WELSH STATUTORY INSTRUMENTS

2006 No. 176 (W.27)

EDUCATION, WALES

The Education (Objections to Admission Arrangements) (Wales) Regulations 2006

Made - - - -	*31 January 2006*
Coming into force - -	*1 February 2006*

In exercise of the powers conferred upon the Secretary of State by sections 90 and 138(7) of the School Standards and Framework Act 1998(**1**) and now vested in the National Assembly for Wales(**2**), the National Assembly for Wales makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Objections to Admission Arrangements) (Wales) Regulations 2006 and they come into force on 1 February 2006.

(2) These Regulations apply in relation to Wales.

Revocation

2. The Education (Objections to Admission Arrangements) Regulations 1999(**3**) are revoked in relation to Wales.

Interpretation

3.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the School Standards and Framework Act 1998;

"admission number" ("*nifer derbyn*") means the number of pupils in any relevant age group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1)(**4**).

(**1**) 1998 c. 31. Section 90(1) was amended by section 51 of, and paragraph 6 of Schedule 4 to the Education Act 2002 (c. 32.). *See* section 142(1) for the meaning of "prescribed" and "regulations".
(**2**) *See* National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(**3**) S.I. 1999/125. The Regulations continue in force in relation to England.
(**4**) Section 89(A) was inserted by section 47(2) of the Education Act 2002.

"indicated admission number" ("*nifer derbyn a nodir*") means the number of pupils in any relevant age group determined in accordance with the capacity assessment method set out in the guidance, document "Measuring the capacity of schools in Wales"(**5**);

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"parent" ("*rhiant*") has the meaning given by section 576 of the Education Act 1996(**6**);

"relevant area" ("*ardal berthnasol*") has the meaning given to it by the Education (Relevant Areas for consultation on Admission Arrangement) Regulations 1999(**7**).

(2) Any reference in these Regulations to a numbered section is a reference to that section of the Act.

Part 1

Reference of Objections to the National Assembly

Cases where an objection may not be referred

4.—(1) This regulation prescribes for the purposes of section 90(1)(c) the description of objections that may not be referred to the National Assembly under section 90(1).

(2) An objection may not be referred if—

(a) the substance of the objection is to seek an alteration to the admission arrangements in question which alteration would constitute a prescribed alteration for the purposes of section 28, or

(b) in any case where the body seeking to refer an objection are the governing body of a community or voluntary controlled school, responsibility for determining the admission arrangements for the school not having been delegated to them under section 88(1)(a)(ii), and the objection is to—

(i) the admission arrangements for any other community or voluntary controlled school in the relevant area for whom the local education authority are the admission authority, or

(ii) the admission arrangements for the school for which they are the governing body, unless the substance of the objection relates to the determination of any admission number for that school.

Time within which objection must be referred

5.—(1) Subject to paragraph (3), an objection may not be referred under section 90(1) unless it is received by the National Assembly within 6 weeks after the receipt by the objecting admission authority of the notification required by virtue of section 89(4)(b).

(2) Subject to paragraph (3), an objection may not be referred under section 90(2) unless it is received by the National Assembly within 6 weeks after the date on which notice of the determination of the relevant admission arrangements was first published in a newspaper in the manner required by regulations under section 89(**8**).

(**5**) This guidance is available on the National Assembly website at www.information.wales.gov.uk.
(**6**) 1996 c. 56.
(**7**) S.I. 1999/ 124.
(**8**) *See* The Education (Determination of Admission Arrangements) (Wales) Regulations 2006, SI 2006/174 (W.25).

(3) An objection which is received after the end of the period specified in paragraph (1) or (2) is to be regarded as properly referred if the National Assembly is satisfied that it was not reasonably practicable for the objection to have been received earlier than the time it was received.

Part 2

Reference of Objections by Parents

Parents who are eligible to refer an objection

6. For the purposes of section 90(2)(b) the description of a parent who may refer an objection relating to admission arrangements under that subsection is an individual who is—

(a) where the objection falls within regulation 7(1)(a), the parent of a child of compulsory school age receiving primary education; or

(b) where the objection falls within regulation 7(1)(b), the parent of a child who has attained the age of two but has not attained the age of five or whose child is of compulsory school age receiving primary education,

and (in either case) is resident in the relevant area for which consultation under section 89(2)(b) relating to those admission arrangements applies.

Objections that may be referred by parents

7.—(1) For the purposes of section 90(2)(c) the description of objection that may be referred under section 90(2) is—

(a) an objection relating to pre-existing selection arrangements;

(b) an objection relating to an admission number for any relevant age group which is lower than the indicated admission number for that age group.

(2) For the purpose of this regulation,

(a) "selection arrangements" ("*trefniadau dethol*") means those arrangements (if any) in the admission arrangements determined for a school for a particular school year which make provision for the selection of pupils by ability within the meaning of section 99(5); and

(b) selection arrangements are to be regarded as pre-existing if they—

(i) continue from provision made by the admission arrangements for the school in question at the beginning of the 1997/98 school year and made by successive admission arrangements for the school since that time, and

(ii) depend solely for their lawfulness on section 100.

(3) For the purpose of paragraph (2)(b)(ii), selection arrangements are to be regarded as depending solely for their lawfulness on section 100 if they are not rendered lawful by virtue of section 99(1) and (2)(c) (sixth forms), or section 101 (pupil banding).

Condition to be met before determination of objections by parents

8.—(1) The condition in paragraph (2) must be satisfied before the National Assembly is required to determine an objection referred by a parent under section 90(2).

(2) The condition is that not less than five parents who satisfy the requirement in regulation 6 have referred objections under section 90(2) (or one or more such objections jointly) which—

(a) are about the same admission arrangements; and