Education Act 1996

1996 CHAPTER 56

An Act to consolidate the Education Act 1944 and certain other enactments relating to education, with amendments to give effect to recommendations of the Law Commission. [24th July 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act to be construed with 1996 c. 57 (1.11.1996) by virtue of 1996 c. 57, **ss. 46(4)**, 48(2)
Act to be construed with 1997 c. 44 (14.6.1997) by virtue of 1997 c. 44, **s. 56(2)**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**
Act to be construed with 1997 c. 59, **ss. 1-3** (31.7.1997) by virtue of 1997 c. 59, **s. 4(3)**
Act to be construed with 1998 c. 18 (11.9.1998) by virtue of 1998 c. 18, **ss. 36(6)**, 55(2)
Act to be construed with 1998 c. 31 (24.7.1998) by virtue of 1998 c. 31, **s. 142(8)(9)**
Act to be construed with specified provisions of Education Act 2002 (24.7.2002) by virtue of Education Act 2002 (c. 32), **ss. 212(2)-(4)**, 216(1) (with ss. 210(8), 214(4))

C2 Act applied (24.7.1998) by 1998 c. 31, ss. 20, 145(4), **Sch. 2 para. 3**
Act applied (1.6.2001) by S.I. 2001/1507, reg. 2, **Sch. 2 para. 2**

C3 Act excluded (26.5.1999) by S.I. 1999/1287, **reg. 5(2)(3)**

C4 Act: powers transferred in part (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**; S.I. 1999/3178, **art. 2(1)**
Act: power to delegate certain functions restricted (1.9.1999) by S.I. 1999/2242, **reg. 42(1)(5)**
Act: certain functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928), art. 3, **Sch. 1**

C5 Act modified (1.9.1999) by 1998 c. 31, **s. 126**

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART I

GENERAL

CHAPTER I

THE STATUTORY SYSTEM OF EDUCATION

General

1 The stages of education.

(1) The statutory system of public education consists of three progressive stages: primary education, secondary education and further education.

(2) This Part—

(a) confers functions on the Secretary of State and local education authorities with respect to primary, secondary and further education; [F1]. . .

[F1](b) . . . . . .

(3) Part I of the [M1]Further and Higher Education Act 1992 **[**[F2]makes provision with respect to further education.**]**.

(4) Apart from section 10 (general duty of Secretary of State), nothing in this Act confers any functions with respect to higher education.

Textual Amendments

F1 S. 1(2)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 58, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F2 Words in s. 1(3) substituted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 51** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Marginal Citations

M1 1992 c. 13.

2 Definition of primary, secondary and further education.

(1) In this Act "primary education" means —

(a) full-time education suitable to the requirements of junior pupils who have not attained the age of 10 years and six months; and

(b) full-time education suitable to the requirements of junior pupils who have attained that age and whom it is expedient to educate together with junior pupils within paragraph (a).

(2) In this Act "secondary education" means—

(a) full-time education suitable to the requirements of pupils of compulsory school age who are either—

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(i) senior pupils, or

(ii) junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with senior pupils of compulsory school age; and

(b) (subject to subsection (5)) full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19 which is provided at a school at which education within paragraph (a) is also provided.

(3) Subject to subsection (5), in this Act "further education" means—

(a) full-time and part-time education suitable to the requirements of persons who are over compulsory school age (including vocational, social, physical and recreational training), and

(b) organised leisure-time occupation provided in connection with the provision of such education,

except that it does not include secondary education or (in accordance with subsection (7)) higher education.

(4) Accordingly, unless it is education within subsection (2)(b), full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19 is further education for the purposes of this Act and not secondary education.

(5) For the purposes of this Act education provided for persons who have attained the age of 19 is further education not secondary education; but where a person—

(a) has begun a particular course of secondary education before attaining the age of 18, and

(b) continues to attend that course,

the education does not cease to be secondary education by reason of his having attained the age of 19.

(6) In subsection (3)(b) "organised leisure-time occupation" means leisure-time occupation, in such organised cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by facilities provided for that purpose.

(7) References in this section to education do not include references to higher education.

3 Definition of pupil etc.

(1) In this Act "pupil" means a person for whom education is being provided at a school, other than—

(a) a person who has attained the age of 19 for whom further education is being provided, or

(b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is being provided.

[[F3]and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.**]**

(2) In this Act—

"junior pupil" means a child who has not attained the age of 12; and

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"senior pupil" means a person who has attained the age of 12 but not the age of 19.

(3) The definition of "pupil" in subsection (1) also applies (unless the context otherwise requires) for the purposes of any instrument made or having effect as if made under the Education Acts.

Textual Amendments

F3 Words in s. 3(1) inserted (1.9.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 9(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**

Educational institutions

4 Schools: general.

[[F4](1) In this Act "school" means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing—

(a) primary education,

(b) secondary education, or

(c) both primary and secondary education,

whether or not the institution also provides part-time education suitable to the requirements of junior pupils or further education.**]**

(2) **[**[F5]Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for**]** the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) [F6]. . ..

(3) For the purposes of this Act an institution is outside the further education sector if it is not—

(a) an institution conducted by a further education corporation established under section 15 or 16 of the [M2]Further and Higher Education Act 1992, or

(b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act);

and references to institutions within that sector shall be construed accordingly.

(4) For the purposes of this Act an institution is outside the higher education sector if it is not—

(a) a university receiving financial support under section 65 of that Act,

(b) an institution conducted by a higher education corporation within the meaning of that Act, or

(c) a designated institution for the purposes of Part II of that Act (defined in section 72(3) of that Act);

and references to institutions within that sector shall be construed accordingly.

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Textual Amendments

F4 S. 4(1) substituted (1.9.1997) by 1997 c. 44, **s. 51**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**

F5 Words in s. 4(2) substituted (1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 10(a)**; S.I. 1998/386, art.2, **Sch. 1 Pt. IV**

F6 Words in s. 4(2) repealed (1.9.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 10(b), **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

Modifications etc. (not altering text)

C6 S. 4(1) restricted (1.9.2000 (E.) and 1.4.2001 (W.)) by 2000 c. 21, **s. 110(3)** (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Marginal Citations

M2 1992 c. 13.

5 Primary schools, secondary schools and middle schools.

(1) In this Act "primary school" means (subject to regulations under subsection (4)) a school for providing primary education, whether or not it also provides part-time education suitable to the requirements of junior pupils or further education.

(2) In this Act "secondary school" means (subject to regulations under subsection (4)) a school for providing secondary education, whether or not it also provides further education.

(3) In this Act "middle school" means a school in respect of which proposals authorised by **[**[F7]section 28(4) of the School Standards and Framework Act 1998**]** are implemented (that is, a school providing full-time education suitable to the requirements of pupils who have attained a specified age below 10 years and six months and are under a specified age above 12 years).

(4) The Secretary of State shall make regulations for determining, or enabling him to determine, whether a middle school is to be treated for the purposes of this Act and the other enactments relating to education as a primary school or as a secondary school.

(5) The powers conferred by **[**[F7]section 28(4) of the School Standards and Framework Act 1998**]**and subsection (4) above are exercisable—

(a) notwithstanding anything in this Act (and in particular section 1); but

(b) without prejudice to the exercise of any other power conferred by this Act.

Textual Amendments

F7 Words in s. 5(3) and (5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 59(a)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 18, Sch. 7 paras. 2-4, 6, 7, 10, 12)

6 Nursery schools and special schools.

(1) A primary school is a nursery school if it is used mainly for the purpose of providing education for children who have attained the age of two but are under **[**[F8]compulsory school age**]**.

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(2) A school is a special school if it is specially organised, **[**[F9]and (in the case of a school which is not maintained by a local education authority) is for the time being approved, as mentioned in section 337.**]**.

Textual Amendments

F8 Words in s. 6(1) substituted (1.8.1998) by 1997 c. 44, s. 51(1), **Sch. 7 para. 11**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

F9 Words in s. 6(2) substituted (1.9.1999) by 1998 c. 31, s. 141(1), **Sch. 30 para.60** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Compulsory education

7 Duty of parents to secure education of children of compulsory school age.

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,

either by regular attendance at school or otherwise.

8 Compulsory school age.

(1) Subsections (2) and (3) apply to determine for the purposes of any enactment whether a person is of compulsory school age.

[[F10](2) A person begins to be of compulsory school age—

(a) when he attains the age of five, if he attains that age on a prescribed day, and

(b) otherwise at the beginning of the prescribed day next following his attaining that age.**]**

(3) A person ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year—

(a) if he attains the age of 16 after that day but before the beginning of the school year next following,

(b) if he attains that age on that day, or

(c) (unless paragraph (a) applies) if that day is the school leaving date next following his attaining that age.

[[F11](4) The Secretary of State may by order—

(a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);

(b) determine the day in any calendar year which is to be the school leaving date for that year.**]**

Textual Amendments

F10 S. 8(2) substituted (1.8.1998) by 1997 c. 44, **s. 52(2)**; S.I. 1998/386, art. 2, **Sch. 1 Pt.III**

F11 S. 8(4) substituted (1.8.1998) by 1997 c. 44, **s. 52(3)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

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Education in accordance with parental wishes

9 Pupils to be educated in accordance with parents' wishes.

In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of **[**[F12]State and local education authorities**]**shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

Textual Amendments

F12 Words in s. 9 substituted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 61** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

CHAPTER II

FUNCTIONS OF THE SECRETARY OF STATE

10 General duty of Secretary of State.

The Secretary of State shall promote the education of the people of England and Wales.

Modifications etc. (not altering text)

C7 S. 10 amended (1.11.1996) by 1994 c. 30, **s. 11A**, as inserted by 1996 c. 56, ss. 582(1)(3), 583(2), **Sch. 37 Pt. I para.126** (with ss. 1(4), 561, 562, Sch. 39)

11 Duty in the case of primary, secondary and further education.

(1) The Secretary of State shall exercise his powers in respect of those bodies in receipt of public funds which—

(a) carry responsibility for securing that the required provision for primary, secondary or further education is made—

(i) in schools, or

(ii) in institutions within the further education sector,

in or in any area of England or Wales, or

(b) conduct schools or institutions within the further education sector in England and Wales,

for the purpose of promoting primary, secondary and further education in England and Wales.

(2) The Secretary of State shall, in the case of his powers to regulate the provision made in schools and institutions within the further education sector in England and Wales, exercise his powers with a view to (among other things) improving standards, encouraging diversity and increasing opportunities for choice.

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Modifications etc. (not altering text)

C8 S. 11 amended (1.11.1996) by 1994 c. 30, **s. 11A**, as inserted by 1996 c. 56, ss. 582(1)(3), 583(2), **Sch. 37 Pt. I para.126** (with ss. 1(4), 561, 562, Sch. 39)

CHAPTER III

LOCAL EDUCATION AUTHORITIES

The authorities

12 Local education authorities and their areas.

(1) The local education authority for a county in England having a county council is the county council.

(2) The local education authority for a district in England which is not in a county having a county council is the district council.

(3) The local education authority for a London borough is the borough council.

(4) The local education authority for the City of London (which for the purposes of this Act shall be treated as including the Inner Temple and the Middle Temple) is the Common Council of the City of London (in their capacity as a local authority).

(5) As respects Wales—

(a) the local education authority for a county is the county council; and

(b) the local education authority for a county borough is the county borough council.

(6) Any reference in this Act to the area of a local education authority shall be construed in accordance with the preceding provisions of this section.

General functions

13 General responsibility for education.

(1) A local education authority shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, **[**[F13]and secondary education**]** are available to meet the needs of the population of their area.

(2) The duty imposed by subsection (1) does not extend to matters in respect of which any duty is imposed on—

[[F14](a) the Learning and Skills Council for England or the National Council for Education and Training for Wales, or

(b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.**]**

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F13 Words in s. 13(1) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(2)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

F14 S. 13(2)(a)(b) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(3)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3)

Modifications etc. (not altering text)

C9 S. 13 modified (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36**, 162 (with s. 159)

[F15 13A Duty to promote high standards in primary and secondary education.

(1) A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards.

(2) This section applies to education for—

(a) persons of compulsory school age (whether at school or otherwise); and

(b) persons of any age above or below that age who are registered as pupils at schools maintained by the authority;

and in subsection (1) "functions" means functions of whatever nature.**]**

Textual Amendments

F15 S. 13A inserted (1.10.1998) by 1998 c. 31, **s. 5** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**.

14 Functions in respect of provision of primary and secondary schools.

(1) A local education authority shall secure that sufficient schools for providing—

(a) primary education, and

(b) education that is secondary education by virtue of section 2(2)(a),

are available for their area.

(2) The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

(3) In subsection (2) "appropriate education" means education which offers such variety of instruction and training as may be desirable in view of—

(a) the pupils' different ages, abilities and aptitudes, and

(b) the different periods for which they may be expected to remain at school,

including practical instruction and training appropriate to their different needs.

(4) A local education authority is not by virtue of subsection (1)(a) under any duty in respect of children under **[**F16 compulsory school age**]**.

F17 (5) . . . . . .

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(6) In exercising their functions under this section, a local education authority shall in particular have regard to—

(a) the need for securing that primary and secondary education are provided in separate schools;

(b) the need for securing that special educational provision is made for pupils who have special educational needs; and

(c) the expediency of securing the provision of boarding accommodation (in boarding schools or otherwise) for pupils for whom education as boarders is considered by their parents and the authority to be desirable.

(7) The duty imposed by subsection (6)(a) does not apply in relation to middle schools or special schools.

Textual Amendments

F16 Words in s. 14(4) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 12**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

F17 S. 14(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 62, **Sch.31** (with 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F18]15 Functions in respect of provision of further education.

. . . . . .

Textual Amendments

F18 S. 15 repealed (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, 154, Sch. 9 para. 53, **Sch. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

[[F19]15A Functions in respect of full-time education for 16 to 18 year olds.

(1) A local education authority may secure the provision for their area of full-time **[**[F20]or part-time**]** education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, including provision for persons from other areas.

[The power under subsection (1) to secure the provision of education includes power [F21](1A) to secure the provision—

(a) of training, including vocational, social, physical and recreational training, and

(b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).**]**

(2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section **[**in respect of secondary education**]** as they apply in relation to functions under that section.**]**

[[F22](3) In exercising their functions under this section in respect of further education a local education authority shall in particular have regard to the needs of persons with learning

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difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).

(4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.**]**

Textual Amendments

F19 S. 15A inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 63** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F20 Words in s. 15A(1) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(2)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

F21 S. 15A(1A) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(3)** (with s. 150) S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

F22 S. 15A(3)(4) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(5)** (with s. 150) S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Modifications etc. (not altering text)

C10 S. 15A restricted (1.4.2001 (W.) and 1.8.2002 (E.)) by 2000 c. 21, s. 110(4) (with s. 150); S.I. 2001/1274, art. 2(1), Sch. Pt. I; S.I. 2002/279, **art. 2(3)(b)**

C11 Words in s. 15A(2) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(4)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

[[F23]15B Functions in respect of education for persons over 19.

(1) A local education authority may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.

(2) The power under subsection (1) to secure the provision of education includes power to secure the provision—

(a) of training, including vocational, social, physical and recreational training, and

(b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).

(3) In exercising their functions under this section a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).

(4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.

(5) This section does not apply to higher education.**]**

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F23 S. 15B inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 55** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Establishment etc. of schools

16 Power to establish, maintain and assist primary and secondary schools.

(1) For the purpose of fulfilling their functions under this Act, a local education authority may—

(a) establish primary schools and secondary schools;

(b) maintain primary and secondary schools, whether established by them or not; and

(c) assist any primary or secondary school which is not maintained by them.

(2) A local education authority may under subsection (1) establish, maintain and assist schools outside as well as inside their area.

(3) A local education authority may not under subsection (1) establish a school to provide—

(a) part-time education suitable to the requirements of persons of any age over compulsory school age; or

(b) full-time education suitable to the requirements of persons who have attained the age of 19.

17 Powers in respect of nursery education.

(1) A local education authority may—

(a) establish nursery schools;

(b) maintain nursery schools established by them or by an authority which was a local education authority within the meaning of any enactment repealed by the [M3]Education Act 1944 or an earlier Act; and

(c) assist any nursery school not so established.

(2) Section 14(4) does not affect a local education authority's power under section 16(1) to establish, maintain and assist schools at which education is provided both for children under **[**[F24]compulsory school age**]** and for older pupils (including schools at which there are nursery classes for children under **[**[F24]compulsory school age**]**).

Textual Amendments

F24 Words in s. 17(2) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para.13**; S.I. 1998/386, art. 2, **Sch. 1 Pt.III**

Marginal Citations

M3 1944 c. 31.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Other arrangements for provision of education

18 Power to arrange provision of education at non-maintained schools.

A local education authority may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another local education authority.

19 Exceptional provision of education in pupil referral units or elsewhere.

(1) Each local education authority shall make arrangements for the provision of suitable [F25]. . . education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

(2) Any school established (whether before or after the commencement of this Act) and maintained by a local education authority which—

(a) is specially organised to provide education for such children, and

(b) is not a county school or a special school,

shall be known as a "pupil referral unit".

(3) A local education authority may secure the provision of boarding accommodation at any pupil referral unit.

(4) A local education authority may make arrangements for the provision of suitable [F25]. . . education otherwise than at school for those young persons who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

[[F26](4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a local education authority shall have regard to any guidance given from time to time by the Secretary of State.**]**

(5) Any child for whom education is provided otherwise than at school in pursuance of this section, and any young person for whom full-time education is so provided in pursuance of this section, shall be treated for the purposes of this Act as a pupil.

(6) In this section "suitable education", in relation to a child or young person, means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have.

(7) Schedule 1 has effect in relation to pupil referral units.

Textual Amendments

F25 Words in s. 19(1) and (4) repealed (1.9.1998) by 1997 c. 44, ss. 47(2)(3), 57(4), **Sch.8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

F26 S. 19(4A) inserted (1.9.1998) by 1997 c. 44, **s. 47(4)**; S.I. 1998/386, art. 2, **Sch. 1 Pt.IV**

Modifications etc. (not altering text)

C12 S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5)(c)(10)**, 162 (with s. 159)

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CHAPTER IV

THE FUNDING AUTHORITIES

The Authorities

[F27]20 . . . . . .

Textual Amendments

F27 S. 20 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F28]21 . . . . . .

Textual Amendments

F28 S. 21 repealed (1.4.1999) by 1998 c. 31, ss. 133, 140(1)(3), Sch. 30 para. 66, **Sch.31**; S.I. 1999/1016, art. 2(1), **Sch. 1**

Functions

[F29]22 . . . . . .

Textual Amendments

F29 S. 22 repealed (1.4.1999 in relation to s. 22 except s. 22(1)(a) and otherwise 1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F30]23 . . . . . .

Textual Amendments

F30 S. 23 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F31]24 . . . . . .

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Textual Amendments

F31 S. 24 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Supplemental

[F32]25 . . . . . .

Textual Amendments

F32 S. 25 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F33]26 . . . . . .

Textual Amendments

F33 S. 26 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

CHAPTER V

ALLOCATION OF RESPONSIBILITY FOR EDUCATION AT SCHOOL BETWEEN LEA AND FUNDING AUTHORITY

[F34]27 . . . . . .

Textual Amendments

F34 S. 27 repealed (1.4.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

CHAPTER VI

SUPPLEMENTAL

Allocation of functions

[F35]28 . . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F35 S. 28 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Provision of information

29 Provision of information by local education authorities.

(1) A local education authority shall—

(a) make such reports and returns to the Secretary of State, and

(b) give to the Secretary of State such information,

as he may require for the purpose of the exercise of his functions under this Act.

[F36](2) . . . . . .

(3) A local education authority shall—

(a) compile such information, and

(b) make such provision for conducting, or assisting the conduct of, research,

as may be required for the purpose of providing the Secretary of State [F37]. . . , in such form and at such times as may be prescribed, with such information relating to the provision of primary or secondary education in the area of the local education authority as may be prescribed.

(4) The Secretary of State shall exercise his powers under subsection (3) so as to secure, in particular, the provision of information relating to the provision of education for children with special educational needs.

(5) A local education authority shall, at such time or times and in such manner as may be required by regulations, publish such information as may be so required with respect to their policy and arrangements in respect of any matter relating to primary or secondary education.

(6) Nothing in subsection (5) applies in relation to—

(a) nursery schools, or

(b) children who will be under **[**[F38]compulsory school age**]** at the time of their proposed admission.

Textual Amendments

F36 S. 29(2) repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 67(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F37 Words in s. 29(3) repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 67(b), **Sch.31**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F38 Words in s. 29(6)(b) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 14**; S.I. 1998/386, **art. 2**, Pt. III

[F39]30 . . . . . .

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Textual Amendments

F39 S. 30 repealed (1.11.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 68, **Sch.31**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F40]PART II

SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

Textual Amendments

F40 Pt. II (ss. 31-182) repealed (1.10.1998, 10.3.1999, 1.4.1999 respectively in relation to specified provisions and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pts. I, **IV**; S.I. 1999/120, art. 2(2), **Sch. 2** ; S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings as specified in those S.I.s and subject to savings in S.I. 1999/704 , S.I. 1999/711, **S.I**. 1999/2243 and S.I. 1999/2262)

CHAPTER I

PRELIMINARY

[F41]31 . . . . . .

Textual Amendments

F41 S. 31 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F42]32 . . . . . .

Textual Amendments

F42 S. 32 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F43]33 . . . . . .

Textual Amendments

F43 S. 33 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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[F44]34 . . . . . .

Textual Amendments

F44 S. 34 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

CHAPTER II

ESTABLISHMENT, ALTERATION ETC. OF COUNTY AND VOLUNTARY SCHOOLS

County schools: establishment, alteration or change of site

[F45]35 . . . . . .

Textual Amendments

F45 S. 35 repealed (1.4.1999 in respect of s. 35(8) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F46]36 . . . . . .

Textual Amendments

F46 S. 36 repealed (1.4.1999 in respect of s. 36(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 8(2)(a)**, 14(2)(a))

[F47]37 . . . . . .

Textual Amendments

F47 S. 37 repealed (1.4.1999 in respect of s. 37(4)(7)-(9) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 8(2)(a)**, 14(2)(a))

[F48]38 . . . . . .

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Textual Amendments

F48 S. 38 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 8(2)(a)**, 14(2)(a))

[F49]39 . . . . . .

Textual Amendments

F49 S. 39 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** ((with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12) and subject to savings in S.I. 1999/704, **regs. 8(2)(a)**, 14(2)(a))

[F50]40 . . . . . .

Textual Amendments

F50 S. 40 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ;S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Voluntary schools: establishment, alteration or change of site

[F51]41 . . . . . .

Textual Amendments

F51 S. 41 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ;S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F52]42 . . . . . .

Textual Amendments

F52 S. 42 repealed (1.4.1999 in respect of s. 42(4) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ;S.I. 1999/1016, art. 2(1), **Sch. 1** ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 8(2)(b)**, 14(2)(b))

[F53]43 . . . . . .

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Textual Amendments

F53 S. 43 repealed (1.4.1999 in respect of s. 43(3)-(6) and words in s. 43(2) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 8(2)(b)**, 14(2)(b))

[F54]44 . . . . . .

Textual Amendments

F54 S. 44 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 8(2)(b)**, 14(2)(b))

[F55]45 . . . . . .

Textual Amendments

F55 S. 45 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F56]46 . . . . . .

Textual Amendments

F56 S. 46 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F57]47 . . . . . .

Textual Amendments

F57 S. 47 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Status of new voluntary school

[F58]48 . . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F58 S. 48 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Proposals for a middle school

F59 49 . . . . . .

Textual Amendments

F59 S. 49 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Division of a single school into two or more schools

F60 50 . . . . . .

Textual Amendments

F60 S. 50 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F61 51 . . . . . .

Textual Amendments

F61 S. 51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Change of status from controlled school to aided school

F62 52 . . . . . .

Textual Amendments

F62 S. 52 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F63 53 . . . . . .

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Textual Amendments

F63 S. 53 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F64 54 . . . . . .

Textual Amendments

F64 S. 54 repealed (10.3.1999 in respect of s. 54(6)(c) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F65 55 . . . . . .

Textual Amendments

F65 S. 55 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F66 56 . . . . . .

Textual Amendments

F66 S. 56 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Change of status from aided or special agreement school to controlled or aided school

F67 57 . . . . . .

Textual Amendments

F67 S. 57 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F68 58 . . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F68 S. 58 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

CHAPTER III

FUNDING OF VOLUNTARY SCHOOLS

Obligations of governing bodies

[F69]59 . . . . . .

Textual Amendments

F69 S. 59 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Obligations of LEAs as regards new sites and buildings

[F70]60 . . . . . .

Textual Amendments

F70 S. 60 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 14, Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F71]61 . . . . . .

Textual Amendments

F71 S. 61 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)) ; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 15, Sch. 7 paras. 2-4, 6, 7, 10, 12) and subject to an amendment (1.9.1999) by S.I. 1999/2243, **reg. 59**

[F72]62 . . . . . .

Textual Amendments

F72 S. 62 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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Financial assistance for controlled schools

[F73]63 . . . . . .

Textual Amendments

F73 S. 63 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** ((with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 8**, 10)

[F74]64 . . . . . .

Textual Amendments

F74 S. 64 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** ((with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **regs. 14**, 15)

Financial assistance by Secretary of State for aided and special agreement schools

[F75]65 . . . . . .

Textual Amendments

F75 S. 65 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F76]66 . . . . . .

Textual Amendments

F76 S. 66 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F77]67 . . . . . .

Textual Amendments

F77 S. 67 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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Assistance by LEAs for governing bodies of aided and special agreement schools

[F78]68 . . . . . .

Textual Amendments

F78 S. 68 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Assistance by LEAs for promoters of new voluntary schools

[F79]69 . . . . . .

Textual Amendments

F79 S. 69 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Miscellaneous and supplemental

[F80]70 . . . . . .

Textual Amendments

F80 S. 70 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F81]71 . . . . . .

Textual Amendments

F81 S. 71 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F82]72 . . . . . .

Textual Amendments

F82 S. 72 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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[F83]73 . . . . . .

Textual Amendments

F83 S. 73 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F84]74 . . . . . .

Textual Amendments

F84 S. 74 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F85]75 . . . . . .

Textual Amendments

F85 S. 75 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

CHAPTER IV

GOVERNMENT OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

Instruments of government

[F86]76 . . . . . .

Textual Amendments

F86 S. 76 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F87]77 . . . . . .

Textual Amendments

F87 S. 77 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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Categories of governor

[F88]78 . . . . . .

Textual Amendments

F88 S. 78 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Governing bodies of county, controlled and maintained special schools

[F89]79 . . . . . .

Textual Amendments

F89 S. 79 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F90]80 . . . . . .

Textual Amendments

F90 S. 80 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F91]81 . . . . . .

Textual Amendments

F91 S. 81 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F92]82 . . . . . .

Textual Amendments

F92 S. 82 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F93]83 . . . . . .

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Textual Amendments

F93 S. 83 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Governing bodies of aided and special agreement schools

F94 84 . . . . . .

Textual Amendments

F94 S. 84 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F95 85 . . . . . .

Textual Amendments

F95 S. 85 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Governing bodies: general

F96 86 . . . . . .

Textual Amendments

F96 S. 86 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F97 87 . . . . . .

Textual Amendments

F97 S. 87 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F98 88 . . . . . .

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Textual Amendments

F98 S. 88 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Grouping of schools under a single governing body

[F99]89 . . . . . .

Textual Amendments

F99 S. 89 repealed (10.3.1999 in respect of s. 89(1)(2) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), **Sch. 2**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F100]90 . . . . . .

Textual Amendments

F100 S. 90 repealed (10.3.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), **Sch. 2** (with art. 5(1)(3) and subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, **12**)

[F101]91 . . . . . .

Textual Amendments

F101 S. 91 repealed (10.3.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), **Sch. 2** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, **12**)

[F102]92 . . . . . .

Textual Amendments

F102 S. 92 repealed (10.3.1999 in respect of s. 92(1)(2)(4) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), **Sch. 2** (with art. 5(2)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F103]93 . . . . . .

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Textual Amendments

F103 S. 93 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F104 94 . . . . . .

Textual Amendments

F104 S. 94 repealed (10.3.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), **Sch. 2** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, **12**)

F105 95 . . . . . .

Textual Amendments

F105 S. 95 repealed (10.3.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), **Sch. 2** (with art. 5(3) and subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, **12**)

Government of new schools

F106 96 . . . . . .

Textual Amendments

F106 S. 96 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/2243, **reg. 8(2)** and S.I. 1999/2262, **reg. 8(2)**)

F107 97 . . . . . .

Textual Amendments

F107 S. 97 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6));S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/2243, **reg. 8(2)** and S.I. 1999/2262, **reg. 8(2)**)

F108 98 . . . . . .

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Textual Amendments

F108 S. 98 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F109]99 . . . . . .

Textual Amendments

F109 S. 99 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Grouping of new schools

[F110]100 . . . . . .

Textual Amendments

F110 S. 100 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F111]CHAPTER V

Textual Amendments

F111 Part II Chapter V (ss. 101-126) repealed (1.4.1999 subject to savings) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, arts. 2, 4, Sch. 1 Pt.IV, **Sch. 2 Pt. II para. 8** (subject to savings in S.I. 1999/711, **reg. 5** and S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, **12**))

CHAPTER VI

CONDUCT AND STAFFING OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

Articles of government

[F112]127 . . . . . .

Textual Amendments

F112 S. 127 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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[F113]128 . . . . . .

Textual Amendments

F113 S. 128 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F114]129 . . . . . .

Textual Amendments

F114 S. 129 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Conduct of schools: general

[F115]130 . . . . . .

Textual Amendments

F115 S. 130 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F116]131 . . . . . .

Textual Amendments

F116 S. 131 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F117]132 . . . . . .

Textual Amendments

F117 S. 132 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Staffing of schools without delegated budgets

[F118]133 . . . . . .

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Textual Amendments

F118 S. 133 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F119 134 . . . . . .

Textual Amendments

F119 S. 134 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F120 135 . . . . . .

Textual Amendments

F120 S. 135 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Staffing of schools with delegated budgets

F121 136 . . . . . .

Textual Amendments

F121 S. 136 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F122 137 . . . . . .

Textual Amendments

F122 S. 137 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F123 138 . . . . . .

Textual Amendments

F123 S. 138 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

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[F124]139 . . . . . .

Textual Amendments

F124 S. 139 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, **12**)

[F125]140 . . . . . .

Textual Amendments

F125 S. 140 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F126]141 . . . . . .

Textual Amendments

F126 S. 141 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F127]142 . . . . . .

Textual Amendments

F127 S. 142 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Appointment and dismissal of teachers of religious education

[F128]143 . . . . . .

Textual Amendments

F128 S. 143 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F129]144 . . . . . .

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Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F129 S. 144 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F130 145 . . . . . .

Textual Amendments

F130 S. 145 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Religious opinions of staff etc.

F131 146 . . . . . .

Textual Amendments

F131 S. 146 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

School terms, holidays and sessions

F132 147 . . . . . .

Textual Amendments

F132 S. 147 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F133 148 . . . . . .

Textual Amendments

F133 S. 148 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Control of school premises

F134 149 . . . . . .

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Textual Amendments

F134 S. 149 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F135 150 . . . . . .

Textual Amendments

F135 S. 150 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F136 151 . . . . . .

Textual Amendments

F136 S. 151 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F137 152 . . . . . .

Textual Amendments

F137 S. 152 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Instruction or training outside school premises

F138 153 . . . . . .

Textual Amendments

F138 S. 153 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Discipline: general

F139 154 . . . . . .

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Textual Amendments

F139 S. 154 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F140 155 . . . . . .

Textual Amendments

F140 S. 155 repealed (1.10.1998 in respect of s. 155(1)(4) and otherwise 1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**; S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, **12**)

F141 156 . . . . . .

Textual Amendments

F141 S. 156 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F142 157 . . . . . .

Textual Amendments

F142 S. 157 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F143 158 . . . . . .

Textual Amendments

F143 S. 158 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F144 159 . . . . . .

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Textual Amendments

F144 S. 159 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F145 160 . . . . . .

Textual Amendments

F145 S. 160 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

Reports, meetings and information

F146 161 . . . . . .

Textual Amendments

F146 S. 161 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F147 162 . . . . . .

Textual Amendments

F147 S. 162 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F148 163 . . . . . .

Textual Amendments

F148 S. 163 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F149 164 . . . . . .

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Textual Amendments

F149 S. 164 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F150 165 . . . . . .

Textual Amendments

F150 S. 165 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

New schools

F151 166 . . . . . .

Textual Amendments

F151 S. 166 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

CHAPTER VII

DISCONTINUANCE OF LOCAL EDUCATION AUTHORITY SCHOOLS

Procedure for discontinuance of county, voluntary or maintained nursery school by local education authority

F152 167 . . . . . .

Textual Amendments

F152 S. 167 repealed (1.4.1999 in respect of s. 167(6) and words in s. 167(1) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F153 168 . . . . . .

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Textual Amendments

F153 S. 168 repealed (1.4.1999 in respect of s. 168(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **reg. 14(2)(c)**)

F154 169 . . . . . .

Textual Amendments

F154 S. 169 repealed (1.4.1999 in respect of s. 169(4)(6) and words in s. 169(5) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **reg. 14(2)(c)**)

F155 170 . . . . . .

Textual Amendments

F155 S. 170 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, **reg. 14(2)(c)**)

F156 171 . . . . . .

Textual Amendments

F156 S. 171 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F157 172 . . . . . .

Textual Amendments

F157 S. 172 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Discontinuance of voluntary school by governing body

F158 173 . . . . . .

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Textual Amendments

F158 S. 173 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F159]174 . . . . . .

Textual Amendments

F159 S. 174 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F160]175 . . . . . .

Textual Amendments

F160 S. 175 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

CHAPTER VIII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Further education

[F161]176 . . . . . .

Textual Amendments

F161 S. 176 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Teacher training

[F162]177 . . . . . .

Textual Amendments

F162 S. 177 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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Modification of employment law

[F163]178 . . . . . .

Textual Amendments

F163 S. 178 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Modification of trust deeds and other instruments

[F164]179 . . . . . .

Textual Amendments

F164 S. 179 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 23(1), Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F165]180 . . . . . .

Textual Amendments

F165 S. 180 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 11, 12)

Interpretation of Part II

[F166]181 . . . . . .

Textual Amendments

F166 S. 181 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

[F167]182 . . . . . .

Textual Amendments

F167 S. 182 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12) and subject to an amendment (1.9.1999) by S.I. 1999/2001, reg. 24, **Sch. 8 para. 5**

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[F168]PART III

GRANT-MAINTAINED SCHOOLS

Textual Amendments

F168 Pt. III (ss. 183-311) repealed (1.10.1998, 1.4.1999 and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**; S.I. 1999/120, art. 2(2), **Sch. 2**; S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings as specified in those S.I.s and subject to savings in S.I. 1999/704)

CHAPTER I

PRELIMINARY

[F169]183 . . . . . .

Textual Amendments

F169 S. 183 repealed (1.4.1999 in respect of s. 183(4) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER II

PROCEDURE FOR ACQUISITION OF GRANT-MAINTAINED STATUS

Modifications etc. (not altering text)

C13 Pt. III Chapter II (ss. 184-200) modified (1.11.1996) by 1996 c. 57, **ss. 37(3)**, 48(2)

Eligibility

[F170]184 . . . . . .

Textual Amendments

F170 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F171]185 . . . . . .

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Textual Amendments

F171 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Initiation of procedure

[F172]186 . . . . . .

Textual Amendments

F172 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F173]187 . . . . . .

Textual Amendments

F173 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Information

[F174]188 . . . . . .

Textual Amendments

F174 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Ballot of parents

[F175]189 . . . . . .

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Textual Amendments

F175 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F176 190 . . . . . .

Textual Amendments

F176 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F177 191 . . . . . .

Textual Amendments

F177 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F178 192 . . . . . .

Textual Amendments

F178 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F179 193 . . . . . .

Textual Amendments

F179 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Approval and implementation of proposals

F180 194 . . . . . .

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Textual Amendments

F180 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F181 195 . . . . . .

Textual Amendments

F181 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F182 196 . . . . . .

Textual Amendments

F182 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Expenses in connection with proposals

F183 197 . . . . . .

Textual Amendments

F183 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Alteration of county school proposed for grant-maintained status

F184 198 . . . . . .

Textual Amendments

F184 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

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[F185]199 . . . . . .

Textual Amendments

F185 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Supplementary

[F186]200 . . . . . .

Textual Amendments

F186 S. 200 repealed (1.10.1998 in respect of s. 200(4) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I; S.I. 1999/2323, art 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER III

PROPERTY, STAFF AND CONTRACTS

Transfer of property and staff, etc.

[F187]201 . . . . . .

Textual Amendments

F187 S. 201 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 8, Sch. 7 paras. 2, 5, 6, 10, ,12)

[F188]202 . . . . . .

Textual Amendments

F188 S. 202 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

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Effect of pending procedure for acquisition of grant-maintained status on property disposals, etc.

[F189]203 . . . . . .

Textual Amendments

F189 S. 203 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F190]204 . . . . . .

Textual Amendments

F190 S. 204 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 9, Sch. 7 paras. 2, 5, 6, 10, 12)

[F191]205 . . . . . .

Textual Amendments

F191 S. 205 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 10, Sch. 7 paras. 2, 5, 6, 10, 12)

[F192]206 . . . . . .

Textual Amendments

F192 S. 206 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F193]207 . . . . . .

Textual Amendments

F193 S. 207 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 11, Sch. 7 paras. 2, 5, 6, 10, 12)

[F194]208 . . . . . .

