

DRAFT ADMISSIONS REGULATIONS

Enclosed are the following ten draft regulations that implement the admissions provisions in the Education and Inspections Bill 2006. These will come into force in February 2007 subject to this consultation and approval by Parliament:

- a) The Education (Admission Forums) (England) (Amendment) Regulations 2007
- b) The School Admissions (Adjudicator Determinations Relating to Looked After and Certain Other Children) (England) Regulations 2007
- c) The Education (Infant Class Sizes) (England) (Amendment) Regulations 2007
- d) The School Admissions (Restrictions on Alteration of Admission Arrangements) (England) Regulations 2007
- e) The Education (Determination of Admission Arrangements) (England) (Amendment) Regulations 2007
- f) The Education (Objections to Admission Arrangements) (England) (Amendment) Regulations 2007
- g) The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) (Amendment) Regulations 2007
- h) The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2007
- i) The Education (Aptitude for Particular Subject) (England) Regulations 2007
- j) The Education (Admissions Appeals) (Amendment)(England) Regulations 2007

2007 No.

EDUCATION, ENGLAND

**The Education (Admission Forums) (England) (Amendment)
Regulations 2007**

<i>Made</i> - - - -	2007
<i>Laid before Parliament</i>	2007
<i>Coming into force</i> - -	2007

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 85A, 85B and 138(7) of the School Standards and Framework Act 1998(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as The Education (Admission Forums) (England) (Amendment) Regulations 2007 and shall come into force on [] 2007.

(2) These Regulations apply only in relation to England.

Amendment of Regulations

2. The Education (Admission Forums) (England) Regulations 2002(b) are amended as follows—

(1) In regulation 2(1) before the word “secretary” insert—

““school members” are members of a forum appointed under regulation 5(1)(aa); and”;

(2) In regulation 3 after paragraph (1) insert—

“(1A) For the purposes of section 85A (1A) the prescribed matters are—

- (a) the number and percentages of first, second and third preferences met (or more if applicable) and the main factors that affected whether preferences were met;
- (b) the number of appeals made to the appeal panel within the area of the authority;
- (c) the ethnic and social mix of pupils attending schools in the area of the authority and the factors that affect this;
- (d) the extent to which existing and proposed admission arrangements serve the interests of looked after children, children with disabilities and children with special educational needs;
- (e) how well the hard to place pupil protocol has worked and how many children have been admitted to each school under the protocol;
- (f) whether primary schools are meeting their statutory duties in relation to infant class sizes;

(a) 1998 c.31; section 85A was inserted by section 46 of the Education Act 2002 (c.32), section 85B was inserted by section 66 of the Education Act 2002, and both sections were amended by the Education and Inspections Act 2006 (c. ?) section ?.

(b) S.I. 2002/2900.

