
DRAFT STATUTORY INSTRUMENTS

1998 No.

The Education (Grammar School Ballots) Regulations 1998

PART III

BALLOTS

Ballots—general

11.—(1) A ballot under section 105 of the Act shall (depending on the terms of the petition) be—

- (a) a ballot which relates to all grammar schools within a relevant area; or
- (b) a ballot which relates to a group of grammar schools; or
- (c) a ballot which relates to a stand alone grammar school.

(2) A ballot falling within paragraph 1(a) is referred to in these Regulations as an “area ballot” and a ballot falling within paragraph 1(b) or 1(c) is referred to in these Regulations as a “feeder school ballot”.

Eligibility to vote in a ballot

12.—(1) Subject to regulation 22(3), the persons eligible to vote in a ballot are—

- (a) the persons who were “relevant eligible parents” for the purposes of the petition by virtue of being school registered parents, and
- (b) where the ballot is an area ballot (in addition) all persons who are ballot registered parents on a date 4 weeks after the designated body gave the notification required by regulation 10(1).

Question on which ballot is to be held

13.—(1) Where the ballot is an area ballot or a feeder school ballot which relates to a group of grammar schools each ballot paper shall include the following wording—

“Are you in favour of all the schools listed introducing admission arrangements which admit children of all abilities?”

Place a cross (X) in the box of your choice.

YES NO

(2) Where the ballot is a feeder school ballot which relates to a stand alone grammar school each ballot paper shall include the following wording—

“Are you in favour of [here give name of school] introducing admission arrangements which admit children of all abilities?”

Place a cross (X) in the box of your choice.

YES NO

Ballots—supplementary

- 14.—(1) Each ballot shall be a secret postal ballot.
- (2) Each ballot paper shall include a list of the grammar schools to which it relates.
- (3) Each parent who falls within regulation 12 shall have one vote (irrespective of the number of children which a parent may have and the number of schools they attend).
- (4) The designated body shall secure that, subject to regulation 22(4), the date by which ballot papers must be returned to them shall be—
- (a) no later than 10 weeks from the date on which the designated body gave the notification required by regulation 10(1); and
 - (b) at least 5 weeks from the date on which ballot papers were sent to parents (or if ballot papers were sent on more than one date, the last such date).
- (5) Where the designated body have determined the result of a ballot they shall forthwith notify the persons mentioned in regulation 10(2) of that fact, and, where the ballot is in favour of retaining selective admission arrangements, the date on which the moratorium period will expire.

Declaring a ballot void

- 15.—(1) Subject to paragraph (2) below the Secretary of State may declare a ballot void if it appears to him that—
- (a) any requirement of these regulations has been contravened in the case of a ballot held in purported compliance with these regulations;
 - (b) an authority or body referred to in section 107(2) of the Act have acted in contravention of that section;
 - (c) persons other than those falling within regulation 12 or, as the case may be, regulation 22(3) have purported to vote in the ballot;
 - (d) persons who fall within regulation 12 or, as the case may be, regulation 22(3) have been prevented from voting or hindered from doing so freely in accordance with their own opinion by any other person; or
 - (e) material has been provided, or meetings have been held, in a manner which does not comply with the principles for the production of such material or the standards for the holding of such meetings or debates contained in the Ballot Information Code specified in Schedule 4

and that voting in a ballot is likely to have been influenced to a significant extent as a result of any of those matters.

(2) Paragraph (1) shall not apply unless before the date which is two weeks after the ballot result date any person or body referred to in paragraph (3) have requested the Secretary of State in writing to exercise his powers under paragraph (1), specifying the reason for such a request and the grounds on which the powers under paragraph (1) may be exercisable.

- (3) The persons or bodies mentioned in paragraph (2) are—
- (a) the designated body;
 - (b) the local education authority which maintains the grammar school to which the ballot relates, or, where the ballot was an area ballot and the area is one falling in paragraph (b) of the definition of “relevant area”, either of the local education authorities referred to in that definition;
 - (c) in a case of an area ballot, the governing body or the proprietor of any relevant school;

(d) in the case of a feeder school ballot, the governing body of any grammar school to which the ballot relates or the governing body or proprietor of any feeder school for the group of grammar schools or stand alone grammar school;

(e) any 20 or more parents who were eligible to vote in the ballot.

(4) Where a request is received under paragraph (3), the Secretary of State shall notify the governing body of each grammar school to which the ballot relates and the local education authority.

(5) Where a request is received under paragraph (3), but the Secretary of State determines not to declare a ballot void he shall notify the persons or body who made the request, the governing body of each grammar school to which the ballot relates, and the local education authority.

(6) Where the Secretary of State declares a ballot void he shall notify the persons mentioned in regulation 10(2) of that fact.

(7) Where the Secretary of State declares a ballot void, a fresh ballot shall be held in accordance with this Part (and accordingly the persons who are eligible to vote in such a ballot shall be the persons who in accordance with regulation 12 or, as the case may be, regulation 22(3), were eligible to vote in the ballot which was declared void) but regulation 14(4)(a) shall have effect as if it provided that the designated body should secure that the date by which ballot papers must be returned is no later than 10 weeks from the date of the notification under paragraph (6) above.

“Moratorium” on further ballots

16.—(1) Where the result of a ballot is that the schools or school to which the ballot relates should retain selective admission arrangements, no further ballot shall be held relating to the same area, group of grammar schools or stand alone grammar school within the period of 5 years from the ballot result date.

(2) This regulation is without prejudice to regulation 8(6).