Draft Regulations laid before Parliament under section 138(5) of the School Standards and Framework Act 1998 for approval by a resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

EDUCATION, ENGLAND AND WALES

The Education (Grammar School Ballots) Regulations 1998

Made - - - -	*1998*
Coming into force - -	*1998*

In exercise of the powers conferred on the Secretary of State by sections 105, 108(2), 138(7) and 144 of the School Standards and Framework Act 1998(**1**), the Secretary of State for Education and Employment hereby makes the following Regulations, a draft of which has been laid before, and approved by a resolution of, each House of Parliament.

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Education (Grammar School Ballots) Regulations 1998 and shall come into force on the fourteenth day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

"the Act" means the School Standards and Framework Act 1998;

"area ballot" has the meaning given in regulation 11(2);

"ballot registered parent" means a parent who is an eligible parent by virtue of regulation 4(1)(c);

"ballot result date" means the date on which the designated body give the notification of the result of a ballot under regulation 14(5);

"designated body" has the meaning given in regulation 3;

(**1**) 1998 c. 31.

"electoral list" for a school means, subject to regulation 19(5), a list of the names and addresses of the registered parents of registered pupils at the school other than—

(a) a registered parent falling within regulation 4(3);

(b) a registered parent whose only child at the school in question is a pupil who falls to be disregarded under regulation 4(4) or (6); or

(c) where the school is an independent school situated in a relevant area, a registered parent who is not resident in that area;

"eligible parent" has the meaning given in regulation 4;

"feeder school" has the meaning given in regulation 6;

"feeder school ballot" has the meaning given in regulation 11(2);

"governing body", in relation to a nursery school maintained by a local education authority or a pupil referral unit, means the local education authority which maintains that school or unit;

"group of grammar schools" means one of the groups of grammar schools specified in Schedule 2 (maintained by the local education authority specified in the right hand column of Schedule 2 or, where the school is a grant-maintained school, situated in the area of that authority);

"moratorium period" for any relevant area, group of grammar schools or stand alone grammar school means the period referred to in regulation 16 as it applies to that area, group or school;

"petition for an area ballot" and "petition for a feeder school ballot" have the meanings given in regulation 7(3);

"petition organiser" has the meaning given in regulation 8(5);

"petition period" means—

(a) the period from the date on which these Regulations come into force until 31st July 1999; and

(b) each subsequent period from 1st September in one year to 31st July in the next year;

"registered" except in regulation 5 and in the context of parents registered under regulation 5, means shown in the register kept under section 434 of the Education Act 1996(**2**) and the Education (Pupil Registration) Regulations 1995(**3**) and "register" shall be construed accordingly;

"relevant area" means—

(a) the area of a local education authority specified in Schedule 1, and

(b) the area comprising the London borough of Sutton and the Nonsuch ward in the county of Surrey;

"relevant school", in relation to a petition or ballot, means—

(a) in the case of an area ballot or petition for such a ballot, a school referred to in regulation 4(1)(a) or (b) in relation to the area in question, and

(b) in the case of a feeder school ballot or petition for such a ballot, a school which is a feeder school for the group of grammar schools or, as the case may be, the stand alone grammar school in question;

"school registered parent" means a parent who is an eligible parent by virtue of regulation 4(1)(a) or (b) or (2);

(**2**) 1996 c. 56.
(**3**) S.I.1995/2089.

"stand alone grammar school" means a grammar school specified in Schedule 3 (maintained by the local education authority specified in the right hand column of Schedule 3 or, where the school is a grant-maintained school, situated in the area of that authority);

"summer holidays", in relation to any school, means a holiday period any part of which falls between 31st July and 1st September;

"transfer age group" means—

(a) for a grammar school, the highest relevant age group (within the meaning of section 142(1) of the Act) for that grammar school, disregarding any relevant age group in which the majority of the pupils admitted to the school are over compulsory school age; and

(b) for a group of grammar schools, the highest of the transfer age groups for the grammar schools in the group; and

"valid petition" has the meaning given in regulation 7(1).

(2) Any reference in these regulations to a ballot being in favour of retaining selective admission arrangements is a reference to the result of a ballot being that the school or schools to which the ballot relates should retain selective admission arrangements.

(3) For the purpose of these regulations the date of an electoral list is the date on which the register by reference to which the electoral list is compiled has effect (and is, accordingly, the date referred to in regulation 19(4)).

Designation of body

3. The Electoral Reform (Ballot Services) Ltd. is prescribed for the purposes of section 105(3)(c) of the Act and that body is referred to in these Regulations as "the designated body".

Meaning of "eligible parent"

4.—(1) Subject to paragraphs (3) to (5) below, in relation to an area ballot or a petition for such a ballot a person is an "eligible parent" on any date if—

(a) on that date the person is a registered parent of a child who is a registered pupil at a school —

(i) maintained(**4**) by the local education authority for the relevant area in question, or

(ii) (where the area is that falling within paragraph (b) of the definition of relevant area) maintained by the council of the London borough of Sutton or maintained by a local education authority and situated in the Nonsuch ward in the county of Surrey;

(b) on that date the person is resident in the relevant area in question and is a registered parent of a child who is a registered pupil at an independent school situated in the area; or

(c) on that date the person is a parent who does not fall within sub-paragraph (a) or (b), is resident in the relevant area in question and is the parent of a child who—

(i) is a pupil at a school (whether it is maintained by a local education authority, a special school not maintained by a local education authority or an independent school), or

(ii) is being educated otherwise than at school, or

(iii) has not begun to be of compulsory school age,

and who is registered with the designated body under regulation 5 below.