- (g) details of other matters that might affect how fairly admission arrangements serve the interests of children and parents within the authority; and
 - (h) any recommendation or recommendations that the forum wishes to make in order to improve parental choice and access to education in the area of the authority.
- (3) In regulation 3 after paragraph (1A) insert—
- ‘(1B) For the purposes of section 85A (1B) of the Act the prescribed information is—
- (a) in relation to local authorities, the number and percentages of preferences met and the main factors that affected this;
 - (b) in relation to local authorities and governing bodies the number of appeals made to the appeal panel;
 - (c) in relation to governing bodies, the ethnic and social mix of pupils attending schools and the factors that might affect this;
 - (d) in relation to local authorities how well the hard to place pupil protocol has worked and how many children have been admitted to each school under the protocol;
 - (e) in relation to local authorities and governing bodies, information relating to whether primary schools are meeting their statutory duties in relation to infant class sizes; and
 - (f) in relation to local authorities and governing bodies, such information as might be relevant to matters that affect the admissions process and the extent to which it operates fairly and promotes parental choice and access to education.
- (4) In regulation 5(1) after paragraph (a) insert—
- “(aa) school members appointed by the authority in accordance with paragraph (6A); and”;
- (5) In regulation 5 after paragraph (6) insert—
- “(6A) (a) For the purposes of this regulation, and subject to paragraph (b), the “school members” of a forum shall comprise one member from every maintained school, other than a special school, in the area of the authority, who should be either the head teacher or a governor other than a governor who is appointed to the governing body by the authority and is a member of the authority;
- (b) where a school is already represented on a forum by a core member, no school member shall be appointed for that school.
- (c) members falling within paragraph (6A) (a) shall be appointed following a nomination by each maintained school within the area for which the forum has been established”;
- (6) In regulation 6(1) after the words “core members” insert “or school members”;
- (7) In regulation 6(2) after the words “core member” insert “or a school member”;
- (8) In regulation 6 after paragraph (3) insert—
- “(3A) A school member shall vacate his office if he ceases to be the head teacher or a governor of the school he represents.”;
- (9) In regulation 9 after paragraph (3) insert—
- “(4) It shall be the duty of the secretary, or in default of the authority, to notify every member at least one week in advance of the time and place of each meeting.
- (5) In any vote regarding the exercise of a forum’s power to refer an objection to the adjudicator pursuant to section 90 of the School Standards and Framework Act 1998, the vote must be carried by a simple majority of those members present.”;
- (10) In regulation 10 after paragraph (7) insert—
- “(8) A school member may only nominate an alternate member who is the head teacher or governor of the school which he represents.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Admission Forums) (England) Regulations 2002. They make provision, with certain exceptions, for all maintained schools to be members of the forum in their local authority area. Such members are to be known as ‘school members’. Further provision is made for the tenure of school members, their nomination and for the nomination of alternate members.

Regulation 9 introduces new provisions that provide for notification of meetings to be given at least one week in advance and for there to be a majority vote before the forum exercises its power to refer an objection to the adjudicator under section 90 of the School Standards and Framework Act 1998.

Regulation 1A sets out a number of prescribed matters that the forum may include in publishing a report as provided for in section 85A (1A) of the School Standards and Framework Act 1998. Regulation 1B sets out prescribed information that forums may request from local authorities (either in the area for which the forum was established or in an adjoining area) and governing bodies of maintained schools and places an obligation on such local authorities and governing bodies to comply with such a request.

2007 No.

EDUCATION, ENGLAND

**The School Admissions (Adjudicator Determinations Relating
to Looked After and Certain Other Children) (England)
(Regulations) 2007**

<i>Made</i>	- - - -	2007
<i>Laid before Parliament</i>		2007
<i>Coming into force</i>	- -	2007

The Secretary of State, in exercise of the powers conferred by sections 95A (9) and 97C of the School Standards and Framework Act 1998 (a), and after consulting the Council on Tribunals, makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the School Admissions (Adjudicator Determinations Relating to Looked After and Certain Other Children) (England) Regulations 2007 and shall come into force on [] 2007.

(2) These Regulations only apply in relation to England.

Interpretation

2. In these Regulations—

“the Act” means the School Standards and Framework Act 1998

Required consultation under sections 95A, 97 or 97B of the Act

3. Before making a determination in connection with a reference made pursuant to section 95A, 97 or 97B of the Act and in the event that the adjudicator wishes to determine that a school in England is to be required to admit the child, the adjudicator must consult the following persons—

- (a) the admission authority for any school that he is considering may be required to admit the child;
- (b) the governing body of any such school if not the admission authority; and
- (c) the local authority for the area in which any such school is situated if not the admission authority.

(a) 1998 c.31; sections 95A and 97C were inserted by the Education and Inspections Bill 2006 (c.??) sections (??) and (??)

Information to be provided to the Adjudicator

4. An admission authority for a maintained school must provide such information relating to the circumstances of the school as may be required by the adjudicator for the purposes of any determination he is considering making in relation to the school in connection with a reference under section 95A, 97 or 97B of the Act.

Minister of State

[] 2007

Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations result from changes made to the School Standards and Framework Act 1998 by the Education and Inspections Act 2006. They relate to references to the adjudicator in respect of looked after children and children who are the subject of a direction under section 96 of the School Standards and Framework Act 1998. Section 96 provides for a local authority to make a direction where a child has been refused admission or excluded from every school within a reasonable travelling distance. They are made under section 95A (9) and 97C of the Act.

