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*Status: Point in time view as at 01/11/1996.*

*Changes to legislation: Education Act 1996, Cross Heading: Power to direct admission of child to school is up to date with all changes known to be in force on or before 26 May 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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# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

### CHAPTER I

#### SCHOOL ADMISSIONS

##### *Power to direct admission of child to school*

#### **431 Direction to admit child to specified school.**

- (1) The appropriate authority may give a direction under this section if, in the case of any child in the area of a local education authority, either (or both) of the following conditions is satisfied in relation to each school which is a reasonable distance from his home and provides suitable education, that is—
  - (a) he has been refused admission to the school, or
  - (b) he is permanently excluded from the school.
- (2) A direction under this section shall specify a school—
  - (a) which is a reasonable distance from the child's home, and
  - (b) from which the child is not permanently excluded.
- (3) A direction under this section shall, unless it is given on the determination of the Secretary of State under section 432(4) or by the funding authority, specify a school in the area referred to in subsection (1).
- (4) Where a school is specified in a direction under this section, the governing body (and, if the school is a county or voluntary school and the local education authority are not the appropriate authority, the local education authority) shall admit the child to the school.

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- (5) Subsection (4) does not affect any power to exclude from a school a pupil who is already a registered pupil there.
- (6) In this section “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.
- (7) In this section and section 432—
  - (a) references to the appropriate authority are (subject to subsection (8)) references to the local education authority; and
  - (b) references to schools are references to county, voluntary and grant-maintained schools.
- (8) Where the education which is suitable education for the child is also education of a kind to which there relates an order made under section 27(1)(b) in respect of the area referred to in subsection (1) above, references in this section and section 432 to the appropriate authority are to be read in relation to—
  - (a) that child, and
  - (b) any county, voluntary or grant-maintained school in that area, and any such school in any other area to which an order under section 27(1)(b) applies which provides education which is relevant education in relation to that order, as references to the funding authority.

**Modifications etc. (not altering text)**

**C1** S. 431 modified (1.9.1998)(temp.) by S.I. 1998/1948, reg. 3, Sch. para.6.

**432 Procedure for giving direction under section 431.**

- (1) Before deciding to give a direction under section 431, the appropriate authority shall consult—
  - (a) the parent of the child,
  - (b) the governing body of the school they propose to specify in the direction, and
  - (c) (if different) the authority which have a duty to maintain the school or to pay maintenance grant to the governing body (“the maintaining authority”).
- (2) Where the appropriate authority decide to give such a direction specifying any school they shall, before doing so, serve a notice in writing of their decision on—
  - (a) the governing body and head teacher of the school, and
  - (b) (if subsection (1)(c) applies) the maintaining authority,
 and shall not give the direction until the period for referring the matter to the Secretary of State under subsection (3) has expired and, if it is so referred, the Secretary of State has made his determination.
- (3) Any body or authority on whom a notice is served under subsection (2) may, within the period of 15 days beginning with the day on which the notice was served, refer the matter to the Secretary of State and, if they do so, shall inform the appropriate authority.

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- (4) On a reference under subsection (3) the Secretary of State may determine which school is to be required to admit the child and, if he does so, that school shall be specified in the direction.
- (5) Where the appropriate authority give such a direction specifying a school, they shall give notice in writing of that fact to—
  - (a) the governing body and head teacher of the school, and
  - (b) (if subsection (1)(c) applies) the maintaining authority.

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**Modifications etc. (not altering text)**

**C2** S. 432 modified (1.9.1998)(temp.) by S.I. 1998/1948, reg. 3, Sch. para.7.

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