

Status: Point in time view as at 01/10/1998.

Changes to legislation: Education Act 1996, Schedule 33A is up to date with all changes known to be in force on or before 06 August 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

[^{F1}SCHEDULE 33A

CHILDREN TO WHOM SECTION 411A(2) APPLIES: APPEALS BY GOVERNING BODIES]

Textual Amendments

- F1** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch. 2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

^{F2}*Duty to notify governing body of decision to admit child*

Textual Amendments

- F2** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

- ^{F3}₁ Where any such decision as is mentioned in section 423A(2) is made by or on behalf of a local education authority, the authority shall give the governing body of the school notice in writing—
- (a) of that decision; and
 - (b) of the governing body's right to appeal against the decision in accordance with paragraph 2.

Textual Amendments

- F3** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

^{F4}*Time limit on appealing*

Textual Amendments

- F4** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**

- ^{F5}₂ An appeal by the governing body against any such decision must be made not later than the 15th school day after the day on which they are given the notice under paragraph 1.

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Textual Amendments

F5 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F6 Appeal committees

Textual Amendments

F6 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

- ^{F73} (1) Subject to sub-paragraphs (2) and (3) below, paragraphs 1, 5, 6 and 7 of Schedule 33 (school admission appeals) shall have effect in relation to appeals under section 423A(2) as they have effect in relation to appeals under section 423(1).
- (2) A person shall not be a member of an appeal committee for the consideration of an appeal under section 423A(2) if he has to any extent been involved in any previous consideration of the question whether the child in question should or should not be reinstated at any school from which he has at any time been permanently excluded, or in any previous appeal relating to the child under section 423A(2).
- (3) A person shall not be eligible to be a lay member for the purposes of paragraph 1(2) (a) of Schedule 33 (as it applies in accordance with this paragraph) unless he satisfies the condition set out in paragraph (b) of paragraph 5(2) of that Schedule as well as that set out in paragraph (a) of that provision.
- (4) In this paragraph “appeal committee” means an appeal committee constituted in accordance with Part I of Schedule 33, as it applies in accordance with this paragraph.

Textual Amendments

F7 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F8 Procedure on an appeal

Textual Amendments

F8 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**

- ^{F94} In the following provisions of this Schedule—
 “appeal” means an appeal under section 423A(2); and
 “appeal committee” means such an appeal committee as is mentioned in paragraph 3(4) above.

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Textual Amendments

- F9** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F105 An appeal shall be by notice in writing setting out the grounds on which it is made.

Textual Amendments

- F10** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F116 The appeal committee shall meet to consider an appeal—

- (a) within the period ending with the 15th school day after the day on which the appeal is lodged, or
- (b) if the local education authority have determined a shorter period, within that period.

Textual Amendments

- F11** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F127 On an appeal the committee shall allow—

- (a) the local education authority and the governing body to make written representations;
- (b) an officer of the authority nominated by the authority, and a governor nominated by the governing body, to appear and make oral representations; and
- (c) the governing body to be represented.

Textual Amendments

- F12** Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F138 In considering an appeal the appeal committee shall have regard to—

- (a) the reasons for the local education authority's decision that the child in question should be admitted; and
- (b) any reasons put forward by the governing body as to why the child's admission would be inappropriate.

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Textual Amendments

F13 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F149 Appeals shall be heard in private except when otherwise directed by the local education authority, but any member of the local education authority or of the Council on Tribunals may attend, as an observer, any meeting of an appeal committee at which an appeal is considered.

Textual Amendments

F14 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F1510 Two or more appeals may be combined and dealt with in the same proceedings if the appeal committee consider that it is expedient to do so because the issues raised by the appeals are the same or connected.

Textual Amendments

F15 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F1611 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.

Textual Amendments

F16 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

F1712 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 local education authority, and
- (b) the governing body making the appeal,

within the period ending with the 17th school day after the day on which the appeal is lodged.

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Textual Amendments

F17 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

^{F18}13 (1) Subject to paragraphs 5 to 12, all matters relating to the procedure on appeals shall be determined by the local education authority.

(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.

Textual Amendments

F18 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

Marginal Citations

M1 1972 c. 70.

^{F19}Power of Secretary of State to make amendments

Textual Amendments

F19 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

^{F20}14 The Secretary of State may by order amend the preceding provisions of this Schedule.

Textual Amendments

F20 Sch. 33A inserted (1.9.1997) by 1997 c. 44, s. 12(2), **Sch.2** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt.II**

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