



# Education Act 1996

## 1996 CHAPTER 56

### PART V

#### THE CURRICULUM

#### CHAPTER IV

##### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

##### *Obligation to enter pupils for public examinations*

#### **402 Obligation to enter pupils for public examinations.**

- (1) Subject to subsections (2) and (3), the governing body of a maintained school shall secure that each registered pupil at the school is entered, at such time as they consider appropriate, for each prescribed public examination for which he is being prepared at the school at the time in question in each syllabus for that examination for which he is being so prepared.
- (2) The governing body are not required to secure that a pupil is entered for any examination, or for an examination in any syllabus for that examination, if either—
  - (a) they consider that there are educational reasons in the case of that particular pupil for not entering him for that examination or (as the case may be) for not entering him for that examination in that syllabus, or
  - (b) the parent of the pupil requests in writing that the pupil should not be entered for that examination or (as the case may be) for that examination in that syllabus;but this subsection does not apply to an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil.
- (3) The governing body are not required to secure that a pupil is entered for any examination in any syllabus for that examination if they have secured his entry for another prescribed public examination in a corresponding syllabus.

*Status: Point in time view as at 05/05/2010. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Section 402 is up to date with all changes known to be in force on or before 08 August 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)*

- (4) For the purposes of subsection (3) a syllabus for a prescribed public examination shall be regarded as corresponding to a syllabus for another prescribed public examination if the same course of study is provided at the school in preparation for both syllabuses.
- (5) As soon as practicable after determining whether or not to secure the entry of any pupil for a prescribed public examination in any syllabus for which he is being prepared at the school, the governing body shall notify the pupil's parent in writing of their determination in relation to each such syllabus.
- (6) In this section—
- (a) “maintained school” includes [<sup>F1</sup>a community or foundation special school] established in a hospital;
- [<sup>F2</sup>(aa) “assessment arrangements” and “fourth key stage”—
- (i) in relation to a school maintained by a [<sup>F3</sup>local authority] in England, have the same meaning as in Part 6 of the Education Act 2002 (the curriculum in England), and
- (ii) in relation to a school maintained by a [<sup>F3</sup>local authority] in Wales, have the same meaning as in Part 7 of that Act (the curriculum in Wales); and]
- (b) references to a prescribed public examination shall be construed in accordance with section 462.

#### Textual Amendments

- F1** Words in s. 402(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.101** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F2** S. 402(6)(aa) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) for word at the end of s. 402(6)(a) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 45** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F3** 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), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

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