

SCHEDULE 4

TRANSITIONAL AND SAVING PROVISIONS RELATING TO THE ADMISSION OF CHILDREN TO MAINTAINED SCHOOLS

Admission appeals

8.—(1) Section 94 of and Schedule 24 to, or (as the case may be) section 95(2) of and Schedule 25 to, the 1998 Act shall not apply in relation to an appeal against—

- (a) a decision concerning the admission of a child to a school in any school year earlier than the 1999/2000 school year, or
- (b) a decision to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies in relation to a decision as mentioned in section 423(1) or (2) or 423A(2) of the 1996 Act concerning the admission of a child to a county or voluntary school in any school year earlier than 2000/2001 where before 1st September 1999—

- (a) notice of appeal against that decision has been given; but
- (b) the appeal has not been determined by an appeal committee constituted in accordance with paragraph 1 or 2 of Schedule 33 to the 1996 Act.

(3) The following provisions, namely—

- (a) sections 423 of, and Schedule 33 to, the 1996 Act (as amended by the modification regulations),
- (b) section 423A of, and Schedule 33A to, that Act, and
- (c) the appeal arrangements made by the local education authority or the governing body pursuant to those provisions (as those arrangements had effect immediately before 1st September 1999),

shall continue to have effect in relation to an appeal referred to in sub-paragraph (2).

(4) This sub-paragraph applies in relation to a decision refusing a child admission to a grant-maintained school in any school year earlier than 2000/2001 where before 1st September 1999—

- (a) notice of appeal against that decision has been given; but
- (b) the appeal has not been determined by an appeal committee constituted for the purposes of paragraph 6 of Schedule 23 to the 1996 Act.

(5) The following provisions, namely—

- (a) paragraph 6 of Schedule 23 to the 1996 Act,
- (b) paragraph 6A of that Schedule (as inserted by the modification regulations),
- (c) paragraph 4 of Schedule 33B to the 1996 Act,
- (d) the provisions of that school's instrument and articles of government concerning appeals against decisions refusing children admission to the school, and
- (e) the arrangements for such appeals made by the governing body (as they had effect immediately before 1st September 1999),

shall continue to have effect in relation to an appeal referred to in sub-paragraph (4).

(6) A reference in sub-paragraph (2) or (4) to the giving of a notice of appeal shall be construed for the purposes of this paragraph as a notice of appeal given in accordance with the provisions referred to in sub-paragraph (3) or (as the case may be) (5).

(7) Sub-paragraphs (3) and (5) shall have effect notwithstanding—

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- (a) the repeal of sections 218 to 221, 423, 423A, 425A and 429 of, and Schedules 23, 33, 33A and 33B to, the 1996 Act; and
- (b) the coming into force of sections 94 and 95 of, and Schedules 24 and 25 to, the 1998 Act.