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# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

#### CHAPTER I

#### [<sup>F1</sup>ADMISSION, REGISTRATION AND WITHDRAWAL OF PUPILS]

##### Textual Amendments

- F1** Words in cross-heading substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.108** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 2**

#### *Parental preferences*

#### <sup>F2</sup>**411 Parental preferences.**

.....

##### Textual Amendments

- F2** S. 411 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 109, Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 paras. 2, 12** (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)(4)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

#### <sup>F3</sup>**411A** .....

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**Textual Amendments**

**F3** S. 411A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**), and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

*Admission arrangements for county and voluntary schools*

<sup>F4</sup>**412** .....

**Textual Amendments**

**F4** S. 412 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

<sup>F5</sup>**413** .....

**Textual Amendments**

**F5** S. 413 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 11, 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

<sup>F6</sup>**413A** .....

**Textual Amendments**

**F6** S. 413A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

<sup>F7</sup>**413B** .....

**Textual Amendments**

**F7** S. 413B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

<sup>F8</sup>**414** .....

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**Textual Amendments**

**F8** S. 414 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

*Admission numbers for county and voluntary schools*

**F9** **415** .....

**Textual Amendments**

**F9** S. 415 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.,I. 1999/1016, art. 2(3), Sch. 3.

**F10** **416** .....

**Textual Amendments**

**F10** S. 416 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

**F11** **417** .....

**Textual Amendments**

**F11** S. 417 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

**F12** **418** .....

**Textual Amendments**

**F12** S. 418 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

**F13** **419** .....

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**Textual Amendments**

**F13** S. 419 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

**F14** **420** .....

**Textual Amendments**

**F14** S. 420 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 6**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

**F15** **421** .....

**Textual Amendments**

**F15** S. 421 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

**F16** **421A**.....

**Textual Amendments**

**F16** S. 421A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

*New county and voluntary schools*

**F17** **422** .....

**Textual Amendments**

**F17** S. 422 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 11, 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**), and savings in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

*Admissions appeals relating to county and voluntary schools*

**F18** **423** .....

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**Textual Amendments**

**F18** S. 423 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

**F19** **423A**.....

**Textual Amendments**

**F19** S. 423A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, 12 (as added (31.8.1999) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

*Nursery and special schools, etc.*

**F20** **424** .....

**Textual Amendments**

**F20** S. 424 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

*Admission arrangements for grant-maintained schools*

**F21** **425** .....

**Textual Amendments**

**F21** S. 425 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

**F22** **425A**.....

**Textual Amendments**

**F22** S. 425A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, **11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

**F23** **425B**.....

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**Textual Amendments**

**F23** S. 425B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 2**); S.I. 1999/1016, art. 2(3), **Sch. 3**

*Admission numbers for grant-maintained schools*

<sup>F24</sup>**426** .....

**Textual Amendments**

**F24** S. 426 repealed (1.4.1999 to the extent of the repeal of s. 426(6) and 1.9.1999 to the extent of the repeal of s. 426(1)-(5)) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 7**); S.I. 1999/1016, art. 2(1)(3), Sch. 1, **Sch. 3**

<sup>F25</sup>**426A**.....

**Textual Amendments**

**F25** S. 426A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9),144(6); S.I. 1999/1016, art. 2(3), **Sch. 3**

<sup>F26</sup>**427** .....

**Textual Amendments**

**F26** S. 427 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

<sup>F27</sup>**428** .....

**Textual Amendments**

**F27** S. 428 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.

*Admissions appeals relating to grant-maintained schools*

<sup>F28</sup>**429** .....

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**Textual Amendments**

**F28** S. 429 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, **11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

*Co-ordinated arrangements for admissions*

**F29** **430** .....

**Textual Amendments**

**F29** S. 430 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, **11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

*Power to direct admission of child to school*

**F30** **431** .....

**Textual Amendments**

**F30** S. 431 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 10, **11**); S.I. 1999/1016, art. 2(1), **Sch. 1**.

**F31** **432** .....

**Textual Amendments**

**F31** S. 432 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 10**); S.I. 1999/1016, art. 2(1), **Sch. 1**.

*Time for admission of pupils*

**433 Time for admission of pupils.**

- (1) Section 14 (which requires a [<sup>F32</sup>local authority] to secure that sufficient schools for providing primary and secondary education are available for their area) shall not be construed as imposing any obligation on the proprietor of a school to admit children as pupils otherwise than at the beginning of a school term.
- (2) Where, however, a child was prevented from entering a school at the beginning of a term—
  - (a) by his being ill or by other circumstances beyond his parent’s control, or
  - (b) by his parent’s having been then resident at a place from which the school was not accessible with reasonable facility,

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the school's proprietor is not entitled by virtue of subsection (1) to refuse to admit him as a pupil during the currency of the term.

