Changes to legislation: *Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

MISCELLANEOUS

School Standards and Framework Act 1998 (c. 31)

53 The School Standards and Framework Act 1998 is amended as follows.

Commencement Information

I1 Sch. 1 para. 53 in force at 2.12.2008 for specified purposes by S.I. 2008/3077, **art. 2(d)**

I2 Sch. 1 para. 53 in force at 2.12.2008 for specified purposes for E. by S.I. 2008/3077, **art. 3(b)**

I3 Sch. 1 para. 53 in force at 26.1.2009 for E. so far as not already in force by S.I. 2008/3077, **art. 5(e)** (with art. 6)

I4 Sch. 1 para. 53 in force at 26.1.2009 for specified purposes by S.I. 2008/3077, **art. 4(g)**

I5 Sch. 1 para. 53 in force at 31.3.2009 for W. by S.I. 2009/784, **art. 3(d)** (with art. 4)

54 (1) Section 86 (parental preferences) is amended as follows.

(2) After subsection (1) insert—

"(1ZA) Subsection (1) does not apply in relation to—

(a) sixth form education, or

(b) any other education to be provided for a child who—

(i) has ceased to be of compulsory school age, or

(ii) will have ceased to be of compulsory school age before the education is provided for him."

(3) In subsection (2), for "subsections (3) and (3A)" substitute " subsection (3) ".

(4) Omit subsections (3A) and (3B).

(5 In subsection (5), after "section" insert " 88C or ".

(6 In subsection (5A)—

(a) after "under section" insert " 88C or ";

(b) for "paragraphs (a) and (b) of section 89A(2)" substitute " section 88D(2)(a) and (b) or 89A(2)(a) and (b) ".

(7 In subsection (5B)(a) and (b), after "section" insert " 88C or ".

(8) In subsection (8), for "subsections (3) and (3A)" substitute " subsection (3) ".

Changes to legislation: *Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) In subsection (9), omit "or arrangements such as are mentioned in subsection (3B)".

Commencement Information

I6 Sch. 1 para. 54 in force at 31.3.2009 for W. by S.I. 2009/784, **art. 3(d)** (with art. 4)

I7 Sch. 1 para. 54(1)-(4) (8) (9) in force at 26.1.2009 for E. so far as not already in force by S.I. 2008/3077, **art. 5(e)** (with art. 6)

I8 Sch. 1 para. 54(5)(6)(7) in force at 2.12.2008 for E. by S.I. 2008/3077, **art. 3(b)**

55 In section 87 (no requirement to admit children permanently excluded from two or more schools), in subsection (1), for "duty imposed by section 86(2) does" substitute " duties imposed by section 86(2) and section 86B(1) do ".

Commencement Information

I9 Sch. 1 para. 55 in force at 26.1.2009 for E. by S.I. 2008/3077, **art. 5(e)** (with art. 6)

I10 Sch. 1 para. 55 in force at 31.3.2009 for W. by S.I. 2009/784, **art. 3(d)** (with art. 4)

56 After section 88Q (inserted by section 151) insert—

"Admission arrangements: Wales

88R Prohibition on interviews

(1) No admission arrangements for a maintained school in Wales may require or authorise any interview with an applicant for admission to the school or his parents, where the interview is to be taken into account (to any extent) in determining whether the applicant is to be admitted to the school.

(2) If the maintained school is one at which boarding accommodation is provided for pupils, subsection (1) does not apply in relation to any interview intended to assess the suitability of an applicant for a boarding place.

(3) Where the admission arrangements for a maintained school in Wales make provision for a permitted form of selection by aptitude, subsection (1) does not prevent the arrangements from requiring or authorising any audition or other oral or practical test to be carried out in relation to an applicant solely for the purpose of ascertaining the applicant's aptitude in accordance with the arrangements.

(4) In this section "permitted form of selection by aptitude" is to be read in accordance with section 99(4)."

Commencement Information

I11 Sch. 1 para. 56 in force at 26.1.2009 by S.I. 2008/3077, **art. 4(g)**

57 (1) Section 89 (procedure for determining admission arrangements) is amended as follows.

(2) In subsection (1), after "maintained school" insert " in Wales ".

***Changes to legislation:** Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Omit subsections (1ZA) and (1A).

(4) In subsection (5), for "the adjudicator" substitute " the Welsh Ministers ".

(5) In subsection (6)—

(a) for "The adjudicator" substitute " The Welsh Ministers ";

(b) for "he determines" substitute " they determine ";

(c) for "he may determine" substitute " they may determine ";

(d) in paragraph (a), for "his" substitute " their ".

