



Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER I

SCHOOL ADMISSIONS

Admission numbers for grant-maintained schools

426 Minimum number for admission

- (1) The governing body of a grant-maintained school shall not fix as the number of pupils in any relevant age group it is intended to admit to the school in any school year a number which is less than the approved admission number for that age group.
- (2) Subject to subsections (3) and (4) and sections 427 and 428, the approved admission number for any relevant age group is the number specified in the relevant proposals as the number of pupils intended to be admitted to the school in that age group in the first school year beginning on or after the date of implementation of the proposals.

For this purpose “the relevant proposals” means the proposals published under section 193, 211 or 212 above (or, as the case may be, under section 32, 48 or 49 of the Education Act 1993 or section 62 of the Education Reform Act 1988).

- (3) Where proposals for a significant change in the character, or significant enlargement of the premises, of a grant-maintained school or for the transfer of such a school to a new site have been approved or adopted under section 261 above (or, as the case may be, under section 98 of the Education Act 1993 or section 89 of the Education Reform Act 1988), the approved admission number for any relevant age group for any school year for which the proposals have been wholly or partly implemented is—

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- (a) the number specified in the proposals as the number of pupils proposed to be admitted to the school in that age group in the first school year in relation to which the proposals have been wholly implemented, or
 - (b) if for any school year in relation to which the proposals have been partly implemented the Secretary of State directs the substitution of a different number, that number.
- (4) The approved admission number in relation to any relevant age group may be varied in the case of any such school with the approval of the Secretary of State.

427 Alteration of minimum number by Secretary of State

- (1) This section applies in relation to any grant-maintained school unless the funding authority have the function under section 428 in relation to that school.
- (2) The Secretary of State may by order increase the approved admission number for any relevant age group to such number as may be specified in the order for any school year specified in the order beginning after the date of the order.
- (3) No order may be made under subsection (2) which would have the effect of requiring such an increase in the number of pupils to be admitted to the school as would—
 - (a) constitute a significant change in the character of the school, or
 - (b) involve any alteration of the premises of the school.

Section 311(4) shall apply for the purposes of this subsection.

428 Alteration of minimum number by funding authority

- (1) If an order under section 27(1) (allocation of responsibility for providing sufficient school places) applies to the area of a local education authority, the funding authority may give a direction under subsection (2) to the governing body of a grant-maintained school in the area.
- (2) A direction under this subsection—
 - (a) may increase the approved admission number for any relevant age group to such number as may be specified in the direction for any school year specified in the direction beginning after the date of the direction, and
 - (b) if any alteration would be required to the premises of the school in consequence of any increase in any approved admission number made by the direction, shall give particulars of the alteration.
- (3) No direction may be given under subsection (2) which would have the effect of requiring such an increase in the number of pupils to be admitted to the school as would—
 - (a) constitute a significant change in the character of the school, or
 - (b) involve a significant enlargement of the premises of the school.

Section 311(4) shall apply for the purposes of this subsection.

- (4) Before deciding to give a direction under subsection (2) the funding authority shall consult the governing body about the proposed content of the direction.
- (5) Before giving a direction under subsection (2) the funding authority shall serve a draft of the proposed direction on the governing body.

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- (6) A governing body on which a draft is served under subsection (5) may, within the period of 15 days beginning with the day on which it was served, refer the matter to the Secretary of State and, if they do so, shall inform the funding authority.
- (7) On a reference under subsection (6) the Secretary of State may—
- (a) require the funding authority not to give any direction in the terms of the draft, or
 - (b) authorise the funding authority to give a direction in those terms, or in those terms as required to be modified by the Secretary of State;
- and any direction given by the funding authority shall be in the terms authorised under paragraph (b).
- (8) Where the funding authority give a direction under this section, then—
- (a) if any particulars are specified in pursuance of subsection (2)(b), the governing body shall secure the alteration of the school premises in accordance with the particulars, and
 - (b) the funding authority shall make to them a grant of an amount equal to the reasonable expenses incurred or to be incurred in doing so.