



Education Act 1993

1993 CHAPTER 35

PART I

RESPONSIBILITY FOR EDUCATION

CHAPTER II

RESPONSIBILITY FOR EDUCATION AT SCHOOL

Power to direct admission of child to school

13 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, one 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 14(4) of this Act or by the funding authority, specify a school in the area referred to in subsection (1) above.
- (4) Where a school is specified in a direction under this section, the governing body (and, if the school is a maintained school and the local education authority are not the appropriate authority, the local education authority) shall admit the child to the school.

Status: This is the original version (as it was originally enacted).

- (5) Subsection (4) above 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 14 of this Act references to the appropriate authority, subject to subsection (8) below, are to the local education authority and references to schools are to maintained schools (other than maintained special schools) and grant-maintained schools.
- (8) Where the education which is suitable education for the child is also education of a kind to which an order under section 12(1)(b) of this Act applies made in respect of the area referred to in subsection (1) above, references in this section and section 14 of this Act to the appropriate authority are to be read in relation to—
 - (a) that child, and
 - (b) any maintained school (other than a maintained special school) or grant-maintained school in that area, and any such school in any other area to which an order under section 12(1)(b) of this Act applies which provides education which is relevant education in relation to that order,as references to the funding authority.

14 Procedure for giving direction

- (1) Before deciding to give a direction under section 13 of this Act, 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) the authority (if different) which have a duty to maintain the school or to pay maintenance grant to the governing body (referred to in this section as 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) the maintaining authority, if different,and shall not give the direction until the period for referring the matter to the Secretary of State has expired and, if it is so referred, the Secretary of State has made his determination.
- (3) Any body or authority on which a notice is served under subsection (2) above may, within the period of fifteen 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.
- (4) On a reference under subsection (3) above 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—

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- (a) the governing body and head teacher of the school, and
- (b) the maintaining authority, if different.