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Textual Amendments

F194 S. 208 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 12, Sch. 7 paras. 2, 5, 6, 10, 12)

F195209 . . . . . .

Textual Amendments

F195 S. 209 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Supplementary

F196210 . . . . . .

Textual Amendments

F196 S. 210 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER IV

ESTABLISHING NEW GRANT-MAINTAINED SCHOOLS

Proposals for establishment of new grant-maintained school

F197211 . . . . . .

Textual Amendments

F197 S. 211 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

F198212 . . . . . .

Textual Amendments

F198 S. 212 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (with Sch. 2 para. 4 and subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

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[F199]213 . . . . . .

Textual Amendments

F199 S. 213 repealed (1.10.1998 in respect of s. 213(2)(3) and otherwise 1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I; S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Approval and implementation of proposals

[F200]214 . . . . . .

Textual Amendments

F200 S. 214 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F201]215 . . . . . .

Textual Amendments

F201 S. 215 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1998/2323, Sch. 7 paras. 2, 5, 6, 10, **12** and in S.I. 1999/704, **reg. 3**)

[F202]216 . . . . . .

Textual Amendments

F202 S. 216 repealed (1.4.1999 in respect of s. 216(2)-(9) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in S.I. 1998/2323, Sch. 7 paras. 2, 5, 6, 10, **12** and in S.I. 1999/704, **reg. 3**)

Supplementary

[F203]217 . . . . . .

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Textual Amendments

F203 S. 217 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1998/2323, Sch. 7 paras. 2, 5, 6, 10, **12** and in S.I. 1999/704, **reg. 3**)

CHAPTER V

GOVERNMENT, CONDUCT ETC. OF GRANT-MAINTAINED SCHOOLS

Modifications etc. (not altering text)

C14 Pt. III Chapter V (ss. 218-243) modified (1.11.1996) by 1996 c. 57, **ss. 37(3)**, 48(2)

The governing instruments

[F204]218 . . . . . .

Textual Amendments

F204 S. 218 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F205]219 . . . . . .

Textual Amendments

F205 S. 219 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F206]220 . . . . . .

Textual Amendments

F206 S. 220 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F207]221 . . . . . .

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Textual Amendments

F207 S. 221 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Governors

F208 222 . . . . . .

Textual Amendments

F208 S. 222 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F209 223 . . . . . .

Textual Amendments

F209 S. 223 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F210 224 . . . . . .

Textual Amendments

F210 S. 224 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F211 225 . . . . . .

Textual Amendments

F211 S. 225 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F212 226 . . . . . .

Textual Amendments

F212 S. 226 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

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[F213]227 . . . . . .

Textual Amendments

F213 S. 227 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F214]228 . . . . . .

Textual Amendments

F214 S. 228 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F215]229 . . . . . .

Textual Amendments

F215 S. 229 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F216]230 . . . . . .

Textual Amendments

F216 S. 230 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Powers

[F217]231 . . . . . .

Textual Amendments

F217 S. 231 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F218]232 . . . . . .

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Textual Amendments

F218 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F219]233 . . . . . .

Textual Amendments

F219 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Schools acquiring grant-maintained status: determination etc. of initial governors

[F220]234 . . . . . .

Textual Amendments

F220 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F221]235 . . . . . .

Textual Amendments

F221 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F222]236 . . . . . .

Textual Amendments

F222 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F223]237 . . . . . .

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Textual Amendments

F223 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F224]238 . . . . . .

Textual Amendments

F224 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F225]239 . . . . . .

Textual Amendments

F225 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F226]240 . . . . . .

Textual Amendments

F226 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

New grant-maintained schools: determination etc. of initial governors

[F227]241 . . . . . .

Textual Amendments

F227 S. 241 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

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General and supplementary

[F228]242 . . . . . .

Textual Amendments

F228 S. 242 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F229]243 . . . . . .

Textual Amendments

F229 S. 243 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER VI

FUNDING OF GRANT-MAINTAINED SCHOOLS

Grants: general

[F230]244 . . . . . .

Textual Amendments

F230 S. 244 repealed (1.4.1999) by 1998 c. 31, **s. 140(1)(3)**,Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[[F231]245 Special purpose grants.

(1) Grant regulations may provide for the payment by the funding authority to the governing bodies of grant-maintained schools of grants (known as special purpose grants) in respect of expenditure, of any class or description specified in the regulations, incurred or to be incurred by the governing bodies—

(a) for or in connection with educational purposes of any class or description so specified,

(b) in making any provision (whether of educational services or facilities or otherwise) of any class or description so specified which appears to the funding authority to be required for meeting any special needs of the population of the area served by the schools in question, or

(c) in respect of expenses of any class or description so specified, being expenses which it appears to the funding authority the governing bodies of such schools cannot reasonably be expected to meet from maintenance grant.

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(2) Grant regulations may provide for special purpose grants to be payable—
  (a) on a regular basis in respect of expenditure of a recurrent kind, or
  (b) by reference to expenditure incurred or to be incurred on particular occasions or during any particular period.**]**

Textual Amendments

F231 S. 245 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Modifications etc. (not altering text)

C15 S. 245 applied (with modifications) (1.3.1999) by S.I. 1999/274, **reg. 2**

[F232 246 Capital grants.

(1) Grant regulations may provide for the payment by the funding authority to the governing bodies of grant-maintained schools of grants (known as capital grants) in respect of expenditure of a capital nature, of any class or description specified in the regulations, incurred or to be incurred by the governing bodies.

(2) The descriptions of expenditure which are to be regarded for the purposes of capital grant as expenditure of a capital nature shall be such as may be determined by or in accordance with the regulations.

(3) Where the governing body of a grant-maintained school include sponsor governors, the funding authority shall, if directed to do so by the Secretary of State, pay capital grant of such amount as may be specified in the directions in respect of such expenditure falling within subsection (1) as is incurred, or to be incurred, by the governing body for such purposes as may be specified in the directions.

(4) Before giving a direction under subsection (3), the Secretary of State shall consult the funding authority.

(5) A direction under subsection (3) may not be given after the end of the period of twelve months beginning—
  (a) (in the case of a governing body incorporated in pursuance of proposals for acquisition of grant-maintained status which include sponsor governors on the incorporation date) with that date,
  (b) (in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school which include sponsor governors on the date of implementation of the proposals) with that date, and
  (c) (in any other case) with the date when the instrument of government naming a person as the sponsor of the school came into effect.**]**

Textual Amendments

F232 S. 246 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

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Modifications etc. (not altering text)

C16 S. 246 modified (20.11.1998) by S.I. 1998/2670, **reg. 7(1)**

[F233 247 Imposition of requirements on governing body in receipt of grant.

(1) A governing body to whom any payments in respect of maintenance grant, capital grant or special purpose grant are made shall comply with such requirements of a kind mentioned in subsection (2) as the funding authority may from time to time impose.

(2) The kinds of requirements which may be imposed under subsection (1) are—

(a) requirements specified in grant regulations as requirements which may be imposed by the funding authority on governing bodies to whom such payments are made, and

(b) requirements determined in accordance with grant regulations by the funding authority.

(3) Requirements imposed under subsection (1)—

(a) may be imposed on or at any time after the making of any payment by reference to which they are imposed, and

(b) subject to subsection (4), may at any time be varied by the funding authority.

(4) The power of the funding authority to vary such a requirement—

(a) does not apply to a requirement of the kind mentioned in subsection (2)(a), or a requirement required to be imposed by the regulations (by virtue of subsection (9)) or by directions under section 24, unless the Secretary of State has consented to the variation, and

(b) is subject, in the case of a requirement of the kind mentioned in subsection (2)(b), to the provisions of the regulations relating to the determination of the requirements that may be imposed in the case of payments in respect of the grant in question.

(5) Requirements imposed under subsection (1) may at any time be waived or removed by the funding authority with the consent of the Secretary of State.

(6) The requirements which may be specified in or authorised by grant regulations as requirements which may be imposed on governing bodies to whom payments are made in respect of special purpose grant or capital grant may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the funding authority of the whole or any part of the following amount.

(7) That amount is—

(a) the amount of the payments made in respect of the grant, or

(b) so much of the value of any premises or equipment in respect of which the grant was paid as is determined in accordance with the requirements to be properly attributable to the payment of such grant,

whichever is the greater.

(8) No such requirement as is referred to in subsection (6) may be imposed where any payment is made in respect of capital grant if—

(a) the grant is made in respect of the provision, alteration or repair of premises for a school, and

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(b) any freehold interest in the premises in respect of which the grant is made is, or is to be, held on trust for the purposes of the school.

(9) Grant regulations may require the funding authority to impose any such requirements as may be imposed under the preceding provisions of this section.**]**

Textual Amendments

F233 S. 247 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Modifications etc. (not altering text)

C17 S. 247 modified (20.11.1998) by S.I. 1998/2670, **reg. 7(2)**
S. 247 applied (with modifications) (1.3.1999) by S.I. 1999/274, **regs. 3**, 4
S. 247 modified (1.4.1999) by S.I. 1999/532, **reg. 5(1)**
S. 247: functions transferred (1.4.1999) by S.I. 1999/532, **reg. 4**

[F234 248 Grants: further provisions.

(1) The times at which, and the manner in which, payments are made in respect of—
(a) maintenance grant for a grant-maintained school in respect of any financial year,
(b) special purpose grant, and
(c) capital grant,
shall be such as may be determined from time to time by the funding authority.

(2) Payments in respect of maintenance grant for a school in respect of any financial year may be made, before any amount has been determined in accordance with grant regulations as the amount of such grant payable for that year in respect of the school, by reference to an estimate of the amount which will be so payable made by the funding authority.

(3) Where in respect of any financial year an over-payment of maintenance grant is made to the governing body of a school, a sum equal to the amount of that over-payment shall be recoverable from the governing body by the funding authority.

(4) Where a sum is payable by the governing body of a school to the funding authority—
(a) in respect of an over-payment of maintenance grant in respect of a financial year, or
(b) by way of repayment of special purpose grant or capital grant (whether by virtue of a requirement such as is mentioned in section 247(6) or otherwise),
the funding authority may (without prejudice to any other mode of recovery) recover the whole or any part of that sum by deducting it from any grant payable by them to the governing body.

(5) In this section references to an over-payment of maintenance grant in respect of a financial year are to any amount by which the aggregate amount of any payments in respect of maintenance grant made to the governing body of the school in question in respect of the year exceeds the amount finally determined in accordance with grant regulations as the amount of maintenance grant payable for that year in respect of the school.

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(6) The funding authority shall exercise any power conferred on them by this section, by any of sections 216 and 244 to 247, or by paragraph 6 of Schedule 21 in such manner (if any) as may be specified in or determined in accordance with grant regulations.**]**

Textual Amendments

F234 S. 248 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Modifications etc. (not altering text)

C18 S. 248 applied (with modifications) (1.3.1999) by S.I. 1999/274,reg. 5
S. 248 modified (1.4.1999) by S.I. 1999/532, **reg. 6**
S. 248: functions transferred (1.4.1999) by S.I. 1999/532, **reg. 4**

C19 S. 248(1)-(4) modified (20.11.1998) by S.I. 1998/2670, **reg. 7(3)**

Grants: Wales (until establishment of the SFCW)

[F235249 Application of sections 250 to 254.

Before the Schools Funding Council for Wales begin to exercise their functions, sections 250 to 254 shall have effect in relation to grant-maintained schools in Wales in place of sections 244(1) and (3), 245(1), 246(1), 247 and 248.**]**

Textual Amendments

F235 S. 249 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F236250 . . . . . .

Textual Amendments

F236 S. 250 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

F237251 . . . . . .

Textual Amendments

F237 S. 251 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

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[F238]252 . . . . . .

Textual Amendments

F238 S. 252 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[[F239]253 Imposition of requirements on governing body in receipt of grant.

(1) A governing body to whom any payments in respect of maintenance grant or special purpose grants are made shall comply with such requirements of a kind mentioned in subsection (2) as the Secretary of State may from time to time impose.

(2) The kinds of requirements which may be imposed under subsection (1) are—

(a) requirements specified in grant regulations as requirements which may be imposed by the Secretary of State on governing bodies to whom such payments are made, and

(b) requirements determined in accordance with grant regulations by the Secretary of State.

(3) A governing body to whom any payments in respect of capital grant are made shall comply with such requirements determined by the Secretary of State as he may from time to time impose.

(4) Requirements imposed under subsection (1) or (3)—

(a) may be imposed on or at any time after the making of any payment by reference to which they are imposed, and

(b) may at any time be waived or removed or, subject to subsection (5), varied by the Secretary of State.

(5) The power of the Secretary of State to vary such a requirement—

(a) does not apply to a requirement of the kind mentioned in subsection (2)(a), and

(b) is subject, in the case of a requirement of the kind mentioned in subsection (2)(b), to the provisions of the regulations relating to the determination of the requirements that may be imposed in the case of payments in respect of the grants in question.

(6) The requirements—

(a) which may be specified in or authorised by grant regulations as requirements which may be imposed on governing bodies to whom payments are made in respect of special purpose grant, or

(b) which may be imposed by the Secretary of State on a governing body to whom payments in respect of capital grant are made,

may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the Secretary of State of the whole or any part of the following amount.

(7) That amount is—

(a) the amount of the payments made in respect of the grant, or

(b) so much of the value of any premises or equipment in respect of which the grant was paid as is determined in accordance with the requirements to be properly attributable to the payment of such grant,

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whichever is the greater.

(8) No such requirement as is referred to in subsection (6) may be imposed where any payment is made in respect of capital grant if—

(a) the grant is made in respect of the provision, alteration or repair of premises for a school, and

(b) any freehold interest in the premises in respect of which the grant is made is, or is to be, held on trust for the purposes of the school.**]**

Textual Amendments

F239 S. 253 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F240 254 Grants: further provisions.

(1) The times at which, and the manner in which, payments are made in respect of—

(a) maintenance grant for a grant-maintained school in respect of any financial year,

(b) special purpose grants, and

(c) capital grants,

shall be such as may be determined from time to time by the Secretary of State.

(2) Payments in respect of maintenance grant for a school in respect of any financial year may be made, before any amount has been determined in accordance with grant regulations as the amount of such grant payable for that year in respect of the school, by reference to an estimate of the amount which will be so payable made by the Secretary of State.

(3) Where in respect of any financial year an over-payment of maintenance grant is made to the governing body of a school, a sum equal to the amount of that over-payment shall be recoverable from the governing body by the Secretary of State.

(4) Where a sum is payable by the governing body of a school to the Secretary of State—

(a) in respect of an over-payment of maintenance grant in respect of a financial year, or

(b) by way of repayment of special purpose grant or capital grant (whether by virtue of a requirement such as is mentioned in section 253(6) or otherwise),

the Secretary of State may (without prejudice to any other mode of recovery) recover the whole or any part of that sum by deducting it from any grant payable by him to the governing body.

(5) In this section references to an over-payment of maintenance grant in respect of a financial year are to any amount by which the aggregate amount of any payments in respect of maintenance grant made to the governing body of the school in question in respect of the year exceeds the amount finally determined in accordance with grant regulations as the amount of maintenance grant payable for that year in respect of the school.**]**

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Textual Amendments

F240 S. 254 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Loans

[F241]255 . . . . . .

Textual Amendments

F241 S. 255-258 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Recovery from local funds

[F242]256 . . . . . .

Textual Amendments

F242 S. 255-258 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F243]257 . . . . . .

Textual Amendments

F243 S. 255-258 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F244]258 . . . . . .

Textual Amendments

F244 S. 255-258 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

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CHAPTER VII

ALTERATION ETC. OF GRANT-MAINTAINED SCHOOLS

[F245]259 . . . . . .

Textual Amendments

F245 S. 259 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings by S.I. 1999/704, **reg. 14(2)(d)**)

[F246]260 . . . . . .

Textual Amendments

F246 S. 260 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12** and in S.I. 1999/704, **reg. 4(1)**)

[F247]261 . . . . . .

Textual Amendments

F247 S. 261 repealed (1.4.1999 in respect of s. 261(2)(4)(5) and in respect of words in s. 261(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings in S.I. 1999/704, **regs. 4(1)**, 14(2)(d))

[F248]262 . . . . . .

Textual Amendments

F248 S. 262 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings in S.I. 1999/704, **reg. 14(2)(d)(e)**)

[F249]263 . . . . . .

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Textual Amendments

F249 S. 263 repealed (1.4.1999 in respect of s. 263(4)(b) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144);S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F250]264 . . . . . .

Textual Amendments

F250 S. 264 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F251]265 . . . . . .

Textual Amendments

F251 S. 265 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

[F252]266 . . . . . .

Textual Amendments

F252 S. 266 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER VIII

DISCONTINUANCE OF GRANT-MAINTAINED SCHOOLS

Proposals for discontinuance

[F253]267 . . . . . .

Textual Amendments

F253 S. 267 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings in S.I. 1999/704, **reg. 14(2)(f)**)

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[F254]268 . . . . . .

Textual Amendments

F254 S. 268 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12** and in S.I. 1999/704, **reg. 6**)

[F255]269 . . . . . .

Textual Amendments

F255 S. 269 repealed (1.4.1999 in respect of s. 269(2)(5)(6) and in respect of words in s. 269(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings in S.I. 1999/704, **reg. 14(2)(f)**)

[F256]270 . . . . . .

Textual Amendments

F256 S. 270 repealed (1.4.1999 in respect of s. 270(2)(b)(ii) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F257]271 . . . . . .

Textual Amendments

F257 S. 271 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Withdrawal of grant

[F258]272 . . . . . .

Textual Amendments

F258 S. 272 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

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[F259]273 . . . . . .

Textual Amendments

F259 S. 273 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

Winding up and disposal of property

[F260]274 . . . . . .

Textual Amendments

F260 S. 274 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

[F261]275 . . . . . .

Textual Amendments

F261 S. 275 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

[F262]276 . . . . . .

Textual Amendments

F262 S. 276 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

[F263]277 . . . . . .

Textual Amendments

F263 S. 277 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

[F264]278 . . . . . .

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Textual Amendments

F264 S. 278 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

F265 279 . . . . . .

Textual Amendments

F265 S. 279 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER IX

GROUPS OF GRANT-MAINTAINED SCHOOLS

F266 280 . . . . . .

Textual Amendments

F266 S. 280 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F267 281 . . . . . .

Textual Amendments

F267 S. 281 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F268 282 . . . . . .

Textual Amendments

F268 S. 282 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F269 283 . . . . . .

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Textual Amendments

F269 S. 283 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F270]284 . . . . . .

Textual Amendments

F270 S. 284 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F271]285 . . . . . .

Textual Amendments

F271 S. 285 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F272]286 . . . . . .

Textual Amendments

F272 S. 286 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F273]287 . . . . . .

Textual Amendments

F273 S. 287 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F274]288 . . . . . .

Textual Amendments

F274 S. 288 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

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[F275]289 . . . . . .

Textual Amendments

F275 S. 289 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F276]290 . . . . . .

Textual Amendments

F276 S. 290 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1**, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, **12**)

CHAPTER X

GENERAL AND MISCELLANEOUS

Middle schools

[F277]291 . . . . . .

Textual Amendments

F277 S. 291 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Nursery education

[F278]292 . . . . . .

Textual Amendments

F278 S. 292 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Further education

[F279]293 . . . . . .

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Textual Amendments

F279 S. 293 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Teacher training

F280294 . . . . . .

Textual Amendments

F280 S. 294 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Provision of benefits and services by local education authority

F281295 . . . . . .

Textual Amendments

F281 S. 295 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Transfer and disposal of premises

F282296 . . . . . .

Textual Amendments

F282 S. 296 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F283297 . . . . . .

Textual Amendments

F283 S. 297 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F284298 . . . . . .

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Textual Amendments

F284 S. 298 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F285299 . . . . . .

Textual Amendments

F285 S. 299 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F286300 . . . . . .

Textual Amendments

F286 S. 300 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F287301 . . . . . .

Textual Amendments

F287 S. 301 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Modification of instruments

F288302 . . . . . .

Textual Amendments

F288 S. 302 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 art. 23(2), paras. 2, 5, 6, 10, 12)

F289303 . . . . . .

Textual Amendments

F289 S. 303 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

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Religious opinions etc. of staff

[F290]304 . . . . . .

Textual Amendments

F290 S. 304 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F291]305 . . . . . .

Textual Amendments

F291 S. 305 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F292]306 . . . . . .

Textual Amendments

F292 S. 306 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F293Discipline]

Textual Amendments

F293 S. 306A (and the heading immediately preceding it) inserted (1.4.1998) by 1997 c. 44, **s. 3(1)** (with s. 57(3)); S.I. 1998/386, art. 2, **Sch. 1 Pt.II**

[F294]306A . . . . . .

Textual Amendments

F294 S. 306A (and the heading immediately preceding it) inserted (1.4.1998) by 1997 c. 44, **s. 3(1)** (with s. 57(3)); S.I. 1998/386, art. 2, **Sch. 1 Pt. II** and repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Exclusion of pupils

[F295]307 . . . . . .

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Textual Amendments

F295 S. 307 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F296]307A . . . . . .

Textual Amendments

F296 S. 307A inserted (1.9.1998) by 1997 c. 44, **s. 8(1)** (with s. 57(3)); S.I. 1998/386, art. 2, **Sch. 1 Pt. IV** and repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Appeal committees

[F297]308 . . . . . .

Textual Amendments

F297 S. 308 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Supplementary

[F298]309 . . . . . .

Textual Amendments

F298 S. 309 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

[F299]310 . . . . . .

Textual Amendments

F299 S. 310 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (with art. 5 and subject to savings in S.I. 1999/2323, art. 20, Sch. 7 paras. 2, 5, 6, 10, **12**)

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Interpretation

[F300]311 . . . . . .

Textual Amendments

F300 S. 311 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, **Sch. 31** (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Introductory

312 Meaning of "special educational needs" and "special educational provision" etc.

(1) A child has "special educational needs" for the purposes of this Act if he has a learning difficulty which calls for special educational provision to be made for him.

(2) Subject to subsection (3) (and except for the purposes of **[**[F301]section 15A or 15B**]**) a child has a "learning difficulty" for the purposes of this Act if—

(a) he has a significantly greater difficulty in learning than the majority of children of his age,

(b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in schools within the area of the local education authority, or

(c) he is under **[**[F302]compulsory school age**]** and is, or would be if special educational provision were not made for him, likely to fall within paragraph (a) or (b) when of [F303]. . . that age.

(3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.

(4) In this Act "special educational provision" means—

(a) in relation to a child who has attained the age of two, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of his age in schools maintained by the local education authority (other than special schools) [F304]. . ., and

(b) in relation to a child under that age, educational provision of any kind.

(5) In this Part—

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"child" includes any person who has not attained the age of 19 and is a registered pupil at a school;

[[F305]"maintained school" means any community, foundation or voluntary school or any community or foundation special school not established in a hospital.**]**

Textual Amendments

F301 Words in s. 312(2) substituted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 56** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

F302 Words in s. 312(2)(c) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 23(a)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

F303 Words in s. 312(2)(c) repealed (1.8.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 23(b), **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

F304 Words in s. 312(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 71(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F305 Words in s. 312(5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 71(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Code of Practice

313 Code of Practice.

(1) The Secretary of State shall issue, and may from time to time revise, a code of practice giving practical guidance in respect of the discharge by local education authorities and the governing bodies of **[**[F306]maintained schools**]** of their functions under this Part.

(2) It shall be the duty of—

(a) local education authorities, and such governing bodies, exercising functions under this Part, and

(b) any other person exercising any function for the purpose of the discharge by local education authorities, and such governing bodies, of functions under this Part,

to have regard to the provisions of the code.

(3) On any appeal under this Part to the Tribunal, the Tribunal shall have regard to any provision of the code which appears to the Tribunal to be relevant to any question arising on the appeal.

(4) The Secretary of State shall publish the code as for the time being in force.

(5) In this Part "the Tribunal" means the Special Educational Needs Tribunal.

Textual Amendments

F306 Words in s. 313(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.72** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

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314 Making and approval of code.

(1) Where the Secretary of State proposes to issue or revise a code of practice, he shall prepare a draft of the code (or revised code).

(2) The Secretary of State shall consult such persons about the draft as he thinks fit and shall consider any representations made by them.

(3) If he determines to proceed with the draft (either in its original form or with such modifications as he thinks fit) he shall lay it before both Houses of Parliament.

(4) If the draft is approved by resolution of each House, the Secretary of State shall issue the code in the form of the draft, and the code shall come into effect on such day as the Secretary of State may by order appoint.

Special educational provision: general

315 Review of arrangements.

(1) A local education authority shall keep under review the arrangements made by them for special educational provision.

(2) In doing so the authority shall, to the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs, consult **[**[F307]the governing bodies of community, foundation and voluntary and community and foundation special schools in their area.**]**.

Textual Amendments

F307 Words in s. 315(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.73** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

316 Children with special educational needs normally to be educated in mainstream schools.

(1) Any person exercising any functions under this Part in respect of a child with special educational needs who should be educated in a school shall secure that, if the conditions mentioned in subsection (2) are satisfied, the child is educated in a school which is not a special school unless that is incompatible with the wishes of his parent.

(2) The conditions are that educating the child in a school which is not a special school is compatible with—

(a) his receiving the special educational provision which his learning difficulty calls for,

(b) the provision of efficient education for the children with whom he will be educated, and

(c) the efficient use of resources.

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VALID FROM 15/06/2001

[F308 316A Education otherwise than in mainstream schools

(1) Section 316 does not prevent a child from being educated in—
- (a) an independent school which is not a mainstream school, or
- (b) a school approved under section 342,

if the cost is met otherwise than by a local education authority.

(2) Section 316(2) does not require a child to be educated in a mainstream school during any period in which—
- (a) he is admitted to a special school for the purposes of an assessment under section 323 of his educational needs and his admission to that school is with the agreement of—
  - (i) the local education authority,
  - (ii) the head teacher of the school or, if the school is in Wales, its governing body,
  - (iii) his parent, and
  - (iv) any person whose advice is to be sought in accordance with regulations made under paragraph 2 of Schedule 26;
- (b) he remains admitted to a special school, in prescribed circumstances, following an assessment under section 323 at that school;
- (c) he is admitted to a special school, following a change in his circumstances, with the agreement of—
  - (i) the local education authority,
  - (ii) the head teacher of the school or, if the school is in Wales, its governing body, and
  - (iii) his parent;
- (d) he is admitted to a community or foundation special school which is established in a hospital.

(3) Section 316 does not affect the operation of—
- (a) section 348, or
- (b) paragraph 3 of Schedule 27.

(4) If a local education authority decide—
- (a) to make a statement for a child under section 324, but
- (b) not to name in the statement the school for which a parent has expressed a preference under paragraph 3 of Schedule 27,

they shall, in making the statement, comply with section 316(3).

(5) A local education authority may, in relation to their mainstream schools taken as a whole, rely on the exception in section 316(3)(b) only if they show that there are no reasonable steps that they could take to prevent the incompatibility.

(6) An authority in relation to a particular mainstream school may rely on the exception in section 316(3)(b) only if it shows that there are no reasonable steps that it or another authority in relation to the school could take to prevent the incompatibility.

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(7) The exception in section 316(3)(b) does not permit a governing body to fail to comply with the duty imposed by section 324(5)(b).

(8) An authority must have regard to guidance about section 316 and this section issued—
  (a) for England, by the Secretary of State,
  (b) for Wales, by the National Assembly for Wales.

(9) That guidance shall, in particular, relate to steps which may, or may not, be regarded as reasonable for the purposes of subsections (5) and (6).

(10) "Prescribed", in relation to Wales, means prescribed in regulations made by the National Assembly for Wales.

(11) "Authority"—
  (a) in relation to a maintained school, means each of the following—
    (i) the local education authority,
    (ii) the school's governing body, and**]**

Textual Amendments

F308 Ss. 316, 316A substituted (15.6.2001 for certain purposes and otherwise 1.1.2002 for E., 21.1.2002 for certain purposes and otherwise 1.4.2002 for W.) for s. 316 by 2001 c. 10, s. 1 (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, Sch. Pts. I, II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **arts. 4**, **5**, Sch. Pts. I, II

317 Duties of governing body or LEA in relation to pupils with special educational needs.

(1) The governing body, in the case of **[**[F309]a community, foundation or voluntary school,**]** and the local education authority, in the case of a maintained nursery school, shall—
  (a) use their best endeavours, in exercising their functions in relation to the school, to secure that, if any registered pupil has special educational needs, the special educational provision which his learning difficulty calls for is made,
  (b) secure that, where the responsible person has been informed by the local education authority that a registered pupil has special educational needs, those needs are made known to all who are likely to teach him, and
  (c) secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have special educational needs.

(2) In subsection (1)(b) "the responsible person" means—
  (a) in the case of **[**[F309]a community, foundation or voluntary school,**]** the head teacher or the appropriate governor (that is, the chairman of the governing body or, where the governing body have designated another governor for the purposes of this paragraph, that other governor), and
  (b) in the case of a nursery school, the head teacher.

(3) To the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs—

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(a) the governing bodies of **[**[F310]community, foundation and voluntary schools**]** shall, in exercising functions relating to the provision for such children, consult the local education authority [F311]. . . and the governing bodies of other such schools, and

(b) in relation to maintained nursery schools, the local education authority shall, in exercising those functions, consult **[**[F312]the governing bodies of community, foundation and voluntary schools.**]**

(4) Where a child who has special educational needs is being educated in **[**[F313]a community, foundation or voluntary school**]** or a maintained nursery school, those concerned with making special educational provision for the child shall secure, so far as is reasonably practicable and is compatible with—

(a) the child receiving the special educational provision which his learning difficulty calls for,

(b) the provision of efficient education for the children with whom he will be educated, and

(c) the efficient use of resources,

that the child engages in the activities of the school together with children who do not have special educational needs.

(5) The annual report for **[**[F314]each community, foundation or voluntary or community or foundation special school**]**shall include a report containing such information as may be prescribed about the implementation of the governing body's policy for pupils with special educational needs.

(6) The annual report for **[**[F315]each community, foundation or voluntary school**]** shall also include a report containing information as to—

(a) the arrangements for the admission of disabled pupils;

(b) the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and

(c) the facilities provided to assist access to the school by disabled pupils;

and for this purpose "disabled pupils" means pupils who are disabled persons for the purposes of the [M4]Disability Discrimination Act 1995.

(7) In this section "annual report" means the report prepared under **[**[F316]section 42 of the School Standards and Framework Act 1998.**]**

Textual Amendments

F309 Words in s. 317(1)(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(2)(3)** (with ss. 138(9), 144(6))

F310 Words in s. 317(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(4)(a)(i)** (with ss. 138(9), 144(6))S.I. 1999/2323, art. 2(1), **Sch. 1**

F311 Words in s. 317(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 74(4)(a)(ii), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F312 Words in s. 317(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(4)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F313 Words in s. 317(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(5)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F314 Words in s. 317(5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(6)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, SCh. 1

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F315 Words in 317(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F316 Words in s. 317(7) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(8)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Commencement Information

I1 S. 317 wholly in force; s. 317(1)-(5)(7) in force at 1.11.1996 see s. 583(3)(5); s. 317(6) in force at 1.1.1997 by S.I. 1996/2904, **art. 2**

Marginal Citations

M4 1995 c. 50.

VALID FROM 01/01/2002

[F317 317A Duty to inform parent where special educational provision made

(1) This section applies if—

(a) a child for whom no statement is maintained under section 324 is a registered pupil at—

(i) a community, foundation or voluntary school, or

(ii) a pupil referral unit,

(b) special educational provision is made for him at the school because it is considered that he has special educational needs, and

(c) his parent has not previously been informed under this section of special educational provision made for him at the school.

(2) If the school is a pupil referral unit, the local education authority must secure that the head teacher informs the child's parent that special educational provision is being made for him at the school because it is considered that he has special educational needs.

(3) In any other case, the governing body must inform the child's parent that special educational provision is being made for him there because it is considered that he has special educational needs.]

Textual Amendments

F317 S. 317A inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 7(1) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **art. 5**, Sch. Pt. II

318 Provision of goods and services in connection with special educational needs.

(1) A local education authority may, for the purpose only of assisting—

(a) the governing bodies of [F318 community, foundation or voluntary schools] (in their or any other area) in the performance of the governing bodies' duties under section 317(1)(a), or

(b) the governing bodies of [F318 community or foundation special schools] (in their or any other area) in the performance of the governing bodies' duties,

supply goods or services to those bodies.

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(2) The terms on which goods or services are supplied by local education authorities under **[**[F319]this section to the governing bodies of community, foundation or voluntary schools or community or foundation special schools in any other area**]** may, in such circumstances as may be prescribed, include such terms as to payment as may be prescribed.

[[F320](3) A local education authority may supply goods and services to any authority or other person (other than a governing body within subsection (1)) for the purpose only of assisting them in making for any child to whom subsection (3A) applies any special educational provision which any learning difficulty of the child calls for.

(3A) This subsection applies to any child—

(a) who is receiving relevant nursery education within the meaning of section 123 of the School Standards and Framework Act 1998, or

(b) in respect of whose education grants are (or are to be) made under section 1 of the [M5]Nursery Education and Grant-Maintained Schools Act 1996.**]**

(4) This section is without prejudice to the generality of any other power of local education authorities to supply goods or services.

Textual Amendments

F318 Words in s. 318(1)(a)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 75(2)(a)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F319 Words in s. 318(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 75(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F320 S. 318(3)(3A) substituted (1.10.1998) for s. 318(3) by 1998 c. 31, ss. 140(1), **Sch. 30 para. 75(4)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

Marginal Citations

M5 1996 c. 50.

319 Special educational provision otherwise than in schools.

(1) Where a local education authority are satisfied that it would be inappropriate for—

(a) the special educational provision which a learning difficulty of a child in their area calls for, or

(b) any part of any such provision,

to be made in a school, they may arrange for the provision (or, as the case may be, for that part of it) to be made otherwise than in a school.

(2) Before making an arrangement under this section, a local education authority shall consult the child's parent.

320 Provision outside England and Wales for certain children.

(1) A local education authority may make such arrangements as they think fit to enable a child for whom they maintain a statement under section 324 to attend an institution outside England and Wales which specialises in providing for children with special needs.

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(2) In subsection (1) "children with special needs" means children who have particular needs which would be special educational needs if those children were in England and Wales.

(3) Where a local education authority make arrangements under this section in respect of a child, those arrangements may in particular include contributing to or paying—
- (a) fees charged by the institution,
- (b) expenses reasonably incurred in maintaining him while he is at the institution or travelling to or from it,
- (c) his travelling expenses, and
- (d) expenses reasonably incurred by any person accompanying him while he is travelling or staying at the institution.

(4) This section is without prejudice to any other powers of a local education authority.

Identification and assessment of children with special educational needs

321 General duty of local education authority towards children for whom they are responsible.

(1) A local education authority shall exercise their powers with a view to securing that, of the children for whom they are responsible, they identify those to whom subsection (2) below applies.

(2) This subsection applies to a child if—
- (a) he has special educational needs, and
- (b) it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.

(3) For the purposes of this Part a local education authority are responsible for a child if he is in their area and—
- (a) he is a registered pupil at a **[**[F321]maintained school**]**,
- **[**[F322](b) education is provided for him at a school which is not a maintained school but is so provided at the expense of the authority,**]**
- (c) he does not come within paragraph (a) or (b) above but is a registered pupil at a school and has been brought to the authority's attention as having (or probably having) special educational needs, or
- (d) he is not a registered pupil at a school but is not under the age of two or over compulsory school age and has been brought to their attention as having (or probably having) special educational needs.

Textual Amendments

F321 Words in s. 321(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 76(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, SCh. 1

F322 S. 321(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 76(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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322 Duty of Health Authority or local authority to help local education authority.

(1) Where it appears to a local education authority that any Health Authority **[**[F323]Primary Care Trust**]** or local authority could, by taking any specified action, help in the exercise of any of their functions under this Part, they may request the help of the authority **[**[F323]or trust**]**, specifying the action in question.

(2) An authority **[**[F324]or a trust**]** whose help is so requested shall comply with the request unless—

(a) they consider that the help requested is not necessary for the purpose of the exercise by the local education authority of those functions, or

(b) subsection (3) applies.

(3) This subsection applies—

(a) in the case of a Health Authority **[**[F325]or Primary Care Trust**]**, if that authority **[**[F325]or trust**]**consider that, having regard to the resources available to them for the purpose of the exercise of their functions under the [M6]National Health Service Act 1977, it is not reasonable for them to comply with the request, or

(b) in the case of a local authority, if that authority consider that the request is not compatible with their own statutory or other duties and obligations or unduly prejudices the discharge of any of their functions.

(4) Regulations may provide that, where an authority **[**[F326]or a trust**]** are under a duty by virtue of subsection (2) to comply with a request to help a local education authority in the making of an assessment under section 323 or a statement under section 324 of this Act, they must, subject to prescribed exceptions, comply with the request within the prescribed period.

(5) In this section "local authority" means a county council, a county borough council, a district council (other than one for an area for which there is a county council), a London borough council or the Common Council of the City of London.

Textual Amendments

F323 Words in s. 322(1) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 32(2)(a)(i)(ii)** (with s. 2(5))

F324 Words in s. 322(2) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 32(2)(b)** (with s. 2(5))

F325 Words in s. 322(3)(a) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 32(2)(c)(i)(ii)** (with s. 2(5))

F326 Words in s. 322(4) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 32(2)(d)** (with 2(5))

Marginal Citations

M6 1977 c. 49.