Regulation 3 sets out the persons who must be consulted on a reference to the adjudicator pursuant to section 95A, 97 or 97B of the Act before the adjudicator determines that a school is to be required to admit the child. Regulation 4 obliges admission authorities to provide information to the adjudicator when requested on a reference under section 95A, 97 or 97B of the Act.

2007 No.

EDUCATION, ENGLAND

**The Education (Infant Class Sizes) (England) (Amendment)
Regulations 2007**

<i>Made</i> - - - -	2007
<i>Laid before Parliament</i>	2007
<i>Coming into force</i> - -	2007

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 1 and 138(7) of the School Standards and Framework Act 1998(a):

Citation and commencement

1. This Order may be cited as the Education (Infant Class Sizes) (England) (Amendment) Regulations 2007 and comes into force on [] 2007.

Further Category of Excepted Pupils

2. In the Schedule to the Education (Infant Class Sizes) (England) Regulations 1998(b)—

(a) after paragraph 2 insert—

‘2A. This paragraph applies at any time during the admission school year to any child who is looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989(c)) and is admitted to the school outside the normal admission round.’;

(b) in paragraph 8, for “Paragraphs 3 to 5” substitute “Paragraphs 2A to 5”.

Amendment to Existing Category of Excepted Pupils

3. In paragraph 5 of the Schedule to the Education (Infant Class Sizes) (England) Regulations 1998—

(a) at the start of subparagraph (1), for “This paragraph” substitute “Subject to sub-paragraph (3), this paragraph”; and

(b) after sub-paragraph (2) insert—

“(3) A child shall not be an excepted child under this paragraph unless the LEA has confirmed in writing that it is satisfied the child fulfils the criteria listed in sub-paragraph (1)(a).”.

(a) 2000 (c.31)
(b) SI 1998/1973
(c) 1989 c.41

2007

Name
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make amendments to the Education (Infant Class Sizes) (England) Regulations 1998. These amendments partially result from changes made to the School Standards and Framework Act 1998 by the Education and Inspections Act 2006(a) in relation to the admission of looked after children.

Regulation 2 inserts a further category of excepted pupils into the schedule to the Education (Infant Class Sizes) (England) Regulations 1998 to ensure that the admission of looked after children to schools outside the normal admission round does not result in a breach of the Regulations.

Regulation 3 amends an existing category of excepted pupils, those for whom there are no other schools within a reasonable distance from their home. The regulation aims to ensure greater consistency in schools interpretation of this category by providing that a school must seek the confirmation of the local education authority before relying on this exception.

(a) 2006 (c.??)

2007 No.

EDUCATION, ENGLAND

The School Admissions (Restriction on Alteration of Admission Arrangements) (England) (Regulations) 2007

<i>Made</i>	- - - -	2007
<i>Laid before Parliament</i>		2007
<i>Coming into force</i>	- -	2007

The Secretary of State, in exercise of the powers conferred by sections 89D (2) to (6) of the School Standards and Framework Act 1998 (a), makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the School Admissions (Restriction on Alteration of Admission Arrangements) Regulations 2007 and shall come into force on [] 2007.

(2) These Regulations only apply in relation to England.

Interpretation

2. In these Regulations “the Act” means the School Standards and Framework Act 1998.

Period prescribed for the purposes of section 89D (2) (a)

3. For the purposes of section 89D (2) (a) of the Act the prescribed number of school years is two.

Modification of section 89

4. Sections 89 (1) and (2) to (10) of the Act shall not apply to admission authorities for maintained schools to which section 89D of the Act applies for school years falling within the period prescribed by regulation 3.

Application of sections 86 (5) to (5B)

5. For the purposes of sections 86 (5) to (5B) of the Act the admission arrangements of all maintained schools that fall to be implemented under section 89D (2) shall, during the prescribed period, be treated as having been determined under section 89 of the Act.

(a) 1998 c.31; section 89D was inserted by the Education and Inspections Act 2006 (c.??), section (??),

References to the adjudicator during the prescribed period

6.—(1) At any time before the end of the period prescribed by regulation 3, upon the making of a reference by the admission authority, the adjudicator may vary the admission arrangements if he is satisfied that there has been a major change of circumstances since the date when the admission arrangements were determined.

