



Education Act 1980

1980 CHAPTER 20

School attendance orders

10 Determination of school to be named in order

- (1) Before serving a school attendance order on a parent under section 37 of the Education Act 1944 the local education authority shall serve on him a written notice of their intention to serve the order—
 - (a) specifying the school which they intend to name in the order and, if they think fit, one or more other schools which they regard as suitable alternatives ; and
 - (b) stating the effect of subsections (2) to (4) below;but no aided or special agreement school shall be specified in the notice without the consent of the governors of the school.
- (2) If the notice specifies one or more alternative schools and the parent selects one of them before the expiration of the period of fourteen days beginning with the day after that on which the notice is served, the school selected by him shall be named in the order.
- (3) If before the expiration of that period the parent—
 - (a) applies for the child to be admitted to a school maintained by a local education authority and, if that authority is not the one by whom the notice was served, notifies the latter authority of the application; or
 - (b) applies to the local education authority by whom the notice was served for education to be provided for the child at a school not maintained by a local education authority,then, if the child is offered a place at a school as a result of the application mentioned in paragraph (a) above or is offered a place at a school at which the local education authority agree to provide education for him in response to the application mentioned in paragraph (b) above, that school shall be named in the order.
- (4) If before the expiration of the period mentioned in subsection (2) above the parent—

Status: This is the original version (as it was originally enacted).

- (a) applies for the child to be admitted to a school which is not maintained by a local education authority and in respect of which he makes no such application as is mentioned in subsection (3)(b) above ; and
- (b) notifies the local education authority by whom the notice was served of the application,

then, if as a result of the application the child is offered a place at a school which is suitable to his age, ability and aptitude, that school shall be named in the order.

- (5) The foregoing provisions of this section do not apply to children who are in need of special educational treatment but, except in relation to such children, supersede the proviso to subsection (2) of the said section 37 and subsection (3) of that section.
- (6) In its application to such children as are mentioned in subsection (5) above (and, as respects any time before the coming into force of subsections (1) to (4) above, in its application to other children) subsection (3) of the said section 37 shall have effect as if for the words " would involve unreasonable expense to the authority " there were substituted the words " would prejudice the provision of efficient education or the efficient use of resources. "
- (7) Where the school to be named in a school attendance order in pursuance of a direction given by the Secretary of State under subsection (3) of the said section 37 is a school maintained by a local education authority, it shall be the duty of the authority and the governors of the school to admit the child to the school.

11 Amendment of order

- (1) If at any time while a school attendance order is in force with respect to a child the parent—
 - (a) applies for the child to be admitted to a school maintained by a local education authority ; or
 - (b) applies to the local education authority by whom the order was served for education to be provided for the child at a school not maintained by a local education authority,
 being, in either case, a school different from the one named in the order, then, if the child is offered a place at a school as a result of the application mentioned in paragraph (a) above or is offered a place at a school at which the local education authority agree to provide education for him in response to the application mentioned in paragraph (b) above, the local education authority by whom the order was served shall at the request of the parent amend the order by substituting that school for the one previously named.
- (2) If at any time while a school attendance order is in force with respect to a child—
 - (a) the parent applies for the child to be admitted to a school which is not maintained by a local education authority and in respect of which he makes no such application as is mentioned in subsection (1)(b) above, being a school different from the one named in the order; and
 - (b) as a result of the application the child is offered a place at a school which is suitable to his age, ability and aptitude,
 the local education authority by whom the order was served shall at the request of the parent amend the order by substituting that school for the one previously named.
- (3) The foregoing provisions of this section do not apply to children who are in need of special educational treatment but, except in relation to such children, supersede so

much of section 37(4) of the Education Act 1944 as relates to the amendment of school attendance orders.