



# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

#### CHAPTER I

#### SCHOOL ADMISSIONS

#### *Admission numbers for county and voluntary schools*

#### **415 Meaning of “the admission authority”.**

In this Chapter “the admission authority”, in relation to a county or voluntary school, means—

- (a) the local education authority, where they are responsible for determining the arrangements for the admission of pupils to the school, or
- (b) the governing body, where they are responsible for determining those arrangements.

#### **416 Fixing admission numbers.**

- (1) The admission authority for a county or voluntary school shall not fix as the admission number for any relevant age group and any school year a number which is less than the relevant standard number.
- (2) Despite any provision of the articles of government of the school (but subject to section 412), the admission authority may fix as the admission number for any relevant age group and any school year a number which exceeds the relevant standard number.
- (3) A proposal may be made to the admission authority in accordance with subsections (4) and (5) for fixing as the admission number for any relevant age group and any school year a number which exceeds both—

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- (a) the relevant standard number, and
  - (b) any admission number fixed, or proposed to be fixed, for that age group and year by the admission authority.
- (4) The proposal may be made—
- (a) where the local education authority are the admission authority, by the governing body, or
  - (b) where the governing body are the admission authority, by the local education authority.
- (5) Any such proposal—
- (a) shall be made in writing,
  - (b) may relate to one or more relevant age groups, and
  - (c) may relate to a particular school year or to each school year falling within any period specified in the proposal.
- (6) If the admission authority do not give the authority making the proposal notice in writing rejecting the proposal within the period of two months beginning with the day after that on which the proposal was received by the admission authority, the admission authority shall give effect to the proposal.
- (7) Where the admission authority give such notice within that period, the authority making the proposal may, within 28 days of receiving the notice, make an application to the Secretary of State for an order under section 420(2) increasing the relevant standard number.
- (8) In this section references, in relation to a school, to the “admission number” for any relevant age group and any school year are references to the number of pupils in that age group it is intended to admit to the school in that school year.

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

- C1** Power to restrict s. 416(1) conferred (24.7.1998) by 1998 c. 31, s. 144, **Sch. 32 Pt. II para. 6(1)(a)** (with ss. 138(9), 144(6)).

**417 Standard numbers for admissions to secondary schools.**

- (1) Subject to subsection (2), if pupils in any age group were admitted to a county or voluntary secondary school in the school year beginning in 1989, the standard number applying to the school for that age group in any subsequent school year shall be—
- (a) the standard number applying to the school under section 15 of the <sup>M1</sup>Education Act 1980 (“the 1980 Act”) for that age group in the school year beginning in 1989, or
  - (b) the number of pupils in that age group admitted in the school year beginning in 1989,
- whichever is the greater.
- (2) If proposals under section 35 or 41 above or section 12 or 13 of the 1980 Act (proposals for the establishment or alteration of a school) have fallen to be implemented in relation to a county or voluntary secondary school, the number stated in the proposals for any school year and age group shall constitute the standard number applying to the school for that age group—

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- (a) in any school year beginning after 1989 in relation to which the proposals have been wholly implemented, and
  - (b) subject to any variation made by the Secretary of State, in any school year beginning after 1989 in relation to which they have been partly implemented.
- (3) In subsection (2) “the number stated in the proposals” means the number so stated in accordance with section 35(3)(b) or 41(5)(b) above (or, as the case may be, section 12(2) of the 1980 Act or section 12(2) as applied by section 13(2) of that Act).
- (4) Any standard number applying under subsection (2) is without prejudice to the application under that subsection of a new standard number if further proposals under section 35 or 41 above fall to be implemented.
- (5) References in this section to proposals under section 35 or 41 above or section 12 or 13 of the 1980 Act are to the proposals with any modifications made by the Secretary of State under section 37, 40, 43 or 45 above or, as the case may be, under section 12 or 13 of the 1980 Act.

**Marginal Citations**

**M1** 1980 c. 20.

**418 Standard numbers for admissions to primary schools.**

- (1) Subject to subsection (2), if pupils in any age group were admitted to a county or voluntary primary school in the school year beginning in 1991, the standard number applying to the school for that age group in any subsequent year shall be—
  - (a) the number applicable in relation to the school and in relation to that age group in accordance with section 419, or
  - (b) the number of pupils in that age group admitted in the school year beginning in 1991,whichever is the greater.
- (2) If proposals published under section 35 or 41 above or section 12 or 13 of the <sup>M2</sup>Education Act 1980 (proposals for the establishment or alteration of a school) have fallen to be implemented in relation to a county or voluntary primary school, the number stated in the proposals for any school year and age group shall constitute the standard number applying to the school for that age group—
  - (a) in any school year beginning after 1991 in relation to which the proposals have been wholly implemented, and
  - (b) subject to any variation made by the Secretary of State, in any school year beginning after 1991 in relation to which they have been partly implemented.
- (3) Section 417(3) to (5) shall apply for the purposes of subsection (2) of this section as they apply for the purposes of section 417(2).