(2) Where the adjudicator decides that the admission arrangements shall be varied pursuant to paragraph (1), his decision shall be binding until the end of the period prescribed by regulation 3.

[] 2007

Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations have the effect of freezing approved admission arrangements proposed by new or expanding schools for a period of two school years following the year in which the school opened or expanded. They are made pursuant to powers set out in section 89D of the School Standards and Framework 1998 Act which apply to maintained schools in England where (a) proposals for the establishment of, or the making of a prescribed alteration, to the school have been published under Part 2 of the Education and Inspection Act 2006 or under section 113A of, or Schedule 7 to the Learning and Skills Act 2000, (b) in the case of proposals for the making of a prescribed alteration to the school, the proposals are for an increase in the number of pupils that may be admitted to the school or for an enlargement of the premises, (c) the proposals fall to be implemented (with or without modifications), and (d) prescribed conditions are satisfied.

Regulation 4 provides that maintained schools covered by these provisions do not have to formulate, consult on and determine admission arrangements for the school years prescribed by regulation 3. Regulation 5 provides that, during the period prescribed by regulation 3, maintained schools covered by these provisions are deemed to have made a determination under section 89 of the 1998 Act for the purposes of sections 86 (5) to 5B of the 1998 Act.

Regulation 6 (1) provides that an admission authority may apply to the adjudicator during the prescribed period for a decision as to whether the admission arrangements should be varied. The only ground on which the admission arrangements may be varied is that there has been a major change of circumstances since the admission arrangements were determined.

Where the adjudicator decides that the admission arrangements shall be varied pursuant to regulation 6 (1), his decision shall be binding for the remainder of the prescribed period.

2007 No.

EDUCATION, ENGLAND

**The Education (Determination of Admission Arrangements)
(Amendment) Regulations 2007**

<i>Made</i> - - - -	2007
<i>Laid before Parliament</i>	2007
<i>Coming into force</i> - -	2007

The Secretary of State for Education and Skills, in exercise of the powers conferred by section 89 (2) (e) of the School Standards and Framework Act 1998(a) makes the following Regulations:

Citation, commencement, and application

1. These Regulations may be cited as the Education (Determination of Admission Arrangements) (Amendment) Regulations 2007 and shall come into force on [] 2007.

Amendment of Education (Determination of Admission Arrangements) Regulations 1999

2. The Education (Determination of Admissions Arrangements) Regulations 1999(b) are amended as follows—

(1) In regulation 5 after paragraph (6) insert—

“(7) For the purposes of section 89 (2) (e) of the Act the following bodies and persons are prescribed—

- (a) [] where the proposed admission arrangements relate to a [] school;
- (b) [] where the proposed admission arrangements relate to a [] school.”

(2) After regulation 8 insert—

“8A Notification that admission arrangements have been determined

No later than 1st May in the determination year, an education authority shall publish the following information in a newspaper circulating in the locality of the education authority, namely—

- (a) the fact that admission arrangements have been determined for maintained schools in the area of the education authority;
- (b) the fact that copies of the determined admission arrangements are available for inspection at the offices of the education authority and at such other places and by such other means as the education authority considers appropriate;

(a) 1998 c.31; section 89 (2) (e) was inserted by the Education and Inspections Act (c.?) section (??).

(b) S.I. 1999/126 amended by S.I. 2002/2896

- (c) the fact that a person within regulation 4(aa) of the Education (Objection to Admission Arrangements) Regulations 1999 is able to refer an objection to the adjudicator under regulation 5(1)(c) of those regulations;
- (d) the address to which such objection should be referred;
- (e) the date by which it must be referred; and
- (f) the fact that further information about the determined arrangements and the ability of a parent to object may be obtained from the education authority including the address and telephone number for such contact.”

(3) In regulation 9 (5) (e) before “the fact” insert–

“except where regulations made under section 90 (9) (e) prevent the making of an objection,”

2007

Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Determination of Admission Arrangements) Regulations 1999.

They introduce a new regulation 5 (7) which prescribes the persons and bodies who are to be consulted where the proposed admission arrangements relate to a school with a religious character.