323 Assessment of educational needs.

(1) Where a local education authority are of the opinion that a child for whom they are responsible falls, or probably falls, within subsection (2), they shall serve a notice on the child's parent informing him—

(a) that they propose to make an assessment of the child's educational needs,

(b) of the procedure to be followed in making the assessment,

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(c) of the name of the officer of the authority from whom further information may be obtained, and

(d) of the parent's right to make representations, and submit written evidence, to the authority within such period (which must not be less than 29 days beginning with the date on which the notice is served) as may be specified in the notice.

(2) A child falls within this subsection if—

(a) he has special educational needs, and

(b) it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.

(3) Where—

(a) a local education authority have served a notice under subsection (1) and the period specified in the notice in accordance with subsection (1)(d) has expired, and

(b) the authority remain of the opinion, after taking into account any representations made and any evidence submitted to them in response to the notice, that the child falls, or probably falls, within subsection (2),

they shall make an assessment of his educational needs.

(4) Where a local education authority decide to make an assessment under this section, they shall give notice in writing to the child's parent of that decision and of their reasons for making it.

(5) Schedule 26 has effect in relation to the making of assessments under this section.

(6) Where, at any time after serving a notice under subsection (1), a local education authority decide not to assess the educational needs of the child concerned they shall give notice in writing to the child's parent of their decision.

324 Statement of special educational needs.

(1) If, in the light of an assessment under section 323 of any child's educational needs and of any representations made by the child's parent in pursuance of Schedule 27, it is necessary for the local education authority to determine the special educational provision which any learning difficulty he may have calls for, the authority shall make and maintain a statement of his special educational needs.

(2) The statement shall be in such form and contain such information as may be prescribed.

(3) In particular, the statement shall—

(a) give details of the authority's assessment of the child's special educational needs, and

(b) specify the special educational provision to be made for the purpose of meeting those needs, including the particulars required by subsection (4).

(4) The statement shall—

(a) specify the type of school or other institution which the local education authority consider would be appropriate for the child,

(b) if they are not required under Schedule 27 to specify the name of any school in the statement, specify the name of any school or institution (whether in the

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United Kingdom or elsewhere) which they consider would be appropriate for the child and should be specified in the statement, and

(c) specify any provision for the child for which they make arrangements under section 319 and which they consider should be specified in the statement.

(5) Where a local education authority maintain a statement under this section, then—

(a) unless the child's parent has made suitable arrangements, the authority—

(i) shall arrange that the special educational provision specified in the statement is made for the child, and

(ii) may arrange that any non-educational provision specified in the statement is made for him in such manner as they consider appropriate, and

(b) if the name of a **[**[F327]maintained school**]** is specified in the statement, the governing body of the school shall admit the child to the school.

[[F328](5A) Subsection (5)(b) has effect regardless of any duty imposed on the governing body of a school by section 1(6) of the School Standards and Framework Act 1998.**]**

(6) Subsection (5)(b) does not affect any power to exclude from a school a pupil who is already a registered pupil there.

(7) Schedule 27 has effect in relation to the making and maintenance of statements under this section.

Textual Amendments

F327 Words in s. 324(5)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 77(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F328 S. 324(5A) inserted (1.10.1998) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 77(b)** (with ss. 138(9), 144(6))

Modifications etc. (not altering text)

C20 S. 324(5)(b)(5A) applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, **2-8**
S. 324(5)(b)(5A) applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(a), **2-8**

325 Appeal against decision not to make statement.

(1) If, after making an assessment under section 323 of the educational needs of any child for whom no statement is maintained under section 324, the local education authority do not propose to make such a statement, they shall give notice in writing of their decision, and of the effect of subsection (2) below, to the child's parent.

(2) In such a case, the child's parent may appeal to the Tribunal against the decision.

(3) On an appeal under this section, the Tribunal may—

(a) dismiss the appeal,

(b) order the local education authority to make and maintain such a statement, or

(c) remit the case to the authority for them to reconsider whether, having regard to any observations made by the Tribunal, it is necessary for the authority to determine the special educational provision which any learning difficulty the child may have calls for.

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326 Appeal against contents of statement.

(1) The parent of a child for whom a local education authority maintain a statement under section 324 may—

(a) when the statement is first made,

(b) where the description in the statement of the authority's assessment of the child's special educational needs, or the special educational provision specified in the statement, is amended, or

(c) where, after conducting an assessment of the educational needs of the child under section 323, the local education authority determine not to amend the statement,

appeal to the Tribunal against the description in the statement of the authority's assessment of the child's special educational needs, the special educational provision specified in the statement or, if no school is named in the statement, that fact.

(2) Subsection (1)(b) does not apply where the amendment is made in pursuance of—

(a) paragraph 8 (change of named school) or 11(3)(b) (amendment ordered by Tribunal) of Schedule 27, or

(b) directions under section 442 (revocation of school attendance order);

and subsection (1)(c) does not apply to a determination made following the service of notice under paragraph 10 (amendment by LEA) of Schedule 27 of a proposal to amend the statement.

(3) On an appeal under this section, the Tribunal may—

(a) dismiss the appeal,

(b) order the authority to amend the statement, so far as it describes the authority's assessment of the child's special educational needs or specifies the special educational provision, and make such other consequential amendments to the statement as the Tribunal think fit, or

(c) order the authority to cease to maintain the statement.

(4) On an appeal under this section the Tribunal shall not order the local education authority to specify the name of any school in the statement (either in substitution for an existing name or in a case where no school is named) unless—

(a) the parent has expressed a preference for the school in pursuance of arrangements under paragraph 3 (choice of school) of Schedule 27, or

(b) in the proceedings the parent, the local education authority, or both have proposed the school.

(5) Before determining any appeal under this section the Tribunal may, with the agreement of the parties, correct any deficiency in the statement.

VALID FROM 11/05/2001

[F329 326A Unopposed appeals

(1) This section applies if—

(a) the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority, and

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(b) the authority notifies the Tribunal that they have determined that they will not, or will no longer, oppose the appeal.

(2) The appeal is to be treated as having been determined in favour of the appellant.

(3) If an appeal is treated as determined in favour of the appellant as a result of subsection (2), the Tribunal is not required to make any order.

(4) Before the end of the prescribed period, the authority must—

(a) in the case of an appeal under section 325, make a statement under section 324 of the child's educational needs,

(b) in the case of an appeal under section 328, 329 or 329A, make an assessment of the child's educational needs,

(c) in the case of an appeal under paragraph 8(3) of Schedule 27 against a determination of the authority not to comply with the parent's request, comply with the request.

(5) An authority required by subsection (4)(a) to make a statement under section 324 must maintain the statement under that section.

(6) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.**]**

Textual Amendments

F329 S. 326A inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, **ss. 5**, 43(4)(b) (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, art. 5, **Sch. Pt. II**

327 Access for local education authority to certain schools.

(1) This section applies where—

(a) a local education authority maintain a statement for a child under section 324, and

[[F330](b) in pursuance of the statement education is provided for the child at a school maintained by another local education authority.**]**

(2) Any person authorised by the local education authority shall be entitled to have access at any reasonable time to the premises of any such school for the purpose of monitoring the special educational provision made in pursuance of the statement for the child at the school.

Textual Amendments

F330 S. 327(1)(b) substituted (1.9.1999) for s. 327(1)(b)(i)-(iii) by 1998 c. 31, s. 140(1), **Sch. 30 para.78** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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328 Reviews of educational needs.

(1) Regulations may prescribe the frequency with which assessments under section 323 are to be repeated in respect of children for whom statements are maintained under section 324.

(2) Where—

(a) the parent of a child for whom a statement is maintained under section 324 asks the local education authority to arrange for an assessment to be made in respect of the child under section 323,

(b) no such assessment has been made within the period of six months ending with the date on which the request is made, and

(c) it is necessary for the authority to make a further assessment under section 323,

the authority shall comply with the request.

(3) If in any case where subsection (2)(a) and (b) applies the authority determine not to comply with the request—

(a) they shall give notice of that fact and of the effect of paragraph (b) below to the child's parent, and

(b) the parent may appeal to the Tribunal against the determination.

(4) On an appeal under subsection (3) the Tribunal may—

(a) dismiss the appeal, or

(b) order the authority to arrange for an assessment to be made in respect of the child under section 323.

(5) A statement under section 324 shall be reviewed by the local education authority—

(a) on the making of an assessment in respect of the child concerned under section 323, and

(b) in any event, within the period of 12 months beginning with the making of the statement or, as the case may be, with the previous review.

(6) Regulations may make provision—

(a) as to the manner in which reviews of such statements are to be conducted,

(b) as to the participation in such reviews of such persons as may be prescribed, and

(c) in connection with such other matters relating to such reviews as the Secretary of State considers appropriate.

329 Assessment of educational needs at request of child's parent.

(1) Where—

(a) the parent of a child for whom a local education authority are responsible but for whom no statement is maintained under section 324 asks the authority to arrange for an assessment to be made in respect of the child under section 323,

(b) no such assessment has been made within the period of six months ending with the date on which the request is made, and

(c) it is necessary for the authority to make an assessment under that section,

the authority shall comply with the request.

(2) If in any case where subsection (1)(a) and (b) applies the authority determine not to comply with the request—

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) they shall give notice of that fact and of the effect of paragraph (b) below to the child's parent, and

(b) the parent may appeal to the Tribunal against the determination.

(3) On an appeal under subsection (2) the Tribunal may—

(a) dismiss the appeal, or

(b) order the authority to arrange for an assessment to be made in respect of the child under section 323.

VALID FROM 15/06/2001

[F331 329A Review or assessment of educational needs at request of responsible body

(1) This section applies if—

(a) a child is a registered pupil at a relevant school (whether or not he is a child in respect of whom a statement is maintained under section 324),

(b) the responsible body asks the local education authority to arrange for an assessment to be made in respect of him under section 323, and

(c) no such assessment has been made within the period of six months ending with the date on which the request is made.

(2) If it is necessary for the authority to make an assessment or further assessment under section 323, they must comply with the request.

(3) Before deciding whether to comply with the request, the authority must serve on the child's parent a notice informing him—

(a) that they are considering whether to make an assessment of the child's educational needs,

(b) of the procedure to be followed in making the assessment,

(c) of the name of their officer from whom further information may be obtained, and

(d) of the parent's right to make representations, and submit written evidence, to them before the end of the period specified in the notice ("the specified period").

(4) The specified period must not be less than 29 days beginning with the date on which the notice is served.

(5) The authority may not decide whether to comply with the request until the specified period has expired.

(6) The authority must take into account any representations made, and any evidence submitted, to them in response to the notice.

(7) If, as a result of this section, a local education authority decide to make an assessment under section 323, they must give written notice to the child's parent and to the responsible body which made the request, of the decision and of their reasons for making it.

(8) If, after serving a notice under subsection (3), the authority decide not to assess the educational needs of the child—

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Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) they must give written notice of the decision and of their reasons for making it to his parent and to the responsible body which made the request, and
(b) the parent may appeal to the Tribunal against the decision.

(9) A notice given under subsection (8)(a) to the child's parent must—
(a) inform the parent of his right to appeal, and
(b) contain such other information (if any) as may be prescribed.

(10) On an appeal under subsection (8) the Tribunal may—
(a) dismiss it, or
(b) order the authority to arrange for an assessment to be made in respect of the child under section 323.

(11) This section applies to a child for whom relevant nursery education is provided as it applies to a child who is a registered pupil at a relevant school.

(12) "Relevant school" means—
(a) a maintained school,
(b) a maintained nursery school,
(c) a pupil referral unit,
(d) an independent school,
(e) a school approved under section 342.

(13) "The responsible body" means—
(a) in relation to a maintained nursery school or a pupil referral unit, the head teacher,
(b) in relation to any other relevant school, the proprietor or head teacher, and
(c) in relation to a provider of relevant nursery education, the person or body of persons responsible for the management of the provision of that nursery education.

(14) "Relevant nursery education" has the same meaning as in section 123 of the School Standards and Framework Act 1998, except that it does not include nursery education provided by a local education authority at a maintained nursery school.

(15) "Prescribed", in relation to Wales, means prescribed in regulations made by the National Assembly for Wales.**]**

Textual Amendments

F331 S. 329A inserted (15.6.2001 for certain purposes and 1.1.2002 otherwise for E., 21.1.2002 for certain purposes and 1.4.2002 otherwise for W.) by 2001 c. 10, s. 8 (with s. 43(13)); S.I. 2001/2217, arts, 4, 5, Sch. Pts. I, II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **arts. 4**, **5**, Sch. Pts. I, II

Modifications etc. (not altering text)

C21 S. 329A modified (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(9)(b)**, 162 (with s. 159)

330

. . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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331 Assessment of educational needs of children under two.

(1) Where a local education authority are of the opinion that a child in their area who is under the age of two falls, or probably falls, within subsection (2)—

(a) they may, with the consent of his parent, make an assessment of the child's educational needs, and

(b) they shall make such an assessment if requested to do so by his parent.

(2) A child falls within this subsection if—

(a) he has special educational needs, and

(b) it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.

(3) An assessment under this section shall be made in such manner as the authority consider appropriate.

(4) After making an assessment under this section, the authority—

(a) may make a statement of the child's special educational needs, and

(b) may maintain that statement,

in such manner as they consider appropriate.

332 Duty of Health Authority or National Health Service trust to notify parent etc.

(1) This section applies where a Health Authority **[**[F332], a Primary Care Trust**]** or a National Health Service trust, in the course of exercising any of their functions in relation to a child who is under **[**[F333]compulsory school age**]**, form the opinion that he has (or probably has) special educational needs.

(2) The Authority or trust—

(a) shall inform the child's parent of their opinion and of their duty under paragraph (b), and

(b) after giving the parent an opportunity to discuss that opinion with an officer of the Authority or trust, shall bring it to the attention of the appropriate local education authority.

(3) If the Authority or trust are of the opinion that a particular voluntary organisation is likely to be able to give the parent advice or assistance in connection with any special educational needs that the child may have, they shall inform the parent accordingly.

Textual Amendments

F332 Words in s. 332(1) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 32(3)** (with s. 2(5))

F333 Words in s. 332(1) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 24**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 01/01/2002

[F334 *General duties of local education authorities*

Textual Amendments

F334 S. 332A and preceding cross-heading inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 2 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **art. 5**, Sch. Pt. II

332A Advice and information for parents

(1) A local education authority must arrange for the parent of any child in their area with special educational needs to be provided with advice and information about matters relating to those needs.

(2) In making the arrangements, the authority must have regard to any guidance given—
- (a) for England, by the Secretary of State,
- (b) for Wales, by the National Assembly for Wales.

(3) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
- (a) the parents of children in their area,
- (b) the head teachers and proprietors of schools in their area, and
- (c) such other persons as they consider appropriate.

[F335 332B Resolution of disputes

(1) A local education authority must make arrangements with a view to avoiding or resolving disagreements between authorities (on the one hand) and parents of children in their area (on the other) about the exercise by authorities of functions under this Part.

(2) A local education authority must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.

(3) The arrangements must provide for the appointment of independent persons with the function of facilitating the avoidance or resolution of such disagreements.

(4) In making the arrangements, the authority must have regard to any guidance given—
- (a) for England, by the Secretary of State,
- (b) for Wales, by the National Assembly for Wales.

(5) The authority must take such steps as they consider appropriate for making the arrangements made under subsections (1) and (2) known to—
- (a) the parents of children in their area,
- (b) the head teachers and proprietors of schools in their area, and
- (c) such other persons as they consider appropriate.

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(6) The arrangements cannot affect the entitlement of a parent to appeal to the Tribunal.

(7) In this section—

"authorities" means the governing bodies of maintained schools and the local education authority,

"relevant child" means a child who has special educational needs and is a registered pupil at a relevant school.

(8) For the purposes of this section a school is a relevant school in relation to a child if it is—

(a) a maintained school or a maintained nursery school,

(b) a pupil referral unit,

(c) a city technology college, a city college for the technology of the arts or a city academy,

(d) an independent school named in the statement maintained for the child under section 324, or

(e) a school approved under section 342.**]]**

Textual Amendments

F335 S. 332B inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 3 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **art. 5**, Sch. Pt. II

Special Educational Needs Tribunal

333 Constitution of Tribunal.

(1) There shall continue to be a tribunal known as the Special Educational Needs Tribunal which shall exercise the jurisdiction conferred on it by this Part.

(2) There shall be appointed—

(a) a President of the Tribunal (referred to in this Part as "the President"),

(b) a panel of persons (referred to in this Part as "the chairmen's panel") who may serve as chairman of the Tribunal, and

(c) a panel of persons (referred to in this Part as "the lay panel") who may serve as the other two members of the Tribunal apart from the chairman.

(3) The President and the members of the chairmen's panel shall each be appointed by the Lord Chancellor.

(4) The members of the lay panel shall each be appointed by the Secretary of State.

(5) Regulations may—

(a) provide for the jurisdiction of the Tribunal to be exercised by such number of tribunals as may be determined from time to time by the President, and

(b) make such other provision in connection with the establishment and continuation of the Tribunal as the Secretary of State considers necessary or desirable.

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(6) The Secretary of State may, with the consent of the Treasury, provide such staff and accommodation as the Tribunal may require.

Modifications etc. (not altering text)
C22 S. 333(5) and (6) applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

334 The President and members of the panels.

(1) No person may be appointed President or member of the chairmen's panel unless he has a seven year general qualification (within the meaning of section 71 of the [M7]Courts and Legal Services Act 1990).

(2) No person may be appointed member of the lay panel unless he satisfies such requirements as may be prescribed.

(3) If, in the opinion of the Lord Chancellor, the President is unfit to continue in office or is incapable of performing his duties, the Lord Chancellor may revoke his appointment.

(4) Each member of the chairmen's panel or lay panel shall hold and vacate office under the terms of the instrument under which he is appointed.

(5) The President or a member of the chairmen's panel or lay panel—
(a) may resign office by notice in writing to the Lord Chancellor or (as the case may be) the Secretary of State, and
(b) is eligible for re-appointment if he ceases to hold office.

Modifications etc. (not altering text)
C23 S. 334(2) applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations
M7 1990 c. 41.

335 Remuneration and expenses.

(1) The Secretary of State may pay to the President, and to any other person in respect of his service as a member of the Tribunal, such remuneration and allowances as the Secretary of State may, with the consent of the Treasury, determine.

(2) The Secretary of State may defray the expenses of the Tribunal to such amount as he may, with the consent of the Treasury, determine.

Modifications etc. (not altering text)
C24 S. 335 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

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336 Tribunal procedure.

(1) Regulations may make provision about the proceedings of the Tribunal on an appeal under this Part and the initiation of such an appeal.

(2) The regulations may, in particular, include provision—

(a) as to the period within which, and the manner in which, appeals are to be instituted,

(b) where the jurisdiction of the Tribunal is being exercised by more than one tribunal—

(i) for determining by which tribunal any appeal is to be heard, and

(ii) for the transfer of proceedings from one tribunal to another,

(c) for enabling any functions which relate to matters preliminary or incidental to an appeal to be performed by the President, or by the chairman,

(d) for the holding of hearings in private in prescribed circumstances,

(e) for hearings to be conducted in the absence of any member other than the chairman,

(f) as to the persons who may appear on behalf of the parties,

(g) for granting any person such discovery or inspection of documents or right to further particulars as might be granted by a county court,

(h) requiring persons to attend to give evidence and produce documents,

(i) for authorising the administration of oaths to witnesses,

(j) for the determination of appeals without a hearing in prescribed circumstances,

(k) as to the withdrawal of appeals,

(l) for the award of costs or expenses,

(m) for taxing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be taxed in the county court),

(n) for the registration and proof of decisions and orders, and

(o) for enabling the Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.

(3) The Secretary of State may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as he may, with the consent of the Treasury, determine.

(4) Part I of the [M8]Arbitration Act 1996 shall not apply to any proceedings before the Tribunal but regulations may make provision corresponding to any provision of that Act.

(5) Any person who without reasonable excuse fails to comply with—

(a) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of subsection (2)(g), or

(b) any requirement imposed by the regulations by virtue of subsection (2)(h),

is guilty of an offence.

(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Modifications etc. (not altering text)

C25 S. 336 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations

M8 1996 c. 23.

VALID FROM 31/03/2003

[F336 336ZA Special Educational Needs Tribunal for Wales

(1) There shall be a tribunal to be known as Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales.

(2) Sections 333 to 336 shall apply in relation to that tribunal as they apply in relation to the Special Educational Needs and Disability Tribunal, but as if—

(a) functions of the Secretary of State were functions of the National Assembly for Wales,

(b) references to the Secretary of State were references to the National Assembly for Wales,

(c) requirements for the Treasury's consent were omitted.

(3) The powers of the National Assembly for Wales under sections 333(4) and (5) and 334(2) are exercisable only with the agreement of the Secretary of State.]

Textual Amendments

F336 S. 336ZA inserted (31.3.2003) by Education Act 2002 (c. 32), ss. 195, 216(3), **Sch. 18 para. 5** (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, **art. 5**, Sch. Pt. II

VALID FROM 11/05/2001

[F337 336A Compliance with orders

(1) If the Tribunal makes an order, the local education authority concerned must comply with the order before the end of the prescribed period beginning with the date on which it is made.

(2) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.]

Textual Amendments

F337 S. 336A inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, **ss. 4**, 43(4)(a) (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, art. 5, **Sch. Pt. II**

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CHAPTER II

SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

Special schools

[F338 337 Special schools.

(1) A school is a special school if it is specially organised to make special educational provision for pupils with special educational needs.

(2) There are the following categories of special school—

(a) special schools maintained by local education authorities, comprising—

(i) community special schools, and

(ii) foundation special schools; and

(b) special schools which are not so maintained but are for the time being approved by the Secretary of State under section 342.**]**

Textual Amendments

F338 S. 337 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.80** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

Establishment etc. of special schools

F339 338 . . . . . .

Textual Amendments

F339 S. 338 omitted (1.4.1999) by virtue of 1998 c. 31, s. 140(1), **Sch. 30 para. 81** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; ss. 338-341 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 81, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F340 339 . . . . . .

Textual Amendments

F340 S. 339 repealed (1.4.1999 so far as relating to the omission of s. 339(2) and certain words in s. 339(4)(a) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 81, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

F341 340 . . . . . .

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Textual Amendments

F341 S. 340 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.81, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/704, **regs. 7**, 8, 14(2)(g)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F342]341 . . . . . .

Textual Amendments

F342 S. 341 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 81, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/704, **regs. 8**, 14(2)(g) and S.I. 1999/2323, **art. 17(b)**); S.I. 1999/2323, art. 2(1), **Sch. 1**

***[F343** Approval of non-maintained special schools]*

Textual Amendments

F343 S. 342 and crossheading substituted for s. 342 (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 82** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F344X1342A Approval of non-maintained special schools.

(1) The Secretary of State may approve under this section any school which—
  (a) is specially organised to make special educational provision for pupils with special educational needs, and
  (b) is not a community or foundation special school,
and may give his approval before or after the school is established.

(2) Regulations may make provision as to the requirements which are to be complied with as a condition of approval under subsection (1) above.

(3) Any school which was a special school immediately before 1st April 1994 shall be treated, subject to subsection (4) below, as approved under this section.

(4) Regulations may make provision as to—
  (a) the requirements which are to be complied with by a school while approved under this section, and
  (b) the withdrawal of approval from a school (including approval treated as given under subsection (3)) at the request of the proprietor or on the ground that there has been a failure to comply with any prescribed requirement.

(5) Without prejudice to the generality of subsections (2) and (4), the requirements which may be imposed by the regulations include requirements—
  (a) which call for arrangements to be approved by the Secretary of State, or
  (b) as to the organisation of any special school as a primary school or as a secondary school.

(6) Regulations shall make provision for securing that, so far as practicable, every pupil attending a special school approved under this section—

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(a) receives religious education and attends religious worship, or
(b) is withdrawn from receiving such education or from attendance at such worship in accordance with the wishes of his parent.]

Editorial Information

X1 S. 342: With effect from 1.9.1999 s. 342 became subsumed by new cross-heading "Approval of non-maintained special schools". Versions of this provision as it stood at any time before that date cannot be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 1.9.1999 or navigate via the Chapter II heading.

Textual Amendments

F344 S. 342 and cross-heading substituted for s. 342 (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 82** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

X2F345343 . . . . . .

Editorial Information

X2 S. 343: With effect from 1.9.1999, a new cross-heading "Approval of non-maintained special schools" was inserted before s. 342. Versions ofs. 343 as it stood at any time before that date cannot now be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 1.9.1999 or navigate via the Chapter II heading.

Textual Amendments

F345 S. 343 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Government etc. of special schools

F346344 . . . . . .

Textual Amendments

F346 S. 344 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, art. 5, Sch. 7 paras. 2, **10**); S.I. 1999/2323, art, 2(1), Sch. 1

Maintained special school becoming grant-maintained

F347345 . . . . . .

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Textual Amendments

F347 S. 345 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

Grouping of grant-maintained special schools

[F348]346 . . . . . .

Textual Amendments

F348 S. 346 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

Independent schools providing special education

347 Approval of independent schools.

(1) The Secretary of State may approve an independent school as suitable for the admission of children for whom statements are maintained under section 324.

(2) Regulations may make provision as to—
- (a) the requirements which are to be complied with by a school as a condition of its approval under this section,
- (b) the requirements which are to be complied with by a school while an approval under this section is in force in respect of it, and
- (c) the withdrawal of approval from a school at the request of the proprietor or on the ground that there has been a failure to comply with any prescribed requirement.

(3) An approval under this section may be given subject to such conditions (in addition to those prescribed) as the Secretary of State sees fit to impose.

(4) In any case where there is a failure to comply with such a condition imposed under subsection (3), the Secretary of State may withdraw his approval.

(5) No person shall so exercise his functions under this Part that a child with special educational needs is educated in an independent school unless—
- (a) the school is for the time being approved by the Secretary of State as suitable for the admission of children for whom statements are maintained under section 324, or
- (b) the Secretary of State consents to the child being educated there.

348 Provision of special education at non-maintained schools.

(1) This section applies where—
- (a) special educational provision in respect of a child with special educational needs is made at a school which is not a maintained school, and

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(b) either the name of the school is specified in a statement in respect of the child under section 324 or the local education authority are satisfied—

(i) that his interests require the necessary special educational provision to be made for him at a school which is not a maintained school, and

(ii) that it is appropriate for the child to be provided with education at the particular school.

(2) Where this section applies, the local education authority shall pay the whole of the fees payable in respect of the education provided for the child at the school, and if—

(a) board and lodging are provided for him at the school, and

(b) the authority are satisfied that the necessary special educational provision cannot be provided for him at the school unless the board and lodging are also provided,

the authority shall pay the whole of the fees payable in respect of the board and lodging.

[[F349](3) In this section "maintained school" means a school maintained by a local education authority.**]**

Textual Amendments

F349 S. 348(3) substituted (1.9.1999) for s. 348(3)(a)-(c) by 1998 c. 31, s. 140(1), **Sch. 30 para.84** (with ss. 138(9), 144(6))

Variation of deeds

349 Variation of trust deeds etc. by order.

(1) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to a school as, after consultation with the governing body or other proprietor of the school, appear to him to be necessary to enable the governing body or proprietor to meet any requirement imposed by regulations under section 342 or 347.

(2) Any modification made by an order under this section may be made to have permanent effect or to have effect for such period as may be specified in the order.

PART V

THE CURRICULUM

Modifications etc. (not altering text)

C26 Pt. V (ss. 350-410) modified (1.9.1999) by S.I. 1999/2262, **reg. 57**

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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CHAPTER I

PRELIMINARY

350 Meaning of "maintained school" etc. in Part V.

[[F350](1) In this Part "maintained school" means—

(a) any community, foundation or voluntary school; or

(b) except where otherwise stated, any community or foundation special school not established in a hospital.**]**

(2) In this Part "assess" includes examine and test, and related expressions shall be construed accordingly.

Textual Amendments

F350 S. 350(1)(a)(b) substituted (1.9.1999) for s. 350(1)(a)-(c) by 1998 c. 31, s. 140(1), **Sch. 30 para. 85** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

351 General duties in respect of the curriculum.

(1) The curriculum for a school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—

(a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and

(b) prepares pupils at the school for the opportunities, responsibilities and experiences of adult life.

(2) The Secretary of State shall exercise his functions with a view to securing that the curriculum for every maintained school satisfies the requirements of this section.

(3) Every local education authority shall exercise their functions with a view to securing that the curriculum for every maintained school which they maintain satisfies the requirements of this section.

(4) The governing body and head teacher of every maintained school shall exercise their functions with a view to securing that the curriculum for the school satisfies the requirements of this section.

(5) The functions referred to in subsections (2) to (4) include in particular functions conferred by this Part in relation to religious education, religious worship and the National Curriculum.

352 Basic curriculum for every maintained school.

(1) The curriculum for every maintained school shall comprise a basic curriculum which includes—

(a) provision for religious education for all registered pupils at the school (in accordance with such of the provisions of **[**[F351]Schedule 19 to the School Standards and Framework Act 1998**]** as apply in relation to the school),

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(b) a curriculum for all registered pupils at the school of compulsory school age (known as "the National Curriculum") which meets the requirements of section 353,

(c) in the case of a secondary school, provision for sex education for all registered pupils at the school, and

(d) in the case of a special school, provision for sex education for all registered pupils at the school who are provided with secondary education.

(2) Subsection (1)(a) does not apply in the case of a maintained special school (provision as to religious education in special schools being made by regulations under section 342(6)).

(3) In this Act "sex education" includes education about—

(a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and

(b) any other sexually transmitted disease.

Textual Amendments

F351 Words in s. 352(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.86** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

Modifications etc. (not altering text)

C27 S. 352(1)(a) explained (1.10.1998) by 1998 c. 31, **s. 69(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

C28 S. 352(1)(a) modified (1.9.1999) by 1998 c. 31, s. 69, Sch. 19 paras. 2(2)(4), 3(2)(4), **4(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
S. 352(1)(a) modified (1.10.1998 for certain purposes and otherwise 1.9.1999) by 1998 c. 31, s. 69, Sch. 19 paras. 2(4), **3(4)** (with ss. 138(9), 144(6)); 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. I** and 1.9.1999 by S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER II

SECULAR EDUCATION

The National Curriculum: general

353 The National Curriculum.

The National Curriculum shall comprise the core and other foundation subjects and specify in relation to each of them—

(a) the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of each key stage (referred to in this Part as "attainment targets"),

(b) the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during each key stage (referred to in this Part as "programmes of study"), and

(c) the arrangements for assessing pupils in respect of each key stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage (referred to in this Part as "assessment arrangements").

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354 The core subjects and other foundation subjects.

[[F352](1) The following are the core subjects–

(a) mathematics;

(b) English;

(c) science; and

(d) in relation to schools in Wales which are Welsh-speaking schools, Welsh.

(2) In relation to schools in England, the following are the other foundation subjects–

(a) technology;

(b) physical education;

(c) in relation to the first, second and third key stages–

(i) history;

(ii) geography;

(iii) art and design;

(iv) music;

(d) in relation to the third and fourth key stages–

(i) citizenship;

(ii) a modern foreign language.

(3) In relation to schools in Wales, the following are the other foundation subjects–

(a) physical education;

(b) Welsh, if the school is not a Welsh-speaking school;

(c) in relation to the first, second and third key stages–

(i) history;

(ii) geography;

(iii) art;

(iv) music;

(v) technology;

(d) in relation to the third key stage, a modern foreign language.

(4) "Modern foreign language"–

(a) in relation to schools in England, means a modern foreign language specified in an order of the Secretary of State, or, if the order so provides, any modern foreign language; and

[[F353](b) in relation to schools in Wales, means a modern foreign language specified in an order of the National Assembly for Wales, or if the order so provides, any modern foreign language**]**.

(5) An order under subsection (4)(a) **[**[F353]or (b)**]** may–

(a) specify circumstances in which a language is not to be treated as a foundation subject;

(b) provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.**]**

(6) The Secretary of State may by order amend subsections (1) to (5).

(7) In this section "school" includes part of a school.

(8) For the purposes of this section a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh—

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(a) religious education, and
(b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.

Textual Amendments

F352 S. 354(1)-(5) substituted (E.) (2.5.2000 in accordance with article 1 of S.I. 2000/1146) by S.I. 2000/1146, **arts. 1**, 2

F353 S. 354(1)-(5) substituted (E.) (2.5.2000 in accordance with article 1 of S.I. 2000/1146) by S.I. 2000/1146, **arts. 1**, 2 and by S.I. 2000/1882, arts. 2-4, **Sch. 2** it is provided (20.7.2000) that the said substitution shall have effect in Wales subject to the further amendments set out in art. 3 therein (and duly reflected in the text of this version of s. 354)

355 The key stages.

(1) The key stages in relation to a pupil are—
(a) the period beginning with his becoming of compulsory school age and ending at the same time as the school year in which the majority of pupils in his class attain the age of seven ("the first key stage"),
(b) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of eight and ending at the same time as the school year in which the majority of pupils in his class attain the age of 11 ("the second key stage"),
(c) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of 12 and ending at the same time as the school year in which the majority of pupils in his class attain the age of 14 ("the third key stage"), and
(d) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of 15 and ending with the expiry of the school year in which the majority of pupils in his class cease to be of compulsory school age ("the fourth key stage").

(2) The Secretary of State may by order—
(a) amend subsection (1), or
(b) provide that, in relation to any subject specified in the order, subsection (1) shall have effect as if for the ages of seven and eight there mentioned there were substituted such other ages (less than 11 and 12 respectively) as may be specified in the order.

(3) The head teacher of a school may elect, in relation to a particular pupil and a particular subject, that subsection (1) shall have effect as if any reference to the school year in which the majority of pupils in that pupil's class attain a particular age were a reference to the school year in which that pupil attains that age.

(4) If at any time, in the case of a pupil of compulsory school age, subsection (1) does not, apart from this subsection, apply to determine the period within which that time falls, that subsection shall have effect as if—
(a) in the case of paragraphs (a) to (c), any reference to the school year in which the majority of pupils in that pupil's class attain a particular age were a reference to the school year in which that pupil attains that age, and

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(b) in the case of paragraph (d), the period were a period beginning at the same time as the school year in which he attains the age of 15 and ending when he ceases to be of compulsory school age.

(5) In this section—

"class", in relation to a particular pupil and a particular subject, means—

(a) the teaching group in which he is regularly taught that subject, or

(b) where there are two or more such groups, such one of them as may be designated by the head teacher of the school; [F354]. . .

[F354] . . .

Textual Amendments

F354 S. 355(5); definition of "school year" and the word immediately preceeding it repealed (14.6.1997) by 1997 c. 44, s. 57(4), **Sch.8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.I**

356 Establishment of the National Curriculum by order.

(1) The Secretary of State shall so exercise the powers conferred by subsection (2) as to—

(a) establish a complete National Curriculum as soon as is reasonably practicable (taking first the core subjects and then the other foundation subjects), and

(b) revise the National Curriculum whenever he considers it necessary or expedient to do so.

(2) The Secretary of State may by order specify in relation to each of the foundation subjects—

(a) such attainment targets,

(b) such programmes of study, and

(c) such assessment arrangements,

as he considers appropriate for that subject.

(3) An order made under subsection (2) may not require—

(a) the allocation of any particular period or periods of time during any key stage to the teaching of any programme of study or any matter, skill or process forming part of it, or

(b) the making in school timetables of provision of any particular kind for the periods to be allocated to such teaching during any such stage.

(4) An order under subsection (2) may, instead of containing the provisions to be made, refer to provisions in a document published **[**[F355]as specified in the order**]** and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.

(5) An order under subsection (2)(c)—

(a) may confer or impose such functions on—

(i) the governing body and the head teacher, and

(ii) [F356]. . . on the local education authority,

as appear to the Secretary of State to be required, and

(b) may specify any such assessment arrangements as may for the time being be made by a person specified in the order.

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(6) Provision shall be made for determining the extent to which any assessment arrangements, and the implementation of the arrangements, achieve the purpose for which the arrangements are made; and such provision may be made by or under the order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.

(7) The duties that may be imposed by virtue of subsection (5)(a) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (6), the duty to permit them—

(a) to enter the premises of the school,

(b) to observe the implementation of the arrangements, and

(c) to inspect, and take copies of, documents and other articles.

(8) An order under subsection (2)(c) may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order (other than provision conferring or imposing functions as mentioned in subsection (5)(a)) as appear to the Secretary of State to be expedient; and any provisions made under such an order shall, on being published **[**[F355]as specified in the order**]**, have effect for the purposes of this Part as if made by the order.

(9) The Secretary of State shall, in exercising his power under subsection (2), ensure that the subject of science does not include—

(a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus,

(b) any other sexually transmitted disease, or

(c) aspects of human sexual behaviour, other than biological aspects.

Textual Amendments

F355 Words in s. 356(4)(8) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 87(a)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

F356 Words in s. 356(5)(a)(ii) repealed (1.4.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 87(b), **Sch.31** (with s. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

357 Implementation of the National Curriculum in schools.

(1) In relation to any maintained school and any school year—

(a) the local education authority and the governing body shall exercise their functions with a view to securing, and

(b) the head teacher shall secure,

that the National Curriculum as subsisting at the beginning of that year is implemented.

[F357](2) . . . . . .

Textual Amendments

F357 S. 357(2) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 88, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

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The School Curriculum and Assessment Authority

[F358]358 . . . . . .

Textual Amendments

F358 S. 358 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt. I**

[F359]359 . . . . . .

Textual Amendments

F359 S. 359 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt. I**

The Curriculum and Assessment Authority for Wales

[F360]360 . . . . . .

Textual Amendments

F360 S. 360 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. I**

[F361]361 . . . . . .

