

SCHEDULE

Regulation 5

Excepted Pupils

1. In this Schedule—

- (a) “child” means a child who is a pupil in any infant class;
- (b) “the school” means the school of which that class forms part;
- (c) “armed forces” means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force;
- (d) “the regular army” means any of Her Majesty’s military forces other than—
 - (i) the Army Reserve;
 - (ii) the Territorial Army; and
 - (iii) forces raised under the law of a British overseas territory.

2. A child with a statement admitted to the school outside a normal admission round as a result of the local authority specifying the school in the child’s statement under section 324(5)(b) of EA 1996(1).

3. A child who is looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989(2)) and is admitted to the school outside a normal admission round.

4. A child who was previously looked after by a local authority but ceased to be so because they were adopted(3) or became subject to a residence order(4) or special guardianship order(5), and who is admitted to the school outside a normal admission round.

5. A child admitted to the school outside a normal admission round who was initially refused admission to the school owing to a failure properly to implement the school’s admission arrangements, but was subsequently offered a place by virtue of a determination by the admission authority that there had been such a failure in relation to the child.

6. A child admitted to the school outside a normal admission round by virtue of a determination of an appeal panel in accordance with section 94(6) of SSFA 1998(6).

7.—(1) Subject to sub-paragraph (3), a child admitted to the school outside a normal admission round—

- (a) in relation to whom the school is the only school (apart from any school to which the child has already been refused admission or from which the child has been permanently excluded) which—
 - (i) is within a reasonable distance from the child’s home, and
 - (ii) provides suitable education; and
- (b) who did not, at the relevant time, ordinarily reside at a place which was within a reasonable distance from the school.

(2) In sub-paragraph (1)(b) “the relevant time”—

(1) 1996 c.56; section 324(5) was amended by the School Standards and Framework Act 1998 (c.31), section 140(1) and Schedule 30, paragraph 77(a).

(2) 1989 c.41; section 22(2) was amended by the Local Government Act 2000 (c.22), section 107 and Schedule 5, paragraph 19; the Children (Leaving Care) Act 2000 (c.35), section 2(1) and (2); and the Adoption and Children Act 2002 (c.38), section 116(2).

(3) Under section 46 of the Adoption and Children Act 2002 c.38.

(4) Under section 8 of the Children Act 1989 (c.41).

(5) Under section 14A of the Children Act 1989.

(6) 1998 c.31; section 94(6) was amended by the Education Act 2002 (c.32), section 51 and Schedule 4, paragraph 8(1) and (6); and S.I. 2010/1158.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in relation to a child to whom regulation 2(3) applies, means the time when the majority of pupils in the age group in which the child falls were admitted to the school; and
- (b) in relation to a child to whom regulation 2(4) applies, means the time referred to in subparagraph (c) of that paragraph.

(3) A child is not an excepted child under this paragraph unless the local authority who maintain the school have confirmed in writing that they are satisfied the child fulfils the criteria listed in subparagraph (1)(a).

8. A child whose parent is in the armed forces and who is admitted to the school outside a normal admission round.

9. A child whose twin or other sibling from a multiple birth is admitted in the same age group otherwise than as an excepted pupil.

10. A child who is a registered pupil at a special school⁽⁷⁾ but, by arrangement between the school and the special school, receives part of their education at the school.

11. A child who is normally educated in a unit which forms part of the school and is specially organised to provide education for pupils with special educational needs, but spends a minority of their time in the infant class.

12. Paragraphs 3 to 9 do not apply to a child with a statement.

(7) 'Special school' is defined in section 337 of the Education Act 1996. Section 337 was amended by the Education and Skills Act 2008 (c.25), section 142(1), the Academies Act 2010 (c.32), section 14 and Schedule 2, paragraphs 1 and 2, and S.I. 2010/1158.