

Status: Point in time view as at 01/11/1996.

Changes to legislation: Education Act 1996, Part II is up to date with all changes known to be in force on or before 15 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 II

PROCEDURE

- 8 In this Part “appeal” means an appeal pursuant to any arrangements made under section 423.
- 9 An appeal shall be by notice in writing setting out the grounds on which it is made.
- 10 An appeal committee shall give the appellant an opportunity of appearing and making oral representations, and may allow him to be accompanied by a friend or to be represented.
- 11 The matters to be taken into account by an appeal committee in considering an appeal shall include—
- (a) any preference expressed by the appellant in respect of the child as mentioned in section 411, and
 - (b) the arrangements for the admission of pupils published by the local education authority or the governing body under section 414.
- 12 (1) Appeals shall be heard in private except when the local education authority or governing body (or bodies) by whom the arrangements under section 423 are made direct otherwise.
- (2) Without prejudice to any of the other provisions of this Schedule—
- (a) a member of the local education authority may attend, as an observer, any hearing of an appeal by an appeal committee constituted in accordance with paragraph 1; and
 - (b) a member of the Council on Tribunals may attend as an observer any meeting of any appeal committee at which an appeal is considered.

Status: Point in time view as at 01/11/1996.

Changes to legislation: Education Act 1996, Part II is up to date with all changes known to be in force on or before 15 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)

- 13 In the event of a disagreement between the members of an appeal committee, the appeal under consideration shall be decided by a simple majority of the votes cast and, in the case of an equality of votes, the chairman of the committee shall have a second or casting vote.
- 14 The decision of an appeal committee and the grounds on which it is made shall be communicated by the committee in writing to—
- (a) the appellant and the local education authority, and
 - (b) in the case of an appeal to an appeal committee constituted in accordance with paragraph 2 (or in accordance with that paragraph as it applies by virtue of paragraph 3), to the governing body by whom or on whose behalf the decision appealed against was made.
- 15 (1) Subject to paragraphs 9 to 14, all matters relating to the procedure on appeals, including the time within which they are to be brought, shall be determined by the local education authority or governing body (or bodies) by whom the arrangements under section 423 are made.
- (2) Neither section 106 of the ^{M1}Local Government Act 1972 nor paragraph 44 of Schedule 12 to that Act (procedure of committees of local authorities) shall apply to an appeal committee constituted in accordance with paragraph 1.

Marginal Citations

M1 1972 c. 70.

Status:

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

Changes to legislation:

Education Act 1996, Part II is up to date with all changes known to be in force on or before 15 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.