Textual Amendments

F361 S. 361 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. I**

The National Curriculum: special cases

362 Development work and experiments.

(1) For the purpose of enabling development work or experiments to be carried out, the Secretary of State may direct in respect of a particular maintained school that, for such period as may be specified in the direction, the National Curriculum—

(a) shall not apply, or

(b) shall apply with such modifications as may be specified in the direction.

(2) A direction under subsection (1) may apply either generally or in such cases as may be specified in the direction.

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(3) In the case of **[**[F362]a community, voluntary controlled or community special school**]**, a direction shall not be given under subsection (1) except on an application—

(a) by the governing body with the agreement of the local education authority,

(b) by the local education authority with the agreement of the governing body, or

(c) by the appropriate curriculum authority with the agreement of both the local education authority and the governing body.

(4) In the case of **[**[F363]a foundation, voluntary aided or foundation special school**]**, a direction shall not be given under subsection (1) except on an application by the governing body or by the appropriate curriculum authority with the agreement of the governing body.

(5) The Secretary of State may make it a condition of a direction under subsection (1) that any person by whom or with whose agreement the request for the direction was made should, when so directed or at specified intervals, report to the Secretary of State on any matters specified by him.

(6) The Secretary of State may by a direction under this subsection vary or revoke a direction under subsection (1).

(7) In this section "the appropriate curriculum authority" means—

(a) in relation to England, **[**[F364]the Qualifications and Curriculum Authority**]**, and

(b) in relation to Wales, **[**[F364]the Qualifications, Curriculum and Assessment Authority for Wales**]**.

Textual Amendments

F362 Words in s. 362(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 89(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F363 Words in s. 362(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 89(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F364 Words in s. 362(7)(a)(b) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 27(a)(b)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III** (subject to savings in art. 4, Sch. 2 Pt. I para. 6)

363 Exceptions by regulations.

Regulations may provide that the National Curriculum, or such of the provisions of the National Curriculum as may be specified in the regulations—

(a) shall not apply, or

(b) shall apply with such modifications as may be specified in the regulations,

in such cases or circumstances as may be specified in the regulations.

364 Pupils with statements of special educational needs.

The special educational provision for any pupil specified in a statement under section 324 of his special educational needs may include provision—

(a) excluding the application of the National Curriculum, or

(b) applying the National Curriculum with such modifications as may be specified in the statement.

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365 Temporary exceptions for individual pupils.

(1) Regulations may enable the head teacher of a maintained school, in such cases or circumstances and subject to such conditions as may be prescribed, to direct in respect of a registered pupil at the school that, for such period as may be specified in the direction (the "operative period" of the direction), the National Curriculum—

(a) shall not apply, or

(b) shall apply with such modifications as may be specified in the direction.

(2) The conditions prescribed by the regulations shall, in particular, limit the operative period that may be specified in a direction to a maximum period specified in the regulations.

(3) Any maximum period specified (whether in relation to directions given under the regulations or in relation to directions given under the regulations in circumstances specified in the regulations) shall be either—

(a) a fixed period not exceeding six months, or

(b) a period determinable (in such manner as may be specified in the regulations) not later than six months from its beginning.

(4) Any maximum period so specified may, without prejudice to the generality of section 569(4) (which provides that regulations under this Act may make different provision for different cases or circumstances etc.), differ according to whether or not the direction in question is given in respect of a period beginning—

(a) immediately after the end of the operative period of a previous direction, or

(b) within such period after the end of the operative period of a previous direction as may be specified in the regulations.

(5) The regulations may enable the head teacher of a maintained school, in such cases or circumstances and subject to such conditions as may be prescribed—

(a) to revoke any direction given by him under the regulations, and

(b) to vary such a direction, except so as to extend its operative period.

(6) Before making any regulations under this section, the Secretary of State shall consult with any persons with whom consultation appears to him to be desirable.

366 Information concerning directions under section 365.

(1) Where a head teacher gives or varies a direction under regulations made under section 365, he shall, in such manner as may be prescribed, give the information mentioned in subsection (2)—

(a) to the governing body, and

(b) [F365]. . . to the local education authority by whom the school is maintained,

and shall take such steps as may be prescribed to give that information also to a parent of the pupil concerned.

(2) That information is—

(a) the fact that he has taken the action in question, its effect and his reasons for taking it;

(b) the provision that is being or is to be made for the pupil's education during the operative period of the direction; and

(c) either a description of the manner in which he proposes to secure the full implementation of the National Curriculum in relation to the pupil after the

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end of that period, or an indication that he has the opinion mentioned in subsection (3).

(3) That opinion is that the pupil has or probably has special educational needs by virtue of which the responsible authority would be required to determine the special educational provision that should be made for him (whether initially or on a review of any statement of his special educational needs which the authority are for the time being required under section 324 to maintain).

(4) Where—

(a) the head teacher of **[**[F366]a maintained school**]** includes an indication of any such opinion in information given under subsection (1), and

(b) the local education authority by whom the school is maintained are not the responsible authority in relation to pupil in question,

the head teacher shall also give that information, in such manner as may be prescribed, to the responsible authority.

[F367](5) . . . . . .

(6) Where the responsible authority receive information given to them under subsection **[**[F368]subsection (1) or (4)**]** which includes an indication that the head teacher has the opinion mentioned in subsection (3), they shall consider whether any action on their part is required in the case of the pupil concerned under section 323 (assessment of special educational needs).

(7) In this section "the responsible authority", in relation to a pupil, means the local education authority responsible for him for the purposes of Part IV.

Textual Amendments

F365 Words in s. 366(1)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 90(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F366 Words in s. 366(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 90(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F367 S. 366(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 90(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F368 Words in s. 366(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 90(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

367 Appeals against directions under section 365 etc.

(1) Where a head teacher—

(a) gives, revokes or varies a direction under regulations made under section 365,

(b) refuses to give, revoke or vary such a direction in response to a request made, in such manner and circumstances as may be prescribed by the regulations, by the parent of a registered pupil at the school, or

(c) following the making of such a request, fails within such period as may be prescribed by the regulations to give, revoke or vary such a direction in accordance with the request,

the parent of the pupil concerned may appeal to the governing body.

(2) On such an appeal, the governing body may—

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(a) confirm the head teacher's action, or
(b) direct the head teacher to take such action authorised by the regulations as they consider appropriate in the circumstances.

(3) The head teacher shall comply with any directions of the governing body given under subsection (2)(b).

(4) The governing body shall notify the appellant and the head teacher in writing of their decision on such an appeal.

The National Curriculum: supplementary provisions

368 Procedure for making certain orders and regulations.

(1) Subject to subsection (9), this section applies where the Secretary of State proposes to make—
(a) an order under section 354(6), 355(2) or 356(2)(a) or (b), or
(b) regulations under section 363.

(2) The Secretary of State shall refer the proposal to the appropriate curriculum authority and shall give them directions as to the time within which they are to report to him.

(3) The authority shall give notice of the proposal—
(a) to such associations of local education authorities, bodies representing the interests of school governing bodies and organisations representing school teachers as appear to the authority to be concerned, and
(b) to any other persons with whom consultation appears to the authority to be desirable,

and shall give them a reasonable opportunity of submitting evidence and representations as to the issues arising.

(4) The report of the authority to the Secretary of State shall contain—
(a) a summary of the views expressed during the consultations,
(b) the authority's recommendations as to the proposal, and
(c) such other advice relating to the proposal as the authority think fit.

(5) The authority shall, after submitting their report to the Secretary of State, arrange for the report to be published.

(6) Where the authority have reported to the Secretary of State, he shall publish in such manner as, in his opinion, is likely to bring them to the notice of persons having a special interest in education—
(a) a draft of the proposed order or regulations and any associated document, and
(b) a statement explaining his reasons for any failure to give effect to the recommendations of the authority,

and shall send copies of the documents mentioned in paragraphs (a) and (b) to the authority and to each of the persons consulted by the authority.

(7) The Secretary of State shall allow a period of not less than one month for the submission of evidence and representations as to the issues arising.

(8) When the period so allowed has expired, the Secretary of State may make the order or regulations, with or without modifications.

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(9) This section does not apply where—

(a) the Secretary of State proposes to make such an order as is, or such regulations as are, referred to in subsection (1), and

(b) arrangements for consultation about the proposed order or regulations were made before 1st September 1996 under section 242 of the [M9]Education Act 1993,

(and accordingly, the arrangements for consultation applicable in the case of the proposed order or regulations shall be those mentioned in paragraph (b) above).

(10) In subsection (2) "the appropriate curriculum authority" means—

(a) in relation to an order or regulations relating to maintained schools in England or pupils at such schools, **[**[F369]the Qualifications and Curriculum Authority**]**, and

(b) in relation to an order or regulations relating to maintained schools in Wales or pupils at such schools, **[**the Qualifications, Curriculum and Assessment Authority for Wales**]**.

Textual Amendments

F369 Words in s. 368(10)(a)(b) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 28(a)(b)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.III** (subject to savings in art. 4, Sch. 2 Pt. I para. 6)

Marginal Citations

M9 1993 c. 35.

369 Programmes of research etc. in relation to Wales.

The Secretary of State may incur expenses in connection with the commissioning by him of such work, including programmes of research, development and dissemination, as he may require to be carried out for the purpose of facilitating the discharge, in relation to Wales, of any of his functions under sections 354 to 356.

General functions of LEA, governing body and head teacher in relation to curriculum

[F370]370 . . . . . .

Textual Amendments

F370 S. 370 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

[F371]371 . . . . . .

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Textual Amendments

F371 S. 371 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

[F372]372 . . . . . .

Textual Amendments

F372 S. 372 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

[F373]373 . . . . . .

Textual Amendments

F373 S. 373 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

[F374]374 . . . . . .

Textual Amendments

F374 S. 374 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER III

RELIGIOUS EDUCATION AND WORSHIP

Agreed syllabuses

375 Agreed syllabuses of religious education.

(1) Subject to the provisions of Schedule 31, any agreed syllabus in force immediately before the commencement of this Act shall continue to have effect.

(2) In this Act "agreed syllabus" means a syllabus of religious education—

(a) prepared before the commencement of this Act in accordance with Schedule 5 to the [M10]Education Act 1944 or after commencement in accordance with Schedule 31, and

(b) adopted by a local education authority under that Schedule,

whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.

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(3) Every agreed syllabus shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.

(4) Any reference in this Act to an agreed syllabus adopted by a local education authority includes a reference to an agreed syllabus deemed to be adopted by such an authority by virtue of paragraph 11 of Schedule 5 to the [M11]Education Act 1944 or paragraph 14 of Schedule 31; and accordingly, in relation to an agreed syllabus deemed to be so adopted, any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Secretary of State in a direction under that paragraph.

(5) Subsection (3) does not apply to any agreed syllabus adopted before 29th September 1988.

Marginal Citations

M10 1944 c. 31.
M11 1944 c. 31.

Required provision for religious education

[F375]376 . . . . . .

Textual Amendments

F375 S. 376 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F376]377 . . . . . .

Textual Amendments

F376 S. 377 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F377]378 . . . . . .

Textual Amendments

F377 S. 378 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F378]379 . . . . . .

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Textual Amendments

F378 S. 379 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F379]380 . . . . . .

Textual Amendments

F379 S. 380 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F380]381 . . . . . .

Textual Amendments

F380 S. 381 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F381]382 . . . . . .

Textual Amendments

F381 S. 382 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F382]383 . . . . . .

Textual Amendments

F382 S. 383 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F383]384 . . . . . .

Textual Amendments

F383 S. 384 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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Religious worship

[F384]385 . . . . . .

Textual Amendments

F384 S. 385 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F385]386 . . . . . .

Textual Amendments

F385 S. 386 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F386]387 . . . . . .

Textual Amendments

F386 S. 387 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F387]388 . . . . . .

Textual Amendments

F387 S. 388 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Exceptions and special arrangements

[F388]389 . . . . . .

Textual Amendments

F388 S. 389 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

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Constitution of standing advisory councils on religious education

390 Constitution of advisory councils.

(1) A local education authority shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).

[[F389](2) The council shall consist of such groups of persons appointed by the authority as representative members ("representative groups") as are required by subsection (4).**]**

(3) The council may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).

(4) The representative groups required by this subsection are—

(a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

(b) except in the case of an area in Wales, a group of persons to represent the Church of England;

(c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and

(d) a group of persons to represent the authority.

(5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.

(6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.

(7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

Textual Amendments

F389 S. 390(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.93** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

391 Functions of advisory councils.

(1) The purposes referred to in section 390(1) are—

[[F390](a) to advise the local education authority on such matters connected with—

(i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and

(ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,

as the authority may refer to the council or as the council may see fit, and**]**

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(b) to carry out the functions conferred on them by section 394.

(2) The matters referred to in subsection (1)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.

(3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.

(4) Each representative group concerned shall have a single vote on the question of whether to require such a review.

(5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

(6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.

(7) The council's report shall in particular—

(a) specify any matters in respect of which the council have given advice to the authority,

(b) broadly describe the nature of the advice given, and

(c) where any such matter was not referred to the council by the authority, give the council's reasons for offering advice on that matter.

[F391](8) . . . . . .

[F391](9) . . . . . .

(10) The council shall send a copy of each report published by them under subsection (6)—

(a) in the case of a council for an area in England, to **[**[F392]the Qualifications and Curriculum Authority**]**, and

(b) in the case of a council for an area in Wales, to **[**[F393]the Qualifications, Curriculum and Assessment Authority for Wales**]**.

Textual Amendments

F390 S. 391(1)(a)(i)(ii) substituted (1.9.1999) for s. 391(1)(a) by 1998 c. 31, s. 140(1), **Sch. 30 para. 94(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F391 S. 391(8)(9) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 94(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F392 Words in s. 391(10) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 29(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**

F393 Words in s. 391(10) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para 29(b)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**

392 Advisory councils: supplementary provisions.

(1) In this section "the council" means the standing advisory council on religious education constituted by a local education authority under section 390.

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(2) Before appointing a person to represent any religion, denomination or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.

(3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

[F394](4) . . . . . .

(5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.

(6) A member of the council may at any time resign his office.

(7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.

(8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—

(a) by a vacancy in the office of any member of the council required by section 390(2), or

(b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

Textual Amendments

F394 S. 392(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 95, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F395]**393 . . . . . .**

Textual Amendments

F395 S. 393 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 96, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

Determinations by standing advisory councils

394 Determination of cases in which requirement for Christian collective worship is not to apply.

(1) The council constituted by a local education authority under section 390 shall, on an application made by the head teacher of—

(a) any **[**[F396]community school**]** maintained by the authority, or

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[[F397](b) any foundation school which has not been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character,**]**

consider whether it is appropriate for the requirement imposed by **[**[F398]paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship)**]** to apply in the case of the school or in the case of any class or description of pupils at the school.

(2) In determining whether it is appropriate for that requirement to apply as mentioned in subsection (1), the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school, or of the pupils of the particular class or description in question, which are relevant for determining the character of the collective worship appropriate in their case.

(3) The council shall give the head teacher written notification of their decision on the application.

(4) Where the council determine that it is not appropriate for the requirement to apply as mentioned in subsection (1), the determination shall take effect for the purposes of **[**[F399]paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998 (disapplication of requirement for Christian collective worship)**]** on such date as may be specified in the notification of the council's decision under subsection (3).

(5) Before making an application under subsection (1), the head teacher of a school shall consult the governing body.

(6) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.

(7) An application under subsection (1) shall be made in such manner and form as the council may require.

(8) Where an application is made under subsection (1)(a) in respect of **[**[F400]a community school which becomes a foundation school (by virtue of section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998)**]** before the application is determined, it shall, unless withdrawn by the head teacher, continue as if made under subsection (1)(b).

Textual Amendments

F396 Words in s. 394(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F397 S. 394(1)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F398 Words in s. 394(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F399 Words in s. 394(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F400 Words in s. 394(8) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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395 Review of determinations under section 394.

(1) Any determination by a council under section 394 by virtue of which the requirement imposed by **[**[F401]paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998**]** does not for the time being apply in the case of a school or a class or description of pupils at a school shall be reviewed by the council—

(a) at any time on an application made by the head teacher, and

(b) in any event not later than the end of the period of five years beginning with the date on which the determination first took effect or (where it has since been reviewed under this section) with the effective date of the decision on the last review.

(2) On any review under subsection (1)(b) the council shall give the head teacher an opportunity of making representations as to the determination under review.

(3) On a review under this section, the council may—

(a) confirm the determination, with or without variation, or

(b) revoke it (without prejudice to any further determination under section 394).

(4) The council shall give the head teacher written notification of their decision, specifying the effective date of that decision for the purposes of subsection (1)(b).

(5) Any determination which is required to be reviewed under subsection (1)(b) shall cease to have effect, if not confirmed on such a review, at the end of the period there mentioned.

(6) The head teacher of a school shall consult the governing body before making an application under subsection (1)(a) or any representations under subsection (2).

(7) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.

(8) An application under subsection (1)(a) shall be made in such manner and form as the council may require.

Textual Amendments

F401 Words in s. 395(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.98** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

396 Power of Secretary of State to direct advisory council to revoke determination or discharge duty.

(1) Where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any standing advisory council on religious education constituted by a local education authority under section 390—

(a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by **[**[F402]paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998**]** to apply in the case of any school or any class or description of pupils at a school, or

(b) have failed to discharge any duty imposed under section 394 or 395,

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he may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to him to be expedient; and the council shall comply with the directions.

(2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.

Textual Amendments

F402 Words in s. 396(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.99** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Access to meetings and documents

397 Religious education: access to meetings and documents.

(1) This section applies to—

(a) any conference convened under any of paragraphs 1 to 3 of Schedule 31, and

(b) any standing advisory council on religious education constituted under section 390.

(2) Regulations may make provision—

(a) for meetings of conferences or councils to be, subject to prescribed exceptions, open to members of the public,

(b) requiring conferences or councils to give notice, in such manner as may be prescribed, of the time and place of such meetings, and

(c) requiring conferences or councils, at such time or times as may be prescribed—

(i) to make available for inspection, or

(ii) to provide on payment of such fee as they think fit (not exceeding the cost of supply),

copies of the agendas and reports for such meetings to members of the public.

(3) Regulations made under subsection (2) may apply to—

(a) committees appointed by local education authorities under paragraph 4 of Schedule 31,

(b) sub-committees appointed by conferences under that Schedule, and

(c) representative groups on councils appointed under section 390(4),

as they apply to conferences and councils.

Miscellaneous

398 No requirement of attendance at Sunday school etc.

It shall not be required, as a condition of—

(a) a pupil attending a maintained school, or

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(b) a person attending such a school to receive further education or teacher training,

that he must attend or abstain from attending a Sunday school or a place of religious worship.

399 Determination of question whether religious education in accordance with trust deed.

Where any trust deed relating to **[**[F403]a foundation or voluntary school**]** makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

Textual Amendments

F403 Words in s. 399 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.100** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Courses leading to external qualifications

400 Courses leading to external qualifications.

(1) No course of study leading to a qualification authenticated by an outside person shall be provided for pupils of compulsory school age by or on behalf of a maintained school unless—

(a) the qualification is for the time being approved by the Secretary of State or by a designated body, and

(b) subsection (2) is satisfied.

(2) This subsection is satisfied if either—

(a) a syllabus provided by the outside person for the purposes of the course is for the time being approved by a designated body, or

(b) criteria provided by the outside person for determining a syllabus for the purposes of the course are for the time being so approved.

(3) An approval under this section may be given either generally or in relation to particular cases.

(4) In relation to any maintained school—

(a) the local education authority and the governing body shall exercise their functions with a view to securing, and

(b) the head teacher shall secure,

that subsection (1) is not contravened.

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(5) In this section—

"designated" means designated by the Secretary of State, and

"outside person", in relation to a school, means a person other than a member of staff of the school.

401 Power to extend section 400 to senior pupils and FE students.

(1) The Secretary of State may by order direct that the provisions of section 400 shall have effect as if—

(a) any reference to pupils of compulsory school age included a reference to—

(i) senior pupils who are of or over that age, and

(ii) persons in full-time further education who are of or over that age but have not attained the age of 19 (referred to in this section as "FE students");

(b) any reference to a maintained school (except in relation to a local education authority) included a reference to—

(i) any institution (other than a university or an institution within the higher education sector) which provides further education and is a grant-aided institution, and

(ii) any institution within the further education sector; and

(c) any reference to the head teacher of such a school included a reference to the principal or other head of such an institution.

(2) An order under this section may make such consequential modifications of section 359(1) as appear to the Secretary of State to be necessary or expedient.

(3) In relation to FE students in relation to whom section 400 has effect by virtue of an order under this section, section 408 shall have effect—

(a) with the modifications mentioned in subsection (1)(b) and (c) above;

(b) as if the information referred to in subsection (1)(a) of that section were information with respect to the following matters—

(i) the qualifications authenticated by outside persons (within the meaning of section 400) for which courses of study are to be provided by or on behalf of the institution concerned for such students;

(ii) the courses of study leading to such qualifications which are to be so provided;

(iii) the syllabuses which have been provided or determined for the purposes of those courses, and

(iv) the results of the assessments of such students for the purposes of those qualifications;

(c) as if in subsection (6)—

(i) the reference to the results of an individual pupil's assessment (whether under this Part or otherwise) included a reference to the results of an individual student's assessment for the purposes of any such qualification, and

(ii) any reference to the pupil concerned included a reference to the student concerned; and

(d) with the omission of subsections (1)(b), (2) and (3).

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(4) Before making an order under this section the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.

(5) For the purposes of this section an institution is at any time a grant-aided institution if it is maintained by persons who have received any grants under regulations made under section 485 in respect of expenditure incurred or to be incurred for the academic year of the institution current at that time.

Obligation to enter pupils for public examinations

402 Obligation to enter pupils for public examinations.

(1) Subject to subsections (2) and (3), the governing body of a maintained school shall secure that each registered pupil at the school is entered, at such time as they consider appropriate, for each prescribed public examination for which he is being prepared at the school at the time in question in each syllabus for that examination for which he is being so prepared.

(2) The governing body are not required to secure that a pupil is entered for any examination, or for an examination in any syllabus for that examination, if either—

(a) they consider that there are educational reasons in the case of that particular pupil for not entering him for that examination or (as the case may be) for not entering him for that examination in that syllabus, or

(b) the parent of the pupil requests in writing that the pupil should not be entered for that examination or (as the case may be) for that examination in that syllabus;

but this subsection does not apply to an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil.

(3) The governing body are not required to secure that a pupil is entered for any examination in any syllabus for that examination if they have secured his entry for another prescribed public examination in a corresponding syllabus.

(4) For the purposes of subsection (3) a syllabus for a prescribed public examination shall be regarded as corresponding to a syllabus for another prescribed public examination if the same course of study is provided at the school in preparation for both syllabuses.

(5) As soon as practicable after determining whether or not to secure the entry of any pupil for a prescribed public examination in any syllabus for which he is being prepared at the school, the governing body shall notify the pupil's parent in writing of their determination in relation to each such syllabus.

(6) In this section—

(a) "maintained school" includes **[**[F404]a community or foundation special school**]** established in a hospital; and

(b) references to a prescribed public examination shall be construed in accordance with section 462.

Textual Amendments

F404 Words in s. 402(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.101** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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Sex education

403 Sex education: manner of provision.

(1) The local education authority, governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school, it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.

(2) In subsection (1) "maintained school" includes **[**[F405]a community or foundation special school**]** established in a hospital.

Textual Amendments

F405 Words in s. 403(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.102** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

404 Sex education: statements of policy.

(1) The governing body of a maintained school shall—

(a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and

(b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.

(2) In subsection (1) "maintained school" includes, in relation to pupils who are provided with secondary education, **[**[F406]a community or foundation special school**]** established in a hospital.

[F407](3) . . . . . .

Textual Amendments

F406 Words in s. 404(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 103(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F407 S. 404(3) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 103(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

405 Exemption from sex education.

If the parent of any pupil in attendance at a maintained school requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.

Politics

406 Political indoctrination.

(1) The local education authority, governing body and head teacher shall forbid—

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(a) the pursuit of partisan political activities by any of those registered pupils at a maintained school who are junior pupils, and

(b) the promotion of partisan political views in the teaching of any subject in the school.

(2) In the case of activities which take place otherwise than on the school premises, subsection (1)(a) applies only where arrangements for junior pupils to take part in the activities are made by—

(a) any member of the school's staff (in his capacity as such), or

(b) anyone acting on behalf of the school or of a member of the school's staff (in his capacity as such).

(3) In this section "maintained school" includes **[**[F408]a community or foundation special school**]** established in a hospital.

Textual Amendments

F408 Words in s. 406(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.104** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

407 Duty to secure balanced treatment of political issues.

(1) The local education authority, governing body and head teacher shall take such steps as are reasonably practicable to secure that where political issues are brought to the attention of pupils while they are—

(a) in attendance at a maintained school, or

(b) taking part in extra-curricular activities which are provided or organised for registered pupils at the school by or on behalf of the school,

they are offered a balanced presentation of opposing views.

(2) In this section "maintained school" includes **[**[F409]a community or foundation special school**]** established in a hospital.

Textual Amendments

F409 Words in s. 407(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.105** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Information

408 Provision of information.

(1) Regulations may require, in relation to every main|tained school, the local education authority, the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—

(a) such information (including information as to the matters mentioned in subsection (2)) relevant for the purposes of any of the relevant provisions of this Part **[**[F410]or Part V of the Education Act 1997**][**[F411]or section 96 of the Learning and Skills Act 2000**]**, and

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[[F412](b) such copies of the documents mentioned in subsection (3),

as may be prescribed.**]**

(2) The matters referred to in subsection (1)(a) are—

(a) the curriculum for maintained schools,

(b) the educational provision made by the school for pupils at the school and any syllabuses to be followed by those pupils,

(c) the educational achievements of pupils at the school (including the results of any assessments of those pupils, whether under this Part or otherwise, for the purpose of ascertaining those achievements), and

(d) the educational achievements of **[**[F413]such classes or descriptions of pupils**]** as may be prescribed (including results of the kind mentioned in paragraph (c)). **[**[F414], and

[F414](e) arrangements relating to external qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) and to courses leading to such qualifications.**]**

[[F415](3) The documents referred to in subsection (1)(b) are—

(a) any written statement made by the local education authority under section 370,

(b) any written statement made by the governing body in pursuance of provision made under section 371,

(c) any written statement made by the governing body of their policy as to the curriculum for the school, and

(d) any report prepared by the governing body under section 161 or paragraph 7 of Schedule 23 (governors' annual reports).**]**

(4) For the purposes of subsection (1) the relevant provisions of this Part are—

(a) sections 350 to 368;

[[F416](b) sections 375(3) and 384;**]**

[(c) sections 385 and 388 and, so far as relating to county schools, sections 386 and 387;**]**

(d) sections **[**[F417]390**]** to 392;

(e) sections 394 to 396;

(f) sections 398,400, 401 and 405; and

(g) section 409.

(5) Before making any regulations under this section, the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.

(6) Regulations under this section shall not require information as to the results of an individual pupil's assessment (whether under this Part or otherwise) to be made available to any persons other than—

(a) the parents of the pupil concerned,

(b) the pupil concerned,

(c) in the case of a pupil who has transferred to a different school, the head teacher of that school,

(d) the governing body of the school, or

(e) the local education authority;

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and shall not require such information to be made available to the governing body, the head teacher or the local education authority except where relevant for the purposes of the performance of any of their functions.

(7) Regulations under this section may authorise local education authorities, governing bodies and head teachers to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.

(8) In relation to any maintained school, the local education authority and the governing body shall exercise their functions with a view to securing that the head teacher complies with any regulations made under this section.

Textual Amendments

F410 Words in s. 408(1)(a) inserted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 30(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**

F411 Words in s. 408(1)(a) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(2)** (with s. 150)

F412 S. 408(1)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F413 Words in s. 408(2)(d) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

F414 S. 408(2)(e) and preceding ", and" inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(3)** (with s. 150)

F415 S. 408(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F416 S. 408(4)(b)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(d)(i), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F417 Word in s. 408(4)(d) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(d)(ii)** (with ss. 138(9), 144(6))

Complaints and enforcement

409 [F418Complaints and enforcement: maintained schools.]

(1) A local education authority shall, with the approval of the Secretary of State and after consultation with governing bodies **[**F419of foundation and voluntary aided schools,**]** make arrangements for the consideration and disposal of any complaint to which subsection (2) applies.

(2) This subsection applies to any complaint which is to the effect that the authority, or the governing body of **[**F420any community, foundation or voluntary school maintained by the authority or any community or foundation special school**]**so maintained which is not established in a hospital—

(a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred on them by or under a relevant enactment, or

(b) have acted or are proposing to act unreasonably in relation to the performance of, or have failed to discharge, a duty imposed on them by or under a relevant enactment.

(3) In subsection (2) “relevant enactment” means—

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(a) any provision which by virtue of section 408(4) is a relevant provision of this Part for the purposes of section 408(1), and

(b) any other enactment (whether contained in this Part or otherwise) so far as relating to the curriculum for, or religious worship in, maintained schools [F421] . . ..

(4) The Secretary of State shall not entertain under section 496 (power to prevent unreasonable exercise of functions) or 497 (powers where a local education authority or governing body fail to discharge their duties) any complaint to which subsection (2) applies, unless a complaint concerning the same matter has been made and disposed of in accordance with arrangements made under subsection (1).

Textual Amendments

F418 S. 409 sidenote substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F419 Words in s. 409(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F420 Words in s. 409(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F421 Words in s. 409(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Nursery education

410 Application of Part V in relation to nursery education.

Nothing in this Part applies in relation to a nursery school or in relation to a nursery class in a primary school.

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER I

[[F422]ADMISSION, REGISTRATION AND WITHDRAWAL OF PUPILS]

Textual Amendments

F422 Words in cross-heading substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.108** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 2**

Parental preferences

[F423]411 Parental preferences.

. . . . . .

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Textual Amendments

F423 S. 411 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)(4)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

F424 411A . . . . . .

Textual Amendments

F424 S. 411A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**), and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Admission arrangements for county and voluntary schools

F425 412 . . . . . .

Textual Amendments

F425 S. 412 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

F426 413 . . . . . .

Textual Amendments

F426 S. 413 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 11, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

F427 413A . . . . . .

Textual Amendments

F427 S. 413A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

F428 413B . . . . . .

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Textual Amendments

F428 S. 413B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F429]414 . . . . . .

Textual Amendments

F429 S. 414 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Admission numbers for county and voluntary schools

[F430]415 . . . . . .

Textual Amendments

F430 S. 415 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.,I. 1999/1016, art. 2(3), Sch. 3.

[F431]416 . . . . . .

Textual Amendments

F431 S. 416 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F432]417 . . . . . .

Textual Amendments

F432 S. 417 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F433]418 . . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F433 S. 418 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F434]419 . . . . . .

Textual Amendments

F434 S. 419 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F435]420 . . . . . .

Textual Amendments

F435 S. 420 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 6**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F436]421 . . . . . .

Textual Amendments

F436 S. 421 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F437]421A . . . . . .

Textual Amendments

F437 S. 421A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**

New county and voluntary schools

[F438]422 . . . . . .

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Textual Amendments

F438 S. 422 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 11, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**), and savings in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

Admissions appeals relating to county and voluntary schools

F439 423 . . . . . .

Textual Amendments

F439 S. 423 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

F440 423A . . . . . .

Textual Amendments

F440 S. 423A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, 12 (as added (31.8.**1999**) by S.I. 1999/2484, **art. 2(4)**) and in S.I. 1999/2800, **reg. 8(3)**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Nursery and special schools, etc.

F441 424 . . . . . .

Textual Amendments

F441 S. 424 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

Admission arrangements for grant-maintained schools

F442 425 . . . . . .

Textual Amendments

F442 S. 425 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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[F443]425A . . . . . .

Textual Amendments

F443 S. 425A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, **11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F444]425B . . . . . .

Textual Amendments

F444 S. 425B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 2**); S.I. 1999/1016, art. 2(3), **Sch. 3**

Admission numbers for grant-maintained schools

[F445]426 . . . . . .

Textual Amendments

F445 S. 426 repealed (1.4.1999 to the extent of the repeal of s. 426(6) and 1.9.1999 to the extent of the repeal of s. 426(1)-(5)) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 7**); S.I. 1999/1016, art. 2(1)(3), Sch. 1, **Sch. 3**

[F446]426A . . . . . .

Textual Amendments

F446 S. 426A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch. 31** (with ss. 138(9),144(6); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F447]427 . . . . . .

Textual Amendments

F447 S. 427 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch. 3**.

[F448]428 . . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F448 S. 428 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.

Admissions appeals relating to grant-maintained schools

[F449]429 . . . . . .

Textual Amendments

F449 S. 429 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, **11**);,S.I. 1999/1016, art. 2(3), **Sch. 3**.

Co-ordinated arrangements for admissions

[F450]430 . . . . . .

Textual Amendments

F450 S. 430 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, **11**); S.I. 1999/1016, art. 2(3), **Sch. 3**.

Power to direct admission of child to school

[F451]431 . . . . . .

Textual Amendments

F451 S. 431 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 10, **11**); S.I. 1999/1016, art. 2(1), **Sch. 1**.

[F452]432 . . . . . .

Textual Amendments

F452 S. 432 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 10**); S.I. 1999/1016, art. 2(1), **Sch. 1**.

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Time for admission of pupils

433 Time for admission of pupils.

(1) Section 14 (which requires a local education authority to secure that sufficient schools for providing primary and secondary education are available for their area) shall not be construed as imposing any obligation on the proprietor of a school to admit children as pupils otherwise than at the beginning of a school term.

(2) Where, however, a child was prevented from entering a school at the beginning of a term—

(a) by his being ill or by other circumstances beyond his parent's control, or

(b) by his parent's having been then resident at a place from which the school was not accessible with reasonable facility,

the school's proprietor is not entitled by virtue of subsection (1) to refuse to admit him as a pupil during the currency of the term.

(3) In cases where subsection (2) does not apply, the governing body of a school maintained by a local education authority shall comply with any general directions given by the authority as to the time of admission of children as pupils.

[F453](4) . . . . . .

(5) Despite section 7 (duty of parent of child of compulsory school age to cause him to receive full-time education), a parent is not under a duty to cause a child to receive full-time education during any period during which, having regard to subsections (1) and (2), it is not practicable for the parent to arrange for him to be admitted as a pupil at a school.

Textual Amendments

F453 S. 433(4) repealed (1.10.1998) by 1998 c. 31, s. 140(1), Sch. 30 para. 110, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch.1 Pt. I**.

Registration of pupils

434 Registration of pupils.

(1) The proprietor of a school shall cause to be kept, in accordance with regulations, a register containing the prescribed particulars in respect of all persons who are pupils at the school.

(2) Without prejudice to the generality of subsection (1), the prescribed particulars shall include particulars of the name and address of every person known to the proprietor to be a parent of a pupil at the school.

(3) The regulations shall prescribe the grounds on which names are to be deleted from a register kept under this section; and the name of a person entered in such a register as a pupil at a school—

(a) shall, when any of the prescribed grounds is applicable, be deleted from the register on that ground; and

(b) shall not be deleted from the register otherwise than on any such ground.

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(4) The regulations may make provision—

(a) for enabling registers kept under this section to be inspected;

(b) for enabling extracts from such registers to be taken for the purposes of this Act by persons authorised to do so under the regulations; and

(c) for requiring the person by whom any such register is required to be kept to make to—

(i) the Secretary of State, **[**[F454]and**]**

[F455](ii) . . . . . .

(iii) local education authorities,

such periodical or other returns as to the contents of the register as may be prescribed.

(5) In this Act—

"registered pupil", in relation to a school, means a person registered as a pupil at the school in the register kept under this section; and

"registered", in relation to the parents of pupils at a school or in relation to the names or addresses of such parents or pupils, means shown in that register.

(6) A person who contravenes or fails to comply with any requirement imposed on him by regulations under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Textual Amendments

F454 Word in s. 434(4)(c)(i) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 111(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F455 S. 434(4)(c)(ii) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 111(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Withdrawal of pupils from primary school for secondary education

435 Withdrawal of pupils from a primary school for secondary education.

A local education authority may make arrangements in respect of a primary school maintained by them (other than one that is for the time being organised for the provision of both primary and secondary education) under which any registered pupils who are under the age of 12 but have attained the age of 10 years and six months may be required to be withdrawn from the school for the purpose of receiving secondary education.

Supplementary

[F456]436 . . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F456 S. 436 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 112, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, **Sch. 4 para. 11**); S.I. 1999/2323, art. 2(1), **Sch. 1**.

CHAPTER II

SCHOOL ATTENDANCE

School attendance orders

437 School attendance orders.

(1) If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.

(2) That period shall not be less than 15 days beginning with the day on which the notice is served.

(3) If—

(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local education authority, within the period specified in the notice, that the child is receiving suitable education, and

(b) in the opinion of the authority it is expedient that the child should attend school,

the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.

(4) A school attendance order shall (subject to any amendment made by the local education authority) continue in force for so long as the child is of compulsory school age, unless—

(a) it is revoked by the authority, or

(b) a direction is made in respect of it under section 443(2) or 447(5).

(5) Where a maintained [F457]. . . school is named in a school attendance order, the local education authority shall inform the governing body and the head teacher.

(6) Where a maintained [F457]. . . school is named in a school attendance order, the governing body (and, in the case of a maintained school, the local education authority) shall admit the child to the school.

(7) Subsection (6) does not affect any power to exclude from a school a pupil who is already a registered pupil there.

(8) In this Chapter—

[[F458]"maintained school" means any community, foundation or voluntary school or any community or foundation special school not established in a hospital; and**]**

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"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.

Textual Amendments

F457 Words in s. 437(5)(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 113(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F458 Definition substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 113(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

438 Choice of school: child without statement of special educational needs.

(1) This section applies where a local education authority are required by virtue of section 437(3) to serve a school attendance order in respect of a child, other than a child for whom they maintain a statement under section 324.

