



Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER II

ADMISSION OF PUPILS TO COUNTY AND VOLUNTARY SCHOOLS

26 Admissions to county and voluntary schools

- (1) The authority responsible for determining the arrangements for the admission of pupils to any county or voluntary school shall not fix as the number of pupils in any relevant age group it is intended to admit to the school in any school year a number which is less than the relevant standard number.
- (2) Where any number fixed for the purposes of any such arrangements subsisting when subsection (1) above comes into force as the number of pupils in any such age group it is intended to admit to the school concerned in any school year is less than the relevant standard number, the arrangements shall have effect (subject to the following provisions of this section) as if the number so fixed were a number equal to the relevant standard number.
- (3) Notwithstanding any provision of the articles of government of the school, but subject to section 33 of the 1986 Act (consultations about admissions between authorities concerned), the authority responsible for determining the arrangements for the admission of pupils to any such school may fix as the number of pupils in any relevant age group it is intended to admit to the school in any school year a number which exceeds the relevant standard number.
- (4) A proposal may be made in accordance with the following provisions of this section for fixing as the number of pupils in any such age group it is intended to admit to any such school in any school year a number which exceeds both—
 - (a) the relevant standard number; and

Status: This is the original version (as it was originally enacted).

- (b) any number fixed or proposed to be fixed for that purpose by the authority responsible for determining the arrangements for admission of pupils to the school.
- (5) The proposal may be made—
- (a) where the authority responsible for determining those arrangements is the local education authority, by the governing body of the school; and
 - (b) where that authority is the governing body of the school, by the local education authority.
- (6) Any such proposal—
- (a) shall be made in writing;
 - (b) may relate to one or more relevant age groups; and
 - (c) may relate to a particular school year or to each school year falling within any period specified in the proposal.
- (7) If the authority to whom such a proposal is made do not give the proposing authority notice in writing rejecting the proposal before the end of the period of two months beginning with the day next following that on which the proposal was received it shall be the duty of the former authority to give effect to the proposal in the admission arrangements.
- (8) Where the authority to whom such a proposal is made give such notice before the end of that period, the proposing authority may within twenty-eight days of receiving that notice make an application to the Secretary of State for an order under section 27(5) of this Act increasing the relevant standard number.
- (9) For the purposes of section 6(3)(a) of the 1980 Act (which excludes the duty to comply with a parent's preference as to the school at which education is to be provided for his child if compliance with the preference would prejudice the provision of efficient education or the efficient use of resources), no such prejudice shall be taken to arise from the admission to a school in any school year of a number of pupils in any relevant age group which does not exceed—
- (a) the relevant standard number; or
 - (b) the number fixed in accordance with this section as the number of pupils in that age group it is intended to admit to the school in that school year;
- whichever is the greater.
- (10) Any reference in this section to the relevant standard number is a reference, in relation to any school and in relation to any relevant age group and school year, to the standard number applying under section 27 of this Act to the school in relation to that year and age group.