

SCHEDULES

SCHEDULE 11

SCHOOLS: EXCEPTIONS

PART 3

DISABILITY DISCRIMINATION

Permitted form of selection

- 8 (1) A person does not contravene section 85(1), so far as relating to disability, only by applying a permitted form of selection.
- (2) In relation to England and Wales, a permitted form of selection is—
- (a) in the case of a maintained school which is not designated as a grammar school under section 104 of the [School Standards and Framework Act 1998](#), a form of selection mentioned in section 99(2) or (4) of that Act;
 - (b) in the case of a maintained school which is so designated, its selective admission arrangements (within the meaning of section 104 of that Act);
 - (c) in the case of an independent educational institution, arrangements which provide for some or all of its pupils to be selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.
- (3) In relation to Scotland, a permitted form of selection is—
- (a) in the case of a school managed by an education authority, arrangements approved by the Scottish Ministers for the selection of pupils for admission;
 - (b) in the case of an independent school, arrangements which provide for some or all of its pupils to be selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.
- (4) “Maintained school” has the meaning given in section 22 of the School Standards and Framework Act 1998.