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**Changes to legislation:** Equality Act 2010, Cross Heading: Permitted form of selection is up to date with all changes known to be in force on or before 10 April 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

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# 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.

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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. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)