They introduce a new regulation 8A, which requires local education authorities to publish information in a newspaper circulating in the authorities’ locality setting out the prescribed details, including the fact that a parent of a child who has attained the age of two but is no older than compulsory school age may refer an objection against a school’s oversubscription criteria (provided the child has been, is, or will be eligible to apply to the school in question) to the adjudicator within 6 weeks of the notice being published.

They also amend regulation 9 (5) (e) to make it clear that parents cannot raise an objection about an admission number where it raises the same or substantially the same issue following a decision by the adjudicator or the Secretary of State as prescribed by regulations.

2007 No.

EDUCATION, ENGLAND

**The Education (Objections to Admission Arrangements)
(England) (Amendment) Regulations 2007**

<i>Made</i> - - - -	2007
<i>Laid before Parliament</i>	2007
<i>Coming into force</i> - -	2007

The Secretary of State for Education and Skills, in exercise of the powers conferred by section 90 (2), 90 (9)(ba) and section 90A (3), (5) and (6) of the School Standards and Framework Act 1998(a), and after consulting the Council on Tribunals, makes the following Regulations:

Citation, commencement, and application

1.—(1) These Regulations may be cited as the School Admissions (Objections to Admission Arrangements) (England) (Amendment) Regulations 2007 and shall come into force on [] 2007.

(2) These Regulations apply only in relation to England.

Amendment of Education (Objections to Admission Arrangements) Regulations 1999

2. The Education (Objections to Admissions Arrangements) Regulations 1999(b) are amended as follows—

(1) In regulation 3 (2) for “paragraph (3)” insert “paragraphs (2A) or (3)”;

(2) In regulation 3 after paragraph (2) insert—

“(2A) Subject to paragraph (3), where the objection is made by an individual within regulation 4 (aa) and the objection falls within regulation 5 (1) (c), an objection may not be referred under section 90(2) unless it is received by the appropriate person within 6 weeks after the date on which a notice was first published in the manner required by Regulation 8A of the Education (Determination of Admission Arrangements) (England) Regulations 1999(c).”;

(3) In regulation 3(3) for “paragraph (1) or (2)” substitute “paragraph (1), (2) or (2A)”.

(4) In regulation 4 insert—

“(aa) where the objection falls within regulation 5 (1) (c), the parent of a child who has attained the age of two but is no older than compulsory school age and who has been, is, or will be, eligible to apply to the school whose admission arrangements are the subject of the objection; or”

(a) 1998 c.31; section 90(9)(ba) was inserted by the Education and Inspections Act (c.?) section 43.

(b) S.I. 1999/125 amended by S.I. 2002/2901

(c) S.I. 1999/126 as amended by S.I. 2002/2896 and [2006/****]

(5) In regulation 4 for “(in either case)” substitute “(in the case of the matters referred to in either paragraph (a) or (b))”;

(6) In regulation 5 (1) after paragraph (b) insert –

“(c) an objection that any aspect of a school’s over subscription criteria fails to comply with the mandatory requirements imposed by the School Admissions Code made under section 84 of the Act;”

(7) In regulation 6 (1) before the words ‘The condition’ insert “In relation to objections that fall within regulation 5 (1) (a) or (b),”;

(8) After regulation 6 insert —

‘Part IIA

Requirement of the admission authority to provide information

6A Information to be provided in relation to maintained schools in England

(1) Where the adjudicator

(a) is carrying out his functions under section 90; and

(b) he makes a request to the admission authority for a maintained school in England for any of the information set out in Schedule 1 to these regulations,

the admission authority shall provide the requested information to the adjudicator.’

(9) Insert the following Schedule —

‘SCHEDULE

Information to be supplied by the admission authority

Regulation 6A

(1) The admission number set for the school for the next year.

(2) Details of the school’s pupil numbers for the past five years, including for each year the admission number, the number admitted, the number of applications and the number of appeals.

(3) Projected applicant numbers for the school for the next three years.

(4) If the school whose admission number is being objected to is a primary school, details of all primary schools within a three-mile radius of the school in question. If the school whose admission number is being objected to is a secondary school, details of all secondary schools within a five-mile radius of the school in question.

