

2002 No. 2898

EDUCATION, ENGLAND

**The Education (Variation of Admission Arrangements)
(England) Regulations 2002**

Made - - - - - *18th November 2002*

Laid before Parliament *2nd December 2002*

Coming into force - - *20th January 2003*

In the exercise of the powers conferred upon the Secretary of State by sections 89(8)(e) and (f), and 138(7) of the School Standards and Framework Act 1998(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Variation of Admission Arrangements) (England) Regulations 2002 and shall come into force on 20th January 2003.

(2) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

“admission number” means the number of pupils in any relevant age group intended to be admitted in any school year as determined or, where the context requires, proposed to be determined by an admission authority in accordance with section 89A(1)(b);

“the relevant committee”, in relation to a maintained school, means the school organisation committee for the area of the local education authority who maintain the school;

“statutory proposals” means proposals published under section 28(c).

(2) Any reference in these Regulations to a numbered section or Schedule is a reference to that section of, or Schedule to, the Act.

Variation of admission arrangements

3.—(1) This regulation prescribes for the purposes of section 89(8)(e) the circumstances in which an admission authority, having determined the admission arrangements which are to apply for a particular school year, may (in addition to the circumstances set out in section 89(5)) vary those arrangements.

(2) Subject to regulation 4, an admission authority may vary an admission number where such variation is necessary to implement the approval of statutory proposals where—

(a) the proposals have been approved under paragraph 3 of Schedule 6, or

(a) 1998 c. 31; *see* section 142(1) for the meaning of “regulations” and “prescribed”. By virtue of S.I. 1999/672 the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(b) Section 89A was inserted by section 47(2) of the Education Act 2002 (c. 32).

(c) Section 28 was amended by section 73 of the 2002 Act.

- (b) the local education authority have determined under paragraph 4 of that Schedule to implement the proposals.

Referral of variations to the adjudicator

4.—(1) Except where paragraph (2) applies, the requirements of section 89(5) and (6) (proposed variation of admission arrangements in view of a major change of circumstances) are to apply to a proposed variation made under regulation 3.

(2) The requirements of section 89(5) and (6) shall not apply to an admission authority in relation to the proposed variation of an admission number in any case where the statutory proposals giving rise to that variation have been approved—

- (a) by the relevant committee under paragraph 3(2)(b) of Schedule 6 without modification of any proposed admission number, or
- (b) (where paragraph 3(5) or (6) of Schedule 6 applies) by the adjudicator in accordance with paragraph 3(7) of that Schedule,

(whether or not the proposals have subsequently been modified by the adjudicator under paragraph 5(7) of that Schedule) provided in each case that, following such approval, the statutory proposals are not modified in relation to any admission number by the relevant committee pursuant to a request made under paragraph 5(2)(a) of Schedule 6.

18th November 2002

David Miliband
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the circumstances in which an admission authority may (in addition to the circumstances set out in section 89(5)) vary the admission arrangements they have determined for a particular school year. References to “section” and “Schedule” throughout are to a section of or Schedule to the School Standards and Framework Act 1998 (c. 31).

Regulation 3(2) provides that an admission authority may vary the admission number they have determined for any relevant age group where necessary to implement approved statutory proposals published under section 28, and a variation of the admission number is necessary to implement those proposals.

Regulation 4 provides that, subject to paragraph (3), the requirements of section 89(5) and (6) shall apply to a variation made pursuant to regulation 3. This means that the admission authority must notify the bodies which they were required by section 89(2) to consult about their proposed admission arrangements of the proposed variation and must refer it to the adjudicator for determination. Paragraph (3) prescribes the circumstances in which these requirements do not apply. These are where the relevant school organisation have approved the statutory proposals under paragraph 3(2)(b) of Schedule 6 without modifying the proposed admission number, or where the statutory proposals have been approved by the adjudicator in accordance with paragraph 3(7) of the Schedule (whether with or without modification of the proposed admission number). However, the exemption from the requirements of section 89(5) and (6) does not apply in either case where the relevant committee subsequently modify an admission number pursuant to a request made under paragraph 5(2)(a) of the Schedule to modify approved proposals.

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