
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1 February 2006 those provisions of the Education Act 2002 specified in the Schedule to this Order.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

In the case of provisions brought into force by this Order which amend existing legislation, references to the Secretary of State in those provisions are to be read, in relation to Wales, as references to the National Assembly for Wales — see section 211.

The effect of the provisions specified in the Schedule to this Order is as follows—

Section 47 amends the School Standards and Framework Act 1998 (“the 1998 Act”) in relation to arrangements for admission to maintained schools. Schools are no longer required to have standard numbers (which relate to the numbers of pupils to be admitted in a school year). In determining admission arrangements for a school, admission authorities will be required to set an admission number. Regulations and guidance will make provision as to the calculation of that number. Until the admission authority have admitted that number of pupils, the duty to comply with parental preference applies. Section 47 also amends section 86 of the 1998 Act to allow for separate admission numbers for day and boarding places where schools provide boarding accommodation.

Section 48 amends the 1998 Act to allow the National Assembly for Wales to make regulations requiring LEAs to co-ordinate school admission arrangements.

Section 51 and the provisions commenced in Schedule 4 make further amendments to the 1998 Act in relation to school admission arrangements. These include providing governing bodies of community and voluntary controlled schools with a right to be consulted about the admission arrangements which admission authorities for other schools in their areas propose to make.

Section 175 imposes a duty on LEAs and governing bodies of maintained schools and FE institutions, requiring them to make arrangements in relation to the welfare of children. In addition, they must have regard to any guidance issued by the National Assembly in determining what arrangements they must make to comply with their duties.