(5) Details of each other school mentioned in paragraph 4 above shall include the name of the school, whether the school was consulted on the arrangements objected to and if so, whether it responded.

(6) A copy of the admission booklet for parents.

(7) A copy of the complete determined admission arrangements for the school in question.

(8) A copy of the latest Net Capacity Assessment form, completed in accordance with the guidance, *Assessing the Net Capacity of Schools*, issued by the Department for Education and Skills in August 2002.

(9) A copy of the minutes of the meeting at which the admission authority determined the admission arrangements.

(10) If the admission authority is not the school, the date on which the determined admission number was notified to the school’s governing body

(11) The dates on which the objection was discussed by the school governing body and where such discussions have been held, a copy of minutes of those discussions.

(12) Whether those who were originally consulted on the admission arrangements have been notified about the objection and where they have, a copy of any responses to those notifications.’

(10) After regulation 10 insert–

‘11. Restriction on alteration of admission arrangements following adjudicator’s decision

(1) For the purposes of section 90A (3) (a) of the Act the prescribed number of school years is two.

(2) Sections 89 (1) and (2) to (10) of the Act shall not apply in respect of admission arrangements that are part of the adjudicator’s decision to uphold an objection or make a modification pursuant to section 90 (8) of the Act and where section 90A of the Act applies.

(3) For the purposes of section 90A (6) of the Act the prescribed circumstances are that there has been a major change in circumstances since the beginning of the period prescribed by regulation 11 (1).’

2007

Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Objections to Admission Arrangements) Regulations 1999 in three different ways.

First, they amend regulations 3, 4, 5 and 6 to enable parents to refer objections. Such a parent must be an individual who has a child who has attained the age of two but is no older than compulsory school age and who has been, is, or will be, eligible to apply to the school whose admission arrangements are the subject of the objection. The only type of objection that might be referred is one that relates to a school’s oversubscription criteria and whether any aspect complies with mandatory provisions in the School Admissions Code. In relation to objections by parents in this new category, an objection must be referred within the period of six weeks after the date on which the authority publishes a notice in a newspaper in the manner required by Regulation 8A of the Education (Determination of Admission Arrangements) (England) Regulations 1999.

Second, they introduce a new regulation 6A which requires an admission authority for a maintained school in England to provide prescribed information at the request of the Adjudicator or the Secretary of State for the purposes of their functions under section 90 of the School Standards and Framework Act 1998.

Third, they amend the length of time for which an Adjudicator’s decision is binding as follows.

Regulation 11 (1) provides that an Adjudicator’s decision to uphold an objection or make a modification shall be binding for a period of two school years (the “prescribed period”) following the school year in relation to which the revised admission arrangements which give effect to the decision come into effect. At present section 90 (8) of the Act makes an Adjudicator’s determination of an objection binding on the parties to the objection for the school year to which the admission arrangements relate.

Regulation 11 (2) modifies the application of section 89 so that admission authorities do not have to formulate, consult on and determine admission arrangements for each school year during the prescribed period.

Regulation 11 (3) enables admission authorities to apply to the adjudicator for a variation of the arrangements as decided by the adjudicator before the end of the period prescribed by regulation 11 (1). The only ground on which those arrangements may be varied is that there has been a major change of circumstances since the period prescribed by regulation 11 (1) commenced.

2007 No.

EDUCATION, ENGLAND

**The Education (Co-ordination of Admission Arrangements)
(Secondary Schools) (England) (Amendment) Regulations 2007**

<i>Made</i> - - - -	2007
<i>Laid before Parliament</i>	2007
<i>Coming into force</i> - -	2007

The Secretary of State for Education and Skills, in exercise of the powers conferred by section 89C(1) of the School Standards and Framework Act 1998(a) makes the following Regulations:

Citation

1.—(1) These Regulations may be cited as the Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) (Amendment) Regulations 2007 and shall come into force on [] 2007.

(2) These Regulations apply only in relation to England.

