, section 84 or [<sup>F11</sup>92(c) and (d)] or this section[<sup>F12</sup>, apart from subsections (4A) and (4B),] applies, or (as the case may be) may be made so as to apply, in relation to such children.
- <sup>F13</sup>(9) Such children shall, in addition, be taken into account for the purposes of—
- (a) the references in section 86(5), (5B) and (9) to a number of pupils, and
  - (b) any determination under section [<sup>F14</sup>88C or] 89 of the number of pupils in a relevant age group that it is intended to admit, or to admit either as boarders or otherwise than as boarders, to a school in a school year.]
- (10) In subsection (8) the reference to any provision made by this section includes a reference to subsection (4) only so far as it has effect for the purposes mentioned in subsection (9).

#### Textual Amendments

- F1** Words in s. 98 title inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 68(3)**; S.I. 2014/889, art. 7(a)
- F2** S. 98(2) substituted (20.1.2003 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 12(2)** (with ss. 210(8), 214(4) and S.I. 2006/173, reg. 7); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 2); S.I. 2006/172, art. 4, Sch.
- F3** Words in s. 98(2)(a) inserted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 68(2)(a)**; S.I. 2008/3077, art. 2(d)
- F4** Words in s. 98(2)(b) inserted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 68(2)(b)**; S.I. 2008/3077, art. 2(d)
- F5** Words in s. 98(3) inserted (20.1.2003 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 12(3)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 3); S.I. 2004/912, art. 4, Sch. Pt. 1 (with art. 7

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- F6** S. 98(4A)(4B) inserted (20.1.2003 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 12(4)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 4); S.I. 2004/912, art. 4, Sch. Pt. 1 (with art. 7)
- F7** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F8** Words in s. 98(6) substituted: (E.) (20.1.2003) by The Education Act 2002 (Modification of Provisions) (No. 2) (England) Regulations 2002 (S.I. 2002/2953), **reg. 4**; and (W.) (1.2.2006) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2006 (S.I. 2006/173), regs. 1(1), 10
- F9** Words in s. 98(7) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 68(2)**; S.I. 2014/889, art. 7(a)
- F10** Words in s. 98(7) substituted (W.) (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 7(3)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F11** Words in s. 98(8) substituted: (E.) (20.1.2003) by The Education Act 2002 (Modification of Provisions) (No. 2) (England) Regulations 2002 (S.I. 2002/2953), **reg. 4**; and (W.) (1.2.2006) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2006 (S.I. 2006/173), regs. 1(1), 10
- F12** Words in s. 98(8) inserted (20.1.2003 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 12(5)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 5); S.I. 2004/912, art. 4, Sch. Pt. 1 (with art. 7)
- F13** S. 98(9) substituted (20.1.2003 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 12(6)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 6); S.I. 2006/172, art. 4, Sch.
- F14** Words in s. 98(9)(b) inserted (2.12.2008) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 68(3)**; S.I. 2008/3077, art. 2(d)

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

- C1** S. 98 modified (*temp.*) (22.4.1999) by S.I. 1999/1064, **reg.7**.
- C2** S. 98 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(c), **2-8**.  
S. 98 applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, **2-8**.
- C3** Ss. 95-99 applied (with modifications) (E.) (8.5.2003) by The New School (Admissions) (England) Regulations 2003 (S.I. 2003/1041), regs. 1(1), 9, **Sch. para. 1(b)**
- C4** S. 98(2) transitional provisions for effects of 2002 c. 32, Sch. 4 para. 12(2) (W.) (1.2.2006) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2006 (S.I. 2006/173), regs. 1(1), **8**

#### Commencement Information

- I1** S. 98 wholly in force at 1.4.1999; s. 98 not in force at Royal Assent see s. 145(3); s. 98(5) and (8)-(10) in force for certain purposes at 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**; s. 98 in force at 1.4.1999 in so far as not already in force by S.I. 1999/1016, art. 2(1), **Sch. 1** (with arts. 3-6, Sch. 4).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)