(2) Before serving the order, the authority shall serve on the parent a notice in writing—

(a) informing him of their intention to serve the order,

(b) specifying the school which the authority intend to name in the order and, if they think fit, one or more other schools which they regard as suitable alternatives, and

(c) stating the effect of subsections (3) to (6).

(3) If the notice specifies one or more alternative schools and the parent selects one of them within the period of 15 days beginning with the day on which the notice is served, the school selected by him shall be named in the order.

(4) If—

[[F459](a) within the period mentioned in subsection (3) the parent applies for the child to be admitted to a school maintained by a local education authority and, where that authority are not the authority by whom the notice was served, notifies the latter authority of the application, and**]**

(b) the child is offered a place at the school as a result of the application,

that school shall be named in the order.

[[F460](5) If—

(a) within the period mentioned in subsection (3), the parent applies to the local education authority by whom the notice was served for education to be provided at a school which is not a school maintained by a local education authority, and

(b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school,

that school shall be named in the order.**]**

(6) If, within the period mentioned in subsection (3)—

(a) the parent—

(i) applies for the child to be admitted to a school which is not maintained by a local education authority [F461]. . ., and in respect of which no application is made under subsection (5), and

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(ii) notifies the local education authority by whom the notice was served of the application,

(b) the child is offered a place at the school as a result of the application, and

(c) the school is suitable to his age, ability and aptitude and to any special educational needs he may have,

that school shall be named in the order.

Textual Amendments

F459 S. 438(4)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 114(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F460 S. 438(5) substituted (1.9.1999 for certain purposes, otherwise prosp.) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 114(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F461 Words in s. 438(6)(a)(i) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 114(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

439 Specification of schools in notices under section 438(2).

(1) Subject to subsection (3), a local education authority shall not, if it appears to them that subsection (2) applies in relation to any school, specify the school in a notice under section 438(2) unless they are responsible for determining the arrangements for the admission of pupils to the school.

(2) This subsection applies where, if the child concerned were admitted to the school in accordance with a school attendance order resulting from the notice, the number of pupils at the school in the child's age group would exceed the number **[**[F462]fixed in accordance with section 93 of the School Standards and Framework Act 1998 (fixing admission numbers) as the number**]** of pupils in that age group which it is intended to admit to the school in the school year in which he would be admitted.

(3) Subsection (1) does not prevent a local education authority specifying in a notice under section 438(2) any maintained [F463]. . . school if—

(a) there is no maintained [F463]. . . school in their area which—

(i) the authority are not (apart from this subsection) prevented by subsection (1) from specifying, and

(ii) is, in the opinion of the authority, a reasonable distance from the home of the child concerned, and

(b) in the opinion of the authority, the school in question is a reasonable distance from the home of the child concerned.

(4) A local education authority shall not specify in a notice under section 438(2) a school from which the child concerned is permanently excluded.

[[F464](4A) A local education authority shall not specify a school in a notice under section 438(2) if the admission of the child concerned would result in prejudice of the kind referred to in section 86(3)(a) of the School Standards and Framework Act 1998 (parental preferences) by reason of measures required to be taken as mentioned in subsection (4) of that section.**]**

(5) Before deciding to specify a particular maintained [F463]. . . school in a notice under section 438(2) a local education authority shall consult—

(a) the governing body, and

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(b) if another local education authority are responsible for determining the arrangements for the admission of pupils to the school, that authority.

(6) Where a local education authority decide to specify a particular maintained [F463]. . .school in a notice under section 438(2) they shall, before serving the notice, serve notice in writing of their decision on—

(a) the governing body and head teacher of the school, and

(b) if another local education authority are responsible for determining the arrangements for the admission of pupils to the school, that authority.

(7) A governing body or local education authority on whom notice is served under subsection (6) may, within the period of 15 days beginning with the day on which the notice was received, apply to the Secretary of State for a direction under this section and, if they do so, shall inform the local education authority which served the notice.

(8) Where the Secretary of State gives a direction under this section, the school or schools to be specified in the notice under section 438(2) shall be determined in accordance with the direction.

Textual Amendments

F462 Words in s. 439(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 115(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, ar. 2(1), Sch. 1

F463 Words in s. 439(3)(5)(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 115(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F464 S. 439(4A) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 115(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Modifications etc. (not altering text)

C29 S. 439 modified (temp. from 1.9.1998) by S.I. 1998/1948, reg. 3, **Sch. para. 8**

C30 S. 439 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(a), **2-8**
s. 439 applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, **2-8**

440 Amendment of order at request of parent: child without statement of special educational needs.

(1) This section applies where a school attendance order is in force in respect of a child, other than a child for whom the local education authority maintain a statement under section 324.

(2) If at any time—

(a) the parent applies for the child to be admitted to a school maintained by a local education authority [F465]. . .which is different from the school named in the order,

(b) the child is offered a place at the school as a result of the application, and

(c) the parent requests the local education authority by whom the order was served to amend it by substituting that school for the one currently named,

the authority shall comply with the request.

(3) If at any time—

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[[F466](a) the parent applies to the authority for education to be provided for the child at a school which is not a school maintained by a local education authority and which is different from the school named in the order,

(b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school, and**]**

(c) the parent requests the authority to amend the order by substituting that school for the one currently named,

the authority shall comply with the request.

(4) If at any time—

(a) the parent applies for the child to be admitted to a school which is not maintained by a local education authority [F467]. . ., which is different from the school named in the order and in respect of which no application is made under subsection (3),

(b) as a result of the application, the child is offered a place at the school, being a school which is suitable to his age, ability and aptitude and to any special educational needs he may have, and

(c) the parent requests the authority to amend the order by substituting that school for the one currently named,

the authority shall comply with the request.

Textual Amendments

F465 Words in S. 440(2)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 116(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F466 S. 440(3)(a)(b) substituted (1.9.1999 for certain purposes, otherwise prosp.) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 116(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F467 Words in S. 440(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 116(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

441 Choice of school: child with statement of special educational needs.

(1) Subsections (2) and (3) apply where a local education authority are required by virtue of section 437(3) to serve a school attendance order in respect of a child for whom they maintain a statement under section 324.

(2) Where the statement specifies the name of a school, that school shall be named in the order.

(3) Where the statement does not specify the name of a school—

(a) the authority shall, in accordance with paragraph 10 of Schedule 27, amend the statement so that it specifies the name of a school, and

(b) that school shall then be named in the order.

(4) Where—

(a) a school attendance order is in force in respect of a child for whom the local education authority maintain a statement under section 324, and

(b) the name of the school specified in the statement is changed,

the local education authority shall amend the order accordingly.

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442 Revocation of order at request of parent.

(1) This section applies where a school attendance order is in force in respect of a child.

(2) If at any time the parent applies to the local education authority requesting that the order be revoked on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, the authority shall comply with the request, unless they are of the opinion that no satisfactory arrangements have been made for the education of the child otherwise than at school.

(3) If a parent is aggrieved by a refusal of the local education authority to comply with a request under subsection (2), he may refer the question to the Secretary of State.

(4) Where a question is referred to the Secretary of State under subsection (3), he shall give such direction determining the question as he thinks fit.

(5) Where the child in question is one for whom the authority maintain a statement under section 324—

(a) subsections (2) to (4) do not apply if the name of a school or other institution is specified in the statement, and

(b) in any other case a direction under subsection (4) may require the authority to make such amendments in the statement as the Secretary of State considers necessary or expedient in consequence of his determination.

School attendance: offences and education supervision orders

443 Offence: failure to comply with school attendance order.

(1) If a parent on whom a school attendance order is served fails to comply with the requirements of the order, he is guilty of an offence, unless he proves that he is causing the child to receive suitable education otherwise than at school.

(2) If, in proceedings for an offence under this section, the parent is acquitted, the court may direct that the school attendance order shall cease to be in force.

(3) A direction under subsection (2) does not affect the duty of the local education authority to take further action under section 437 if at any time the authority are of the opinion that, having regard to any change of circumstances, it is expedient to do so.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

444 Offence: failure to secure regular attendance at school of registered pupil.

(1) If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.

(2) Subsections (3) to (6) below apply in proceedings for an offence under this section in respect of a child who is not a boarder at the school at which he is a registered pupil.

(3) The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school—

(a) with leave,

(b) at any time when he was prevented from attending by reason of sickness or any unavoidable cause, or

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(c) on any day exclusively set apart for religious observance by the religious body to which his parent belongs.

(4) The child shall not be taken to have failed to attend regularly at the school if the parent proves—

(a) that the school at which the child is a registered pupil is not within walking distance of the child's home, and

(b) that no suitable arrangements have been made by the local education authority [F468]. . . for any of the following—

(i) his transport to and from the school,

(ii) boarding accommodation for him at or near the school, or

(iii) enabling him to become a registered pupil at a school nearer to his home.

(5) In subsection (4) "walking distance"—

(a) in relation to a child who is under the age of eight, means 3.218688 kilometres (two miles), and

(b) in relation to a child who has attained the age of eight, means 4.828032 kilometres (three miles),

in each case measured by the nearest available route.

(6) If it is proved that the child has no fixed abode, subsection (4) shall not apply, but the parent shall be acquitted if he proves—

(a) that he is engaged in a trade or business of such a nature as to require him to travel from place to place,

(b) that the child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits, and

(c) if the child has attained the age of six, that he has made at least 200 attendances during the period of 12 months ending with the date on which the proceedings were instituted.

(7) In proceedings for an offence under this section in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be taken to have failed to attend regularly at the school if he is absent from it without leave during any part of the school term at a time when he was not prevented from being present by reason of sickness or any unavoidable cause.

(8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) In this section "leave", in relation to a school, means leave granted by any person authorised to do so by the governing body or proprietor of the school.

Textual Amendments

F468 Words in S. 444(4)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 117, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

445 Presumption of age.

(1) This section applies for the purposes of any proceedings for an offence under section 443 or 444.

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(2) In so far as it is material, the child in question shall be presumed to have been of compulsory school age at any time unless the parent proves the contrary.

(3) Where a court is obliged by virtue of subsection (2) to presume a child to have been of compulsory school age, section 565(1) (provisions as to evidence) does not apply.

446 Institution of proceedings.

Proceedings for an offence under section 443 or 444 shall not be instituted except by a local education authority.

447 Education supervision orders.

(1) Before instituting proceedings for an offence under section 443 or 444, a local education authority shall consider whether it would be appropriate (instead of or as well as instituting the proceedings) to apply for an education supervision order with respect to the child.

(2) The court—

(a) by which a person is convicted of an offence under section 443, or

(b) before which a person is charged with an offence under section 444,

may direct the local education authority instituting the proceedings to apply for an education supervision order with respect to the child unless the authority, having consulted the appropriate local authority, decide that the child's welfare will be satisfactorily safeguarded even though no education supervision order is made.

(3) Where, following such a direction, a local education authority decide not to apply for an education supervision order, they shall inform the court of the reasons for their decision.

(4) Unless the court has directed otherwise, the information required under subsection (3) shall be given to the court before the end of the period of eight weeks beginning with the date on which the direction was given.

(5) Where—

(a) a local education authority apply for an education supervision order with respect to a child who is the subject of a school attendance order, and

(b) the court decides that section 36(3) of the [M12]Children Act 1989 (education supervision orders) prevents it from making the order,

the court may direct that the school attendance order shall cease to be in force.

(6) In this section—

"the appropriate local authority" has the same meaning as in section 36(9) of the [M13]Children Act 1989, and

"education supervision order" means an education supervision order under that Act.

Marginal Citations

M12 1989 c. 41.

M13 1989 c. 41.

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Exemption

[F469]448 . . . . . .

Textual Amendments

F469 S. 448 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 118, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

[[F470]CHAPTER III

CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS]

Textual Amendments

F470 Crossheading substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.119** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

[[F471] Preliminary]

Textual Amendments

F471 S. 449 and cross-heading substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 119** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[[F472]449 Meaning of "maintained school" in Chapter III.

In this Chapter "maintained school" means any school maintained by a local education authority.]

Textual Amendments

F472 S. 449 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 119** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Prohibition of charges

450 Prohibition of charges for admission.

(1) No charge shall be made in respect of admission to a maintained school.

(2) Subsection (1) does not apply to the admission of any person to any maintained school for the purpose of—

(a) part-time education suitable to the requirements of persons of any age over compulsory school age;

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(b) full-time education suitable to the requirements of persons who have attained the age of 19; or

(c) teacher training.

451 Prohibition of charges for provision of education.

(1) [F473]. . ., this section applies in relation to education provided at any maintained school for a registered pupil at the school.

(2) Where the education is provided for the pupil during school hours no charge shall be made in respect of it.

(3) Subsection (2) does not apply in relation to tuition in playing a musical instrument where the tuition is provided either individually or to a group of not more than four pupils, unless the tuition is—

(a) required as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school, or

(b) provided in pursuance of a duty imposed by section 357(1) **[**[F474](implementation of National Curriculum) or section 69 of the School Standards and Framework Act 1998 (duty to secure due provision of religious education).**]**.

(4) Where the education is provided for the pupil outside school hours no charge shall be made in respect of it if it is—

(a) required as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school, or

(b) provided in pursuance of a duty imposed by section 357(1) or **[**[F475]section 69 of the School Standards and Framework Act 1998**]**.

[F476](5) . . . . . .

Textual Amendments

F473 Words in s. 451(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 120(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F474 Words in s. 451(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 120(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F475 Words in s. 451(4)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 120(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F476 S. 451(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 120(d), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

452 Application of section 451 where education is provided partly during and partly outside school hours etc.

(1) Where a period allowed for any educational activity at a maintained school falls partly during school hours and partly outside school hours, then—

(a) if 50 per cent. or more of the time occupied by that period together with any connected school travelling time falls during school hours, so much of the education provided during that period as is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and

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(b) in any other case, so much of the education provided during that period as is provided during school hours shall be treated for those purposes as provided outside school hours.

(2) In subsection (1) "connected school travelling time" means time spent during school hours by the pupils taking part in the educational activity concerned in getting to or from the place where the activity takes place.

(3) Where any education provided at a maintained school is provided on a residential trip, then—

(a) if the number of school sessions taken up by the trip is equal to or greater than 50 per cent. of the number of half days spent on the trip, any education provided on the trip which is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and

(b) in any other case, any education provided on the trip which is provided during school hours shall be treated for those purposes as provided outside school hours.

(4) In this section "half day" means any period of 12 hours ending with noon or midnight on any day.

(5) For the purposes of subsection (3)—

(a) where 50 per cent. or more of a half day is spent on a residential trip, the whole of that half day shall be treated as spent on the trip, and

(b) a school session on any day on which such a session takes place at the school concerned shall be treated as taken up by a residential trip if the time spent on the trip occupies 50 per cent. or more of the time allowed for that session at the school.

(6) Nothing in section 451 shall be read as prohibiting the making of a charge in respect of board and lodging provided for a registered pupil at a maintained school on a residential trip.

453 Examinations: prohibition of charges and recovery of wasted fees.

(1) No charge shall be made in respect of the entry of a registered pupil at a maintained school for a prescribed public examination in any syllabus for that examination for which the pupil has been prepared at the school.

(2) Despite subsection (1), where—

(a) the governing body of a maintained school or the local education authority have paid or are liable to pay a fee in respect of the entry of a registered pupil at the school for a public examination in any syllabus for that examination, and

(b) the pupil fails without good reason to meet any examination requirement for that syllabus,

that body or authority may recover the amount of the fee from the pupil's parent.

(3) It shall be for the body or authority who have paid or are liable to pay the fee in question to determine for the purposes of this section any question whether a pupil who has failed to meet an examination requirement had good reason for the failure.

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454 Prohibition of incidental charges.

(1) Neither the parent of a registered pupil at a maintained school nor the pupil himself shall be required to pay for or supply any materials, books, instruments or other equipment for use for the purposes of or in connection with—

(a) education provided for the pupil at the school in respect of which, by virtue of section 451, no charge may be made, or

(b) a syllabus for a prescribed public examination which is a syllabus for which the pupil has been prepared at the school.

(2) Nothing in subsection (1) shall prevent the parent of a pupil from being required to pay for or supply any materials for use for the purposes of the production, in the course of the provision of education for the pupil at the school, of any article incorporating those materials, where the parent has indicated before that requirement is made that he wishes the article to be owned by him or by the pupil.

(3) No charge shall be made in respect of transport provided for a registered pupil at a maintained school where the transport is either—

(a) incidental to education provided for the pupil at the school in respect of which, by virtue of section 451, no charge may be made, or

(b) provided for the purpose of enabling him to meet any examination requirement for any syllabus for a prescribed public examination which is a syllabus for which he has been prepared at the school.

(4) For the purposes of subsection (3)(a) transport is incidental to education provided for registered pupils at a school if it is provided for the purpose of carrying such pupils—

(a) to or from any part of the school premises in which education is provided for those pupils, from or to any other part of those premises, or

(b) to or from any place outside the school premises in which education is provided for those pupils under arrangements made by or on behalf of the governing body or the local education authority, from or to the school premises or any other such place.

Permitted charges

455 Permitted charges.

(1) Subject to subsection (2), a charge may be made in respect of—

(a) education provided for a registered pupil at a maintained school other than education in respect of which, by virtue of section 451, no charge may be made,

(b) the entry of a registered pupil at a maintained school for a public examination in any syllabus for that examination otherwise than in circumstances in which, by virtue of section 453(1), no charge may be made,

(c) transport provided for a registered pupil at a maintained school other than transport in respect of which, by virtue of section 454(3) or 509(2), no charge may be made, and

(d) board and lodging provided for a registered pupil at a maintained school on a residential trip.

(2) A charge may not be made—

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(a) by virtue of subsection (1)(a) in respect of the provision for a pupil of education,

(b) by virtue of subsection (1)(b) in respect of the entry of a pupil for an examination in any syllabus for that examination, or

(c) by virtue of subsection (1)(c) in respect of the provision for a pupil of transport,

unless the education is provided, the pupil is entered for the examination in that syllabus, or the transport is provided, by agreement with the pupil's parent.

(3) Any education, examination entry or transport in respect of which a charge may be made by virtue of subsection (1) is referred to in this Chapter as an "optional extra".

456 Regulation of permitted charges.

(1) This section applies in relation to any charge permitted under section 455 [F477]. . .; and a charge to which this section applies is referred to in this section as a "regulated charge".

(2) The amount of any regulated charge shall be payable by the parent of the pupil concerned.

(3) A regulated charge shall not exceed the cost of the provision of the optional extra or the board and lodging in question.

(4) Without prejudice to the generality of subsection (3), the cost of the provision of an optional extra includes costs, or an appropriate proportion of the costs—

(a) incurred in respect of the provision of any materials, books, instruments or other equipment used for the purposes of or in connection with the provision of the optional extra, or

(b) attributable to the provision of non-teaching staff for any purpose connected with the provision of the optional extra, or

(c) attributable to the provision of teaching staff engaged under contracts for services for the purpose of providing it.

(5) Subject to subsection (6), the cost of the provision of an optional extra shall not be taken to include any costs attributable to the provision of teaching staff other than staff engaged as mentioned in subsection (4)(c).

(6) Where the optional extra in question consists of tuition in playing a musical instrument, the cost of its provision shall include costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the tuition.

(7) Where charging is permitted under section 455 and the charge would be a regulated charge, the question whether any charge should be made, and the amount of any charge to be made, shall be determined—

(a) in a case where the cost of the provision of the optional extra or board and lodging in question is met by or from funds at the disposal of the governing body, by the governing body, and

(b) in any other case, by the local education authority.

(8) The whole or any part of the amount of any charge which the local education authority determine under subsection (7)(b) to make—

(a) shall, if the governing body so determine, be met by or from funds at the disposal of the governing body, and

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(b) to the extent that it is so met, shall not be payable by the parent of the pupil concerned.

Textual Amendments

F477 Words in s. 456(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 121, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

457 Charges and remissions policies.

(1) Every governing body of a maintained school and every local education authority shall determine and keep under review a policy with respect to—

(a) the provision of, and

(b) the classes or descriptions of case in which they propose to make charges for,

any optional extra or board and lodging in respect of which charges are permitted by section 455.

[F478] . . .

(2) No such body or authority shall make such a charge unless they have both—

(a) determined a policy under subsection (1)(b) (their "charging policy"), and

(b) determined a policy (their "remissions policy") setting out any circumstances in which they propose to remit (in whole or in part) any charge which would otherwise be payable to them in accordance with their charging policy.

(3) A remissions policy determined by the governing body of a school [F479]. . . shall set out any circumstances in which the governing body propose to meet (in whole or in part) any charge payable to the local education authority, in accordance with the authority's charging policy, for an optional extra or board and lodging provided for a registered pupil at the school.

(4) A remissions policy shall provide for complete remission of any charges otherwise payable in respect of board and lodging provided for a pupil on a residential trip if—

(a) the education provided on the trip is education in respect of which, by virtue of section 451, no charge may be made, and

(b) the pupil's parents are in receipt of—

(i) income support,

(ii) **[**[F480]working families' tax credit**]**,

(iii) an income-based jobseeker's allowance (payable under the [M14]Jobseekers Act 1995), or

(iv) disability working allowance,

in respect of any period wholly or partly comprised in the time spent on the trip.

(5) A remissions policy shall be kept under review by the governing body or local education authority by whom it was determined.

Textual Amendments

F478 Words in s. 457(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 122(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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F479 Words in s. 457(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 122(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F480 Words in s. 457(4)(b)(ii) substituted (5.10.1999) by 1999 c. 10, ss. 1(2), 20, Sch. 1 para. 1, **6(p)**

Marginal Citations

M14 1995 c. 18.

458 Charges for board and lodging at boarding schools.

(1) Subject to subsections (2) to (5), where a registered pupil at a maintained school is provided at the school with board and lodging, there shall be payable in respect of the board and lodging by the parent of the **[**[F481]pupil concerned, to the local education authority, charges**]** not exceeding the cost to the authority [F482]. . . of providing the board and lodging.

(2) Where—

[F483](a) . . . . . .

(b) the local education authority **[**[F484]for that pupil's area**]** are of the opinion that education suitable to his age, ability and aptitude and to any special educational needs he may have cannot otherwise be provided for him,

then, where the school is maintained by the local education authority for his area, that authority shall remit the whole of the charges payable under this section and, in any other case, that authority shall pay the whole of the charges payable under this section to the authority which maintain the school.

[F485](3) . . . . . .

(4) Where the local education authority for the pupil's area are satisfied that payment of the full charges payable under this section would involve financial hardship to the parent of the pupil concerned, the authority—

(a) in the case of charges payable to the authority, shall remit so much of those charges as falls in accordance with subsection (5) to be so remitted, and

(b) in the case of charges payable to another local education authority [F486]. . . in respect of board and lodging, shall pay so much of those charges as falls in accordance with subsection (5) to be so paid.

(5) The amount that falls to be remitted or paid by a local education authority by virtue of subsection (4)(a) or (b) is—

(a) such part of the charges in question as the authority consider ought not to be paid by the pupil's parent in order to avoid such hardship as is mentioned in subsection (4), or

(b) the whole of those charges if, in their opinion, such hardship cannot otherwise be avoided.

Textual Amendments

F481 Words in s. 458(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 123(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F482 Words in s. 458(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 123(a)(ii), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F483 S. 458(2)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 123(b)(i), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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F484 Words in s. 458(2)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 123(b)(ii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F485 S. 458(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 123(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F486 Words in s. 458(4)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 123(d), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Supplementary

459 Provision of information.

Regulations may require, in relation to every maintained school, the local education authority, the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—

(a) such information relevant for the purposes of this Chapter as to the school hours at the school, and

(b) such information as to the policies determined under section 457 which apply in relation to the school,

as may be prescribed.

460 Contributions and charges unaffected by Chapter III.

(1) Nothing in this Chapter shall be read as prohibiting or in any way restricting or regulating any request or invitation by or on behalf of the governing body of a maintained school or a local education authority for voluntary contributions for the benefit of the school or any school activities.

(2) Any request or invitation made by or on behalf of such a body or authority for contributions for the benefit of a school or school activities shall not be regarded for the purposes of subsection (1) as a request or invitation for voluntary contributions unless it is clear from the terms in which it is made—

(a) that there is no obligation to make any contribution, and

(b) that registered pupils at the school will not be treated differently according to whether or not their parents have made any contribution in response to the request or invitation.

(3) Nothing in this Chapter relating to charges in respect of a registered pupil at a maintained school shall be read as relating to—

(a) charges made by persons other than the governing body or the local education authority, or

(b) charges to be paid by persons other than the parent of the pupil or the pupil himself.

461 Recovery of sums as civil debt.

Any sum payable under section 453(2), 455 or 458 by the parent of a registered pupil at a maintained school shall be recoverable summarily as a civil debt.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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462 Interpretation of Chapter III.

(1) In this Chapter—

"equipment" does not include clothing;

"examination requirement", in relation to a syllabus for an examination, means a requirement which a pupil must meet in order to qualify for assessment for the purposes of determining his achievements in that examination in that syllabus.

(2) In this Chapter "residential trip" means any trip—

(a) which is arranged for registered pupils at a maintained school by or on behalf of the governing body or the local education authority, and

(b) which requires the pupils taking part to spend one or more nights away from their usual overnight accommodation.

(3) For the purposes of this Chapter, a pupil shall be regarded as having been prepared at a school for a syllabus for a prescribed public examination if any part of the education provided with a view to preparing him for that examination in that syllabus has been provided for him at that school.

(4) In this Chapter references to a public examination (or a prescribed public examination) are references to such an examination as it applies in relation to persons who are entered for a syllabus for that examination with a view to meeting the examination requirements for that syllabus so as to qualify for assessment for the purposes of determining their achievements in that examination on any particular occasion in any year when an assessment takes place.

(5) For the purposes of subsection (4)—

(a) "an assessment" means an assessment for the purposes of determining the achievements of persons entered for the examination in question; and

(b) such an assessment is to be regarded as taking place on any occasion on which it is determined in relation to each person entered for any syllabus in that examination who has met the examination requirements for that syllabus—

(i) whether he has passed or failed, and

(ii) if grades are assigned for the purposes of the examination, the grade to be assigned in his case.

PART VII

INDEPENDENT SCHOOLS

CHAPTER I

PRELIMINARY

463 Meaning of "independent school".

In this Act "independent school" means any school at which full-time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) and which is not—

(a) a school maintained by a local education authority, **[**[F487]or**]**

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(b) a special school not so maintained, [F488]. . .

[F489](c) . . . . . .

Textual Amendments

F487 Word in s. 463(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 124(a)** (with ss. 1 38(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F488 Word in s. 463(b) repealed (1.9.1999) by virtue of 1998 c. 31, s. 140(1)(3), Sch. 30 para. 124(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F489 S. 463(c) repealed (1.9.1999) by virtue of 1998 c. 31, s. 140(1)(3), Sch. 30 para. 124(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, SCh. 1.

CHAPTER II

REGISTRATION OF INDEPENDENT SCHOOLS

Registration

464 Separate registration for England and for Wales.

(1) A register of all independent schools in England shall be kept by an officer of the Secretary of State who is appointed by the Secretary of State to be Registrar of Independent Schools for England.

(2) A register of all independent schools in Wales shall be kept by an officer of the Secretary of State who is appointed by the Secretary of State to be Registrar of Independent Schools for Wales.

(3) Each register shall be open to public inspection at all reasonable times.

(4) In this Part "the Registrar of Independent Schools" (or "the Registrar") means—

(a) in relation to a school in England, the Registrar of Independent Schools for England, and

(b) in relation to a school in Wales, the Registrar of Independent Schools for Wales,

and references, in relation to a school, to the register or to registration are to the register kept by the relevant Registrar or to registration in that register.

465 Provisional and final registration of a school.

(1) Subject to subsection (2), the Registrar of Independent Schools shall enter in the register the name of any independent school whose proprietor—

(a) makes an application for registration in such manner as may be prescribed, and

(b) provides such particulars as may be prescribed.

(2) A school shall not be registered if—

(a) by virtue of an order made under section 470 or 471, the proprietor is disqualified from being the proprietor of an independent school or the school premises are disqualified from being used as a school, or

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(b) the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of such an order.

(3) The registration of a school shall initially be provisional only, and shall remain so until such time as the Secretary of State, after the school has been inspected on his behalf under Part I of the [M15]School Inspections Act 1996, gives notice to the proprietor that the registration is final.

(4) In this Part—

"provisionally registered school" means an independent school whose registration is provisional only, and

"registered school" means an independent school whose registration is final.

(5) In this section "proprietor", in relation to a school, includes any person or body of persons proposing to be the proprietor.

Marginal Citations

M15 1996 c. 57.

466 Enforcement of registration: offences.

(1) Subject to subsection (2), a person is guilty of an offence if he conducts an independent school which is not a registered school or a provisionally registered school.

(2) A person is not guilty of an offence under subsection (1) by reason of conducting a school at any time within the period of one month from the date on which it was first conducted (whether by that person or another) if an application for the registration of the school has been duly made under section 465 within that period.

(3) The proprietor of an independent school is guilty of an offence if, while it is a provisionally registered school, he does any act calculated to lead to the belief that it is a registered school.

467 Provision of information about registered and provisionally registered schools.

(1) Regulations may make provision for requiring the proprietor of a registered or provisionally registered school to provide the Registrar of Independent Schools from time to time with such particulars relating to the school as may be prescribed.

(2) Regulations made under this section may in particular require the proprietor of a school to furnish the Registrar with such information as is required by the local authority for the purpose of determining whether the school is a children's home (within the meaning of the [M16]Children Act 1989).

(3) Regulations may make provision for enabling the Secretary of State to order the deletion from the register of the name of any school in respect of which any requirement imposed by or under regulations made under this section is not complied with.

(4) Subsection (9) of section 537 (general power of Secretary of State to require information from governing bodies etc.) confers power on the Secretary of State to

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make similar provision in relation to non-compliance with any requirement imposed by or under regulations under that section.

Marginal Citations
M16 1989 c. 41.

468 School may be struck off for contravention of regulations about employment of teachers.

Where the Secretary of State is satisfied that a person whose employment is prohibited or restricted by virtue of regulations under section 218(6) of the [M17]Education Reform Act 1988 (employment prohibited or restricted on medical grounds or for misconduct etc.)—

(a) is employed in a registered or provisionally registered school in contravention of those regulations, or

(b) is the proprietor of such a school,

he may order that the school be struck off the register or (as the case may be) that the Registrar is not to register the school.

Marginal Citations
M17 1988 c. 40.

Complaints about registered and provisionally registered schools

469 Notice of complaint by Secretary of State.

(1) This section applies where the Secretary of State is satisfied that one or more of the following grounds of complaint apply in relation to a registered or provisionally registered school—

(a) the school premises or any parts of them are unsuitable for a school;

(b) the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages, and sex of the pupils attending the school;

(c) efficient and suitable instruction is not being provided at the school having regard to the ages and sex of the pupils attending it;

(d) the proprietor of the school or any teacher or other employee employed in the school is not a proper person to be the proprietor of an independent school or (as the case may be) to be a teacher or other employee in any school;

(e) there has been a failure, in relation to a child provided with accommodation by the school, to comply with the duty imposed by section 87 of the [M18]Children Act 1989 (welfare of children accommodated in independent schools).

(2) The Secretary of State shall serve on the proprietor of the school a notice of complaint stating the grounds of complaint which apply together with full particulars of the matters complained of.

(3) Unless any of those matters are stated in the notice to be in the opinion of the Secretary of State irremediable, the notice shall specify—

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(a) the measures necessary in the opinion of the Secretary of State to remedy those matters, and

(b) the time, not being less than six months after the service of the notice, within which those measures are required to be taken.

(4) If it is alleged by the notice that a person employed as a teacher or other employee at the school is not a proper person to be a teacher or other employee in any school—

(a) that person shall be named in the notice,

(b) the particulars given in the notice shall specify the grounds of the allegation, and

(c) a copy of the notice shall be served on him.

(5) Any notice of complaint, or copy of a notice of complaint, served under this section shall limit the time, not being less than one month after the service of the notice or copy, within which the complaint may be referred to an Independent Schools Tribunal under section 470.

(6) In this section and sections 470 to 473 "employee" means a person employed in work which brings him regularly into contact with persons who have not attained the age of 19.

Marginal Citations

M18 1989 c. 41.

470 Determination of complaint by an Independent Schools Tribunal.

(1) Any person on whom a notice of complaint or copy of a notice of complaint is served under section 469 may, within the time limited by the notice or copy, appeal against the notice by referring the complaint to an Independent Schools Tribunal.

(2) On the complaint being so referred, the tribunal, after giving all parties concerned an opportunity of being heard and after considering such evidence as may be tendered by them or on their behalf, may—

(a) order that the complaint be annulled;

(b) order that the school to which the complaint relates be struck off the register;

(c) order that the school be so struck off unless the requirements of the notice (subject to such modifications, if any, as may be specified in the order) are complied with to the satisfaction of the Secretary of State before the expiry of such time as may be specified in the order;

(d) if satisfied—

(i) that any premises alleged by the notice to be unsuitable for use as a school are in fact unsuitable for such use, or

(ii) that any part of such premises is in fact unsuitable for such use,

by order disqualify the premises, or that part, from being so used;

(e) if satisfied that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school, by order disqualify the premises from being used as a school for pupils exceeding such number or of such age or sex as may be specified in the order;

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(f) if satisfied that any person alleged by the notice of complaint to be a person who is not proper to be the proprietor of an independent school or to be a teacher or other employee in any school is in fact such a person, by order disqualify that person from being the proprietor of any independent school or (as the case may be) from being a teacher or other employee in any school.

471 Determination of complaint by Secretary of State.

(1) Where—

(a) a notice of complaint has been served on the proprietor of a school under section 469, and

(b) the complaint is not referred by him to an Independent Schools Tribunal under section 470 within the time limited by the notice,

the Secretary of State may (subject to subsection (2)) make any order which such a tribunal would have had power to make if the complaint had been so referred.

(2) If—

(a) it is alleged by the notice that a person employed as a teacher or other employee at the school is not a proper person to be a teacher or other employee in any school, and

(b) that person has, within the time limited by the copy of the notice served on him, referred the complaint to an Independent Schools Tribunal under section 470,

the Secretary of State may not make an order disqualifying him from being a teacher or other employee in any school.

472 Effect of personal disqualification.

Where, by virtue of an order made—

(a) by an Independent Schools Tribunal under section 470, or

(b) by the Secretary of State under section 471,

a person is disqualified either from being the proprietor of an independent school or from being a teacher or other employee in any school, then (unless the order otherwise directs) he shall by virtue of the order be disqualified both from being the proprietor of an independent school and from being a teacher or other employee in any school.

473 Enforcement of disqualification.

(1) A person is guilty of an offence if he uses any premises for purposes for which they are disqualified by virtue of an order made under section 470 or 471.

(2) A person is guilty of an offence if he—

(a) acts as the proprietor of an independent school, or

(b) accepts or endeavours to obtain employment as a teacher or other employee in any school,

while he is disqualified from so acting or from being so employed by virtue of an order made under section 470 or 471.

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VALID FROM 11/01/2001

[F490 473A Removal of disqualification: persons no longer unsuitable to work with children.

(1) Subject to section 473B, a person to whom this section applies may make an application under this section to the Tribunal.

(2) This section applies to any person who is disqualified, by an order made under section 470 or 471 on the grounds that he is unsuitable to work with children—
  (a) from being the proprietor of any independent school; or
  (b) from being a teacher or other employee in any school.

(3) On an application under this section the Tribunal shall determine whether or not the individual shall continue to be subject to the order.

(4) If the Tribunal is satisfied that the individual is no longer unsuitable to work with children, it shall direct that the order shall cease to have effect; otherwise it shall dismiss the application.

(5) In this section and section 473B, "the Tribunal" means the tribunal established by section 9 of the [M19] Protection of Children Act 1999.**]**

Textual Amendments

F490 Ss. 473A, 473B inserted (11.1.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 129**; S.I. 2000/3302, **art. 2(b)**

Marginal Citations

M19 1999 c. 14.

VALID FROM 11/01/2001

[F491 473B Conditions for application under section 473A.

(1) A person may only make an application under section 473A with the leave of the Tribunal.

(2) An application for leave under this section may not be made unless the appropriate conditions are satisfied in the person's case.

(3) In the case of a person who was a child when the order was made, the appropriate conditions are satisfied if—
  (a) at least five years have elapsed since the order was made; and
  (b) in the period of five years ending with the time when he makes the application under this section, he has made no other such application.

(4) In the case of any other person, the appropriate conditions are satisfied if—
  (a) at least ten years have elapsed since the order was made; and

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(b) in the period of ten years ending with the time when he makes the application under this section, he has made no other such application.

(5) The Tribunal shall not grant an application under this section unless it considers—

(a) that the person's circumstances have changed since the order was made, or, as the case may be, since he last made an application under this section; and

(b) that the change is such that leave should be granted.

Textual Amendments

F491 Ss. 473A, 473B inserted (11.1.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 129**; S.I. 2000/3302. art. 2(b)

474 Removal of disqualification.

(1) If on the application of any person the Secretary of State is satisfied that any disqualification imposed by an order made under section 470 or 471 is, by reason of any change of circumstances, no longer necessary, he may by order remove the disqualification.

(2) Any person who is aggrieved by the refusal of the Secretary of State to remove any such disqualification may appeal to an Independent Schools Tribunal within such time after the refusal has been communicated to him as may be limited by rules made under section 476.