Amendment of Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002

2. The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 (b) shall be amended as follows.

(1) In paragraph 1 of Schedule 1 after paragraph (b) insert –

“(bb) where the governing body who are the admission authority for a secondary school have made arrangements for another person to determine the order of priority under paragraph 5(b), identify that person”

(2) In paragraph 2(a) of Schedule 1 after the words “to the governing body” insert “or the person with whom the governing body has made arrangements under paragraph 5(b) (except where that person is the authority)”;

(3) The following shall be substituted for paragraph 5 of Schedule 1 —

‘Governing body’s duties under a qualifying scheme

5. A qualifying scheme shall require a governing body who are the admission authority for a secondary school-

(a) to notify the authority of any application made to the school direct (regardless of whether the parent making the application resides in that authority’s area);

(a) 1998 c.31; section 89C was inserted by the Education Act 2002, section 48.
(b) S.I. 2002/2904 amended by S.I. 2004/1516

(b) to determine or make arrangements for another person (including the authority) to determine by reference to the school's admissions criteria the order of priority in which each application for the school (whether made to the school direct or under the common application form) is ranked; and,

(c) to notify or, where arrangements have been made under sub-paragraph (b) for another person (not being the authority) to make a determination, to arrange for that person to notify the authority of their determination under sub-paragraph (b).'

[] 2007

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) (Secondary Schools) (England) Regulations 2002.

They amend Schedule 1, by substituting a new paragraph 5, to enable a governing body who are the admission authority for a secondary school to arrange for another person to determine, by reference to the school's admission criteria, the order of priority in which each application for the school is ranked.

They also make consequential amendments to paragraphs 1 and 2(a) of Schedule 1 to require that where such arrangements have been made, the identity of the person who will determine the order of priority is specified in the co-ordinated scheme and that the local education authority must forward details of applications for admission to that person rather than the governing body.

2007 No.

EDUCATION, ENGLAND

**The Education (Co-ordination of Admission Arrangements)
(Primary Schools) (England) (Amendment) Regulations 2007**

<i>Made</i>	- - - -	2007
<i>Laid before Parliament</i>		2007
<i>Coming into force</i>	- -	2007

The Secretary of State for Education and Skills, in exercise of the powers conferred by section 89C (1) of the School Standards and Framework Act 1998(a) makes the following Regulations:

Citation

1.—(1) These Regulations may be cited as the Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) (Amendment) Regulations 2007 and shall come into force on [] 2007.

(2) These Regulations apply only in relation to England.

Amendment of Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002

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

(1) In paragraph 1 of Schedule 1 after paragraph (b) insert –

“(bb) where the governing body who are the admission authority for a primary school have made arrangements for another person to determine the order of priority under paragraph 5(b), identify that person”

(2) In paragraph 2(a) of Schedule 1 after the words “to the governing body” insert “or the person with whom the governing body has made arrangements under paragraph 5(b) (except where that person is the authority)”;

(3) The following shall be substituted for paragraph 5 of Schedule 1 —

‘Governing body’s duties under a qualifying scheme

5. A qualifying scheme shall require a governing body who are the admission authority for a primary school-

(a) to notify the authority of any application made to the school direct (regardless of whether the parent making the application resides in that authority’s area);

(a) 1998 c.31; section 89C was inserted by the Education Act 2002, section 48.
(b) S.I. 2002/2903 amended by S.I. 2003/2751, 2004/1515 and 2005/2

(b) to determine or make arrangements for another person (including the authority) to determine by reference to the school's admissions criteria the order of priority in which each application for the school (whether made to the school direct or under the common application form) is ranked; and,

(c) to notify or, where arrangements have been made under sub-paragraph (b) for another person (not being the authority) to make a determination, to arrange for that person to notify the authority of their determination under sub-paragraph (b).'

[] 2007

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.

They amend Schedule 1, by substituting a new paragraph 5, to enable a governing body who are the admission authority for a primary school to arrange for another person to determine, by reference to the school's admission criteria, the order of priority in which each application for the school is ranked.

They also make consequential amendments to paragraphs 1 and 2(a) of Schedule 1 to require that where such arrangements have been made, the identity of the person who will determine the order of priority is specified in the co-ordinated scheme and that the local education authority must forward details of applications for admission to that person rather than the governing body.

