

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) Regulations 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY INSTRUMENTS

# 1998 No. 417

## The Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) Regulations 1998

PROSPECTIVE

### Amendments to Schedule 1 to the principal Regulations

5. For paragraph 4, there shall be substituted the following paragraph—

#### “Admissions

4.—(1) The proprietor shall adopt and give effect to arrangements for the admission of children to the school in order to secure that a child shall not be admitted to the school where—

- (a) the school would not be capable of providing him with full-time education appropriate to his age, ability, aptitude and special educational needs in the form of a balanced and broadly based curriculum adapted for that purpose;
- (b) his admission would be incompatible with a condition imposed by the Secretary of State pursuant to section 347(3) of the Education Act 1996; or
- (c) his admission would result in the maximum number of children at the school, specified in a condition imposed by the Secretary of State pursuant to section 347(3) of that Act, being exceeded.

(2) The proprietor shall use his best endeavours to secure that the number of new pupils admitted to the school in every school year is sufficient to ensure that the total number of children attending the school is either equal to, or not substantially less than, the maximum number specified in any condition as is mentioned in sub-paragraph (1)(c).”

#### Commencement Information

**II** Reg. 5 in force at 1.4.1998, see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2021/933 reg. 7\(c\)](#)
- reg. 5 coming into force by [S.I. 1998/417 reg. 1\(1\)](#)