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## EXPLANATORY NOTE

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

These Regulations are made under sections 94, 95 and 138(7) and (8) of the School Standards and Framework Act 1998 (“the 1998 Act”). They apply to all appeals heard on or after 1 January 2014 in respect of decisions to admit (or not to admit) pupils to schools. They make amendments to the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (“the 2005 Regulations”).

Regulation 2 substitutes a new regulation 6 in the 2005 Regulations. The new regulation provides that appeal panels may consider whether admission arrangements are unlawful because they do not comply with either the 1998 Act, or the mandatory provisions of any school admissions code (issued under section 84 of the 1998 Act). When a child is refused a place at school on the basis that to admit the child would breach the statutory limit on infant class size unless a relevant measure were taken to avoid that breach, panels may only uphold the appeal on certain limited grounds. The new regulation 6 provides that a panel may uphold such appeals if it is satisfied that either the child would have been offered a place if the relevant admission arrangements had been properly implemented, or if they had been lawful, or if the panel is satisfied that the decision of the admission authority was unreasonable.

Regulation 2 also substitutes a new regulation 7 so that allowances that may be paid to panel members reflect the rates applicable to Community Councillors under Part 8 of the Local Government (Wales) Measure 2011.