- (3) In cases where subsection (2) does not apply, the governing body of a school maintained by a [<sup>F32</sup>local authority] shall comply with any general directions given by the authority as to the time of admission of children as pupils.

<sup>F33</sup>(4) .....

- (5) Despite section 7 (duty of parent of child of compulsory school age to cause him to receive full-time education), a parent is not under a duty to cause a child to receive full-time education during any period during which, having regard to subsections (1) and (2), it is not practicable for the parent to arrange for him to be admitted as a pupil at a school.

#### Textual Amendments

- F32** 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))
- F33** S. 433(4) repealed (1.10.1998) by [1998 c. 31, s. 140\(1\)](#), [Sch. 30 para. 110](#), **Sch.31** (with ss. 138(9), 144(6)); [S.I. 1998/2212, art. 2\(1\)](#), **Sch.1 Pt. I**.

### *Registration of pupils*

#### 434 Registration of pupils.

- (1) The proprietor of a school shall cause to be kept, in accordance with regulations, a register containing the prescribed particulars in respect of all persons who are pupils at the school.
- (2) Without prejudice to the generality of subsection (1), the prescribed particulars shall include particulars of the name and address of every person known to the proprietor to be a parent of a pupil at the school.
- (3) The regulations shall prescribe the grounds on which names are to be deleted from a register kept under this section; and the name of a person entered in such a register as a pupil at a school—
- (a) shall, when any of the prescribed grounds is applicable, be deleted from the register on that ground; and
  - (b) shall not be deleted from the register otherwise than on any such ground.
- (4) The regulations may make provision—
- (a) for enabling registers kept under this section to be inspected;
  - (b) for enabling extracts from such registers to be taken for the purposes of this Act by persons authorised to do so under the regulations; and
  - (c) for requiring the person by whom any such register is required to be kept to make to—
    - (i) the Secretary of State, [<sup>F34</sup>and]
    - <sup>F35</sup>(ii) .....
    - (iii) [<sup>F36</sup>local authorities] ,



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such periodical or other returns as to the contents of the register as may be prescribed.

(5) In this Act—

“registered pupil”, in relation to a school, means a person registered as a pupil at the school in the register kept under this section; and

“registered”, in relation to the parents of pupils at a school or in relation to the names or addresses of such parents or pupils, means shown in that register.

(6) A person who contravenes or fails to comply with any requirement imposed on him by regulations under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### Textual Amendments

**F34** Word in s. 434(4)(c)(i) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 111(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

**F35** S. 434(4)(c)(ii) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 111(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

**F36** 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(3)** (with Sch. 2 para. 7(4)(5))

#### Modifications etc. (not altering text)

**C1** S. 434(1) modified (temp. until 31.8.2012) (1.9.2011) by The Morpeth School, Oaklands School and Swanlea School Order 2011 (S.I. 2011/1903), arts. 1, **3(a)**

**C2** S. 434(3)(b) modified (temp. until 31.8.2012) (1.9.2011) by The Morpeth School, Oaklands School and Swanlea School Order 2011 (S.I. 2011/1903), arts. 1, **3(b)**

### *Withdrawal of pupils from primary school for secondary education*

#### **435 Withdrawal of pupils from a primary school for secondary education.**

A [<sup>F32</sup>local authority] may make arrangements in respect of a primary school maintained by them (other than one that is for the time being organised for the provision of both primary and secondary education) under which any registered pupils who are under the age of 12 but have attained the age of 10 years and six months may be required to be withdrawn from the school for the purpose of receiving secondary education.

#### Textual Amendments

**F32** 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))

### *Supplementary*

<sup>F37</sup>**436** .....

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#### Textual Amendments

**F37** S. 436 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 112, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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