
STATUTORY INSTRUMENTS

1998 No. 2876

The Education (Grammar School Ballots) Regulations 1998

PART I

PRELIMINARY

Meaning of “eligible parent”

4.—(1) Subject to paragraphs (3) to (5) below, in relation to an area ballot or a petition for such a ballot a person is an “eligible parent” on any date if—

- (a) on that date the person is a registered parent of a child who is a registered pupil at a school—
 - (i) maintained⁽¹⁾ by the local education authority for the relevant area in question, or
 - (ii) (where the area is that falling within paragraph (b) of the definition of relevant area) maintained by the council of the London borough of Sutton or maintained by a local education authority and situated in the Nonsuch ward in the county of Surrey;
- (b) on that date the person is resident in the relevant area in question and is a registered parent of a child who is a registered pupil at an independent school situated in the area; or
- (c) on that date the person is a parent who does not fall within sub-paragraph (a) or (b), is resident in the relevant area in question and is the parent of a child who—
 - (i) is a pupil at a school (whether it is maintained by a local education authority, a special school not maintained by a local education authority or an independent school), or
 - (ii) is being educated otherwise than at school, or
 - (iii) has not begun to be of compulsory school age,and who is registered with the designated body under regulation 5 below.

(2) Subject to paragraphs (3) and (6) below, in the context of a feeder school ballot or a petition for such a ballot a person is an eligible parent on any date if that person is a parent of a child who is a pupil at a feeder school for the stand alone grammar school or group of grammar schools in respect of which the ballot is being held or the petition raised.

(3) A parent of the following description is not an eligible parent—

- (a) a parent falling within paragraph (1)(a) or (2) who on the date in question is resident outside the United Kingdom, or
- (b) a parent who is not an individual.

(4) A child of a parent falling within paragraph (1)(a), (b) or (c)(i) shall be disregarded for the purposes of that paragraph if he is over compulsory school age on the date in question.

⁽¹⁾ By virtue of section 105(10) of the Act a grant-maintained school is for the purposes of sections 105—107 of the Act and hence for the purposes of these Regulations treated, until 1st September 1999 (which is the appointed day for the purposes of the Act), as maintained by a local education authority and maintained by the authority in which it is situated.

(5) A child of a parent falling within paragraph (1)(c) (ii) shall be disregarded for the purposes of that paragraph if the child is over 16 on the date in question.

(6) A child of a parent falling within paragraph (2) shall be disregarded for the purposes of that paragraph if, on the date in question he is over the transfer age group for the group of grammar schools or stand alone grammar school in question.

(7) In this regulation—

- (a) a parent's residence for the purpose of paragraph (1)(b) shall be determined by reference to the address contained in the admission register required to be kept by the Education (Pupil Registration) Regulations 1995; and
- (b) a parent's residence for the purpose of paragraph (1)(c) shall be determined by the designated body.