



School Standards and Framework Act 1998

1998 CHAPTER 31

PART III

SCHOOL ADMISSIONS

CHAPTER I

ADMISSION ARRANGEMENTS

[^{F1}Admission arrangements: England]

[^{F1}88E Variation of admission arrangements

- (1) Subsection (2) applies where an admission authority—
 - (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but
 - (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined.
- (2) The authority must—
 - (a) refer their proposed variations to the adjudicator, and
 - (b) notify the appropriate bodies of the proposed variations.
- (3) Subsection (2)(a) does not apply in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this subsection.
- (4) Where the [^{F2}local authority] are the admission authority for a community or voluntary controlled school, they must consult the governing body before making any reference under subsection (2)(a).

Changes to legislation: School Standards and Framework Act 1998, Section 88E is up to date with all changes known to be in force on or before 07 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

- (5) On a reference under subsection (2)(a), the adjudicator must consider whether the admission arrangements should have effect with the proposed variations until the end of the school year in question.
- (6) If the adjudicator determines—
- (a) that the arrangements should so have effect, or
 - (b) that they should so have effect subject to such modification of those variations as the adjudicator may determine,
- the arrangements are to have effect accordingly as from the date of the adjudicator's determination.
- (7) Where the adjudicator makes a determination under subsection (6), the admission authority must notify the appropriate bodies of the variations subject to which the arrangements are to have effect.
- (8) Regulations may make provision—
- (a) as to the manner in which, and the time by which, any such notification is to be given;
 - (b) specifying cases in which subsection (7) does not apply.
- (9) Regulations may make provision—
- (a) specifying matters which are, or are not, to constitute major changes in circumstances for the purposes of subsection (1)(b);
 - (b) authorising an admission authority, where they have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, to vary those arrangements to such extent or in such circumstances as may be prescribed;
 - (c) for the application of any of the requirements of, or imposed under, subsections (2) to (8) to variations proposed to be made by virtue of paragraph (b), or to any prescribed description of such variations, as if they were variations proposed to be made under subsection (1).]

Textual Amendments

- F1** Ss. 88B-88Q inserted (2.12.2008 for specified purposes, 26.1.2009 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 151(4)**, 173(2)(b)(4); S.I. 2008/3077, arts. 2(a), **4(d)**
- F2** 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\(4\)](#))
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Modifications etc. (not altering text)

- C1** [S. 88E\(1\)\(b\)](#) modified (E.) (18.7.2013) by [The Lawrence Sheriff School \(Pupil Premium Admissions Priority\) Order 2013 \(S.I. 2013/1553\)](#), arts. 1(2), **3, 5**

Changes to legislation:

School Standards and Framework Act 1998, Section 88E is up to date with all changes known to be in force on or before 07 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.

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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\(4\)](#)