



# Education Act 1997

## 1997 CHAPTER 44

### PART III

#### SCHOOL ADMISSIONS

#### CHAPTER I

##### COUNTY AND VOLUNTARY SCHOOLS

##### *Partially-selective schools*

#### 10 Restriction of right to refuse admission to partially-selective school.

In section 411(3) of the <sup>M1</sup>Education Act 1996 (cases where parental preference need not be complied with), for paragraph (c) there shall be substituted—

“(c) if the arrangements for admission to the preferred school—

(i) are wholly based on selection by reference to ability or aptitude, and

(ii) are so based with a view to admitting only pupils with high ability or with aptitude,

and compliance with the preference would be incompatible with selection under those arrangements.”

#### Marginal Citations

M1 1996 c. 56.

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*Status: Point in time view as at 01/02/1999. This version of this chapter contains provisions that are prospective.*

*Changes to legislation: Education Act 1997, Chapter I is up to date with all changes known to be in force on or before 02 July 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)*

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*Children permanently excluded from two or more schools*

**11 No requirement to admit children permanently excluded from two or more schools.**

After section 411 of the Education Act 1996 there shall be inserted—

**“411A No requirement to admit children permanently excluded from two or more schools.**

- (1) The duty imposed by section 411(2) does not apply in the case of a child to whom subsection (2) applies.
- (2) Where a child has been permanently excluded from two or more schools, this subsection applies to him during the period of two years beginning with the date on which the latest of those exclusions took effect.
- (3) Subsection (2) 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.
- (4) However, a child shall not be regarded as permanently excluded from a school for the purposes of this section if—
  - (a) 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
  - (b) he was so excluded at a time when he had not attained compulsory school age.
- (5) In this section “school” means—
  - (a) a school maintained by a local education authority; or
  - (b) a grant-maintained or grant-maintained special school.
- (6) This section does not apply in relation to a child unless at least one of the two or more exclusions mentioned in subsection (2) took effect on or after the date of the coming into force of section 11 of the Education Act 1997.
- (7) For the purposes of this section 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.”

**12 Appeals in the case of children permanently excluded from two or more schools.**

(1) After section 423 of the <sup>M2</sup>Education Act 1996 there shall be inserted—

**“423A Appeals relating to children to whom section 411A(2) applies.**

- (1) Nothing in section 423(1) or (2) requires any arrangements to be made for enabling the parent of a child to appeal against a decision—
  - (a) made by or on behalf of the admission authority for a county or voluntary school, and
  - (b) refusing the child admission to the school,

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in a case where, at the time when the decision is made, section 411A(2) applies to the child.

- (2) Where a local education authority are the admission authority for a county or controlled school, the authority shall make arrangements for enabling the governing body of the school to appeal against any decision made by or on behalf of the authority to admit to the school a child to whom, at the time when the decision is made, section 411A(2) applies.
- (3) Schedule 33A shall have effect in relation to the making and hearing of appeals pursuant to arrangements made under subsection (2).
- (4) The decision of an appeal committee on an appeal made pursuant to arrangements under subsection (2) shall be binding—
  - (a) on the local education authority by or on whose behalf the decision under appeal was made, and
  - (b) on the governing body of any county or controlled school at which the appeal committee determines that a place should be offered to the child in question.”

(2) After Schedule 33 to the Education Act 1996 there shall be inserted as Schedule 33A the Schedule set out in Schedule 2 to this Act.

**Marginal Citations**

M2 1996 c. 56.

PROSPECTIVE

*Home-school partnership documents*

**F1**13 .....

**Textual Amendments**

**F1** Pt. III (ss. 10-14) repealed (1.2.1999 to the extent that it relates to the repeal of s. 13 of the amended Act) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 208(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch.1 Pt. III**

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