475 Duty of Registrar to comply with order for the deletion of a school from the register.

Where an order directing that a school be struck off the register is made—

(a) by the Secretary of State under section 468 or 471, or

(b) by an Independent Schools Tribunal under section 470,

the Registrar of Independent Schools shall strike the school off the register as from the date on which the direction takes effect.

Independent Schools Tribunals

476 Constitution and proceedings of Independent Schools Tribunals.

(1) Schedule 34 has effect in relation to the constitution of Independent Schools Tribunals and the remuneration of their members.

(2) The Lord Chancellor may, with the concurrence of the Lord President of the Council, make rules as to—

(a) the practice and procedure to be followed with respect to the constitution of Independent Schools Tribunals;

(b) the manner of making appeals to such tribunals; and

(c) proceedings before such tribunals and matters incidental to or consequential on such proceedings.

(3) The rules may, in particular, make provision—

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(a) requiring such a tribunal to sit at such places as may be directed in accordance with the rules; and

(b) as to appearance before such tribunals by counsel or a solicitor.

(4) Part I of the [M20]Arbitration Act 1996 shall not apply to any proceedings before an Independent Schools Tribunal, except so far as any provisions of that Act may be applied, with or without modifications, to such proceedings by the rules.

(5) Every order of an Independent Schools Tribunal shall be registered by the Registrar of Independent Schools and shall be open to public inspection at all reasonable times.

Marginal Citations
M20 1996 c. 23.

Supplementary

477 Disqualification in Scotland.

For the purposes of this Part, except section 474, a person who is disqualified by an order made (or having effect as if made) under section 100 of the [M21]Education (Scotland) Act 1980—

(a) from being the proprietor of an independent school within the meaning of that Act, or

(b) from being a teacher in any school,

shall be taken to be disqualified from being the proprietor of an independent school within the meaning of this Act, or (as the case may be) from being a teacher in any school, by virtue of an order made under section 470 or 471.

Marginal Citations
M21 1980 c. 44.

478 Offences: institution of proceedings and punishment.

(1) No proceedings shall be instituted for an offence under section 466 or 473 except by or on behalf of the Secretary of State.

(2) A person guilty of an offence under section 466 or 473 is liable on summary conviction—

(a) to a fine not exceeding level 4 on the standard scale, or

(b) to imprisonment for a term not exceeding three months,

or both.

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CHAPTER III

ASSISTED PLACES AT INDEPENDENT SCHOOLS

[F492]479 . . . . . .

Textual Amendments
F492 S. 479 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3)(a), **Sch.**, Pt.I.

[F493]480 . . . . . .

Textual Amendments
F493 S. 480 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3), **Sch. Pt.I**.

[F494]481 . . . . . .

Textual Amendments
F494 S. 481 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3), **Sch. Pt.I**.

CHAPTER IV

CITY COLLEGES

482 City technology colleges and city colleges for the technology of the arts.

(1) The Secretary of State may enter into an agreement with any person under which—

(a) that person undertakes to establish and maintain, and to carry on or provide for the carrying on of, an independent school with such characteristics as are specified in the agreement and in subsection (2), and

(b) the Secretary of State agrees to make payments to that person in consideration of those undertakings.

(2) The characteristics mentioned above are that the school—

(a) is situated in an urban area,

(b) provides education for pupils of different abilities who have attained the age of 11 and who are wholly or mainly drawn from the area in which the school is situated, and

(c) has a broad curriculum with an emphasis [F495]. . .on science and technology or on technology in its application to the performing and creative arts **[**[F496]or on a subject area mentioned in subsection (2A)**]**.

[[F497](2A) The subject areas are—

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(a) modern foreign languages;
(b) visual arts, performing arts or media arts (or any combination of them);
(c) sport;
(d) any subject specified by order by the Secretary of State.**]**

(3) A school to which an agreement under this section relates shall be known—
(a) as a city technology college, if the emphasis of its curriculum is on science and technology, [F498]. . .
(b) as a city college for the technology of the arts, if the emphasis of its curriculum is on technology in its application to the performing and creative arts. **[**[F499], or
[F499](c) as a city academy, if the emphasis of its curriculum is on a subject area mentioned in subsection (2A).**]**

[[F500](3A) A school established on or after the relevant day and which would otherwise, by virtue of subsection (3), be known as a city technology college or a city college for the technology of the arts may instead, if the person carrying it on so chooses, be known as a city academy.

(3B) Before entering into an agreement under this section in relation to a school to be known as a city academy, the Secretary of State must consult the local education authorities referred to in subsection (3C) about the establishment of the school.

(3C) The authorities are—
(a) the local education authority in whose area the school is to be situated, and
(b) if the Secretary of State thinks a significant proportion of the pupils at the school is likely to be resident within the area of another local education authority, that authority.**]**

(4) An agreement under this section shall make any payments by the Secretary of State dependent on the fulfilment of—
(a) conditions and requirements imposed for the purpose of securing that no charge is made in respect of admission to the school or, subject to such exceptions as may be specified in the agreement, in respect of education provided at the school, and
(b) such other conditions and requirements in relation to the school as are specified in the agreement.

(5) Any requirements having effect in relation to the school by virtue of section 218(2B) of the [M22]Education Reform Act 1988 (requirements as to the training and teaching experience of teachers at city colleges who seek to become qualified teachers) shall have effect for the purposes of this section and section 483 as requirements falling within subsection (4).

[[F501](6) For the purposes of subsection (3A) the relevant day is the day on which section 130 of the Learning and Skills Act 2000 comes into force.**]**

Textual Amendments

F495 Word in s. 482(2)(c) repealed (28.7.2000) by 2000 c. 21, ss. 130(2)(7), 153, 154(5)(b)(d), **Sch. 11**
F496 Words in s. 482(2)(c) inserted (E.) (28.7.2000) by 2000 c. 21, **ss. 130(2)(b)(7)**, 154(5)(b)
F497 S. 482(2A) inserted (E.) (28.7.2000) by 2000 c. 21, **ss. 130(3)(7)**, 154(5)(b)
F498 Word "or" preceding s. 482(3)(b) repealed (28.7.2000) by 2000 c. 21, ss. 153, 154(5)(d), **Sch. 11**

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F499 S. 482(3)(c) and the preceding words ", or" inserted (E.) (28.7.2000) by 2000 c. 21, **ss. 130(4)(7)**, 154(5)(b)
F500 S. 482(3A)-(3C) inserted (E.) (28.7.2000) by 2000 c. 21, **ss. 130(5)(7)**, 154(5)(b)
F501 S. 482(6) inserted (E.) (28.7.2000) by 2000 c. 21, **ss. 130(6)(7)**, 154(5)(b)

Marginal Citations
M22 1988 c. 40.

483 City colleges: financial provisions.

(1) Payments under an agreement under section 482 may be in respect of capital or current expenditure.

(2) In so far as such payments relate to current expenditure, the agreement shall provide for their continuance (subject to the fulfilment of the conditions and requirements falling within section 482(4))—
  (a) for a period of not less than seven years, or
  (b) for an indefinite period terminable by the Secretary of State by not less than seven years' written notice.

(3) Where such payments relate to capital expenditure, the agreement shall provide for the repayment to the Secretary of State, in the event of the school at any time discontinuing or ceasing to have the characteristics specified in the agreement and in section 482(2), of sums determined by reference to—
  (a) the value at that time of the school premises and other assets held for the purposes of the school, and
  (b) the extent to which expenditure incurred in providing those assets was met by payments under the agreement.

(4) Without prejudice to subsection (1), an agreement under section 482 may provide for indemnifying a person, in the event of the agreement being terminated by the Secretary of State, for expenditure—
  (a) incurred by that person in carrying out the undertakings mentioned in section 482(1), or
  (b) incurred by that person (otherwise than by virtue of subsection (3)) in consequence of the termination of the agreement.

VALID FROM 01/10/2000

[F502 483A City colleges and academies: special educational needs.

(1) This section applies in relation to any child falling within subsection (2) if the condition in subsection (3) is satisfied.

(2) A child falls within this subsection if—
  (a) he is a child for whom a statement is maintained under section 324, and
  (b) he attends (or proposes to attend) a school which is a city technology college, a city college for the technology of the arts or a city academy.

(3) The condition in this subsection is satisfied if—
  (a) the school is approved by the Secretary of State under section 347(1), or

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(b) the Secretary of State consents to the child being educated at the school.

(4) The Secretary of State may by regulations make provision for securing that arrangements are made—
(a) for making the special educational provision specified in the statement;
(b) for making any non-educational provision specified in the statement.

(5) Regulations under subsection (4) may require or authorise a local education authority—
(a) to make payments to the school in respect of the child, or
(b) to provide any other assistance to the school in respect of the child.

(6) No condition or requirement imposed by virtue of section 482(4)(a) is to prevent a local education authority making payments or providing assistance by virtue of subsection (5).

(7) This section does not apply to schools in Wales.**]**

Textual Amendments
F502 S. 483A inserted (1.10.2000) by 2000 c. 21, **s. 133** (with s. 150); S.I. 2000/2559, art. 2(1), **Sch. Pt. I**

PART VIII

GRANTS AND OTHER FINANCIAL MATTERS

Grants

484 [F503Education standards grants.]

(1) The Secretary of State may pay grants, known as **[**F504education standards grants,**]** to local education authorities in respect of eligible expenditure incurred or to be incurred by them.

(2) In this section "eligible expenditure" means expenditure of any class or description for the time being specified in regulations, being expenditure for or in connection with educational purposes which it appears to the Secretary of State that local education authorities should be encouraged to incur in the interests of education in England and Wales.

(3) The regulations shall provide that **[**F505any education standards grant**]** payable in pursuance of the regulations—
(a) shall only be payable in respect of eligible expenditure incurred or to be incurred by a local education authority in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of the regulations, and
(b) shall be payable at such rate as may be specified in the regulations.

(4) The regulations may provide for the time and manner of payment of **[**F505any education standards grant**]**.

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(5) The regulations may provide for expenditure incurred or to be incurred by any local education authority in making payments, whether by way of maintenance, assistance or otherwise, to any body or persons who incur expenditure for or in connection with educational purposes (including another local education authority) to be treated, in such circumstances as may be specified in the regulations, as eligible expenditure.

(6) The Secretary of State may exercise his power under subsection (1) separately and differently in relation to local education authorities in England and local education authorities in Wales, and "education in England and Wales" in subsection (2) shall be construed accordingly.

(7) Nothing in section 29(1) or 507 applies in relation to any function of the Secretary of State under this section or under section 489 so far as it relates to regulations under this section; and nothing in sections 495 to 497 applies in relation to any function arising by virtue of section 489 so far as it relates to such regulations.

Textual Amendments

F503 S. 484 sidenote substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 125(c)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, **Sch. 1**

F504 Words in s. 484(1) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 125(a)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, **Sch. 1**

F505 Words in s. 484(3)(4) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 125(b)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, **Sch. 1**

Modifications etc. (not altering text)

C31 S. 484 extended (E.) (1.9.2001) by S.I. 2001/2897, **reg. 23**

C32 S. 484: power to extend conferred (1.10.1998) by 1998 c. 30, **s. 19(8)** (with s. 42(8)); S.I. 1998/2215, **art. 2**

C33 S. 484 amended (1.10.1998) by 1998 c. 31, **s. 7(10)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**

485 Grants in aid of educational services or research.

Regulations shall make provision for the payment by the Secretary of State to persons other than local education authorities of grants in respect of expenditure incurred or to be incurred by them—

(a) for the purposes of, or in connection with, the provision (or proposed provision) of educational services, or

(b) for the purposes of educational research.

486 Grants to bodies whose objects are promotion of learning or research.

Regulations may provide for the payment of grants to bodies other than local education authorities whose object or main object is, in the opinion of the Secretary of State, the promotion of learning or research.

487 Grants for education in Welsh.

Regulations shall make provision for the payment by the Secretary of State to local education authorities and other persons of grants in respect of expenditure incurred

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or to be incurred in, or in connection with, the teaching of the Welsh language or the teaching in that language of other subjects.

488 Grants for education of travellers and displaced persons.

(1) Regulations may make provision for the payment to local education authorities of grants in respect of expenditure incurred or to be incurred by them in making provision the purpose (or main purpose) of which is to promote and facilitate the education of persons to whom this section applies.

(2) This section applies to a person if—
- (a) by reason of his way of life (or, in the case of a child, his parent's way of life) he either has no fixed abode or leaves his main abode to live elsewhere for significant periods in each year;
- (b) he fell within paragraph (a) within a prescribed period immediately preceding the making of the provision in question; or
- (c) he is for the time being resident in a camp or other accommodation or establishment provided for refugees or for displaced or similar persons.

(3) The regulations may—
- (a) prescribe classes or descriptions of expenditure in respect of which grants are payable under the regulations, and
- (b) provide for the determination of the amount of any grant so payable.

489 Conditions as to payment of grants under sections 484 to 488.

(1) Regulations made under any of sections 484 to 488 may provide—
- (a) for the payment of grant under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and
- (b) for requiring persons to whom payments have been made under the regulations to comply with such requirements as may be so determined.

(2) Conditions and requirements determined under subsection (1)(a) and (b) by or in accordance with regulations made under section 484 may include conditions and requirements obliging the local education authority in question to delegate decisions about the spending of—
- (a) **[**[F506]education standards grant,**]** and
- (b) amounts allocated by the authority to meet eligible expenditure (within the meaning of that section) which is approved by the Secretary of State,

to such persons as may be determined by or in accordance with the regulations.

(3) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to or regulating any institution that—
- (a) provides or is concerned in the provision of educational services, or
- (b) is concerned in educational research,

as, after consultation with the persons responsible for the management of the institution, appear to him to be requisite to enable them to fulfil any condition or meet any requirement imposed by regulations under section 485.

(4) Any modification made by an order under subsection (3) may be made to have permanent effect or to have effect for such period as may be specified in the order.

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Textual Amendments

F506 Words in s. 489(2)(a) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.126** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, **Sch. 1**.

490 Grants in respect of special provision for ethnic minorities.

(1) Where subsection (2) applies, the power conferred by section 11 of the [M23]Local Government Act 1966 (grants in respect of ethnic minority population) shall apply in relation to the payment of grants by the Secretary of State to—

[F507](a) . . . . . .

(b) a person who in pursuance of undertakings under an agreement under section 482 maintains and carries on, or provides for the carrying on of, a city technology college **[**[F508], a city college for the technology of the arts or a city academy**]** of the arts,

as it applies in relation to the payment of grants to a local authority who in his opinion are required to make special provision in exercise of any of their functions in consequence of the presence within their area of such persons as are referred to in section 11 of that Act.

(2) This subsection applies if, in the Secretary of State's opinion, special provision is made by the governing body or person in question in consequence of the presence within the locality of the school **[**[F509], college or academy**]** of such persons as are referred to in section 11 of that Act.

Textual Amendments

F507 S. 490(1)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 127, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F508 Words in s. 490(1)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 58(2)** (with s. 150)

F509 Words in s. 490(2) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 58(3)** (with s. 150)

Marginal Citations

M23 1966 c. 42.

Payment of fees etc.

491 Payment of school fees and expenses.

(1) Regulations shall make provision for the payment by the Secretary of State, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them, of the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable.

(2) Regulations under this section may provide—

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(a) for the making of payments under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and

(b) for requiring persons to whom payments have been made under the regulations to comply with such requirements as may be so determined.

Recoupment

492 Recoupment: adjustment between local education authorities.

(1) Regulations may provide, in relation to cases where any provision for education to which this section applies is made by a local education authority in respect of a person who belongs to the area of another local education authority, for requiring or authorising the other authority to pay to the providing authority—

(a) such amount as the authorities may agree, or

(b) failing agreement, such amount as may be determined by or under the regulations.

(2) This section applies to primary education, secondary education and further education and to part-time education for those who have not attained **[**[F510]compulsory school age**]**.

(3) The regulations may provide for the amounts payable by one authority to another—

(a) to reflect the whole or any part of the average costs incurred by local education authorities in the provision of education (whether in England and Wales as a whole or in any particular area or areas); and

(b) to be based on figures for average costs determined by such body or bodies representing local education authorities, or on such other figures relating to costs so incurred, as the Secretary of State considers appropriate.

(4) The regulations may provide for the amounts so payable, in such cases as may be specified in or determined in accordance with the regulations, to be such amounts as may be determined by the Secretary of State.

(5) Any dispute between local education authorities as to whether one of them is entitled to be paid any amount by another under the regulations shall be determined by the Secretary of State.

(6) In this section—

(a) references to provision for education include provision of any benefits or services for which provision is made by or under this Act or any other enactment relating to education; and

(b) "further education" does not include further education of a kind such that expenditure on its provision would fall within paragraph 6 of Schedule 10 to the [M24]Local Government, Planning and Land Act 1980.

Textual Amendments

F510 Words in s. 492(2) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para.36**; S.I. 1998/386, art. 2(3), **Sch. 1 Pt.III**.

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Modifications etc. (not altering text)
C34 Ss. 492-495: power to exercise functions modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Marginal Citations
M24 1980 c. 65.

493 Recoupment: cross-border provisions.

(1) Regulations may make provision requiring or authorising payments of amounts determined by or under the regulations to be made by one authority to another where—

(a) the authority receiving the payment makes, in such cases or circumstances as may be specified in the regulations, provision for education in respect of a person having such connection with the area of the paying authority as may be so specified, and

(b) one of the authorities is a local education authority and the other an education authority in Scotland.

(2) Subsections (3) and (4) of section 492 shall apply for the purposes of this section as they apply for the purposes of that section.

(3) Any question concerning the connection of any person with the area of a particular local education authority or education authority shall be decided in accordance with the regulations.

(4) In subsection (1) "provision for education" includes provision of any benefits or services for which provision is made by or under this Act or any other enactment relating to education.

Modifications etc. (not altering text)
C35 Ss. 492-495: power to exercise functions modified (1.7.1999) by S.I. 1999/120, art. 5, **Sch. 2**

[F511 494 Recoupment: excluded pupils.

(1) Subsection (2) applies where a pupil is permanently excluded from any school maintained by a local education authority ("the old authority") and, in the financial year in which the exclusion first takes effect, he is subsequently provided with education by another local education authority ("the new authority"), whether at a school maintained by that authority or otherwise than at school.

(2) The old authority shall pay to the new authority, in connection with the provision of education for that pupil in that financial year, such amount, if any, as is payable in accordance with regulations.

(3) Where a pupil is permanently excluded from any school maintained by a local education authority and, in the financial year in which the exclusion first takes effect, the following events subsequently occur—

(a) he is first provided by another local education authority ("the intermediate authority") with education in a pupil referral unit or otherwise than at school, and

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(b) at any time afterwards he is provided with education by a local education authority other than the intermediate authority ("the last authority"), whether at a school maintained by that authority or otherwise than at school,

then, in connection with the provision of the education mentioned in paragraph (b), subsection (2) shall apply to the intermediate authority and the last authority as if they were an old authority and a new authority respectively.

(4) Any dispute as to whether any local education authority are entitled to be paid any amount under this section by any other such authority shall be determined by the Secretary of State.

(5) Regulations may prescribe the time when the permanent exclusion of a pupil is to be regarded as taking effect for the purposes of this section.**]**

Textual Amendments

F511 S. 494 substituted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.128** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch.1 Pt. IV**.

Modifications etc. (not altering text)

C36 Ss. 492-495: power to exercise functions modified (1.7.1999) by S.I. 1999/120, art. 5, **Sch. 2**

C37 S. 494 modified (20.11.1998) by S.I. 1998/2670, **art.8**.

C38 S. 494: functions transferred (prosp.) by Education Act 2002 (c. 32), **ss. 208(2)(3)**, 216(4)

PART IX

ANCILLARY FUNCTIONS

CHAPTER I

ANCILLARY FUNCTIONS OF SECRETARY OF STATE

General functions

495 Determination of disputes.

(1) Except where this Act expressly provides otherwise, any dispute between a local education authority and the governing body of a school as to the exercise of any power conferred or the performance of any duty imposed by or under this Act may be referred to the Secretary of State (despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the governing body).

(2) The Secretary of State shall determine any dispute referred to him under subsection (1).

(3) Any dispute between two or more local education authorities as to which of them is responsible for the provision of education for any pupil shall be determined by the Secretary of State.

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Modifications etc. (not altering text)

C39 S. 495 modified (1.9.1999) by 1998 c. 31, **s. 44(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

C40 S. 495(1) extended (1.11.1996) by 1988 c. 40, **s. 219(2)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para.77 (with ss. 1(4), 561, 562, **Sch. 39**))

496 Power to prevent unreasonable exercise of functions.

(1) If the Secretary of State is satisfied (either on a complaint by any person or otherwise) that a body to which this section applies have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, he may give such directions as to the exercise of the power or the performance of the duty as appear to him to be expedient (and may do so despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the body).

(2) The bodies to which this section applies are—

(a) any local education authority, **[**[F512]and**]**

[[F513](b) the governing body of any community, foundation or voluntary school or any community or foundation special school.**]**

Textual Amendments

F512 Word in s. 496(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 129(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F513 S. 496(2)(b) substituted (1.9.1999) for s. 496(2)(b)(c) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 129(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Modifications etc. (not altering text)

C41 S. 496 modified (1.11.1996) by 1988 c. 40, **s. 219(3)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 77 (with ss. 1(4), 561, 562, **Sch. 39**))
S. 496 modified (1.9.1998) by 1997 c. 44, **s. 43(4)**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**
S. 496 modified (1.9.1999) by 1998 c. 31, **s. 44(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
S. 496 modified (1.4.2001 (E.), 1.4.2002 (W.)) by 2000 c. 21, **s. 113(3)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/2705, art. 2(1), **Sch. Pt. I**

C42 S. 496 extended (1.11.1996) by 1992 c. 13, **s. 56(3)** (as added (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 112 (with ss. 1(4), 561, 562, **Sch. 39**))
S. 496 extended (1.11.1996) by 1992 c. 13, **s. 57(6)(a)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 113 (with ss. 1(4), 561, 562, **Sch. 39**))
S. 496 extended (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 10** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

C43 S. 496: power to apply conferred (1.10.1998) by 1998 c. 31, **s. 105(7)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**

C44 S. 496 applied (7.8.2000 for E., 1.11.2000 for W.) by 2000 c. 22, s. 23, **Sch. 1 para. 10(a)**; S.I. 2000/2187, **art. 2(c)**; S.I. 2000/2948, **art. 2**
S. 496 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002 (S.I. 2002/2903), regs. 1(2), **8**
S. 496 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 (S.I. 2002/2904), regs. 1(2), **8** (with reg. 9)

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C45 S. 496 continued (W.) (22.3.2001) by S.I. 2001/1274, **art. 3(4)(a)**

497 General default powers.

(1) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a body to which this section applies have failed to discharge any duty imposed on them by or for the purposes of this Act, he may make an order—

(a) declaring the body to be in default in respect of that duty, and

(b) giving such directions for the purpose of enforcing the performance of the duty as appear to him to be expedient.

(2) The bodies to which this section applies are—

(a) any local education authority, **[**[F514]and**]**

[[F515](b) the governing body of any community, foundation or voluntary school or any community or foundation special school.**]**

(3) Any directions given under subsection (1)(b) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

Textual Amendments

F514 Word in s. 497(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 130(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F515 S. 497(2)(b)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 130(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Modifications etc. (not altering text)

C46 S. 497 modified (1.11.1996) by 1988 c. 40, **s. 219(3)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 77 (with ss. 1(4), 561, 562, **Sch. 39**))
S. 497 modified (1.9.1998) by 1997 c. 44, **s. 43(4)**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**
S. 497 modified (1.9.1999) by 1998 c. 31, **s. 44(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

C47 S. 497: power to apply conferred (1.10.1998) by 1998 c. 31, **s. 105(7)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**

C48 S. 497 applied (3.12.1998) by S.I. 1998/2876, **reg. 21**
S. 497 applied (7.8.2000 (E.), 1.11.2000 (W.)) by 2000 c. 22, s. 23, **Sch. 1 para. 10(b)**; S.I. 2000/2187, **art. 2(c)**, S.I. 2000/2948, art. 2
S. 497 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002 (S.I. 2002/2903), regs. 1(2), **8**
S. 497 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 (S.I. 2002/2904), regs. 1(2), **8** (with reg. 9)

C49 S. 497 extended (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 10** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[[F516]497A Power to secure proper performance of LEA's functions.

(1) This section applies to a local education authority's functions (of whatever nature) which relate to the provision of education—

(a) for persons of compulsory school age (whether at school or otherwise), or

(b) for persons of any age above or below that age who are registered as pupils at schools maintained by the authority.

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(2) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a local education authority are failing in any respect to perform any function to which this section applies to an adequate standard (or at all), he may exercise his powers under subsection (3) or (4).

(3) The Secretary of State may under this subsection direct an officer of the authority to secure that that function is performed in such a way as to achieve such objectives as are specified in the direction.

(4) The Secretary of State may under this subsection give an officer of the authority such directions as the Secretary of State thinks expedient for the purpose of securing that the function—

(a) is performed, on behalf of the authority and at their expense, by such person as is specified in the direction, and

(b) is so performed in such a way as to achieve such objectives as are so specified;

and such directions may require that any contract or other arrangement made by the authority with that person contains such terms and conditions as may be so specified.

(5) Where the Secretary of State considers it expedient that the person specified in directions under subsection (4) should perform other functions to which this section applies in addition to the function to which subsection (2) applies, the directions under subsection (4) may relate to the performance of those other functions as well; and in considering whether it is expedient that that person should perform any such additional functions, the Secretary of State may have regard to financial considerations.

(6) Any direction under this section may either—

(a) have effect for an indefinite period until revoked by the Secretary of State, or

(b) have effect until any objectives specified in the direction have been achieved (as determined in accordance with the direction).

(7) Any direction given under subsection (3) or (4) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.**]**

Textual Amendments

F516 S. 497A inserted (1.10.1998) by 1998 c. 31, **s. 8** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch.1 Pt. I**.

Modifications etc. (not altering text)

C50 S. 497A modified (1.9.1999) by 1998 c. 31, **s. 44(7)** (with ss. 138(9),144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

C51 S. 497A(1)(b) modified (12.1.1999) by S.I. 1998/3217, **reg.2(b)**.

VALID FROM 26/07/2002

[F517 497AA Power to secure proper performance: duty of authority where directions contemplated

Where, in relation to any function to which section 497A applies, the Secretary of State—

(a) is satisfied as mentioned in subsection (2) or (2A)(b) of that section, and

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(b) has notified the local education authority that he is so satisfied and that he is contemplating the giving of directions under subsection (4) or (4A) of that section,

the authority shall give the Secretary of State, and any person authorised by him for the purposes of this section, all such assistance, in connection with the proposed exercise of the function by the Secretary of State or another person in pursuance of directions, as they are reasonably able to give.**]**

Textual Amendments

F517 S. 497AA inserted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), **ss. 61**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I

[F518 497B Power to secure proper performance: further provisions.

(1) Where the Secretary of State gives directions under section 497A(4) to an officer of a local education authority, the person specified in those directions shall, in the performance of the function or functions specified in the directions, be entitled to exercise the powers conferred by this section.

(2) The specified person shall have at all reasonable times—

(a) a right of entry to the premises of the authority, and

(b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which he considers relevant to the performance of the specified function or functions.

(3) In exercising the right to inspect records or other documents under subsection (2), the specified person—

(a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been so used, or

(ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

to afford him such assistance as he may reasonably require (including, in particular, the making of information available for inspection or copying in a legible form).

(4) Without prejudice to subsection (2), the authority shall give the specified person all assistance in connection with the performance of the specified function or functions which they are reasonably able to give.

(5) Subsection (2) shall apply in relation to any school maintained by the authority as it applies in relation to the authority; and without prejudice to that subsection (as it so applies)—

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(a) the governing body of any such school shall give the specified person all assistance in connection with the exercise of his functions which they are reasonably able to give; and

(b) the governing body of any such school and the authority shall secure that all such assistance is also given by persons who work at the school.

(6) Any reference in this section to the specified person includes a reference to any person assisting him in the performance of the specified function or functions.

(7) In this section "document" and "records" each include information recorded in any form.**]**

Textual Amendments

F518 S. 497B inserted (1.10.1998) by 1998 c. 31, **s. 8** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**

Modifications etc. (not altering text)

C52 S. 497B modified (12.1.1999) by S.I. 1998/3217, **reg.2(b)**
S. 497B modified (1.9.1999) by 1998 c. 31, **s. 44(7)**, 145(3) (with ss. 138(9), 144(6))

Appointment of governors, etc.

498 Powers where no properly constituted governing body.

(1) Where it appears to the Secretary of State that, by reason of the default of any person, there is no properly constituted governing body of a school to which this section applies, the Secretary of State—

(a) may make such appointments and give such directions as he thinks desirable for the purpose of securing that there is a properly constituted governing body of that school, and

(b) may give directions rendering valid any acts or proceedings which in his opinion are invalid or otherwise defective by reason of the default.

[[F519](2) This section applies to any community, foundation or voluntary school or any community or foundation special school.**]**

Textual Amendments

F519 S. 498(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.131** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Modifications etc. (not altering text)

C53 S. 498 extended (1.11.1996) by 1988 c. 40, **s. 219(4)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 77 (with ss. 1(4), 561, 562, **Sch. 39**)).

C54 S. 498 modified (1.9.1999) by 1998 c. 31, **s. 44(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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Membership of education committees

499 Power to direct appointment of members of education committees.

(1) Subsection (2) applies to any local authorities which in accordance with section 102(1) of the [M25]Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.

(2) The Secretary of State may by directions to any local authorities to which this subsection applies require—
  (a) every such committee, or
  (b) any such committee of a description specified in the direction,
to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts.

(3) Subsection (4) applies to any two or more local authorities which in accordance with section 102(1) of the [M26]Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.

(4) The Secretary of State may by directions to any local authorities to which this subsection applies require—
  (a) every such committee, or
  (b) any such committee of a description specified in the direction,
to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts or in such area as may be specified in the direction.

(5) The power of the Secretary of State to give directions under subsection (2) or (4) shall be exercisable in relation to any sub-committees which—
  (a) are appointed by the authorities concerned or any such committee as is mentioned in that subsection, and
  (b) are so appointed wholly or partly for the purpose of discharging the authorities' functions as mentioned in subsection (1) or (3) or the committee's functions with respect to education,
as it is exercisable in relation to the committees themselves.

[[F520](6) Regulations may require—
  (a) any such committee as is mentioned in subsection (1) or (3), and
  (b) any sub-committee appointed by any authorities within subsection (1) or (3), or by any committee within paragraph (a) of this subsection, for the purpose mentioned in subsection (5)(b),
to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools in relation to which the committee or sub-committee acts.

(7) Regulations may make provision for—
  (a) the number of persons who are to be elected for the purposes of subsection (6) in the case of any local education authority;

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(b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election;

(c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected;

(d) the term of office of persons so elected and their voting rights;

(e) the application to any such committee or sub-committee, with or without any modification, of any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority;

(f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.

(8) Regulations may also make provision—

(a) enabling the Secretary of State to determine, where he considers it expedient to do so in view of the small number of maintained schools in relation to which a committee or sub-committee acts, that the requirement imposed on the committee or sub-committee by virtue of subsection (6) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools;

(b) for any regulations under subsection (7) to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed.

(9) In subsections (6) and (8) "maintained school" and "parent governor" have the same meaning as in the School Standards and Framework Act 1998.**]**

Textual Amendments

F520 S. 499(6)-(9) added (1.10.1998) by 1998 c. 31, **s.9** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

Marginal Citations

M25 1972 c. 70.

M26 1972 c. 70.

Rationalisation of school places

F521 500 . . . . . .

Textual Amendments

F521 S. 500 repealed (1.4.1999 to the extent that it relates to s. 500(2) and words in s. 502(3)(4) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

F522 501 . . . . . .

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Textual Amendments

F522 S. 501 repealed (1.4.1999 to the extent that it relates to s. 501(1)(a) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

[F523]502 . . . . . .

Textual Amendments

F523 S. 502 repealed (1.4.1999 to the extent that it relates to s. 502(6) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, Art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

[F524]503 . . . . . .

Textual Amendments

F524 S. 503 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F525]504 . . . . . .

Textual Amendments

F525 S. 504 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F526]505 . . . . . .

Textual Amendments

F526 S. 505 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3) Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Medical examinations

506 Power to require medical examination of pupils.

(1) Where—

(a) a question is referred to the Secretary of State under section 442(3) or 495, and

(b) in his opinion the examination of any pupil by a registered medical practitioner appointed by him for the purpose would assist in determining the question,

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he may serve a notice on the parent of that pupil requiring the parent to present the pupil for examination by such a practitioner.

(2) Any parent who without reasonable excuse fails to comply with any requirements of a notice served on him under subsection (1) is guilty of an offence.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Local inquiries

507 Power to direct local inquiries.

(1) The Secretary of State may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act.

(2) Subsections (2) to (5) of section 250 of the [M27]Local Government Act 1972 (giving evidence at and defraying costs of local inquiries) shall have effect with respect to any such inquiry as they have effect with respect to an inquiry held under that section.

Modifications etc. (not altering text)

C55 S. 507 extended (1.11.1996) by 1992 c. 13, **s. 57(6)(b)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para.113 (with ss. 1(4), 561, 562, **Sch. 39**)

C56 S. 507 applied (28.7.2000 for certain purposes otherwise 1.1.2001 (W.) 1.4.2001 (E.)) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 34** (with s. 150)); S.I. 2000/3230, art. 2, **Sch.**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3)

Marginal Citations

M27 1972 c. 70.

CHAPTER II

ANCILLARY FUNCTIONS OF LOCAL EDUCATION AUTHORITIES

Provision of services

508 Functions in respect of facilities for recreation and social and physical training.

(1) A local education authority shall secure that the facilities for primary, secondary and further education provided for their area include adequate facilities for recreation and social and physical training.

(2) For that purpose a local education authority—

(a) may establish, maintain and manage, or assist the establishment, maintenance and management of,—

(i) camps, holiday classes, playing fields, play centres, and

(ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution,

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at which facilities for recreation and social and physical training are available for persons receiving primary, secondary or further education;

(b) may organise games, expeditions and other activities for such persons; and

(c) may defray, or contribute towards, the expenses of such games, expeditions and other activities.

(3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local education authority shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

509 Provision of transport etc.

(1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education—

(a) at schools,

(b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),**[**[F527] or;**]**

(c) at any institution within the further education sector, **[**[F528]or

(d) at any institution outside both the further and the higher education sectors, where a further education funding council has secured provision for those persons at the institution under section 4(3) or (5) of the [M28]Further and Higher Education Act 1992.**]**

[[F529](1A) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education or training at an institution outside both the further education and higher education sectors.

(1B) Arrangements under subsection (1A) may be made in relation to a person only if the Learning and Skills Council for England or the National Council for Education and Training for Wales has secured for him—

(a) the provision of education or training at the institution, and

(b) the provision of boarding accommodation under section 13 or 41 of the Learning and Skills Act 2000.**]**

(2) Any transport provided in pursuance of arrangements under subsection (1) **[**[F530]or (1A)**]** shall be provided free of charge.

(3) A local education **[**[F531]or training**]** authority may pay the whole or any part, as they think fit, of the reasonable travelling expenses of any person receiving education—

(a) at a school, or

(b) at any such institution as is mentioned in subsection (1) **[**[F532]or (1A)**]**,

for whose transport no arrangements are made under **[**[F533]either of those subsections**]**.

(4) In considering whether or not they are required by subsection (1) **[**[F534]or (1A)**]**to make arrangements in relation to a particular person, a local education authority shall have regard (amongst other things)—

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(a) to the age of the person and the nature of the route, or alternative routes, which he could reasonably be expected to take; and

(b) to any wish of his parent for him to be provided with education **[**[F535]or training**]**at a school or institution in which the religious education provided is that of the religion or denomination to which his parent adheres.

(5) Arrangements made by a local education authority under subsection (1) **[**[F536]or (1A)**]** shall—

[F537](a) . . . . . .

(b) make provision for persons receiving full-time education at any institution within the further education sector which is no less favourable than the provision made in pursuance of the arrangements for pupils of the same age at schools maintained by a local education authority; and

(c) make provision for persons receiving full-time **[**[F538]education or training at institutions mentioned in subsection (1A)**]**which is no less favourable than—

(i) the provision made in pursuance of the arrangements for persons of the same age with learning difficulties (within the meaning of **[**[F539]section 13 of the Learning and Skills Act 2000**]**) at schools maintained by a local education authority, or

(ii) where there are no such arrangements, the provision made in pursuance of the arrangements for such persons for whom the authority secures the provision of education at any other institution.

[[F540](6) Regulations may require a local education authority to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority's policy and arrangements relating to the making of—

(a) provision under this section for persons attending institutions mentioned in subsection (1)(c) **[**[F541]or (1A)**]]** who are over compulsory school age and have not attained the age of 19; or

(b) provision under section 509A (travel arrangements for children receiving nursery education otherwise than at school).

Textual Amendments

F527 Word in s. 509(1)(b) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(2)(a)** (with s. 150)

F528 S. 509(1)(d) and preceding word repealed (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 153, 154, Sch. 9 para. 59(2)(b), **Sch. 11** (with s. 150)

F529 S. 509(1A)(1B) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(3)** (with s. 150)

F530 Words in s. 509(2) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(4)** (with s. 150)

F531 Words in s. 509(3) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(5)(a)** (with s. 150)

F532 Words in s. 509(3)(b) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(5)(b)** (with s. 150)

F533 Words in s. 509(3) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(5)(c)** (with s. 150)

F534 Words in s. 509(4) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(6)(a)** (with s. 150)

F535 Words in s. 509(4) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(6)(b)** (with s. 150)

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F536 Words in s. 509(5) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(7)(a)** (with s. 150)

F537 S. 509(5)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 133(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** .

