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STATUTORY INSTRUMENTS

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**2012 No. 9**

**The School Admissions (Appeals Arrangements) (England) Regulations 2012**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the School Admissions (Appeals Arrangements) (England) Regulations 2012 and come into force on 1st February 2012.

(2) These Regulations apply in relation to maintained schools in England.

**Transitional provision**

2. These Regulations apply to appeals lodged on or after 1st February 2012.

**Interpretation**

3. In these Regulations—

(a) “the 1972 Act” means the Local Government Act 1972<sup>M1</sup>;

[<sup>F1</sup>“the admission authority” has the same meaning as in section 88(1)(a) and (b) of SSFA 1998;]

[<sup>F1</sup>“admission decision” means a decision referred to in section 94(1) to (2A) of SSFA 1998 refusing a child admission to a school or entrance to a sixth form or as to the school at which education is to be provided for a child;]

[<sup>F1</sup>“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2);]

[<sup>F1</sup>“coronavirus exception” is a condition which applies where, for a reason related to the incidence or transmission of coronavirus—

(a) it is not reasonably practicable for a governing body of a foundation or voluntary aided school or a local authority to comply with the requirements of paragraph 1(1) and (2) of Schedule 1, or paragraph 1.5 and 1.9 of the SAAC (“the constitution reason”), or

(b) it is not reasonably practicable for an admission appeal panel to comply with the requirement in paragraphs 2.12 or 6.4b) of the SAAC for appellants or representatives of local authorities or governing bodies to be allowed to appear in person (“the appeal in person reason”);]

[<sup>F1</sup>“remote access” means access to an appeal hearing to enable those who are not all present together at the same place to attend or participate simultaneously in the hearing by electronic means, including by live audio and live video link;]

[<sup>F1</sup>“the SAAC” means the School Admission Appeals Code which is the code for school admission appeals issued and published by the Secretary of State in February 2012 under section 84(1) and (4) of SSFA 1998;]

(b) “SSFA 1998” means the School Standards and Framework Act 1998.

### Textual Amendments

- F1** Words in reg. 3 inserted (temp.) (24.4.2020) by virtue of [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020 \(S.I. 2020/446\)](#), regs. 1, 7 (with regs. 2, 3(2), 4, 5) (as amended (31.1.2021) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2021 \(S.I. 2021/14\)](#), regs. 1, 2 and (7.7.2022) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2022 \(S.I. 2022/662\)](#), regs. 1, 2)

### Marginal Citations

- M1** 1972 c.70.

## Regulations revoked

4. Save that they continue to apply in relation to appeals lodged before 1st February 2012, the following Regulations are revoked—

- (a) The Education (Admissions Appeals Arrangements) (England) Regulations 2002 <sup>M2</sup>;
- (b) The Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2007 <sup>M3</sup>;
- (c) The Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008 <sup>M4</sup>.

### Marginal Citations

- M2** [S.I. 2002/2899](#) as amended by [S.I. 2007/3026](#) and [S.I. 2008/3092](#).  
**M3** [S.I. 2007/3026](#).  
**M4** [S.I. 2008/3092](#).

## Constitution of appeal panels

5. An appeal pursuant to arrangements made by a local authority or governing body of a foundation or voluntary aided school under section 94 or a local authority under section 95 of SSFA 1998 is to an appeal panel constituted in accordance with the relevant paragraphs of [F<sup>2</sup>the Schedule][F<sup>2</sup>Schedule 1 or, where the constitution reason of the coronavirus exception applies, the relevant paragraphs of Schedule 1, subject to paragraph 1 of Schedule 2].

### Textual Amendments

- F2** Words in reg. 5 substituted (temp.) (24.4.2020) by virtue of [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020 \(S.I. 2020/446\)](#), regs. 1, 8 (with regs. 2, 3(2), 4, 5) (as amended (31.1.2021) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2021 \(S.I. 2021/14\)](#), regs. 1, 2 and (7.7.2022) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2022 \(S.I. 2022/662\)](#), regs. 1, 2)

## Payment of allowances

6.—(1) For the purpose of the payment of financial loss allowance under section 173(4) of the 1972 Act <sup>M5</sup>, that provision applies to any member of an appeal panel constituted in accordance with

the Schedule; and in that section as it so applies the reference to an approved duty is to be read as a reference to attendance at a meeting of an appeal panel or associated training.

(2) Section 174(1) of the 1972 Act <sup>M6</sup> applies in relation to any appeal panel constituted in accordance with the Schedule; and in that section as it so applies the reference to payments at rates determined by the body in question is to be read as a reference to payments at rates determined by the local authority or the governing body or bodies of the school or schools in question.

#### Marginal Citations

- M5** Section 173(4) was amended by the [Local Government and Housing Act 1989 \(c.42\)](#), [section 194](#) and Schedule 11, paragraph 26.
- M6** Section 174(1) was amended by the [Local Government, Planning and Land Act 1980 \(c.65\)](#), [section 25](#).

### [<sup>F3</sup> Procedure for appeals where coronavirus exception applies

7. Paragraph 2 of Schedule 2 has effect in relation to an appeal pursuant to arrangements made by a local authority or governing body of a foundation or voluntary aided school under section 94 or a local authority under section 95 of SSFA 1998 where the appeal in person reason of the coronavirus exception applies.]

#### Textual Amendments

- F3** Regs. 7, 8 inserted (temp.) (24.4.2020) by virtue of [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020 \(S.I. 2020/446\)](#), regs. 1, [9](#) (with regs. 2, 3(2), 4, 5) (as amended (31.1.2021) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2021 \(S.I. 2021/14\)](#), regs. 1, [2](#) and (7.7.2022) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2022 \(S.I. 2022/662\)](#), regs. 1, [2](#))

### [<sup>F4</sup> Time limits

8.—(1) Paragraphs 3 and 4 of Schedule 2 have effect for the purposes of determining the timetable in respect of an appeal pursuant to arrangements made by a local authority or governing body of a foundation or voluntary aided school under section 94 of SSFA 1998.

(2) Paragraph 5 of Schedule 2 has effect for the purposes of determining the timetable in relation to an appeal pursuant to arrangements made by a local authority under section 95 of SSFA 1998.]

#### Textual Amendments

- F4** Regs. 7, 8 inserted (temp.) (24.4.2020) by virtue of [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020 \(S.I. 2020/446\)](#), regs. 1, [9](#) (with regs. 2, 3(2), 4, 5) (as amended (31.1.2021) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2021 \(S.I. 2021/14\)](#), regs. 1, [2](#) and (7.7.2022) by [The School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2022 \(S.I. 2022/662\)](#), regs. 1, [2](#))

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**Changes to legislation:** *There are currently no known outstanding effects for the The School Admissions (Appeals Arrangements) (England) Regulations 2012. (See end of Document for details)*

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Department for Education

*Nick Gibb*  
Minister of State

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There are currently no known outstanding effects for the The School Admissions (Appeals Arrangements) (England) Regulations 2012.