

**Changes to legislation:** There are currently no known outstanding effects for the Education Act 2005, Cross Heading: Education Act 1996 (c. 56). (See end of Document for details)

## SCHEDULES

### SCHEDULE 18

#### FURTHER AMENDMENTS RELATED TO PROVISIONS OF PART 4

##### *Education Act 1996 (c. 56)*

2 In section 317 of the Education Act 1996 (duties of governing body or [<sup>F1</sup>local authority] in relation to pupils with special educational needs), for subsections (5) to (7A) substitute—

“(5) The governing body of a community, foundation or voluntary school, a maintained nursery school, or a community or foundation special school shall—

- (a) in the case of a school in England, prepare a report containing special needs information, and
- (b) in the case of a school in Wales, include special needs information in the report prepared under section 30(1) of the Education Act 2002 (governors' report).

(6) In subsection (5) “special needs information” means—

- (a) such information as may be prescribed about the implementation of the governing body's policy for pupils with special educational needs, and
- (b) information as to—
  - (i) the arrangements for the admission of disabled persons as pupils at the school,
  - (ii) the steps taken to prevent disabled pupils from being treated less favourably than other pupils,
  - (iii) the facilities provided to assist access to the school by disabled pupils, and
  - (iv) the plan prepared by the governing body under section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”).

(6A) In subsection (6)(b) “disabled person” means a person who is a disabled person for the purposes of the 1995 Act; and section 28Q of the 1995 Act (interpretation) applies for the purposes of subsection (6)(b) as it applies for the purposes of Chapter 1 of Part 4 of that Act.”

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 13\(2\)](#)

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#### Modifications etc. (not altering text)

**C1** Sch. 18 para. 2 restricted (E.) (1.9.2005) by [The Education Act 2005 \(Commencement No.1 and Savings and Transitional Provisions\) Order 2005 \(S. I. 2005/2034\)](#), art. 10, **Sch. para. 2**

3 In section 444A of the Education Act 1996 (penalty notice in respect of failure to secure attendance at school of registered pupil), in subsection (1), for paragraph (b) substitute—

“(b) that the offence relates—

- (i) to a relevant school in England,
- (ii) in a case falling within subsection (1) of section 444ZA, to a place at which education is provided by a [<sup>F1</sup>local authority] in England, or
- (iii) in a case falling within subsection (2) of that section, to a place at which a child is required to attend by the appropriate authority (within the meaning of that section) for a relevant school in England.”.

#### Textual Amendments

**F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

4 The references in section 23(9) and (10) of the Anti-social Behaviour Act 2003 (c. 38) to section 444A of the Education Act 1996 are to be read as references to that section as amended by paragraph 3 of this Schedule.

5 (1) Section 494 of the Education Act 1996 (recoupment: excluded pupils) is amended as follows.

(2) In subsections (1), (2) and (3), for “financial year” substitute “ funding period ”.

(3) After subsection (5) insert—

“(6) In this section “funding period” has the meaning given by section 45(1B) of the School Standards and Framework Act 1998.”

#### Commencement Information

**I1** Sch. 18 para. 5 partly in force; Sch.18 para. 5 not in force at Royal Assent see s. 125; Sch. 18 para. 5 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), **art. 8**

**I2** Sch. 18 para. 5 in force at 1.4.2010 for W. by [S.I. 2010/735](#), **art. 2(e)**

6 In section 566 of the Education Act 1996 (evidence: documents), after subsection (2) insert—

“(3) Where a child of compulsory school age is required to attend at—

- (a) any place at which education is provided for him in the circumstances mentioned in subsection (1) of section 444ZA, or
- (b) any place in the circumstances mentioned in subsection (2) of that section,

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subsection (1)(c) has effect as if the place in question were a school and the person in charge of the provision of education or training at that place were its head teacher (and subsection (2) has effect accordingly).”

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**Commencement Information**

**I3** Sch. 18 para. 6 wholly in force at 1.9.2006; Sch. 18 para. 6 not in force at Royal Assent see s. 125; Sch. 18 para. 6 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 18 para. 6 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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