F538 Words in s. 509(5)(c) inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(7)(b)** (with s. 150)

F539 Words in s. 509(5)(c)(i) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(c)** (with s. 150)

F540 S. 509(6) substituted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 133(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt. IV**.

F541 Words in s. 509(6)(a) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 59(8)** (with s. 150)

Marginal Citations

M28 1992 c. 13.

VALID FROM 20/01/2003

[F542 509AA Provision of transport etc. for persons of sixth form age

(1) A local education authority shall prepare for each academic year a transport policy statement complying with the requirements of this section.

(2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—

(a) at schools,

(b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),

(c) at any institution within the further education sector, or

(d) at any establishment (not falling within paragraph (b) or (c)) which is supported by the Learning and Skills Council for England or the National Council for Education and Training for Wales.

(3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).

(4) The statement shall specify the arrangements proposed to be made by the governing bodies of—

(a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and

(b) institutions within the further education sector in the authority's area,

for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.

(5) Those governing bodies shall co-operate in giving the local education authority any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.

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(6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.

(7) The authority shall—

(a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and

(b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).

(8) Nothing in this section prevents a local education authority from making, at any time in an academic year, arrangements—

(a) which are not specified in the transport policy statement published by the authority for that year, but

(b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).

(9) The Secretary of State may, if he considers it expedient to do so, direct a local education authority to make for any academic year—

(a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or

(b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,

which have not been specified in the transport policy statement published by the authority for that academic year.

(10) The Secretary of State may by order amend subsection (7)(a) by substituting a different date for 31st May.**]**

Textual Amendments

F542 S. 509AA inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 3** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

VALID FROM 20/01/2003

[F543 509AB Further provision about transport policy statements

(1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties.

(2) A statement prepared under that section shall—

(a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the local education

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authority which are no less favourable than the arrangements specified for pupils of the same age attending such schools, and

(b) specify arrangements for persons with learning difficulties receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties attending such schools.

(3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the local education authority shall have regard (amongst other things) to—

(a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,

(b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,

(c) the distance from the homes of persons of sixth form age in their area of establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and

(d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.

(4) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a local education authority shall have regard (amongst other things)—

(a) to the nature of the route, or alternative routes, which he could reasonably be expected to take; and

(b) to any wish of his parent for him to be provided with education or training at a school, institution or other establishment in which the religious education provided is that of the religion or denomination to which his parent adheres.

(5) In preparing a statement under section 509AA a local education authority shall have regard to any guidance issued by the Secretary of State under this section.

(6) In preparing a statement under that section a local education authority shall consult—

(a) any other local education authority that they consider it appropriate to consult,

(b) the governing bodies mentioned in subsection (4) of that section,

(c) the Learning and Skills Council for England (in the case of a local education authority in England) or the National Council for Education and Training for Wales (in the case of a local education authority in Wales), and

(d) any other person specified by the Secretary of State for the purposes of this section.

(7) In preparing a statement under that section a local education authority shall also consult—

(a) where they are the local education authority for a district in a metropolitan county, the Passenger Transport Authority for that county, and

(b) where they are the local education authority for a London borough or the City of London, Transport for London.**]**

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Textual Amendments

F543 S. 509AB inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 4** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

VALID FROM 20/01/2003

[F544 509AC Interpretation of sections 509AA and 509AB

(1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—

(a) is under the age of 19, or

(b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

(2) References in section 509AA to an establishment supported by the Learning and Skills Council for England are to any establishment at which education or training is provided by a person to whom that Council secures the provision of financial resources in any of the ways mentioned in section 5(2) of the Learning and Skills Act 2000.

(3) References in section 509AA to an establishment supported by the National Council for Education and Training for Wales are to any establishment at which education or training is provided by a person to whom that Council secures the provision of financial resources in any of the ways mentioned in section 34(2) of the Learning and Skills Act 2000.

(4) References in section 509AB to persons with learning difficulties are to be construed in accordance with section 13(5) and (6) of the Learning and Skills Act 2000.

(5) In sections 509AA and 509AB and this section—

"academic year" means any period commencing with 1st August and ending with the next 31st July;

"disabled person" has the same meaning as in the Disability Discrimination Act 1995;

"establishment" means an establishment of any kind, including a school or institution;

"governing body", in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.

(6) The Secretary of State may by order amend the definition of "academic year" in subsection (5).**]**

Textual Amendments

F544 S. 509AC inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 5** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

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[F545 509A Travel arrangements for children receiving nursery education otherwise than at school.

(1) A local education authority may provide a child with assistance under this section if they are satisfied that, without such assistance, he would be prevented from attending at any premises—
  (a) which are not a school or part of a school, but
  (b) at which relevant nursery education is provided,
for the purpose of receiving such education there.

(2) The assistance which may be provided for a child under this section consists of either—
  (a) making arrangements (whether for the provision of transport or otherwise) for the purpose of facilitating the child's attendance at the premises concerned, or
  (b) paying the whole or any part of his reasonable travel expenses.

(3) When considering whether to provide a child with assistance under this section in connection with his attendance at any premises, a local education authority may have regard (among other things) to whether it would be reasonable to expect alternative arrangements to be made for him to receive relevant nursery education at any other premises (whether nearer to his home or otherwise).

(4) Where the assistance to be provided for a child under this section consists of making arrangements for the provision of transport, the authority may, if they consider it appropriate to do so, determine that the assistance shall not be so provided unless—
  (a) the child's parent, or
  (b) the person providing the relevant nursery education concerned,
agrees to make to the authority such payments in respect of the provision of the transport (not exceeding the cost to the authority of its provision) as they may determine.

(5) In this section "relevant nursery education" means nursery education which is provided—
  (a) by a local education authority, or
  (b) by any other person—
    (i) who is in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2)(a) of the School Standards and Framework Act 1998, or
    (ii) who is in receipt of grants under section 1 of the M29 Nursery Education and Grant-Maintained Schools Act 1996.**]**

Textual Amendments

F545 S. 509A inserted (1.4.1999) by 1998 c. 31, **s. 124** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt. IV**

Marginal Citations

M29 1996 c. 50.

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510 Provision of clothing.

(1) A local education authority may provide clothing for—

(a) any pupil who is a boarder at an educational institution maintained by the authority [F546or at a grant-maintained school],

(b) any pupil at a nursery school maintained by the authority, and

(c) any pupil in a nursery class at a school maintained by the authority [F546or at a grant-maintained school].

(2) A local education authority may also provide clothing for any pupil—

(a) for whom they are providing board and lodging elsewhere than at an educational institution maintained by them, and

(b) for whom special educational provision is made in pursuance of arrangements made by them.

(3) Where it appears to a local education authority, in a case where neither subsection (1) nor subsection (2) applies, that a pupil at—

(a) a school maintained by them [F547or a grant-maintained school], or

(b) a special school (whether maintained by them or not),

is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as in their opinion is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

(4) A local education authority may provide—

(a) for pupils at a school maintained by them [F548, at a grant-maintained school] or at an institution maintained by them which provides further education or higher education (or both),

(b) for persons who have not attained the age of 19 and who are receiving education at an institution within the further education sector, and

(c) for persons who make use of facilities for physical training made available for them by the authority under section 508(2),

such articles of clothing as the authority may determine suitable for the physical training provided at that school or institution or under those facilities.

(5) A local education authority may—

(a) with the consent of the proprietor of a school not maintained by the authority, other than a [F549grant-maintained school or] special school, and

(b) on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor,

make arrangements, in the case of any pupil at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, for securing for the pupil the provision of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

(6) Any arrangements made under subsection (5) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any article under the arrangements does not exceed the expense which would have been incurred by them in the provision of it if the pupil had been a pupil at a school maintained by them.

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Textual Amendments

F546 Words in s. 510(1)(a)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F547 Words in s. 510(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F548 Words in s. 510(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F549 Words in s. 510(5)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(d), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

511 Provisions supplementary to section 510.

(1) Provision of clothing under section 510 may be made in such way as to confer either a right of property in the clothing or a right of user only (at the option of the providing authority), except in any circumstances for which the adoption of one or other of those ways of making such provision is prescribed.

(2) Where a local education authority have provided a person with clothing under section 510, then, in such circumstances respectively as may be prescribed—

(a) the authority shall require his parent to pay to them in respect of its provision such sum (if any) as in their opinion he is able to pay without financial hardship, not exceeding the cost to the authority of its provision;

(b) the authority may require his parent to pay to them in respect of its provision such sum as is mentioned in paragraph (a) or any lesser sum; or

(c) his parent shall not be required to pay any sum in respect of its provision.

(3) Any sum which a parent is duly required to pay by virtue of subsection (2)(a) or (b) may be recovered summarily as a civil debt.

(4) Where a person who has attained the age of 18 (other than a registered pupil at a school) is provided with clothing under section 510, any reference in subsection (2) or (3) to his parent shall be read as a reference to him.

512 Provision of meals etc. at schools maintained by local education authorities.

(1) A local education authority may provide registered pupils at any school maintained by them with milk, meals and other refreshment, either on the school premises or at any place other than the school premises where education is being provided.

(2) Subject to subsection (3), a local education authority shall—

(a) charge for anything provided by them under subsection (1), and

(b) charge every pupil the same price for the same quantity of the same item.

[F550(3) Subsection (3A) applies in relation to a pupil—

(a) whose parents are in receipt of—

(i) income support;

(ii) an income-based jobseeker's allowance (payable under the Jobseekers Act 1995); or

(iii) support provided under Part VI of the Immigration and Asylum Act 1999; or

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(b) who is himself in receipt of income support or an income-based jobseeker's allowance.

(3A) A**]** local education authority

[[F551](a) shall so exercise their power under subsection (1) as to ensure that a school lunch is provided for **[**[F552]the pupil**]]**, which shall be provided free of charge, and

(b) if in the exercise of that power they provide him with milk, shall provide it free of charge.

(4) A local education authority shall provide at any school maintained by them such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.

(5) Subsections (1) and (4) shall apply in relation to—

(a) persons, other than pupils, who receive education at a school maintained by a local education authority, and

(b) the authority maintaining the school,

as they apply in relation to pupils at any such school and the authority maintaining the school; and a local education authority shall charge for anything provided under subsection (1) as it so applies, and shall charge every such person the same price for the same quantity of the same item.

[[F553](6) In this section "school lunch", in relation to a pupil, means food made available for consumption by the pupil as his midday meal on a school day, whether involving a set meal or the selection of items by him or otherwise.**]**

Textual Amendments

F550 S. 512(3)(3A) substituted (6.12.1999) for words in s. 512(3) by 1999 c. 33, s. 169(1), **Sch. 14 para. 117(a)**; S.I. 1999/3190, art. 2, **Sch.**

F551 S. 512(3)(a)(b) substituted (1.4.1999) by 1998 c. 31, **s. 115(4)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1** (which substituted sub-provisions became s. 512(3A)(a)(b) on 6.12.1999 by virtue of the amendment by 1999 c. 33, s. 169, **Sch. 14**, para. 117(a); S.I. 1999/3190, art. 2, **Sch.**)

F552 Words in s. 512(3A)(a) substituted (6.12.1999) by 1999 c. 33, s. 169(1), **Sch. 14 para. 117(b)**; S.I. 1999/3190, art. 2, **Sch.**

F553 S. 512(6) added (1.4.1999) by 1998 c. 31, **s. 115(5)**(with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.

Modifications etc. (not altering text)

C57 S. 512: certain functions transferred (with modifications) (1.4.1999) by S.I. 1999/610, **arts. 2**, 3

C58 S. 512(2)(b) modified (1.4.1999) by S.I. 1999/604, **art. 4**
S. 512(2)(b) modified (1.4.1999) by S.I. 1999/610, **art. 4**
S. 512(2)(b) modified (1.9.1999) by S.I. 1999/1779, **art. 4**

C59 S. 512(2)(b) applied (with modifications) (1.9.1999) by S.I. 1999/2164, **art. 4**

512ZA Duty to charge for meals etc.

(1) A local education authority shall charge for anything provided by them under subsection (1) or (3) of section 512.

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(2) A local education authority shall charge every person the same price for the same quantity of the same item.

(3) This section is subject to section 512ZB.

512ZB Provision of free school lunches and milk

(1) Where the local education authority provide a school lunch in accordance with section 512(3) to a person who is eligible for free lunches, the authority shall provide the meal free of charge.

(2) For this purpose a person is eligible for free lunches if—
  (a) he is within subsection (4), and
  (b) a request that the school lunches be provided free of charge has been made by him or on his behalf to the authority.

(3) Where a local education authority exercise their power under subsection (1) of section 512 to provide a person within paragraph (a) or (c) of that subsection with milk, the authority shall provide the milk free of charge if—
  (a) the person is within subsection (4), and
  (b) a request that the milk be provided free of charge has been made by him or on his behalf to the authority.

(4) A person is within this subsection if—
  (a) his parent is—
    (i) in receipt of income support,
    (ii) in receipt of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995 (c. 18)),
    (iii) in receipt of support provided under Part 6 of the Immigration and Asylum Act 1999 (c. 33), or
    (iv) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed, or
  (b) he, himself, is—
    (i) in receipt of income support,
    (ii) in receipt of an income-based jobseeker's allowance, or
    (iii) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed.

(5) In this section "prescribed" and "school lunch" have the same meaning as in section 512.

[F555 512A Transfer of functions under section 512 to governing bodies.

(1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the local education authority which are mentioned in subsection (2).

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(2) Those duties are—

(a) the duty to provide school lunches in accordance with section 512(1A) and (1B);

(b) the duty to provide school lunches free of charge in accordance with section 512(3)(a); and

(c) the duty to provide milk free of charge in accordance with section 512(3)(b).

(3) An order under this section may (subject to subsection (6)) apply to—

(a) all maintained schools; or

(b) any specified class of such schools; or

(c) all such schools, or any specified class of such schools, maintained by specified local education authorities.

(4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—

(a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the local education authority in relation to the school; and

(b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c), section 533(3) shall not apply to any school lunches or milk provided by the governing body in pursuance of the order.

(5) An order under this section may provide for section 513(2) not to apply—

(a) to local education authorities generally, or

(b) to any specified local education authority,

either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.

(6) An order under this section shall not operate to—

(a) impose any duty on the governing body of a school, or

(b) relieve a local education authority of any duty in relation to a school,

at any time when the school does not have a delegated budget; and such an order may provide for section 512(2)(b) above to have effect, in relation to any provision made at any such time by the local education authority for pupils at the school, with such modifications as may be specified.

(7) In this section—

"delegated budget" and "maintained school" have the same meaning as in the School Standards and Framework Act 1998;

"school lunch" has the same meaning as in section 512 above;

"specified" means specified in an order under this section.**]**

Textual Amendments

F555 S. 512A inserted (1.2.1999) by 1998 c. 31, **s. 116** (with ss. 138(9), 144(6)); S.I. 1998/3198, art. 2(2), **Sch.**

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513 Provision of meals etc. at schools not maintained by local education authorities.

(1) A local education authority may, with the consent of the proprietor of a school in their area which is not maintained by them, make arrangements for securing the provision of milk, meals and other refreshment for pupils in attendance at the school.

(2) Any arrangements under this section—
- (a) shall be on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school; and
- (b) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or item under the arrangements shall not exceed the expense which would have been incurred by them in providing it if the pupil had been a pupil at a school maintained by them.

514 Provision of board and lodging otherwise than at school.

(1) Where a local education authority are satisfied with respect to any pupil—
- (a) that primary or secondary education suitable to his age, ability and aptitude and to any special educational needs he may have can best be provided for him at a **[**[F556]particular community, foundation or voluntary or community or foundation special school, but**]**
- (b) that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school,

they may provide such board and lodging for him under such arrangements as they think fit.

(2) Where a local education authority are satisfied with respect to a pupil with special educational needs that provision of board and lodging for him is necessary for enabling him to receive the required special educational provision, they may provide such board and lodging for him under such arrangements as they think fit.

(3) In making any arrangements under this section, a local education authority shall, so far as practicable, give effect to the wishes of the pupil's parent as to the religion or religious denomination of the person with whom the pupil will reside.

(4) Subject to subsection (5), where a local education authority have provided a pupil with board and lodging under arrangements under this section, they shall require the pupil's parent to pay them such sums, if any, in respect of the board and lodging as in their opinion he is able to pay without financial hardship.

(5) No sum is recoverable under subsection (4) if the arrangements were made by the authority on the ground that in their opinion education suitable to the pupil's age, ability and aptitude or special educational needs could not otherwise be provided for him.

(6) The sums recoverable under subsection (4) shall not exceed the cost to the authority of providing the board and lodging.

(7) Any sum payable under subsection (4) may be recovered summarily as a civil debt.

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Textual Amendments

F556 Words in s. 514(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.135** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

515 Provision of teaching services for day nurseries.

(1) Subject to subsection (2), a local education authority may, in accordance with arrangements made by them for that purpose, make available to a day nursery the services of any teacher who—

(a) is employed by them in a nursery school or in a primary school having one or more nursery classes, and

(b) has agreed to provide his services for the purposes of the arrangements.

(2) Arrangements under subsection (1) in respect of a teacher in a **[**[F557]foundation or voluntary school**]** require the concurrence of the governing body of the school.

(3) Arrangements under this section may make provision—

(a) for the supply of equipment for use in connection with the teaching services made available under the arrangements;

(b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery; and

(c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.

(4) In this section "day nursery" means a day nursery provided under section 18 of the [M30]Children Act 1989 (provision by local authorities of day care for pre-school and other children).

(5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

Textual Amendments

F557 Words in s. 515(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.136** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Marginal Citations

M30 1989 c. 41.

[F558]516 . . . . . .

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Textual Amendments

F558 S. 516 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 137, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch.1 Pt. IV**.

Payment of fees

517 Payment of fees at schools not maintained by a local education authority.

(1) Where, in pursuance of arrangements made under section 18 or Part IV (special educational needs), primary or secondary education is provided for a pupil at a school not maintained by them or another local education authority, the local education authority by whom the arrangements are made shall—

(a) if subsection (2), (3) or (4) applies, pay the whole of the fees payable in respect of the education provided in pursuance of the arrangements; and

(b) if board and lodging are provided for the pupil at the school and subsection (5) applies, pay the whole of the fees payable in respect of the board and lodging.

(2) This subsection applies where—

(a) the pupil fills a place in the school which the proprietor of the school has put at the disposal of the authority; and

(b) the school is one in respect of which grants are made by the Secretary of State under section 485.

(3) This subsection applies where the authority are satisfied that, by reason of a shortage of places in every school maintained by them or another local education authority to which the pupil could be sent with reasonable convenience, education suitable—

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,

cannot be provided by them for him except at a school not maintained by them or another local education authority.

(4) This subsection applies where (in a case in which neither subsection (2) nor subsection (3) applies) the authority are satisfied—

(a) that the pupil has special educational needs, and

(b) that it is expedient in his interests that the required special educational provision should be made for him at a school not maintained by them or another local education authority.

(5) This subsection applies where the authority are satisfied that education suitable—

(a) to the pupil's age, ability and aptitude, and

(b) to any special educational needs he may have,

cannot be provided by them for him at any school unless board and lodging are also provided for him (either at school or elsewhere)

(6) As from such day as the Secretary of State may by order appoint this section shall have effect with the following modifications—

(a) in subsections (1) and (3), for "not maintained by them or another local education authority" substitute "which is neither a maintained nor a grant-maintained school";

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(b) in subsection (3), for "every school maintained by them or another local education authority" substitute "every maintained or grant-maintained school";

(c) in subsections (3) and (5), for "provided by them" substitute "provided";

(d) omit subsection (4) and the reference to it in subsection (1); and

(e) at the end add—

"(7) In this section "grant-maintained school" includes a grant-maintained special school, and subsection (5) does not apply where section 348(2) applies."

(7) An order under subsection (6) may appoint different days for different provisions and for different purposes.

Subordinate Legislation Made

P1 S. 517(6) power fully exercised (30.6.1997): 1.9.1997 appointed day by S.I. 1997/1623.

Modifications etc. (not altering text)

C60 S. 517 modified (1.9.1999) (the modification as mentioned in s. 517(6) has effect from 1.9.1997 as mentioned in S.I. 1997/1623) by S.I. 1999/2260, **reg. 2(1)**

[F559 518 Payment of school expenses; grant of scholarships, etc.

(1) A local education authority, for the purpose of enabling persons to take advantage of any educational facilities available to them, may in such circumstances as may be specified in or determined in accordance with regulations—

(a) pay such expenses of children attending community, foundation, voluntary or special schools as may be necessary to enable them to take part in any school activities,

(b) grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age.

(2) Regulations may make provision—

(a) for requiring a local education authority to make, in relation to each financial year, a determination relating to the extent to which they propose to exercise their power under subsection (1)(b) in that year; and

(b) for authorising an authority to determine not to exercise that power in a financial year—

(i) generally,

(ii) in such cases as may be prescribed, or

(iii) in such cases as may be determined by the authority.]

Textual Amendments

F559 S. 518 substituted (1.2.1999) by 1998. c. 31, s. 129 (with ss. 138(9), 144(6)) (subject to savings indicated in S.I. 1999/120, **art. 3(2)**); S.I. 1999/120, art. 2, **Sch. 1**

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Allowances for governors

519 Travelling and subsistence allowances for governors of schools and further or higher education institutions.

(1) A local education authority may, in accordance with the provisions of a scheme made by them for the purposes of this section, pay **[**[F560]such allowances as may be prescribed to governors of—

(a) any community, foundation or voluntary school or community or foundation special school which does not have a delegated budget (within the meaning of Part II of the School Standards and Framework Act 1998);**]** and

(b) any institution providing higher education or further education (or both) which is maintained by a local education authority.

(2) Such a scheme may make different provision in relation to schools or other institutions of different categories (including provision for allowances not to be paid in respect of certain categories) but shall not make different provision in relation to different categories of governor of the same school or institution.

(3) Subject to subsections (4) and (5), a local education authority may pay **[**[F561]such allowances as may be prescribed**]** to any person appointed to represent them on the governing body of—

(a) any institution providing higher education or further education (or both) which is not maintained by them; or

(b) any independent school or special school which is not maintained by them.

(4) A local education authority shall not pay any allowance under subsection (3) for expenses in respect of which the person incurring them is entitled to reimbursement by any person other than the authority.

(5) A local education authority shall not pay any allowance under subsection (3) if they have not made any scheme under subsection (1) or if the arrangements under which the allowance would otherwise be payable—

(a) provide for allowances which are to any extent more generous than the most generous payable by the authority under any such scheme; or

(b) contain any provision which the authority would not have power to include in any such scheme.

(6) No allowance may be paid to any governor of a school or institution of a kind mentioned in subsection (1), in respect of the discharge of his functions as such a governor, otherwise than under this section.

[[F562](7) Regulations may impose a limit on the amount which may be paid by way of any allowance under this section.**]**

Textual Amendments

F560 Words in s. 519(1) substituted (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), **Sch. 30 para. 139(2)** (with ss. 138(9), 144(6)); S.I. 1998/2791, **art. 2(a)(b)**.

F561 Words in s. 519(3) substituted (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), **Sch. 30 para. 139(3)** (with ss. 138(9), 144(6)); S.I. 1998/2791, **art. 2(a)(b)**.

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F562 S. 519(7) added (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), **Sch. 30 para. 139(4)** (with ss. 138(9), 144(6)); S.I. 1998/2791, **art. 2(a)(b)**.

Medical arrangements

520 Medical inspection and treatment of pupils.

(1) A local education authority shall make arrangements for encouraging and assisting pupils to take advantage of the provision for medical and dental inspection and treatment made for them in pursuance of section 5(1) or (1A) of the National Health Service Act 1977 or paragraph 1(a)(i) of Schedule 1 to that Act.

(2) If the parent of a pupil gives notice to the authority that he objects to the pupil availing himself of any of the provision so made, the pupil shall not be encouraged or assisted to do so.

[F563](3) . . . . . .

Textual Amendments

F563 S. 520(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 140, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Cleanliness of pupils

521 Examination of pupils for cleanliness.

(1) A local education authority may by directions in writing authorise a medical officer of theirs to have the persons and clothing of pupils in attendance at relevant schools examined whenever in his opinion such examinations are necessary in the interests of cleanliness.

(2) Directions under subsection (1) may be given with respect to—

(a) all relevant schools, or

(b) any relevant schools named in the directions.

(3) An examination under this section shall be made by a person authorised by the authority to make such examinations; and, if the examination is of a girl, it shall not be made by a man unless he is a registered medical practitioner.

(4) For the purposes of this section "relevant schools" are—

(a) schools maintained by the authority; [F564]. . .

[F565](b) . . . . . .

Textual Amendments

F564 Word in s. 521(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 141, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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F565 S. 521(4)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 141, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

522 Compulsory cleansing of a pupil.

(1) If, on an examination under section 521, the person or clothing of a pupil is found to be infested with vermin or in a foul condition, any officer of the local education authority may serve a notice on the pupil's parent requiring him to cause the pupil's person and clothing to be cleansed.

(2) The notice shall inform the parent that, unless within the period specified in the notice the pupil's person and clothing are cleansed to the satisfaction of such person as is specified in the notice, the cleansing will be carried out under arrangements made by the authority.

(3) The period so specified shall not be less than 24 hours from the service of the notice.

(4) If, on a report being made to him by the specified person at the end of the specified period, a medical officer of the authority is not satisfied that the pupil's person and clothing have been properly cleansed, he may by order direct that they shall be cleansed under arrangements made by the authority under section 523.

(5) An order made under subsection (4) shall be sufficient to authorise any officer of the authority—
   (a) to cause the pupil's person and clothing to be cleansed in accordance with arrangements made by the authority under section 523, and
   (b) for that purpose to convey the pupil to, and detain him at, any premises provided in accordance with such arrangements.

523 Arrangements for cleansing of pupils.

(1) A local education authority shall make arrangements for securing that the person or clothing of any pupil required to be cleansed under section 522 may be cleansed (whether at the request of a parent or in pursuance of an order under section 522(4)) at suitable premises, by suitable persons and with suitable appliances.

(2) Where the council of a district in the area of the authority are entitled to the use of any premises or appliances for cleansing the person or clothing of persons infested with vermin, the authority may require the council to permit the authority to use those premises or appliances for such purposes upon such terms as may be determined—
   (a) by agreement between the authority and the council, or
   (b) in default of such agreement, by the Secretary of State.

(3) Subsection (2) does not apply in relation to Wales.

(4) A girl may be cleansed under arrangements under this section only by a registered medical practitioner or by a woman authorised for the purpose by the authority.

524 [F566Suspension of a pupil pending examination or cleansing.]

(1) Where—

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(a) a medical officer of a local education authority suspects that the person or clothing of a pupil in attendance at a relevant school is infested with vermin or in a foul condition, but

(b) action for the examination or cleansing of the pupil's person and clothing cannot be taken immediately,

the medical officer may direct that the pupil is to be **[**[F567]suspended**]** from the school until such action has been taken, if he considers it necessary to do so in the interests either of the pupil or of other pupils in attendance at the school.

(2) A direction under subsection (1) is a defence to any proceedings under Chapter II of Part VI in respect of the failure of the pupil to attend school on any day on which he is excluded in pursuance of the direction, unless it is proved that the giving of the direction was necessitated by the wilful default of the pupil or his parent.

(3) For the purposes of this section a "relevant school" is—

(a) a school maintained by the local education authority, [F568]. . .

[F568](b) . . .

Textual Amendments

F566 Sidenote substituted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30 para. 142(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F567 Word in s. 524(1) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 142(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F568 S. 524(3)(b) and the word "or" preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 142(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

525 Offence of neglecting the cleanliness of a pupil.

(1) If, after the person or clothing of a pupil has been cleansed under section 522—

(a) his person or clothing is again infested with vermin, or in a foul condition, at any time while he is in attendance at a relevant school, and

(b) the condition of his person or clothing is due to neglect on the part of his parent,

the parent is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) For the purposes of this section a "relevant school" is a school maintained by a local education authority [F569]. . ..

Textual Amendments

F569 Words in s. 525(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.143, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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Educational research and conferences

526 Powers as to educational research.

A local education authority may make such provision for conducting, or assisting the conduct of, research as appears to them to be desirable for the purpose of improving the educational facilities provided for their area.

527 Powers as to educational conferences.

A local education authority may—

(a) organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and

(b) expend such sums as may be reasonable in paying, or contributing towards, any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend such a conference.

[F570** Plans relating to children with behavioural difficulties**]

Textual Amendments

F570 S. 527A and cross-heading inserted (1.4.1998) by 1997 c. 44, **s.9** (with s. 57(3)); S.I. 1998/386, art. 2(2), **Sch. 1 Pt. II**

[F571 527A Duty of LEA to prepare plan relating to children with behavioural difficulties.

(1) Every local education authority shall prepare, and from time to time review, a statement setting out the arrangements made or proposed to be made by the authority in connection with the education of children with behavioural difficulties.

(2) The arrangements to be covered by the statement include in particular—

(a) the arrangements made or to be made by the authority for the provision of advice and resources to relevant schools, and other arrangements made or to be made by them, with a view to—

(i) meeting requests by such schools for support and assistance in connection with the promotion of good behaviour and discipline on the part of their pupils, and

(ii) assisting such schools to deal with general behavioural problems and the behavioural difficulties of individual pupils;

(b) the arrangements made or to be made by the authority in pursuance of section 19(1) (exceptional provision of education for children not receiving education by reason of being excluded or otherwise); and

(c) any other arrangements made or to be made by them for assisting children with behavioural difficulties to find places at suitable schools.

(3) The statement shall also deal with the interaction between the arrangements referred to in subsection (2) and those made by the authority in relation to pupils with behavioural difficulties who have special educational needs.

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(4) In the course of preparing the statement required by this section or any revision of it the authority shall carry out such consultation as may be prescribed.

(5) The authority shall—

(a) publish the statement in such manner and by such date, and

(b) publish revised statements in such manner and at such intervals,

as may be prescribed, and shall provide such persons as may be prescribed with copies of the statement or any revised statement.

(6) In discharging their functions under this section a local education authority shall have regard to any guidance given from time to time by the Secretary of State.

[F572](7) In this section "relevant school", in relation to a local education authority, means a school maintained by the authority (whether situated in their area or not).**]**

Textual Amendments

F571 S. 527A inserted (1.4.1998) by 1997 c. 44, **s. 9** (with s. 57(3)); S.I. 1998/386, art. 2(2), **Sch. 1 Pt. II**.

F572 S. 527A(7) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.144** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Disability statements relating to further education

528 Duty of LEA to publish disability statements relating to further education.

(1) Every local education authority shall publish disability statements at such intervals as may be prescribed.

(2) In subsection (1) "disability statement" means a statement containing information of a prescribed description about the provision of facilities for further education made by the local education authority in respect of persons who are disabled persons for the purposes of the [M31]Disability Discrimination Act 1995.

Commencement Information

I2 S. 528 wholly in force at 30.10.1997; s. 528 not in force at Royal Assent see s. 583(3); s. 528 in force at 1.8.1997 in its application to England by S.I. 1997/1623, **art. 2(1)** and at 30.10.1997 in its application to Wales by S.I. 1997/2352, **art. 2**.

Marginal Citations

M31 1995 c. 50.

Acquisition and holding of property

529 Power to accept gifts on trust for educational purposes.

(1) A local education authority may accept, hold and administer any property on trust for purposes connected with education.

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(2) Any intention on the part of a local education authority that a school (other than a nursery school or a special school) should be vested in the authority as trustees shall be treated for the purposes of **[**[F573]section 28 of the School Standards and Framework Act 1998 as an intention to establish a new community school (so that proposals for that purpose shall be published as required by that section); and Schedule 6 to that Act (statutory proposals: procedure and implementation) shall apply accordingly.**]**

(3) Any school which in accordance with subsection (2) is vested in a local education authority as trustees shall be **[**[F574]a community school**]**.

Textual Amendments

F573 Words in s. 529(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 145(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F574 Words in s. 529(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 145(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

530 Compulsory purchase of land.

(1) The Secretary of State may authorise a local education authority to purchase compulsorily any land (whether within or outside their area) which—

(a) is required for the purposes of any school or institution which is, or is to be, maintained by them or which they have power to assist, or

(b) is otherwise required for the purposes of their functions under this Act.

(2) The Secretary of State shall not authorise the compulsory purchase of any land required for the purposes of a **[**[F575]foundation, voluntary or foundation special school**]** unless he is satisfied that the arrangements made—

(a) as to the vesting of the land to be purchased, and

(b) as to the appropriation of that land for the purposes of the school,

are such as to secure that the expenditure ultimately borne by the local education authority will not include any expenditure which, if the land had been purchased by the governing body of the school, would have fallen to be borne by the governing body.

(3) Subsection (2) shall not, however, apply where the local education authority propose that expenditure to be incurred in connection with the purchase should ultimately be borne by them **[**[F576]under paragraph 18 of Schedule 6 to the School Standards and Framework Act 1998 (power to give assistance to governing body of voluntary aided school in carrying out statutory proposals).**]**

(4) In this section "land" includes buildings and other structures and land covered with water.

Textual Amendments

F575 Words in s. 530(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 146(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F576 Words in s. 530(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 146(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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531 Acquisition of land by agreement.

(1) For the removal of doubt, it is declared that making land available for the purposes of a school or institution—

(a) which is, or is to be, maintained by a local education authority, or

(b) which such an authority have power to assist,

is a function of the authority within the meaning of section 120 of the [M32]Local Government Act 1972 (which relates to the acquisition by a local authority by agreement of land for the purpose of any of their functions), even though the land will not be held by the authority.

(2) A local education authority shall not acquire by agreement any land required for the purposes of **[**[F577]foundation, voluntary or foundation special school**]** unless they are satisfied that the arrangements made—

(a) as to the vesting of the land to be acquired, and

(b) as to the appropriation of that land for the purposes of the school,

are such as to secure that the expenditure ultimately borne by them will not include any expenditure which, if the land had been acquired by the governing body of the school, would have fallen to be borne by the governing body.

Textual Amendments

F577 Words in s. 531(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.147** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Marginal Citations

M32 1972 c. 70.

Appointment of chief education officer

532 Appointment of chief education officer.

A local education authority's duties under the Local Government Act 1972 with respect to the appointment of officers shall (without prejudice to the generality of the provisions of that Act) include the duty of appointing a fit person to be the chief education officer of the authority.

CHAPTER III

ANCILLARY FUNCTIONS OF GOVERNING BODIES

Provision of services

533 Duties of governing bodies of maintained schools with respect to provision of school meals etc.

(1) The governing body of any school maintained by a local education authority shall—

(a) afford the authority such facilities as they require to enable them to perform their functions under section 512, and

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(b) allow the authority to make such use of the premises and equipment of the school, and such alterations to the school buildings, as the authority consider necessary for that purpose.

(2) Nothing in subsection (1) shall require the governing body of **[**[F578]any such**]** school to incur any expenditure.

(3) Where the governing body of a school which has a delegated budget (within the meaning of Part II **[**[F579]of the School Standards and Framework Act 1998**]**) provide pupils or other persons who receive education at the school with milk, meals or other refreshment, they shall—

(a) charge for everything so provided,

(b) charge every such pupil the same price for the same quantity of the same item, and

(c) charge every person other than a pupil the same price for the same quantity of the same item.

Textual Amendments

F578 Words in s. 533(2) substituted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 148(a)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.

F579 Words in s. 533(3) inserted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 148(b)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.

[F580]534 . . . . . .

Textual Amendments

F580 S. 534 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 149, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

535 Provision of teaching services for day nurseries.

(1) Subject to subsection (2), the governing body of **[**[F581]a community, foundation or voluntary primary school**]** having one or more nursery classes may, in accordance with arrangements made by them for that purpose, make available to a day nursery the services of any teacher who is employed by them in the school and has agreed to provide his services for the purposes of the arrangements.

(2) No arrangements shall be made under subsection (1) except at the request of the local education authority and on terms approved by them.

(3) Arrangements under this section may make provision—

(a) for the supply of equipment for use in connection with the teaching services made available under the arrangements,

(b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery, and

(c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher's school and the day nursery are in the areas

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of different local education authorities, financial adjustments between those authorities.

(4) In this section "day nursery" means a day nursery provided under section 18 of the [M33]Children Act 1989 (provision by local authorities of day care for pre-school and other children).

(5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

Textual Amendments

F581 Words in s. 535(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.150** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Marginal Citations

M33 1989 c. 41.

Medical arrangements

[F582]536 . . . . . .

Textual Amendments

F582 S. 536 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 151, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

CHAPTER IV

PROVISION OF INFORMATION BY GOVERNING BODIES ETC.

537 Power of Secretary of State to require information from governing bodies etc.

[[F583](1) The Secretary of State may by regulations make provision requiring—

(a) the governing body of every school which is—

(i) maintained by a local education authority, or

(ii) a special school which is not maintained by such an authority, and

(b) the proprietor of every independent school,

to provide such information about the school as may be prescribed.**]**

(2) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.

(3) Where the Secretary of State exercises his power to make regulations under this section he shall do so with a view to making available information which is likely to—

(a) assist parents in choosing schools for their children;

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Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) increase public awareness of the quality of the education provided by the schools concerned and of the educational standards achieved in those schools; or

(c) assist in assessing the degree of efficiency with which the financial resources of those schools are managed.

(4) Information which is required by virtue of regulations under this section shall be provided—

(a) in such form and manner,

(b) on such occasions, and

(c) to such person or persons, in addition to or in place of the Secretary of State,

as may be prescribed **[**[F584]; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State.**]**.

(5) No information provided in accordance with regulations under this section shall name any pupil to whom it relates.