(6) Omit subsection (7).

(7) In subsection (8)(g), for "the Secretary of State considers" substitute " the Welsh Ministers consider ".

(8) In subsection (10) omit paragraph (b).

Commencement Information

I12 Sch. 1 para. 57 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

58 (1) Section 89A (determination of admission numbers) is amended as follows.

(2) In subsection (1), after "maintained school" insert " in Wales ".

(3) In subsection (3), after "maintained school" insert " in Wales ".

Commencement Information

I13 Sch. 1 para. 58 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

59 (1) Section 89B (co-ordination of admission arrangements) is amended as follows.

(2) In subsection (1), after "authority" insert " in Wales ".

(3) In subsection (2)—

(a) for "the Secretary of State" substitute " the Welsh Ministers ";

(b) after "authority" insert " in Wales ".

(4) In subsection (3)(b)—

(a) for "the Secretary of State" substitute " the Welsh Ministers ";

(b) for "him" substitute "them.

(5) In subsection (4)—

(a) for "The Secretary of State" substitute " The Welsh Ministers ";

(b) after "authorities" in the first place in which it occurs, insert " in Wales ";

(c) for "them" substitute " such other authorities ".

(6) In subsection (5)—

(a) in paragraph (a), after "authority" in the first place in which it occurs insert " in Wales ";

(b) in paragraph (b), after "maintained school" insert " in Wales ".

(7) After subsection (6) insert—

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"(7) Nothing in this section applies in relation to arrangements for the admission to maintained schools in Wales of pupils—

(a) who—

(i) have ceased to be of compulsory school age, or

(ii) will have ceased to be of compulsory school age before education is provided for them at the school, or

(b) for the purpose of receiving sixth form education."

Commencement Information

I14 Sch. 1 para. 59(1)-(6) in force at 26.1.2009 by S.I. 2008/3077, **art. 4(g)**

I15 Sch. 1 para. 59(7) in force at 26.1.2009 for E. by S.I. 2008/3077, **art. 5(e)** (with art. 6)

I16 Sch. 1 para. 59(7) in force at 31.3.2009 for W. by S.I. 2009/784, **art. 3(d)** (with art. 4)

60 (1) Section 89C (further provision about schemes adopted or made by virtue of section 89B) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), after "**[**[F1]local authorities**]**" insert " in Wales ";

(b) in paragraph (b), after "maintained schools" insert " in Wales ".

(3) In subsection (2)—

(a) after "**[**[F1]local authority**]**" in the first place where it occurs, insert " in Wales ";

(b) after "maintained school" insert " in Wales ".

(4) In subsections (3) and (3A), after "a maintained school" insert " in Wales ".

(5) In subsections (6) and (7), for "the Secretary of State" in each place substitute " the Welsh Ministers ".

Textual Amendments

F1 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 15(2)**

Commencement Information

I17 Sch. 1 para. 60 in force at 26.1.2009 by S.I. 2008/3077, **art. 4(g)**

61 Omit section 89D (power to restrict alteration of admission arrangements following establishment or expansion).

Commencement Information

I18 Sch. 1 para. 61 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

62 (1) Section 90 (reference of objections to adjudicator or Secretary of State) is amended as follows.

(2) In the title, for "adjudicator or Secretary of State" substitute " Welsh Ministers ".

(3) In subsections (1) and (2), for "the adjudicator" substitute " the Welsh Ministers ".

***Changes to legislation:** Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) After subsection (2) insert—

"(2A) Where any objection is referred to the Welsh Ministers, they shall decide whether, and (if so) to what extent, the objection should be upheld."

(5) Omit subsections (3) to (5).

(6) In subsection (5A)—

(a) for "the adjudicator or the Secretary of State is" substitute " the Welsh Ministers are ";

(b) for "subsection (3)(a) or (b) or (5)(c)" substitute " (2A) ";

(c) for "he" (in both places) substitute " they ".

(7) In subsection (5B)—

(a) for "him" substitute " them ";

(b) for "the adjudicator or the Secretary of State (as the case may be)" substitute " the Welsh Ministers ";

(c) in paragraphs (a), (b) and (d), for "his" substitute " their ";

(d) in paragraph (b) for "he has" substitute " they have ";

(e) omit paragraph (c);

(f) in paragraph (d), for "to (c)" substitute " and (b) ".

(8) In subsection (5C)—

(a) for "the adjudicator or the Secretary of State (as the case may be) decides" substitute " the Welsh Ministers decide ";

(b) for "his" substitute " their ".

(9) In subsection (8)—

(a) for "the adjudicator or the Secretary of State" (in both places) substitute " the Welsh Ministers ";

(b) for "has" substitute " have ".

