



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART III

#### SCHOOL ADMISSIONS

### CHAPTER I

#### ADMISSION ARRANGEMENTS

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

#### **97 Procedure for giving direction under section 96**

- (1) Before deciding to give a direction under section 96, the local education authority shall consult—
  - (a) the parent of the child, and
  - (b) the governing body of the school they propose to specify in the direction.
- (2) Where the local education authority decide to give such a direction specifying any school—
  - (a) they shall, before doing so, serve a notice in writing of their decision on the governing body and head teacher of the school, and
  - (b) they 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) The governing body 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 local education authority.

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*Status: This is the original version (as it was originally enacted).*

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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) The Secretary of State shall not make a determination under subsection (4) in relation to a school if the child's admission to the school would result in prejudice of the kind referred to in section 86(3)(a) by reason of measures required to be taken as mentioned in subsection (4) of that section.
- (6) Where the local education authority give a direction specifying a school, they shall give notice in writing of that fact to the governing body and head teacher of the school.