**Marginal Citations**

**M2** 1980 c. 20.

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#### **419 Special provisions supplementary to section 418.**

- (1) In this section “the 1980 standard number”, in relation to any school and age group, means the standard number applying to the school under section 15 of the Education Act 1980 (“the 1980 Act”) in relation to that age group in the school year beginning in 1991.
- (2) In the case of a primary school to which section 418(1) applies, the number applicable in relation to the school and in relation to any age group there mentioned is—
  - (a) if the 1980 standard number for that age group is a number determined under section 15(5) of the 1980 Act by reference to the number of pupils in that age group admitted to the school in the school year beginning in 1979, the recalculated 1979 admission number;
  - (b) if the 1980 standard number for that age group is a number determined under section 15(6) of that Act by reference to the number of pupils in that age group admitted to the school in any school year beginning after 1979 (and not varied by the Secretary of State under that provision), the recalculated post-1979 admission number; and
  - (c) if the 1980 standard number for that age group is a number applicable by virtue of section 15(7) of that Act which has not been varied by the Secretary of State, the aggregate of the number so applicable and the additional admission number.
- (3) In subsection (2)(a) “the recalculated 1979 admission number”, in relation to any school and age group, means the number of pupils admitted to the school in that age group in the school year beginning in 1979 (as determined in accordance with section 436, which relates to children admitted for nursery education).
- (4) In subsection (2)(b) “the recalculated post-1979 admission number”, in relation to any school and age group, means the number of pupils admitted to the school in that age group in the school year by reference to which the 1980 standard number for that school and age group was determined (as determined in accordance with section 436).
- (5) In subsection (2)(c) “the additional admission number”, in relation to any school and age group, means the aggregate of—
  - (a) the number of pupils admitted to the school in that age group in the first school year in relation to which the proposals in question had been wholly implemented who were admitted otherwise than for nursery education and were under the age of four years and six months on the date of their admission, and
  - (b) the number of pupils already admitted to the school for nursery education transferred in that year to a reception class at the school.

#### **420 Variation of standard numbers.**

- (1) The Secretary of State may by order applying to county or voluntary schools of any class or description vary any standard number that would otherwise apply by virtue of section 417 or 418.
- (2) Subject to subsections (3) to (5), the Secretary of State may by order vary any standard number that would otherwise apply to an individual school by virtue of section 417 or 418 or by virtue of any order made under subsection (1).

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- (3) An order under subsection (2) reducing a standard number may only be made on the application of the admission authority for the school, and is subject to the procedure provided for in Schedule 32.
- (4) An order under subsection (2) increasing a standard number may be made on the application of the admission authority for the school or on an application made by the governing body or local education authority in accordance with section 416(7).
- (5) On an application for an order under subsection (2) increasing a standard number, the Secretary of State may—
  - (a) make an order under subsection (2) increasing the standard number to the number proposed,
  - (b) after consultation with both the local education authority and the governing body of the school, make an order under subsection (2) increasing the standard number to such number (less than the number proposed) as he thinks desirable, or
  - (c) refuse to make an order increasing the standard number.

#### **421 Review of standard numbers.**

- (1) The admission authority for a county or voluntary school shall keep under review any standard numbers applying to the school under sections 417 to 420, having regard to any change in the school's capacity to accommodate pupils as compared with its capacity at the beginning of the school year in which those standard numbers first applied (whether by virtue of section 15 of the <sup>M3</sup>Education Act 1980, section 27 of the <sup>M4</sup>Education Reform Act 1988 or sections 417 to 420 above).
- (2) For the purposes of this section a school's capacity to accommodate pupils is changed if—
  - (a) as a result of changes in the availability or use of accommodation at the school, there is any change in the amount of accommodation available for use by pupils at the school; or
  - (b) as a result of changes in the requirements applicable to the school under regulations made under section 542 there is any change in the number of pupils for whom accommodation may lawfully be provided at the school;and a school's capacity to accommodate pupils is reduced if the result of the changes is, in a case within paragraph (a), less accommodation or, in a case within paragraph (b), a reduction in the number there mentioned.

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

**C2** S. 421 modified (1.9.1998)(*temp.*) by S.I. 1998/1948, reg. 3, Sch. para.2.

#### **Marginal Citations**

**M3** 1980 c. 20.

**M4** 1988 c. 40.

- <sup>F1</sup>421A
- (1) The admission authority for a county or voluntary school containing any infant class shall keep under review any standard number applicable to admissions to an infant class, having regard to—

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- (a) the school’s capacity to accommodate pupils, and
  - (b) the need to secure that the admission to the school in any school year of a number of children in any relevant age group equal to the relevant standard number would not cause prejudice of the kind referred to in section 411(3)(a) by reason of any qualifying measures.
- (2) The admission authority for any such school shall in particular carry out a review under subsection (1) as soon as reasonably practicable following the coming into force of regulations under section 1 of the School Standards and Framework Act 1998 by virtue of which any limit on class sizes is to apply in relation to any such class at the school.
- (3) Where, as a result of a review under subsection (1), the authority consider that any standard number at the school should be varied in order to enable the objective referred to in subsection (1)(b) to be achieved, they shall make an application for an order under section 420(2) varying the standard number.
- (4) For the purposes of subsection (1) a school’s capacity to accommodate pupils shall be calculated having regard to any guidance given from time to time by the Secretary of State.
- (5) In this Chapter, “infant class” has the meaning given in section 4 of the School Standards and Framework Act 1998.]

**Textual Amendments**

**F1** S. 421A inserted (1.9.1998) by S.I. 1998/1948, reg. 3, **Sch. para. 2(1)(2)**

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