

Status: Point in time view as at 15/11/2011.

Changes to legislation: Education Act 1996, Paragraph 3 is up to date with all changes known to be in force on or before 15 September 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 27

MAKING AND MAINTENANCE OF STATEMENTS UNDER SECTION 324

Choice of school

- 3 (1) Every [F1local authority] shall make arrangements for enabling [F2a parent—
- (a) on whom a copy of a proposed statement has been served under paragraph 2,
 - (b) on whom a copy of a proposed amended statement has been served under paragraph 2A, or
 - (c) on whom an amendment notice has been served under paragraph 2A which contains a proposed amendment about —
 - (i) the type or name of a school or institution, or
 - (ii) the provision made for the child concerned under arrangements made under section 319,
- to be specified in the statement,] to express a preference as to [F3the maintained school] at which he wishes education to be provided for his child and to give reasons for his preference.
- (2) Any such preference must be expressed or made within the period of 15 days beginning—
- (a) with the date on which the written notice mentioned in [F4paragraph 2B] was served on the parent, or
 - (b) if a meeting has (or meetings have) been arranged under paragraph 4(1)(b) or (2), with the date fixed for that meeting (or the last of those meetings).
- (3) Where a [F1local authority] make a statement in a case where the parent of the child concerned has expressed a preference in pursuance of such arrangements as to the school at which he wishes education to be provided for his child, they shall specify the name of that school in the statement unless—
- (a) the school is unsuitable to the child’s age, ability or aptitude or to his special educational needs, or
 - (b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.
- (4) F5

Textual Amendments

- F1** 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))

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- F2** Words in Sch. 27 para. 3(1) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 4** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F3** Words in Sch. 27 para 3(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 186(2)(a)**(with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in Sch. 27 para 3(2) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 5** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- F5** Sch. 27 para. 3(4) repealed (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, ss. 10, 42(6), Sch. 1 para. 6, Sch. 9 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

Modifications etc. (not altering text)

- C1** Sch. 27 para. 3 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5)(e)(10)**, 162 (with s. 159)

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