

*Status: Point in time view as at 01/09/1997. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Paragraph 4 is up to date with all changes known to be in force on or before 20 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

### [<sup>F1</sup>SCHEDULE 33B

#### RESTRICTIONS ON ADMISSIONS TO GRANT-MAINTAINED SCHOOLS]

##### Textual Amendments

- F1** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4 and otherwise prosp.) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468, art. 2(2), Sch. 1 Pt.II

*<sup>F1</sup> No requirement to admit children permanently excluded from two or more schools*

##### Textual Amendments

- F1** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4) by 1997 c. 44, ss. 14(2), 58(3), Sch. 3 (with s. 57(3)); S.I. 1997/1468, art. 2(2), Sch. 1 Pt.II

- <sup>F14</sup> (1) The governing body of a grant-maintained school shall not be under any duty to admit to the school any child to whom sub-paragraph (3) applies.
- (2) The governing body of such a school shall not be under any duty to make arrangements for enabling any person to appeal against a decision refusing a child admission to the school in a case where, at the time when the decision is made, sub-paragraph (3) applies to the child.
- (3) Where a child has been permanently excluded from two or more schools, this sub-paragraph applies to him during the period of two years beginning with the date on which the latest of those exclusions took effect.
- (4) Sub-paragraph (3) applies to a child whatever the length of the period or periods elapsing between those exclusions and regardless of whether it has applied to him on a previous occasion.
- (5) However, a child shall not be regarded as permanently excluded from a school for the purposes of this paragraph if—
- although so excluded he was reinstated as a pupil at the school following the giving of a direction to that effect to the head teacher of the school; or
  - he was so excluded at a time when he had not attained compulsory school age.
- (6) In this paragraph “school” means—
- a school maintained by a local education authority; or
  - a grant-maintained or grant-maintained special school.

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- (7) This paragraph does not apply in relation to a child unless at least one of the two or more exclusions mentioned in sub-paragraph (3) took effect on or after the date of the coming into force of section 14 of the Education Act 1997.
- (8) For the purposes of this paragraph the permanent exclusion of a child from a school shall be regarded as having taken effect on the school day as from which the head teacher decided that he should be permanently excluded.

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#### **Textual Amendments**

- F1** Sch. 33B inserted (1.9.1997 so far as relating to paras. 3 and 4) by 1997 c. 44, ss. 14(2), 58(3), **Sch. 3** (with s. 57(3)); S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**

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