



Education Act 1980

1980 CHAPTER 20

School attendance orders

10 Determination of school to be named in order.

- (1) Before serving a school attendance order on a parent under section 37 of the ^{M1}Education Act 1944 the local education authority shall serve on him a written notice of their intention to serve the order—
 - (a) specifying the school which they intend to name in the order and, if they think fit, one or more other schools which they regard as suitable alternatives; and
 - (b) stating the effect of subsections (2) to (4) below;but no aided or special agreement school shall be specified in the notice without the consent of the governors of the school.
- (2) If the notice specifies one or more alternative schools and the parent selects one of them before the expiration of the period of fourteen days beginning with the day after that on which the notice is served, the school selected by him shall be named in the order.
- (3) If before the expiration of that period the parent—
 - (a) applies for the child to be admitted to a school maintained by a local education authority and, if that authority is not the one by whom the notice was served, notifies the latter authority of the application; or
 - (b) applies to the local education authority by whom the notice was served for education to be provided for the child at a school not maintained by a local education authority,then, if the child is offered a place at a school as a result of the application mentioned in paragraph (a) above or is offered a place at a school at which the local education authority agree to provide education for him in response to the application mentioned in paragraph (b) above, that school shall be named in the order.
- (4) If before the expiration of the period mentioned in subsection (2) above the parent—
 - (a) applies for the child to be admitted to a school which is not maintained by a local education authority and in respect of which he makes no such application as is mentioned in subsection (3)(b) above; and

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Changes to legislation: There are currently no known outstanding effects for the Education Act 1980, Section 10. (See end of Document for details)

(b) notifies the local education authority by whom the notice was served of the application,

then, if as a result of the application the child is offered a place at a school which is suitable to his age, ability and aptitude [^{F1}and any special educational needs he may have], that school shall be named in the order.

(5) The foregoing provisions of this section do not apply to children [^{F2}in respect of whom the local education authority maintain a statement under section 7 of the Education Act 1981 (special educational needs)]

(6)

^{F3}(^{F3}7^{F3})

Textual Amendments

- F1** Words inserted by Education Act 1981 (c. 60, SIF 41:1), s. 21, **Sch. 3 para. 15(a)**, S.I. 1983/7, **Sch. para. 3(4)**
- F2** Words substituted by Education Act 1981 (c. 60, SIF 41:1), s. 21, **Sch. 3 para. 15(b)**, S.I. 1983/7, **Sch. para. 3(4)**
- F3** S. 10(6)(7)repealed by Education Act 1981 (c. 60, SIF 41:1), s. 21, **Sch. 4** (subject to a saving in S.I. 1983/7, **Sch. para. 4**)
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Marginal Citations

- M1** 1944 c. 31.

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