

Status: Point in time view as at 01/11/1996.

Changes to legislation: Education Act 1996, Cross Heading: Appeal arrangements made by governing bodies is up to date with all changes known to be in force on or before 26 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 33

ADMISSION APPEALS

Modifications etc. (not altering text)

C1 Sch. 33 modified (*temp.*) (1.9.1998) by S.I. 1998/1948, reg. 3(1)(2), Sch. para. 11(1)(3)

PART I

CONSTITUTION OF APPEAL COMMITTEES

Appeal arrangements made by governing bodies

- 2 (1) An appeal pursuant to arrangements made by the governing body of an aided or a special agreement school under section 423(2) shall be to an appeal committee constituted in accordance with this paragraph.
- (2) An appeal committee shall consist of—
- (a) one person nominated by the governing body from among persons who are eligible to be lay members; and
 - (b) two, four or six other members nominated by the governing body from among persons appointed by them under sub-paragraph (3).
- (3) The persons appointed by the governing body under this sub-paragraph—
- (a) may include one or more of the governors,
 - (b) shall include persons appointed from a list drawn up by the local education authority by whom the school is maintained, and
 - (c) shall not include any person employed by the authority otherwise than as a teacher.
- (4) Sufficient persons may be appointed by the governing body under sub-paragraph (3) to enable two or more appeal committees to sit at the same time.
- (5) Of the members of an appeal committee—
- (a) three shall be nominated from among those mentioned in sub-paragraph (3)
 - (b) in the case of a committee consisting of seven members;
 - (b) two shall be so nominated in the case of a committee consisting of five members; and
 - (c) one shall be so nominated in the case of a committee consisting of three members.

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- (6) The governing body shall not nominate under sub-paragraph (2)(a) a person who falls within sub-paragraph (3)(a) or (b) or is employed by the local education authority by whom the school is maintained.
- (7) None of the governors shall be chairman of an appeal committee.
- (8) A person shall not be a member of an appeal committee for the consideration of an appeal against a decision if he was among those who made the decision or took part in discussions as to whether the decision should be made.
- (9) A person who is a teacher at a school shall not be a member of an appeal committee for the consideration of an appeal involving a question whether a child is to be admitted to that school.
- 3 Where (by virtue of section 423(3)) joint arrangements are made under section 423(2) by the governing bodies of two or more schools, paragraph 2 shall apply as if any reference to the governing body or to the governors were a reference to the governing bodies or (as the case may be) the governors of both or all the schools; and an appeal pursuant to such joint arrangements shall be to an appeal committee constituted in accordance with paragraph 2 as it so applies.
- 4 An appeal committee constituted in accordance with paragraph 2 (or in accordance with that paragraph as it applies by virtue of paragraph 3)—
- (a) shall be included in the bodies to which section 174 of the ^{M1}Local Government Act 1972 (travelling and subsistence allowances) applies; and
- (b) for the purpose of the payment of financial loss allowance under section 173(4) of that Act to members of the committee, shall be included among the bodies to which section 173 applies.

Marginal Citations

M1 1972 c. 70.

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