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STATUTORY INSTRUMENTS

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**1998 No. 2230**

**EDUCATION, ENGLAND AND WALES**

**The School Standards and Framework Act 1998  
(Admissions) (Modifications) Regulations 1998**

*Made - - - - 10th September 1998*  
*Laid before Parliament 10th September 1998*  
*Coming into force - - 1st October 1998*

In exercise of the powers conferred upon the Secretary of State by section 144(1)–(3) of the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the School Standards and Framework Act 1998 (Admissions) (Modifications) Regulations 1998 and shall come into force on 1st October 1998.

**Modifications of the Act**

2. In relation to any time before the appointed day(2), section 99(5) of the Act (general restriction on selection by ability or aptitude) shall apply with the following modification, namely that in place of paragraph (d) there is substituted–

“(d) “maintained school” means a county, voluntary or grant-maintained school within the meaning of the Education Act 1996(3).”

3.—(1) In relation to any time before section 28 of and Schedule 6 to the Act come into force, section 101 of the Act (permitted selection: pupil banding) shall apply with the following modification, namely that in place of subsections (3) and (4) there are substituted–

“(3) The introduction for a maintained school of admission arrangements to which subsection (1) applies shall constitute a significant change in the character of the school for the purposes of sections 35(1), 41(2), 259(1) and 260(2) of the Education Act 1996.

(4) Such arrangements are not authorised for any school by this section unless proposals to have such arrangements have been approved, or determined to be implemented or

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(1) 1998 c. 31.

(2) The appointed day is 1st September 1999 by virtue of S.I. 1998 No. 2083.

(3) 1996 c. 56.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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adopted, under section 37, 38, 43, 214, or 261 of the Education Act 1996, as the case may be.”

(2) The modification made by this regulation does not affect the operation of any transitional provision or saving made in connection with the coming into force of section 101(4).

10th September 1998

*Charles Clarke*  
Parliamentary Under Secretary of State,  
Department for Education and Employment

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(4) See S.I. 1998 No. 2212.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision relating to certain provisions of the School Standards and Framework Act 1998 on admissions.

Section 99 of the 1998 Act imposes a general restriction on admission arrangements that make provision for selection of pupils by ability or by aptitude, except in the case of grammar schools or forms of selection that are stated to be permitted. Regulation 2 modifies the definition of “maintained school” in section 99(5) to enable section 99 to apply to the existing framework of maintained schools during the period before the new statutory framework comes into force on 1st September 1999.

Section 101 of the 1998 Act permits selection by ability which consists of allocating pupils to ability bands, provided no level of ability is over-represented or under-represented. Subsections (3) and (4) have the effect that the introduction of such banding arrangements is not permitted unless it is implemented under the procedure in the 1998 Act for the publication of statutory proposals in respect of a prescribed alteration. Regulation 3 modifies these subsections so as to provide that, until the provisions on statutory proposals in the 1998 Act come into force, the introduction of such banding arrangements will constitute a “significant change of character” for the purposes of the equivalent provisions in the Education Act 1996 relating to statutory proposals.