(**4**) By virtue of section 105(10) of the Act a grant-maintained school is for the purposes of sections 105—107 of the Act and hence for the purposes of these Regulations treated, until 1st September 1999 (which is the appointed day for the purposes of the Act), as maintained by a local education authority and maintained by the authority in which it is situated.

(2) Subject to paragraphs (3) and (6) below, in the context of a feeder school ballot or a petition for such a ballot a person is an eligible parent on any date if that person is a parent of a child who is a pupil at a feeder school for the stand alone grammar school or group of grammar schools in respect of which the ballot is being held or the petition raised.

(3) A parent of the following description is not an eligible parent—

(a) a parent falling within paragraph (1)(a) or (2) who on the date in question is resident outside the United Kingdom, or

(b) a parent who is not an individual.

(4) A child of a parent falling within paragraph (1)(a), (b) or (c)(i) shall be disregarded for the purposes of that paragraph if he is over compulsory school age on the date in question.

(5) A child of a parent falling within paragraph (1)(c) (ii) shall be disregarded for the purposes of that paragraph if the child is over 16 on the date in question.

(6) A child of a parent falling within paragraph (2) shall be disregarded for the purposes of that paragraph if, on the date in question he is over the transfer age group for the group of grammar schools or stand alone grammar school in question.

(7) In this regulation—

(a) a parent's residence for the purpose of paragraph (1)(b) shall be determined by reference to the address contained in the admission register required to be kept by the Education (Pupil Registration) Regulations 1995; and

(b) a parent's residence for the purpose of paragraph (1)(c) shall be determined by the designated body.

Registration with the designated body

5.—(1) Where—

(a) a person makes a written application to the designated body to register under this regulation, and

(b) the designated body is satisfied that the person falls within regulation 4(1)(c) in relation to any relevant area,

the designated body shall register that person in relation to that area.

(2) The designated body may require an applicant for registration to provide such information or documents as the designated body may determine in order for the designated body to determine whether the person falls within regulation (4)(1)(c) and may decline to accept an application for registration unless such information or documents are provided.

(3) Where a person applies for registration under paragraph (1), registration takes effect on the date on which the designated body notify the applicant that they have determined that the person falls within regulation 4(1)(c).

(4) Where the designated body are satisfied (after making such enquiries as they think fit) that a person no longer falls within regulation 4(1)(c) they shall remove that person from the register on such date as they determine.

(5) Subject to regulation 22(2), if the designated body have given the notification required by regulation 10(1) that a valid petition relating to the area has been received, a person shall not be registered in relation to that area after the date 4 weeks after the date of such notification unless the subsequent ballot is in favour of retaining selective admission arrangements and (where that is the case) until the end of the moratorium period for the area.

Meaning of "feeder school"

6.—(1) For the purposes of these Regulations—

(a) in any school year the feeder schools for a group of grammar schools are each school from which at least 5 pupils have transferred to the group of grammar schools (taken together) during the relevant period; and

(b) in any school year the feeder schools for a stand alone grammar school are each school from which at least 5 pupils have transferred to the grammar school during the relevant period.

(2) In determining for the purpose of this regulation the number of pupils who have transferred from a school to a grammar school in any school year, pupils who were over the age of the transfer age group for the grammar school when they transferred to the grammar school shall be disregarded.

(3) In this regulation "relevant period" means the period consisting of the school year in question and the two preceding school years.

(4) For the purposes of this regulation where a grammar school was established in substitution for an independent school the grammar school and the independent school shall be treated as the same school.

PART II

PETITIONS FOR A BALLOT

Petitions for a ballot—general

7.—(1) No ballot shall be held under these Regulations unless a request for a ballot is made by means of a petition sent to the designated body which satisfies the requirements of paragraphs (3) to (5) and regulation 8(1) to (5) (but subject to regulations 8(6) and 23(3)) (in these regulations referred to as a "valid petition").

(2) The designated body shall determine whether a petition is a valid petition.

(3) A petition shall relate to—

(a) all grammar schools within a relevant area,

(b) a group of grammar schools, or

(c) a stand alone grammar school,

and a petition which relates to a relevant area is referred to in these Regulations as a petition for an area ballot and a petition which relates to a group of grammar schools or a stand alone grammar school is referred to as a petition for a feeder school ballot.

(4) A petition must be received by the designated body during a petition period.

(5) Subject to paragraph (6) a petition must be signed by a number of relevant eligible parents which, when taken together with the number of relevant eligible parents who have signed any previous petition relating to the same area, group of grammar schools or stand alone grammar school which has been received by the designated body during the same petition period, is at least 20% of the parent population.

(6) If a parent signs a petition on a date before the beginning of the petition period in which the petition is received, the parent's signature shall be disregarded for the purposes of paragraph (5).

(7) For the purpose of paragraph (5)—

(a) the question of whether an eligible parent is a "relevant" eligible parent shall be determined in accordance with regulation 9(1) to (6);