STATUTORY INSTRUMENTS

2007 No.

EDUCATION, ENGLAND

**The Education (Aptitude for Particular Subjects) (England)
Regulations 2007**

<i>Made</i>	- - - -	2007
<i>Laid before Parliament</i>		2007
<i>Coming into force</i>	- -	2007

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 102(1) and 138(7) of the School Standards and Framework Act 1998(a):

Citation and commencement

1. These Regulations may be cited as The Education (Aptitude for Particular Subjects) (England) Regulations 2007 and shall come into force on 2007.

Amendment of Regulations

2. The Education (Aptitude for Particular Subjects) Regulations 1999(b) are amended as follows.

3. After regulation 1 insert—

‘1A. These Regulations shall not apply in relation to England.’

Prescribed Subjects

4.—(1) Subject to paragraph (2), the following subjects are prescribed for the purposes of section 102 of the School Standards and Framework Act 1998 (permitted selection: aptitude for particular subjects) in relation to maintained schools in England—

- (a) modern foreign languages, or any such language;
- (b) the performing arts, or any one or more of the performing arts;
- (c) the visual arts, or any one or more of the visual arts;
- (d) physical education or sport, or one or more sports.

(2) Where, before the coming into force of these Regulations, the admission arrangements for a maintained school make provision for the selection of pupils for admission to the school by reference to their aptitude for—

(a) 1998 c.31; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.
(b) S.I. 1999/258.

- (a) design and technology, or
- (b) information technology,

that subject is also prescribed in relation to that school.

Transitional Provisions

5. Regulation 4 shall have effect in relation to admission arrangements for maintained schools in England for the admission of pupils in the school year 2008-09 and in subsequent school years, and regulation 2 of the Education (Aptitude for Particular Subjects) Regulations 1999 shall continue to apply in relation to admission arrangements for maintained schools in England for the admission of pupils in the school year 2007-08 as if these Regulations had not been made.

2007

Secretary of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Aptitude for Particular Subjects) Regulations 1999 set out the list of subjects prescribed for the purposes of section 102(1) of the School Standards and Framework Act 1998 (permitted selection: aptitude for particular subjects).

These Regulations, which come into force on [2007], amend the 1999 Regulations by providing that they do not apply in relation to England, and set out a new list of prescribed subjects in relation to admission to maintained schools in England with effect for the school year 2008-9 and subsequent years.

The Department considers that these Regulations will have no effect on the costs of businesses and accordingly a Regulatory Impact Assessment has not been prepared.

2007 No. []

EDUCATION, ENGLAND

**The Education (Admissions Appeals Arrangements)
(Amendment) (England) Regulations 2007**

<i>Made</i> - - - -	2007
<i>Laid before Parliament</i>	2007
<i>Coming into force</i> - -	2007

The Secretary of State for Education and Skills, after consulting the Council on Tribunals, makes the following Regulations in exercise of the powers conferred by sections 94(5A) and 138(7) of the School Standards and Framework Act 1998(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as The Education (Admissions Appeals Arrangements) (Amendment) (England) Regulations 2007 and shall come into force on [] 2007.

(2) These Regulations apply only in relation to England.

Amendment of Regulations

2.—(1) The Education (Admissions Appeals Arrangements) (England) Regulations 2002(b) are amended as follows.

(2) In regulation 6(2)(a) for “would make” substitute “would have made”.

Transitional Provisions

3. The amendment in regulation 2 shall have effect only in relation to appeals made after the coming into force of these Regulations.

[] 2007

Minister of State
Department for Education and Skills

(a) 1998 c.31; section 94(5A) was inserted by section 50 of the Education Act 2002 (c.32). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.
(b) S.I. 2002/2899.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on [] 2007, make one minor amendment to the Education (Admissions Appeals Arrangements) (England) Regulations 2002.

The amendment means that, in the case of admission appeals on the ground of infant class size prejudice made after the coming into force of these Regulations, regulation 6(2)(a) of the 2002 Regulations requires appeal panels to consider whether the original decision was one which a reasonable admission authority would have made in the circumstances of the case.

The Department considers that these Regulations will have no effect on the costs of businesses and accordingly a Regulatory Impact Assessment has not been prepared.

