



School Standards and Framework Act 1998

1998 CHAPTER 31

PART III

SCHOOL ADMISSIONS

CHAPTER II

SELECTION OF PUPILS

Partial selection

101 Permitted selection: pupil banding.

- (1) Subject to [^{F1}subsections (2) and (2A)], the admission arrangements for a maintained school [^{F2}in England or Wales] may make provision for selection by ability to the extent that the arrangements are designed to secure—
- (a) that in any year the pupils admitted to the school in any relevant age group are representative of all levels of ability among applicants for admission to the school in that age group, and
 - (b) that no level of ability is substantially over-represented or substantially under-represented.

[^{F3}(1A) Subject to subsections (2) and (2A), the admission authority for a maintained school in England may make provision for selection by ability to the extent that the arrangements are designed to secure—

- (a) that in any year the pupils admitted to the school in any relevant age group are representative of all levels of ability among such one of the following groups as the admission arrangements may specify (“the reference group”)—

Changes to legislation: School Standards and Framework Act 1998, Section 101 is up to date with all changes known to be in force on or before 09 May 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

- (i) children who are applicants for admission in that age group to any of two or more schools (including the school in question) in the area of the [F4]local authority],
 - (ii) children in that age group who live in the area of the [F4]local authority], or
 - (iii) children in that age group who live in England, and
 - (b) that no level of ability is substantially over-represented or substantially under-represented by comparison with its representation in the reference group.]
- (2) [F5]Subsection (1) or (1A)] does not apply if the arrangements have the effect that, where an applicant for admission has been allocated to a particular range of ability by means of some process of selection by reference to ability, some further such process is required or authorised to be carried out in relation to him for the purpose of determining whether or not he is to be admitted to the school.
- [F6](2A) If the admission authority for a maintained school in England is the [F4]local authority], the authority may only introduce such provision for selection by ability as is mentioned in subsection (1) or (1A) with the consent of the governing body of the school.]
- [F7](3)
- (4) [F8]In the case of a school in Wales, admission arrangements to which subsection (1) applies are not authorised] by this section unless proposals for the school to have such arrangements have been published[F9], and fallen to be implemented, under any enactment].
- (5) Where the admission arrangements for a school make both such provision for selection by ability as is mentioned in [F10]subsection (1) or (1A)] above and such provision for selection by aptitude as is mentioned in section 102(1), nothing in this section shall be taken to prevent those arrangements—
- (a) from authorising or requiring a process of selection to be carried out at any stage for the purpose of establishing that an applicant for admission has a relevant aptitude; or
 - (b) from having the effect of giving priority to such an applicant with a relevant aptitude irrespective of his level of ability.

Textual Amendments

- F1** Words in s. 101(1) substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 54(1)(a)(i)**, 188(3); S.I. 2006/3400, art. 3(e)
- F2** Words in s. 101(1) inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 54(1)(a)(ii)**, 188(3); S.I. 2006/3400, art. 3(e)
- F3** S. 101(1A) inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 54(1)(b)**, 188(3); S.I. 2006/3400, art. 3(e)
- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F5** Words in s. 101(2) substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 54(1)(c)**, 188(3); S.I. 2006/3400, art. 3(e)
- F6** S. 101(2A) inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 54(1)(d)**, 188(3); S.I. 2006/3400, art. 3(e)
- F7** S. 101(3) omitted (W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 19(9)**; S.I. 2013/1800, art. 3(j)

Changes to legislation: School Standards and Framework Act 1998, Section 101 is up to date with all changes known to be in force on or before 09 May 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

- F8** Words in s. 101(4) substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), **ss. 54(1)(f)**, 188(3); S.I. 2006/3400, art. 3(e)
- F9** Words in s. 101(4) substituted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 109** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4
- F10** Words in s. 101(5) substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), **ss. 54(1)(g)**, 188(3); S.I. 2006/3400, art. 3(e)

Modifications etc. (not altering text)

- C1** S. 101 modified (1.10.1998) (*temp.*) by S.I. 1998/2230, **reg.3**
- C2** S. 101 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(c), **2-8**.
S. 101 applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, **2-8**.
- C3** S. 101 applied (with modifications) (E.) (8.5.2003) by The New School (Admissions) (England) Regulations 2003 (S.I. 2003/1041), regs. 1(1), 9, **Sch. para. 1(b)**
- C4** S. 101 applied (with modifications) (1.2.2006) by The New School (Admissions) (Wales) Regulations 2006 (S.I. 2006/175), regs. 1(1), 9, **Sch.** (with reg. 2(2))

Commencement Information

- I1** S. 101 wholly in force at 1.4.1999; s. 101 not in force at Royal Assent see s. 145(3); s. 101(1)-(4) in force at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I, **Sch. 2 Pt. I para. 3(b)**; s. 101 in force at 1.4.1999 in so far as not already in force by S.I. 1999/1016, **art. 2(1)** (with arts. 3-6, Sch. 4).

Changes to legislation:

School Standards and Framework Act 1998, Section 101 is up to date with all changes known to be in force on or before 09 May 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. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)