

SCHEDULES

SCHEDULE 16

Section 266

SCHOOL ADMISSION APPEALS

- 1 Part I of Schedule 2 to the Education Act 1980 (constitution of committees hearing appeals against admission decisions) is amended as follows.

Schools maintained by local education authorities

- 2 (1) For paragraph 1(2) there is substituted—
- “(2) An appeal committee shall consist of—
- (a) one person nominated by the authority from among persons who are eligible to be lay members; and
 - (b) two, four or six other members nominated by the authority from among persons appointed by the authority under this paragraph.
- (2A) The authority shall not nominate a person under sub-paragraph (2)(a) above if he could be appointed by them under sub-paragraph (3)(a) below or is employed by them.
- (2B) Sufficient persons may be appointed by the authority to enable two or more committees to sit at the same time.”
- (2) In paragraph 1(3) after “appointed” there is inserted “by the authority”.
- (3) In paragraph 1(4) “by more than one” is omitted.
- (4) For paragraph 1(5) there is substituted—
- “(5) A person who is a member of the authority or employed by the authority shall not be chairman of an appeal committee.”

Aided and special agreement schools

- 3 (1) For paragraph 2(2) there is substituted—
- “(2) An appeal committee shall consist of—
- (a) one person nominated by the governors from among persons who are eligible to be lay members; and
 - (b) two, four or six other members nominated by the governors from among persons appointed by them under this paragraph.
- (2A) The governors shall not nominate under sub-paragraph (2)(a) above a person who falls within sub-paragraph (3)(a) or (b) below or is employed by the local education authority by which the school is maintained.
- (2B) Sufficient persons may be appointed by the governors to enable two or more committees to sit at the same time.”

Status: This is the original version (as it was originally enacted).

(2) In paragraph 2(3) after “appointed” there is inserted “by the governors”.

(3) For paragraph 2(4) there is substituted—

“(4) In an appeal committee—

- (a) three members shall be nominated from among those mentioned in sub-paragraph (3)(b) above, in the case of a committee consisting of seven members;
- (b) two members shall be so nominated, in the case of a committee consisting of five members; and
- (c) one member shall be so nominated, in the case of a committee consisting of three members.”

Lay members

4 After paragraph 4 there is inserted—

“Lay members

4A (1) A person is eligible to be a lay member for the purposes of paragraphs 1(2)(a) and 2(2)(a) above if—

- (a) he is a person without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity), and
- (b) he satisfies the conditions specified in sub-paragraph (2) below.

(2) Those conditions are—

- (a) in the case of a person to be nominated as a lay member for the purposes of paragraph 1(2)(a) above, that he does not have, or has not at any time had, any connection with—
 - (i) the local education authority in question, or
 - (ii) any person who is a member of, or employed by, that authority,

of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the authority, and

- (b) in the case of a person to be nominated as a lay member for the purposes of paragraph 2(2)(a) above, that he does not have, or has not at any time had, any connection with—
 - (i) the school in question, or
 - (ii) any person who is a member of, or employed by, the governing body of that school,

of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the school.”