

2003 No. 2751

EDUCATION, ENGLAND

**The Education (Co-ordination of Admission Arrangements)
(Primary Schools) (England) (Amendment) Regulations 2003**

Made - - - - - *27th October 2003*
Laid before Parliament *31st October 2003*
Coming into force - - - *4th December 2003*

In exercise of the powers conferred upon the Secretary of State by sections 89B(1) and (5) and 89C(4) of the School Standards and Framework Act 1998(a) and section 214(1) of the Education Act 2002(b), the Secretary of State for Education and Skills hereby makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003 and shall come into force on 4th December 2003.

Amendment of Regulations

2.—(1) The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002(c) shall be amended as follows.

(2) In regulation 3(1), after “Subject to paragraphs (2) and (3)” there shall be inserted “and regulation 9”.

(3) In regulation 4 (Action to be taken by a local education authority to secure adoption of a qualifying scheme)—

(a) for paragraph (2) there shall be substituted—

“(2) Subject to paragraphs (3) and (4), an authority shall formulate a qualifying scheme no later than 1st January in the relevant determination year.”;

(b) paragraph (6) shall be omitted.

(4) For paragraph (1) of regulation 6 there shall be substituted—

“(1) Subject to section 89C of the 1998 Act, in any case where by 15th April in the relevant determination year an authority have not informed the Secretary of State in

(a) 1998 c. 31. Sections 89B and 89C were inserted into the 1998 Act by section 48 of the Education Act 2002; by virtue of section 211(1) of the 2002 Act, the powers conferred by sections 89B and 89C are exercisable by the Secretary of State only in relation to England. For the meaning of “regulations” and “prescribed” see section 142(1) of the 1998 Act.

(b) 2002 c. 32.

(c) S.I. 2002/2903.

accordance with regulation 5 that a qualifying scheme has been adopted in relation to each primary school in their area, an imposed scheme may be made.”.

(5) After regulation 8 there shall be inserted—

“Transitional provisions

9.—(1) In relation to the initial year these Regulations shall have effect with the following modifications.

(2) In regulation 3—

- (a) in paragraph (1), for “shall” there shall be substituted “may”,
- (b) after paragraph (2) there shall be inserted—

“(2A) Where an authority decide to formulate a qualifying scheme pursuant to paragraph (1)—

- (a) they shall notify the Secretary of State of their decision;
- (b) these Regulations shall apply as if they were under a duty to formulate such a scheme; and
- (c) if a scheme is adopted or made it shall be treated as having been adopted or made by virtue of section 89B of the 1998 Act.”, and
- (d) paragraph (3) shall be omitted.”.

27th October 2003

David Miliband
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002 (“the principal regulations”).

By virtue of regulation 2(5), which inserts regulation 9 into the principal regulations, local education authorities are no longer under a duty to formulate a qualifying scheme relating to each primary school in their area for the initial year (2005-06), although they may formulate such a scheme if they wish to do so.

Where local authorities decide to formulate a qualifying scheme for the initial year, the principal regulations shall apply as if they were under a duty to formulate such a scheme, and if a scheme is adopted or made it shall be treated as having been made by virtue of section 89B of the School Standards and Framework Act 1998.

Under regulation 2(3), when read with regulation 2(5), where local authorities decide to formulate a qualifying scheme for the initial year, they are required to formulate the scheme no later than the 1st January 2004.

Regulation 4(6) of the principal regulations, which provides that the duty to consult admission authorities and other LEAs under regulation 4(4) shall apply notwithstanding that an Admission Forum has not been established, has been revoked. This provision is no longer necessary as all LEAs were required to establish an Admission Forum by 20th March 2002.

Under regulation 2(4), which amends regulation 6(1) of the principal regulations, the Secretary of State may impose a qualifying scheme for the initial year (where the local authority have decided to formulate such a scheme), if by the 15th April 2004 the local authority have not informed the Secretary of State that they have secured agreement to the adoption of a scheme.

STATUTORY INSTRUMENTS

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