(10) In subsection (9)—

(a) in paragraph (a)—

(i) for "the adjudicator or the Secretary of State" (in sub-paragraphs (i) and (ii)) substitute " the Welsh Ministers ";

(ii) in sub-paragraph (ii), for "is" substitute " are " and for "him" substitute " them ";

(b) in paragraph (b), for "the adjudicator or the Secretary of State" substitute " the Welsh Ministers ";

(c) omit paragraph (ba);

(d) in paragraphs (e) and (f), for "the adjudicator or the Secretary of State" substitute " the Welsh Ministers ".

(11) In subsection (11), omit paragraph (b).

Commencement Information

I19 Sch. 1 para. 62 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

63 After section 90 insert—

Changes to legislation: *Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"90ZA Regulations by Welsh Ministers under sections 89 to 90

In sections 89 to 90—

"prescribed" means prescribed by regulations made by the Welsh Ministers;

"regulations" means regulations made by the Welsh Ministers."

Commencement Information

I20 Sch. 1 para. 63 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

64 Omit section 90A (restrictions on alteration of admission arrangements following adjudicator's decision).

Commencement Information

I21 Sch. 1 para. 64 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

65 Before section 92 insert— " Publication of information about admissions: England and Wales "

Commencement Information

I22 Sch. 1 para. 65 in force at 26.1.2009 by S.I. 2008/3077, **art. 4(g)**

66 Omit section 94(7).

Commencement Information

I23 Sch. 1 para. 66 in force at 26.1.2009 for E. by S.I. 2008/3077, **art. 5(e)** (with art. 6)

I24 Sch. 1 para. 66 in force at 31.3.2009 for W. by S.I. 2009/784, **art. 3(d)** (with art. 4)

67 (1) Section 95 (appeals relating to children to whom section 87 applies) is amended as follows.

(2) In subsection (1)—

(a) for "the parent of a child" substitute " the appropriate person ";

(b) in paragraph (b), for "the child" substitute " a child ".

(3) After that subsection insert—

"(1A) In subsection (1), "the appropriate person", in relation to a child, has the same meaning as in section 94."

Commencement Information

I25 Sch. 1 para. 67 in force at 26.1.2009 for E. by S.I. 2008/3077, **art. 5(e)** (with art. 6)

I26 Sch. 1 para. 67 in force at 31.3.2009 for W. by S.I. 2009/784, **art. 3(d)** (with art. 4)

Changes to legislation: *Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

68 (1) Section 98 (admission for nursery education or to nursery or special school: children with statements of special educational needs) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (a), after "section" insert " 88C or ";

(b) in paragraph (b), after "section" insert " 88D or ".

(3) In subsection (9)(b), after "section" insert " 88C or ".

Commencement Information

I27 Sch. 1 para. 68 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

69 In section 103 (permitted selection: introduction, variation or abandonment of provision for such selection), in subsection (1), after "sections" insert " 88C to 88K or, as the case may be, ".

Commencement Information

I28 Sch. 1 para. 69 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

70 In section 108 (implementation of decision that school should cease to have selective admission arrangements), in subsection (2), after "sections" insert " 88C to 88K or, as the case may be, ".

Commencement Information

I29 Sch. 1 para. 70 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

71 After section 138 insert—

"**138A Regulations made by Welsh Ministers under sections 89 to 90**

(1) Any power of the Welsh Ministers to make regulations under sections 89 to 90 shall be exercisable by statutory instrument.

(2) A statutory instrument containing any such regulations made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(3) Any such regulations may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit."

Commencement Information

I30 Sch. 1 para. 71 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

72 In section 142(1) (general interpretation)—

(a) in the definition of "prescribed", after " "prescribed"" insert " (except in sections 89 to 90) ";

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(b) in the definition of "regulations", after " "regulations"" insert " (except in sections 89 to 90) ".

Commencement Information

I31 Sch. 1 para. 72 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

73 (1) Section 143 (index) is amended as follows.

(2) For the entry relating to "prescribed" substitute—

"prescribed	
(generally)	section 142(1)
(in sections 89 to 90)	section 90ZA".

(3) For the entry relating to "regulations" substitute—

"regulations	
(generally)	section 142(1)
(in sections 89 to 90)	section 90ZA".

Commencement Information

I32 Sch. 1 para. 73 in force at 2.12.2008 by S.I. 2008/3077, **art. 2(d)**

Changes to legislation:
Education and Skills Act 2008, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 91(3)(c) inserted by 2022 asc 1 Sch. 4 para. 22(3)