Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER I

[[F1]ADMISSION, REGISTRATION AND WITHDRAWAL OF PUPILS]

Textual Amendments

F1 Words in cross-heading substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.108** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 2**

Parental preferences

[F2]411 Parental preferences.

. . . . . .

Textual Amendments

F2 S. 411 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)(4)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F3]411A . . . . . .

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Textual Amendments

F3 S. 411A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**), and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Admission arrangements for county and voluntary schools

[F4]412 . . . . . .

Textual Amendments

F4 S. 412 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F5]413 . . . . . .

Textual Amendments

F5 S. 413 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 11, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F6]413A . . . . . .

Textual Amendments

F6 S. 413A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F7]413B . . . . . .

Textual Amendments

F7 S. 413B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F8]414 . . . . . .

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Textual Amendments

F8 S. 414 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Admission numbers for county and voluntary schools

[F9]415 . . . . . .

Textual Amendments

F9 S. 415 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.,I. 1999/1016, art. 2(3), Sch. 3.

[F10]416 . . . . . .

Textual Amendments

F10 S. 416 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F11]417 . . . . . .

Textual Amendments

F11 S. 417 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F12]418 . . . . . .

Textual Amendments

F12 S. 418 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F13]419 . . . . . .

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Textual Amendments

F13 S. 419 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F14]420 . . . . . .

Textual Amendments

F14 S. 420 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 6**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F15]421 . . . . . .

Textual Amendments

F15 S. 421 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F16]421A. . . . . .

Textual Amendments

F16 S. 421A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

New county and voluntary schools

[F17]422 . . . . . .

Textual Amendments

F17 S. 422 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 11, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**), and savings in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

Admissions appeals relating to county and voluntary schools

[F18]423 . . . . . .

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Textual Amendments

F18 S. 423 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F19]423A. . . . . .

Textual Amendments

F19 S. 423A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Nursery and special schools, etc.

[F20]424 . . . . . .

Textual Amendments

F20 S. 424 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

Admission arrangements for grant-maintained schools

[F21]425 . . . . . .

Textual Amendments

F21 S. 425 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F22]425A. . . . . .

Textual Amendments

F22 S. 425A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, **11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F23]425B. . . . . .

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Textual Amendments

F23 S. 425B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 2**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Admission numbers for grant-maintained schools

[F24]426 . . . . . .

Textual Amendments

F24 S. 426 repealed (1.4.1999 to the extent of the repeal of s. 426(6) and 1.9.1999 to the extent of the repeal of s. 426(1)-(5)) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 7**); S.I. 1999/1016, art. 2(1)(3), Sch. 1, **Sch. 3**

[F25]426A. . . . . .

Textual Amendments

F25 S. 426A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9),144(6); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F26]427 . . . . . .

Textual Amendments

F26 S. 427 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F27]428 . . . . . .

Textual Amendments

F27 S. 428 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.

Admissions appeals relating to grant-maintained schools

[F28]429 . . . . . .

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Textual Amendments

F28 S. 429 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, **11**);,S.I. 1999/1016, art. 2(3), **Sch. 3**.

Co-ordinated arrangements for admissions

[F29]430 . . . . . .

Textual Amendments

F29 S. 430 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, **11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

Power to direct admission of child to school

[F30]431 . . . . . .

Textual Amendments

F30 S. 431 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 10, **11**); S.I. 1999/1016, art. 2(1), **Sch. 1**.

[F31]432 . . . . . .

Textual Amendments

F31 S. 432 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 10**); S.I. 1999/1016, art. 2(1), **Sch. 1**.

Time for admission of pupils

433 Time for admission of pupils.

(1) Section 14 (which requires a **[**[F32]local authority**]** to secure that sufficient schools for providing primary and secondary education are available for their area) shall not be construed as imposing any obligation on the proprietor of a school to admit children as pupils otherwise than at the beginning of a school term.

(2) Where, however, a child was prevented from entering a school at the beginning of a term—

(a) by his being ill or by other circumstances beyond his parent's control, or

(b) by his parent's having been then resident at a place from which the school was not accessible with reasonable facility,

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the school's proprietor is not entitled by virtue of subsection (1) to refuse to admit him as a pupil during the currency of the term.

(3) In cases where subsection (2) does not apply, the governing body of a school maintained by a **[**[F32]local authority**]** shall comply with any general directions given by the authority as to the time of admission of children as pupils.

[F33](4) . . . . . .

(5) Despite section 7 (duty of parent of child of compulsory school age to cause him to receive full-time education), a parent is not under a duty to cause a child to receive full-time education during any period during which, having regard to subsections (1) and (2), it is not practicable for the parent to arrange for him to be admitted as a pupil at a school.

Textual Amendments

F32 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F33 S. 433(4) repealed (1.10.1998) by 1998 c. 31, s. 140(1), Sch. 30 para. 110, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch.1 Pt. I**.

Registration of pupils

434 Registration of pupils.

(1) The proprietor of a school shall cause to be kept, in accordance with regulations, a register containing the prescribed particulars in respect of all persons who are pupils at the school.

(2) Without prejudice to the generality of subsection (1), the prescribed particulars shall include particulars of the name and address of every person known to the proprietor to be a parent of a pupil at the school.

(3) The regulations shall prescribe the grounds on which names are to be deleted from a register kept under this section; and the name of a person entered in such a register as a pupil at a school—

(a) shall, when any of the prescribed grounds is applicable, be deleted from the register on that ground; and

(b) shall not be deleted from the register otherwise than on any such ground.

(4) The regulations may make provision—

(a) for enabling registers kept under this section to be inspected;

(b) for enabling extracts from such registers to be taken for the purposes of this Act by persons authorised to do so under the regulations; and

(c) for requiring the person by whom any such register is required to be kept to make to—

(i) the Secretary of State, **[**[F34]and**]**

[F35](ii) . . . . . .

(iii) **[**[F36]local authorities**]** ,

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such periodical or other returns as to the contents of the register as may be prescribed.

(5) In this Act—

"registered pupil", in relation to a school, means a person registered as a pupil at the school in the register kept under this section; and

"registered", in relation to the parents of pupils at a school or in relation to the names or addresses of such parents or pupils, means shown in that register.

(6) A person who contravenes or fails to comply with any requirement imposed on him by regulations under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Textual Amendments

F34 Word in s. 434(4)(c)(i) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 111(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F35 S. 434(4)(c)(ii) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 111(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F36 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))

Modifications etc. (not altering text)

C1 S. 434(1) modified (temp. until 31.8.2012) (1.9.2011) by The Morpeth School, Oaklands School and Swanlea School Order 2011 (S.I. 2011/1903), arts. 1, **3(a)**

C2 S. 434(3)(b) modified (temp. until 31.8.2012) (1.9.2011) by The Morpeth School, Oaklands School and Swanlea School Order 2011 (S.I. 2011/1903), arts. 1, **3(b)**

Withdrawal of pupils from primary school for secondary education

435 Withdrawal of pupils from a primary school for secondary education.

A **[**[F32]local authority**]** may make arrangements in respect of a primary school maintained by them (other than one that is for the time being organised for the provision of both primary and secondary education) under which any registered pupils who are under the age of 12 but have attained the age of 10 years and six months may be required to be withdrawn from the school for the purpose of receiving secondary education.

Textual Amendments

F32 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

Supplementary

[F37]436 . . . . . .

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Textual Amendments

F37 S. 436 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 112, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Status:
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