

Status: Point in time view as at 10/12/1993. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education (No. 2) Act 1986, Cross Heading: Procedure is up to date with all changes known to be in force on or before 10 June 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)

SCHEDULES

SCHEDULE 3

EXCLUSION ON DISCIPLINE GROUNDS: APPEALS

Procedure

6 An appeal shall be by notice in writing setting out the grounds on which it is made.

VALID FROM 01/09/1994

^{F1}6A The appeal committee shall meet to consider an appeal—

- (a) within the period ending with the fifteenth school day after the day on which the appeal is lodged, or
- (b) if the body responsible for making any arrangements under section 26 of this Act has determined a shorter period, within that period.

Textual Amendments

F1 Sch. 3 para. 6A inserted (1.9.1994) by S.I. 1994/2092, art.7 (with art. 11)

7 On an appeal by a pupil or parent, the appeal committee—

- (a) shall afford the appellant an opportunity of appearing and making oral representations;
- (b) may allow him to be accompanied by a friend or to be represented; and
- (c) shall allow—
 - (i) the local education authority and the governing body to make written representations to the committee; [^{F2}and]
 - (ii) an officer of the authority nominated by the authority, and a governor nominated by the governing body, to appear and make oral representations.

Textual Amendments

F2 Word in Sch. 3 para. 7(c) substituted (10.12.1993) by S.I. 1993/2827, art.2

8 On an appeal by a governing body, the appeal committee—

Status: Point in time view as at 10/12/1993. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education (No. 2) Act 1986, Cross Heading: Procedure is up to date with all changes known to be in force on or before 10 June 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)

- (a) shall afford a governor nominated by the governing body an opportunity of appearing and making oral representations;
- (b) shall afford the governing body an opportunity to be represented;
- (c) shall allow the pupil, if he is aged eighteen or over, or a parent of his, if he is under eighteen, to make written representations to the committee [^{F3}and] to appear and make oral representations; and
- (d) shall allow the local education authority to make written representations [^{F3}and] an officer of the authority nominated by them to appear and make oral representations.

Textual Amendments

F3 Words in [Sch. 3 para. 8\(c\)\(d\)](#) substituted (10.12.1993) by [S.I. 1993/2709, art. 2](#)

- 9 The body responsible for making any arrangements under section 26 of this Act shall, in setting any time limits in connection with appeals, have regard to the desirability of securing that appeals are disposed of without delay.
- 10 In considering any appeal, the appeal committee shall take into account (amongst other things) any representations made to it by any of the persons whom it is required to afford an opportunity to make representations.
- 11 In the event of a disagreement between the members of an appeal committee the appeal under consideration shall be decided by a simple majority of the votes cast and in the case of an equality of votes the chairman of the committee shall have a second or casting vote.
- 12 The decision of an appeal committee and the grounds on which it is made shall be communicated by the committee in writing to the pupil (if he is aged eighteen or over) or a parent of his (if he is under eighteen) and to the local education authority and governing body.
- 13 All appeals shall be heard in private except when otherwise directed by the authority or governing body by whom the arrangements are made but, without prejudice to any of the provisions of this Schedule—
- (a) a member of the local education authority may attend any hearing of an appeal by an appeal committee, as an observer; and
 - (b) any member of the Council on Tribunals may attend any meeting of any appeal committee at which an appeal is considered, as an observer.
- 14 Two or more appeals may be combined and dealt with in the same proceedings if the appeal committee consider that it is expedient to do so because the issues raised by the appeals are the same or connected.

Status: Point in time view as at 10/12/1993. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Education (No. 2) Act 1986, Cross Heading: Procedure is up to date with all changes known to be in force on or before 10 June 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)

- 15 Subject to the preceding provisions of this Schedule, all matters relating to the procedure on appeals, including the time within which they are to be brought, shall be determined by the authority or governing body by whom the arrangements are made; and neither section 106 of the ^{M1}Local Government Act 1972 nor paragraph 44 of Schedule 12 to that Act (procedure of committees of local authorities) shall apply to an appeal committee constituted in accordance with Part I of Schedule 2 to the Act of 1980.

Marginal Citations

M1 1972 c. 70.

- 16 In this Schedule references to appeals are to appeals under section 26 of this Act.

VALID FROM 01/09/1994

- ^{F4}17 (1) Where in accordance with paragraph 1 or 2 above notice in writing is required to be given to a person, that notice may be given either by delivering the notice to the person's last known address or by properly addressing, pre-paying and sending by first class post a letter containing the notice to the person's last known address.
- (2) For the purposes of calculating a period referred to in paragraph 3A(1) above, notice shall be taken to have been given—
- (a) where first class post is used, on the second school day after the date of posting, unless the contrary is shown, and
 - (b) where the notice is delivered, on the date of delivery, unless the contrary is shown.

Textual Amendments

F4 Sch. 3 para. 17 inserted (1.9.1994) by S.I. 1994/2092, art.10 (with art. 11)

Status:

Point in time view as at 10/12/1993. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Education (No. 2) Act 1986, Cross Heading: Procedure is up to date with all changes known to be in force on or before 10 June 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.