(6) The Secretary of State may—

(a) publish information provided in accordance with regulations under this section in such form and manner as he considers appropriate;

(b) make arrangements for such information to be published in such form and manner, and by such persons, as he may specify for the purposes of this section;

(c) make regulations requiring local education authorities to publish prescribed categories of such information, together with such supplementary information as may be prescribed, in such form and manner as may be prescribed.

(7) The Secretary of State may make regulations requiring—

(a) the governing body of any school which is maintained by a local education authority [F585]. . .,

(b) the proprietor of any city technology college **[**[F586], city college for the technology of the arts or city academy**]**, or

(c) any local education authority,

to provide prescribed persons with prescribed categories of information published under subsection (6).

(8) Information provided under subsection (7) shall be provided in such form and manner as may be prescribed.

(9) Regulations under this section may make provision enabling the Secretary of State, in such circumstances as may be prescribed, to order the deletion from the register of independent schools of the name of any independent school the proprietor of which fails to comply with any requirement imposed by or under the regulations.

(10) In subsection (9) "the register of independent schools" means—

(a) in relation to any school in England, the register of independent schools kept under section 464 by the Registrar of Independent Schools for England; and

(b) in relation to any school in Wales, the equivalent register kept by the Registrar of Independent Schools for Wales.

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(11) Without prejudice to the generality of section 569(4), regulations under this section may make provision for the designation by the Secretary of State, in accordance with the regulations, of particular schools or classes of schools for the purposes of the application of particular provisions of the regulations in relation to such schools.

(12) This section is not to be taken as restricting, or otherwise affecting, any other powers that the Secretary of State may have to make regulations with respect to, or otherwise to require, the provision of information by any person.

(13) This section does not apply to nursery schools.

Textual Amendments

F583 S. 537(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 152(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F584 Words in s. 537(4) added (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 37**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**

F585 Words in s. 537(7)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 152(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F586 Words in s. 537(7)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 60** (with s. 150)

[F587 537A Provision of information about individual pupils.

(1) Regulations may make provision requiring—

(a) the governing body of every school which is—

(i) maintained by a local education authority, or

(ii) a special school which is not maintained by such an authority, and

(b) the proprietor of every independent school,

to provide to the relevant person such individual pupil information as may be prescribed.

(2) In subsection (1) "the relevant person" means one or more of the following—

(a) the Secretary of State, and

(b) any prescribed person.

(3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—

(a) to him, or

(b) to any prescribed person.

(4) The Secretary of State may provide any individual pupil information—

(a) to any information collator,

(b) to any prescribed person, or

(c) to any person falling within a prescribed category.

(5) Any information collator—

(a) may provide any individual pupil information—

(i) to the Secretary of State,

(ii) to any other information collator, or

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(iii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and

(b) may, at such times as the Secretary of State may determine, provide such individual pupil information as may be prescribed—

(i) to any prescribed person, or

(ii) to any person falling within a prescribed category.

(6) Any person holding any individual pupil information (other than the Secretary of State or an information collator) may provide that information to—

(a) the Secretary of State,

(b) any information collator, or

(c) any prescribed person.

(7) No information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.

(8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.

(9) In this section—

"individual pupil information" means information relating to and identifying individual pupils or former pupils at any school within subsection (1), whether obtained under subsection (1) or otherwise;

"information collator" means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to pupils.**]**

Textual Amendments

F587 S. 537A substituted (20.11.1998 with savings as mentioned in art. 5 of the S.I. 1998/2791) by 1998 c. 31, s. 140(1), **Sch. 30 para.153** (with ss. 138(9), 144(6)); S.I. 1998/2791, **arts.3**, 5

538 Provision of information to Secretary of State by governing bodies of maintained schools.

The governing body or temporary governing body of **[**[F588]a community, foundation or voluntary school or a community or foundation special school**]** shall make such reports and returns, and give such information, to the Secretary of State as he may require for the purpose of the exercise of his functions in relation to education.

Textual Amendments

F588 Words in s. 538 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.154** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

[F589]539 . . . . . .

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F589 S. 539 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 155, **Sch.31** (with ss. 138(9), 144(6) and subject to savings by S.I. 1999/2323, **art. 21**); S.I. 1999/2323, art. 2(2), **Sch. 2**.

540 Distribution of information about schools providing secondary education.

(1) Where the governing body of any school providing primary education receive a request which—

(a) is made by the governing body of any school providing secondary education, and

(b) relates to the distribution of information about the school providing secondary education to parents of pupils at the school providing primary education without charge to those parents,

the governing body of that school shall secure that the request is treated no less favourably (whether as to services provided or as to the terms on which they are provided) than any such request made by the governing body of any other school providing secondary education.

[[F590](2) In this section "school" means—

(a) any community, foundation or voluntary school, or

(b) any community or foundation special school (which is not established in a hospital).**]**

Textual Amendments

F590 S. 540(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.156** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

541 Distribution of information about further education institutions.

(1) The Secretary of State may by regulations require—

(a) the governing body of any school providing secondary education, and

(b) the proprietor of any city technology college **[**[F591], city college for the technology of the arts or city academy**]**,

to provide such persons as may be prescribed with such categories of information falling within subsection (2) as may be prescribed.

(2) Information falls within this subsection if it is—

(a) published under section 50 of the [M34]Further and Higher Education Act 1992 (information with respect to institutions within the further education sector), and

(b) made available to governing bodies and proprietors for distribution.

(3) Information provided under subsection (1) shall be provided in such form and manner as may be prescribed.

[[F592](4) In this section "school" means—

(a) any community, foundation or voluntary school, or

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(b) any community or foundation special school (which is not established in a hospital).**]**

Textual Amendments

F591 Words in s. 541(1)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 61** (with s. 150)

F592 S. 541(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 157** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Marginal Citations

M34 1992 c. 13.

PART X

MISCELLANEOUS AND GENERAL

CHAPTER I

EDUCATIONAL PREMISES

Required standards for educational premises

542 Prescribed standards for school premises.

(1) Regulations shall prescribe the standards to which the premises of schools maintained by local education authorities [F593]. . . are to conform; and without prejudice to the generality of section 569(4) different standards may be prescribed for such descriptions of schools as are specified in the regulations.

(2) Where a school is maintained by a local education authority, the authority shall secure that the school premises conform to the prescribed standards.

[F594](3) . . . . . .

(4) **[**[F595]subsection (2) has**]** effect subject to section 543.

Textual Amendments

F593 Words in s. 542(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 158(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F594 S. 542(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 158(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F595 Words in s. 542(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 158(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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543 Relaxation of prescribed standards in special cases.

(1) Where subsection (2), (3) **[**[F596], (4) or (4A)**]** applies in relation to a school, the Secretary of State may direct that, despite the fact that the prescribed requirement referred to in that subsection is not satisfied, the school premises shall be taken, as respects the matters specified in the direction, to conform to the standards prescribed under section 542 so long as—

(a) the direction remains in force, and

(b) any conditions specified in the direction as respects those matters are observed.

(2) This subsection applies if the Secretary of State is satisfied, having regard—

(a) to the nature of the school's existing site,

(b) to any existing buildings on the site, or

(c) to other special circumstances affecting the school premises,

that it would be unreasonable to require conformity with any prescribed requirement as to any matter.

(3) This subsection applies if—

(a) the school is to have an additional or new site, and

(b) the Secretary of State is satisfied, having regard to the shortage of suitable sites, that it would be unreasonable to require conformity with any prescribed requirement relating to sites.

(4) This subsection applies if—

(a) the school is to have additional buildings, or is to be transferred to a new site,

(b) existing buildings not previously part of the school premises, or temporary buildings, are to be used for that purpose, and

(c) the Secretary of State is satisfied, having regard to the need to control public expenditure in the interests of the national economy, that it would be unreasonable to require conformity with any prescribed requirement relating to buildings.

[[F597](4A) This subsection applies, in relation to any playing fields used by the school for the purposes of the school, if the Secretary of State is satisfied that, having regard to other facilities for physical education available to the school, it would be unreasonable to require conformity with any prescribed requirement relating to playing fields.

In this subsection "playing fields" has the same meaning as in section 77 of the School Standards and Framework Act 1998 (control of disposals or changing use of school playing fields).**]**

(5) In this section "prescribed requirement" means a requirement of regulations under section 542.

Textual Amendments

F596 Words in s. 543(1) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 159(a)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch. 1 Pt.III**

F597 S. 543(4A) inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 159(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch. 1 Pt.III**

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544 Approval etc. of school premises and boarding hostels.

(1) Regulations may make provision requiring the Secretary of State's approval [F598]. . . to be obtained for the provision of new premises for, or the alteration of the premises of—

(a) any school to which this section applies, or

(b) any boarding hostel provided by a local education authority for persons receiving education at any such school.

(2) Regulations may make provision for the inspection of any such hostel.

(3) The schools to which this section applies are—

(a) any school maintained by a local education authority, **[**[F599]and**]**

[F600](b) . . . . . .

(c) any special school not maintained by a local education authority.

Textual Amendments

F598 Words in s. 544(1) repealed (1.4.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 160(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

F599 Word at the end of s. 544(3)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 160(b)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F600 S. 544(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 160(b)(ii), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

545 Exemption from building byelaws of approved buildings.

(1) Where plans for, or particulars in respect of, a building required for the purposes of any school or other educational institution are approved by the Secretary of State, he may by order direct that any provision of a local Act or of a byelaw made under such an Act—

(a) shall not apply in relation to the building, or

(b) shall apply in relation to it with such modifications as may be specified in the order.

(2) The reference in subsection (1) to plans or particulars approved by the Secretary of State includes a reference to—

(a) particulars submitted to and approved by him under regulations under section 544 or section 218(7) of the [M35]Education Reform Act 1988, [F601]. . .

[F601](b) . . . . . .

Textual Amendments

F601 S. 545(2)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 161, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M35 1988 c. 40.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Control of potentially harmful materials and apparatus

546 Control of potentially harmful materials and apparatus in schools.

(1) Regulations may make provision for requiring the Secretary of State's approval to be obtained for the use in schools to which this section applies of such materials or apparatus as may be specified in the regulations, being materials or apparatus which could or might involve a serious risk to health.

(2) The schools to which this section applies are—

(a) any school maintained by a local education authority, **[**[F602]and**]**

[F603](b) . . . . . .

(c) any special school not maintained by a local education authority.

Textual Amendments

F602 Word at the end of s. 546(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 162(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F603 s. 546(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 162(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Nuisance or disturbance on school premises

547 Nuisance or disturbance on school premises.

(1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation, of—

(a) any school maintained by a local education authority, [F604]. . .

[F604](b) . . . . . .

(3) If—

(a) a police constable, or

(b) (subject to subsection (5)) a person whom a local education authority have authorised to exercise the power conferred by this subsection,

has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.

(4) The power conferred by subsection (3) may also be exercised, in relation to premises of **[**[F605]a foundation, voluntary aided or foundation special school**]**, by a person whom the governing body have authorised to exercise it.

(5) A local education authority may not authorise a person to exercise the power conferred by subsection (3) in relation to premises of **[**[F606]a foundation, voluntary or foundation special school**]** without first obtaining the consent of the governing body.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(6) Subject to subsection (7), no proceedings for an offence under this section shall be brought by any person other than—
  (a) a police constable, or
  (b) a local education authority.

(7) Proceedings for an offence under this section committed on premises of **[**[F605]a foundation, voluntary aided or foundation special school**]** may be brought by a person whom the governing body have authorised to bring such proceedings.

(8) A local education authority may not bring proceedings for an offence under this section committed on premises of **[**[F606]a foundation, voluntary or foundation special school**]** without first obtaining the consent of the governing body.

Textual Amendments

F604 S. 547(2)(b) and preceding word repealed (1.9.1999) by School Standards and Framework Act 1988 (c. 31), s. 140(1)(3), Sch. 30 para. 163(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F605 Words in s. 547(4)(7) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 163(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F606 Words in s. 547(5)(8) substituted (1.9.1999) by School Standards and Framework Act 1988 (c. 31), s. 140(1), **Sch. 30 para. 163(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER II

[[F607] PUNISHMENT AND RESTRAINT OF PUPILS**]**

Textual Amendments

F607 Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), **Sch. 7 para. 38**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

[[F608] *Corporal punishment****]***

Textual Amendments

F608 Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), **Sch. 7 para. 38**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

[[F609]**548 No right to give corporal punishment.**

(1) Corporal punishment given by, or on the authority of, a member of staff to a child—
  (a) for whom education is provided at any school, or
  (b) for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or
  (c) for whom specified nursery education is provided otherwise than at school,

cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

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(2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.

(3) The following provisions have effect for the purposes of this section.

(4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.

(5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—

(a) an immediate danger of personal injury to, or

(b) an immediate danger to the property of,

any person (including the child himself).

(6) "Member of staff", in relation to the child concerned, means—

(a) any person who works as a teacher at the school or other place at which education is provided for the child, or

(b) any other person who (whether in connection with the provision of education for the child or otherwise)—

(i) works at that school or place, or

(ii) otherwise provides his services there (whether or not for payment),

and has lawful control or charge of the child.

(7) "Child" (except in subsection (8)) means a person under the age of 18.

(8) "Specified nursery education" means full-time or part-time education suitable for children who have not attained compulsory school age which is provided—

(a) by a local education authority; or

(b) by any other person—

(i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2)(a) of the School Standards and Framework Act 1998, or

(ii) who is (or is to be) in receipt of grants under section 1 of the [M36]Nursery Education and Grant-Maintained Schools Act 1996; or

(c) (otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of "school") but for the fact that it provides part-time, rather than full-time, primary education.**]**

Textual Amendments

F609 S. 548 substituted (1.9.1999) by 1998 c. 31, **ss. 131(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M36 1996 c. 56.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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[F610 549 . . . . . .

Textual Amendments

F610 S. 549 repealed (1.9.1999) by 1998 c. 31, ss. 131(2), 140(1)(3), Sch. 30 para. 164, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F611 550 . . . . . .

Textual Amendments

F611 S. 550 repealed (1.9.1999) by 1998 c. 31, ss. 131(2), 140(1)(3), Sch. 30 para. 164, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F612 Power to restrain pupils]

Textual Amendments

F612 S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, **s. 4** (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

[F613 550A Power of members of staff to restrain pupils.

(1) A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely—

(a) committing any offence,

(b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or

(c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.

(2) Subsection (1) applies where a member of the staff of a school is—

(a) on the premises of the school, or

(b) elsewhere at a time when, as a member of its staff, he has lawful control or charge of the pupil concerned;

but it does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548.

(3) Subsection (1) shall not be taken to prevent any person from relying on any defence available to him otherwise than by virtue of this section.

(4) In this section—

"member of the staff", in relation to a school, means any teacher who works at the school and any other person who, with the authority of the head teacher, has lawful control or charge of pupils at the school;

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"offence" includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.**]**

Textual Amendments

F613 S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, **s. 4** (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

[F614 Detention]

Textual Amendments

F614 S. 550B and cross-heading inserted (1.9.1998) by 1997 c. 44, **s. 5** (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

[F615 550B Detention outside school hours lawful despite absence of parental consent.

(1) Where a pupil to whom this section applies is required on disciplinary grounds to spend a period of time in detention at his school after the end of any school session, his detention shall not be rendered unlawful by virtue of the absence of his parent's consent to it if the conditions set out in subsection (3) are satisfied.

(2) This section applies to any pupil who has not attained the age of 18 and is attending—

(a) a school maintained by a local education authority;

F616 . . . or

(c) a city technology college , city college for the technology of the arts or city academy**]**.

(3) The conditions referred to in subsection (1) are as follows—

(a) the head teacher of the school must have previously determined, and have—

(i) made generally known within the school, and

(ii) taken steps to bring to the attention of the parent of every person who is for the time being a registered pupil there,

that the detention of pupils after the end of a school session is one of the measures that may be taken with a view to regulating the conduct of pupils;

(b) the detention must be imposed by the head teacher or by another teacher at the school specifically or generally authorised by him for the purpose;

(c) the detention must be reasonable in all the circumstances; and

(d) the pupil's parent must have been given at least 24 hours' notice in writing that the detention was due to take place.

(4) In determining for the purposes of subsection (3)(c) whether a pupil's detention is reasonable, the following matters in particular shall be taken into account—

(a) whether the detention constitutes a proportionate punishment in the circumstances of the case; and

(b) any special circumstances relevant to its imposition on the pupil which are known to the person imposing it (or of which he ought reasonably to be aware) including in particular—

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(i) the pupil's age,
(ii) any special educational needs he may have,
(iii) any religious requirements affecting him, and
(iv) where arrangements have to be made for him to travel from the school to his home, whether suitable alternative arrangements can reasonably be made by his parent.

(5) Section 572, which provides for the methods by which notices may be served under this Act, does not preclude a notice from being given to a pupil's parent under this section by any other effective method.

Textual Amendments

F615 S. 550B and cross-heading inserted (1.9.1998) by 1997 c. 44, **s. 5** (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

F616 S. 550B(2): the words "(b) a grant-maintained or grant-maintained special school;" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 165, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER III

OTHER PROVISIONS ABOUT SCHOOLS

Duration of school day etc.

551 Regulations as to duration of school day etc.

(1) Regulations may make provision with respect to the duration of the school day and school year at, and the granting of leave of absence from, any schools to which this section applies.

[[F617](1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year.**]**

(2) The schools to which this section applies are—
(a) any school maintained by a local education authority; **[**[F618]and**]**
[F619](b) . . .
(c) any special school not maintained by a local education authority.

Textual Amendments

F617 S. 551(1A) inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 39**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**

F618 Word at the end of s. 551(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.166** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F619 S. 551(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 166(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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Single-sex schools

552

. . . . . .

Educational trusts

553 Schemes under the Endowed Schools Acts.

(1) Where under any provision (however expressed) of a scheme made under the Endowed Schools Acts 1869 to 1948 the power of the trustees under the scheme to apply any property to which the scheme relates for purposes authorised by the scheme is subject to the approval or order of any other person, the scheme shall have effect as if no such approval or order was required.

(2) The Secretary of State may, on the application of any person whose approval or order would apart from this section be required under such a scheme, direct that the requirement shall continue to have effect despite subsection (1); but no liability shall be taken to have been incurred in respect of any failure before the making of such a direction to obtain any such approval or order.

Religious educational trusts

554 Power to make new provision as to use of endowments.

[[F620](1) This section applies where—

(a) in relation to any time before the appointed day, the premises of a voluntary or grant-maintained school (within the meaning of this Act) have ceased to be used for such a voluntary or (as the case may be) grant-maintained school; or

(b) in relation to any time on or after the appointed day—

(i) the premises of a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) have ceased to be used for such a foundation or (as the case may be) voluntary school; or

(ii) in the opinion of the Secretary of State it is likely such premises will cease to be so used;

and in this subsection "the appointed day" has the meaning given by section 20(7) of the School Standards and Framework Act 1998.**]**

(2) In such a case the Secretary of State may (subject to sections 555 and 556(1) and (2)) by order make new provision as to the use of any endowment if it is shown either—

(a) that the endowment is or has been held wholly or partly for or in connection with the provision at the school of religious education in accordance with the tenets of a particular religion or religious denomination; or

(b) that the endowment is or has been used wholly or partly for or in connection with the provision at the school of such religious education and that (subject to subsection (4)) the requirements of subsection (3) are fulfilled.

(3) The requirements of this subsection are—

[[F621](a) that the school was or has been maintained as a voluntary or grant-maintained school (within the meaning of this Act) or as a foundation or voluntary school (within the meaning of the [M37]School Standards and Framework Act 1998)

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since 1st April 1945 (the date when Part II of the Education Act 1944 came into force); and**]**

(b) that religious education in accordance with the tenets of the religion or denomination concerned—

(i) is, and has been from that date, provided at the school, or

(ii) where the premises have ceased to be used for the purposes of the school, was provided at the school from that date until immediately before the premises ceased to be so used,

in pursuance of section 377 or 378 or section 380 or 381 **[**[F622]of this Act (or any corresponding earlier enactment) or paragraph 3 or 4 of Schedule 19 to the School Standards and Framework Act 1998**]**.

(4) For the purposes of this section—

(a) where in the case of any school falling within subsection (3)(a) it is shown—

(i) that religious education in accordance with the tenets of a particular religion or denomination is provided at the school, or

(ii) if the premises have ceased to be used for the purposes of the school, such religious education was so provided immediately before the premises ceased to be so used,

such religious education shall be taken to have been provided at the school from 1st April 1945, unless the contrary is shown; and

[[F623](b) where religious education in accordance with such tenets is shown to have been given to any pupils at—

(i) a controlled school (within the meaning of this Act),

(ii) a grant-maintained school (within the meaning of this Act) which was a controlled school immediately before it became a grant-maintained school, or

(iii) a foundation or voluntary controlled school with a religious character (within the meaning of Part II of the School Standards and Framework Act 1998),

the religious education shall be taken to have been given to them at the request of their parents, unless the contrary is shown.**]**

(5) For the purposes of this section—

"endowment" includes property not subject to any restriction on the expenditure of capital; and

"shown" means shown to the satisfaction of the Secretary of State.

(6) This section applies where the premises of a non-provided public elementary school ceased before 1st April 1945 to be used for such a school as it applies where the premises of a voluntary school have ceased to be used for such a school.

Textual Amendments

F620 S. 554(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F621 S. 554(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(3)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F622 Words in s. 554(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(3)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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F623 S. 554(4)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M37 1944 c. 31.

555 Procedure applicable to orders under section 554.

(1) No order shall be made under section 554 except on the application of the persons appearing to the Secretary of State to be the appropriate authority of the religion or denomination concerned.

(2) The Secretary of State shall, not less than one month before making an order under section 554, give notice of the proposed order and of the right of persons interested to make representations on it.

(3) Such notice shall be given—

(a) by giving to any persons appearing to the Secretary of State to be trustees of an endowment affected by the proposed order a notice of the proposal to make it, together with a draft or summary of the provisions proposed to be included; and

(b) by publishing, in such manner as the Secretary of State thinks sufficient for informing any other persons interested, a notice of the proposal to make the order and of the place where any person interested may (during a period of not less than a month) inspect such a draft or summary, and by keeping a draft or summary available for inspection in accordance with the notice.

(4) The Secretary of State shall take into account any representations made to him by any person interested before the order is made.

(5) In this section "endowment" has the same meaning as in section 554.

556 Content of orders under section 554.

(1) An order under section 554—

(a) may require or authorise the disposal by sale or otherwise of any land or other property forming part of an endowment affected by the order, including the premises of the school and any teacher's dwelling-house; and

(b) may consolidate any endowments to be dealt with by the scheme.

(2) Subject to subsection (1), and to any provision affecting the endowments which is a provision of a public general Act of Parliament, an order under section 554 shall establish and give effect, with a view to enabling the religion or denomination concerned to participate more effectively in the administration of the statutory system of public education, to a scheme or schemes for the endowments dealt with by the order to be used for appropriate educational purposes either—

(a) in connection with schools which are **[**[F624]foundation schools or voluntary schools**]**; or

(b) partly in connection with such schools (or either description of such schools) and partly in other ways related to the locality served by the **[**[F625]school at the premises referred to in section 554(1).**]**.

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(3) In subsection (2) "use for appropriate educational purposes" means use for educational purposes in connection with the provision of religious education in accordance with the tenets of the religion or denomination concerned (including in particular, but without prejudice to the generality of the foregoing, use for any purpose specified in Schedule 36).

(4) A scheme given effect under section 554—

(a) may provide for the retention of the capital of any endowment and application of the accruing income; or

(b) may authorise the application or expenditure of capital to such extent and subject to such conditions as may be determined by or in accordance with the scheme;

and any such scheme may provide for the endowments dealt with by the scheme or any part of them to be added to any existing endowment applicable for any such purpose as is authorised for the scheme by subsection (2).

(5) Where a scheme given effect under section 554 provides for the endowments dealt with by the order or any part of them to be used for the purposes specified in Schedule 36, any such scheme may provide for the endowments thereby dealt with or any part of them to be added to any existing endowment applicable for those purposes (whether it is so applicable by virtue of a scheme given effect to under that section or otherwise).

(6) Section 568(5) does not apply to an order under section 554, but such an order may include such incidental or supplementary provisions as appear to the Secretary of State to be necessary or expedient either for the bringing into force or for the operation of any scheme established by it, including in particular provisions—

(a) for the appointment and powers of trustees of the property comprised in the scheme or, if the property is not all applicable for the same purposes, of any part of that property; and

(b) for the property or any part of it to vest by virtue of the scheme in the first trustees under the scheme or trustees of any endowment to which it is to be added or, if not so vested, to be transferred to them.

(7) Any order under section 554 shall have effect despite any Act of Parliament (other than a public general Act), letters patent or other instrument relating to, or trust affecting, the endowments dealt with by the order.

(8) In this section "endowment" has the same meaning as in section 554.

Textual Amendments

F624 Words in s. 556(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 169(a)** (with ss. 138(9), 144(6))

F625 Words in s. 556(2)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 169(b)** (with s. 138(9), 144(6))

557 Adoption of statutory trusts.

(1) This section applies to endowments which are—

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(a) regulated by a qualifying scheme under the Endowed Schools Acts 1869 to 1948 as applied by section 86(1) of the [M38]Education Act 1944 or by an order under section 554 of this Act or section 2 of the [M39]Education Act 1973; and

(b) held under any such scheme or order on trusts which provide for capital or income or both to be applicable for or in connection with—

(i) the provision of religious education at relevant schools, or relevant schools of any description (but not only at a particular school or schools) in a diocese or other geographical area; or

(ii) the provision of premises for relevant schools, or relevant schools of any description (but not only at a particular school or schools) at which religious education is or is to be provided in a diocese or other geographical area;

but this section does not apply to an endowment if or in so far as it constitutes a religious education fund.

(2) The trustees of any endowments to which this section applies may, by resolution complying with subsection (6), adopt the uniform statutory trusts as the trusts on which those endowments are to be held.

(3) The uniform statutory trusts are those set out in Schedule 36.

(4) On the adoption by trustees of the uniform statutory trusts in respect of any endowments the scheme or order which regulates the endowments shall have effect as if the uniform statutory trusts are incorporated in the scheme or order to the exclusion of the corresponding provisions of the scheme or order.

(5) The trustees of two or more endowments which are held on the uniform statutory trusts may, by resolution complying with subsection (6), consolidate all or any of those endowments and, where they do so, the endowments shall be treated, for all purposes, as held for the purposes of a single charity.

(6) For a resolution to comply with this subsection—

(a) it must be passed by a simple majority of the trustees or, if the trustees are a body corporate or a company, by a simple majority of the members of the body corporate or an ordinary resolution of the company; and

(b) it must be recorded in the records of the decisions of the trustees affecting the endowments of the trust.

(7) Where trustees pass a resolution under subsection (2), it shall be their duty to send a copy of the resolution to the Secretary of State.

(8) The uniform statutory trusts applicable to endowments to which this section applies shall not affect—

(a) the rights of any person under the third proviso to section 2 of the [M40]School Sites Act 1841, under section 86(3) of the [M41]Education Act 1944 or under section 1 of the [M42]Reverter of Sites Act 1987 (rights replacing certain reversionary interests in land), or

(b) the rights of any local education authority which have arisen under paragraph 7 or 8 of the First Schedule to the [M43]Education Act 1946 (rights in relation to school sites provided by such authorities) or which may arise under section 60(4) or 62(2),

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except in so far as any right falling within paragraph (a) above is or has been extinguished by an order under section 554 of this Act or section 2 of the [M44]Education Act 1973 made by virtue of section 5 of the Reverter of Sites Act 1987.

(9) In this section—

"company" means a company formed under the Companies Acts;

"the Companies Acts" means the [M45]Companies Act 1985, the [M46]Companies Act 1948 or any Act repealed by that Act of 1948;

"endowment" has the same meaning as in section 554;

"provision", in relation to premises, means provision by the purchase of a site, the erection of premises or the maintenance, improvement or enlargement of premises;

"qualifying scheme" means a scheme in force on 1st January 1994 (the date when section 287 of the [M47]Education Act 1993 came into force);

"relevant school" means **[**[F626]a foundation or voluntary school**]**;

"religious education" means religious education in accordance with the tenets of a particular religion or religious denomination; and

"religious education fund" includes a Sunday school fund.

(10) In Schedule 36 as incorporated in any scheme or order—

"the area" means the diocese or other geographical area within which the trust assets may be applied under the scheme or order, as the case may be;

"relevant school" means a relevant school at which the religious education provided for in the scheme or order, as the case may be, is or is to be provided; and

"the relevant trust assets" means the endowments in respect of which the trustees have adopted the uniform statutory trusts, including the income derived therefrom.

Textual Amendments

F626 Words in s. 557(9) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.170** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M38 1944 c. 31.
M39 1973 c. 16.
M40 1841 c. 38.
M41 1944 c. 31.
M42 1987 c. 15.
M43 1946 c. 50.
M44 1973 c. 16.
M45 1985 c. 6.
M46 1948 c. 38.
M47 1993 c. 35.

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CHAPTER IV

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

558 Meaning of "child" for purposes of enactments relating to employment of children or young persons.

For the purposes of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not over compulsory school age shall be deemed to be a child within the meaning of that enactment.

559 Power of local education authorities to prohibit or restrict employment of children.

(1) If it appears to a local education authority that a child who is a registered pupil at a **[**[F627]community, foundation**]**, voluntary or special school is being employed in such a manner as to be prejudicial to his health, or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority may serve a notice in writing on the employer—
  (a) prohibiting him from employing the child, or
  (b) imposing such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child.

(2) A local education authority may serve a notice in writing on the parent or employer of a child who is a registered pupil at a **[**[F628]community, foundation**]**, voluntary or special school requiring the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.

(3) A person who—
  (a) employs a child in contravention of any prohibition or restriction imposed under subsection (1), or
  (b) fails to comply with the requirements of a notice served under subsection (2),

shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable on summary conviction—
  (a) to a fine not exceeding level 1 on the standard scale, or
  (b) to imprisonment for a term not exceeding one month,

or both.

(5) Section 28(1) and (3) of the [M48]Children and Young Persons Act 1933 (powers of entry for the enforcement of the provisions of Part II of that Act as to the employment of children) shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of Part II of that Act.

(6) This section shall cease to have effect on the coming into force of section 2 of the [M49]Employment of Children Act 1973.

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Textual Amendments

F627 Words in s. 559(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F628 Words in s. 559(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M48 1933 c. 12.

M49 1973 c. 24.

560 Work experience in last year of compulsory schooling.

[[F629](1) The enactments relating to the prohibition or regulation of the employment of children shall not apply to the employment of a child in his last two years of compulsory schooling if the employment is in pursuance of arrangements made—

(a) by a local education authority, or

(b) by the governing body of a school on behalf of such an authority,

with a view to providing him with work experience as a part of his education.

(2) For the purposes of subsection (1) a child shall be taken to be in his last two years of compulsory schooling as from the beginning of the last two school years at his school during the whole or part of which he is of compulsory school age.**]**

(3) Subsection (1) shall not be taken to permit the employment of a person in any way contrary to—

(a) an enactment which in terms applies to persons of less than, or not over, a specified age expressed as a number of years, or

(b) section 1(2) of the [M50]Employment of Women, Young Persons and Children Act 1920 or section 55(1) of the [M51]Merchant Shipping Act 1995 (which prohibit the employment of children in ships).

(4) No arrangements shall be made under subsection (1) for a child to be employed in any way which would be contrary to an enactment prohibiting or regulating the employment of young persons if he were a young person (within the meaning of the enactment) and not a child.

(5) Where a child is employed in pursuance of arrangements made under subsection (1), so much of any enactment as—

(a) regulates the employment of young persons (whether by excluding them from any description of work, prescribing the conditions under which they may be permitted to do it or in any other way), and

(b) would apply in relation to him if he were of an age to be treated as a young person for the purposes of that enactment,

shall apply in relation to him, in and in respect of the employment arranged for him, in all respects as if he were of an age to be so treated.

(6) Nothing in section 495 or 496 applies in relation to any power conferred on a local education authority [F630]. . . by subsection (1).

(7) In this section "enactment" includes any byelaw, regulation or other provision having effect under an enactment.

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Textual Amendments

F629 S. 560(1)(2) substituted (1.10.1998) by 1998 c. 31, **s. 112(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, **art. 2(1) Sch. 1 Pt. I**

F630 Words in s. 560(6) repealed (1.9.1999) by 1998 c. 31, ss. 112(3), 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M50 1920 c. 65.

M51 1995 c. 21.

CHAPTER V

PERSONS NOT COVERED BY ACT

561 Act not to apply to persons in service of the Crown.

No power or duty conferred or imposed by this Act on—

(a) the Secretary of State,

(b) local education authorities, or

(c) parents,

shall be construed as relating to any person who is employed by or under the Crown in any service or capacity with respect to which the Secretary of State certifies that, by reason of the arrangements made for the education of children and young persons so employed, the exercise and performance of those powers and duties with respect to such children and young persons is unnecessary.

562 Act not to apply to persons detained under order of a court.

(1) No power or duty conferred or imposed by or under this Act on—

(a) the Secretary of State,

(b) local education authorities, or

(c) parents,

shall be construed as relating to any person who is detained in pursuance of an order made by a court or of an order of recall made by the Secretary of State, but a local education authority may make arrangements for a person who is detained in pursuance of such an order to receive the benefit of educational facilities provided by the authority.

(2) A child or young person who is being educated as a boarder at a school shall not be regarded for the purposes of subsection (1) as detained in pursuance of an order made by a court by reason of the fact that he is required to be at the school—

(a) by virtue of an order made by a court under the [M52]Children and Young Persons Act 1933 or by virtue of anything done under such an order; or

(b) by virtue of a requirement of a probation order or by virtue of anything done under such a requirement.

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Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M52 1933 c. 12.

CHAPTER VI

GENERAL

Documents and evidence

563 Educational records.

(1) Regulations may make provision as to—

(a) the keeping, disclosure and transfer of educational records about persons receiving education at schools to which this section applies; and

(b) the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.

(2) The regulations may authorise persons who supply copies of such records in pursuance of the regulations to charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.

(3) The schools to which this section applies are—

(a) any school maintained by a local education authority; **[**[F631]and**]**

[F632](b) . . . . . .

(c) any special school not maintained by a local education authority.

Textual Amendments

F631 Word at the end of s. 563(3)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 172(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F632 S. 563(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch 30 para. 172(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

564 Certificates of birth and registrars' returns.

(1) Where the age of any person is required to be proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar having the custody of the register of birth and deaths containing the entry relating to the birth of that person shall—

(a) on being presented by any person ("the applicant") with a written requisition in such form and containing such particulars as may be determined by regulations, and

(b) on payment of a fee of **[**[F633]£3.50**][**[F633]£6.50**]**,

supply the applicant with a copy of the entry certified under his hand.

(2) A registrar shall, on being requested so to do, supply free of charge a form of requisition for the purposes of subsection (1).

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(3) A registrar shall supply to a local education authority such particulars of the entries contained in any register of births and deaths in his custody, and in such form, as (subject to regulations) the authority may from time to time require.

(4) In this section—

"register of births and deaths" means a register of births and deaths kept under the [M53]Births and Deaths Registration Act 1953, and

"registrar" includes a registrar of births and deaths and a superintendent registrar.

Textual Amendments

F633 S. 564(1)(b): fees of £3.50 and £6.50 made payable (1.4.1999) in respect of copies issued by (i) a registrar and (ii) a superintendent registrar respectively by virtue of S.I. 1998/3171, art. 2, **Sch.** (which S.I. was revoked (1.4.2000) by S.I. 1999/3311, **art. 3**); and those same fees payable (1.4.2000) by virtue of S.I. 1999/3311, art. 2, **Sch.** (which S.I. was revoked (1.4.2003) by S.I. 2002/3076, **art. 3**)

Marginal Citations

M53 1953 c. 20.

565 Evidence: presumption as to age.

(1) Where in any proceedings under this Act the person by whom the proceedings are brought—

(a) alleges that any person whose age is material to the proceedings is under, of, or over, any age, and

(b) satisfies the court that, having used all reasonable diligence to obtain evidence as to the age of that person, he has been unable to do so,

the court may, unless the contrary is proved, presume that person to be under, of, or (as the case may be) over, the age alleged.

(2) This section has effect subject to section 445(3).

566 Evidence: documents.

(1) In any legal proceedings, any of the following documents, namely—

(a) a document purporting to be a document issued by a local education authority, and to be signed by the clerk of that authority or by the chief education officer of that authority or by any other officer of the authority authorised to sign it,

(b) a document purporting to be an extract from the minutes of the proceedings of the governing body of **[**[F634]a maintained school**]**, and to be signed by the chairman of the governing body or by their clerk,

(c) a document purporting to be a certificate giving particulars of the attendance of a child or young person at a school, and to be signed by the head teacher of the school, and

(d) a document purporting to be a certificate issued by a medical officer of a local education authority, and to be signed by such an officer,

shall be received in evidence and shall be treated, without further proof, as the document which it purports to be and as having been signed by the person by whom it purports to have been signed, unless the contrary is proved.

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(2) In any legal proceedings, any such extract or certificate as is mentioned in subsection (1)(b), (c) or (d) shall be evidence of the matters stated in it.

Textual Amendments

F634 Words in s. 566(1)(b) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para.173** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Stamp duty

[F635]567 . . . . . .

Textual Amendments

F635 S. 567 repealed (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 174, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, **art. 13**); S.I. 1999/2323, art. 2(1), **Sch. 1**

Orders, regulations and directions

568 Orders.

(1) Any power of the Secretary of State to make orders under this Act (other than an order under any of the excepted provisions) shall be exercised by statutory instrument.

[[F636](2) For the purposes of subsection (1) "the excepted provisions" are—

section 349;
sections 468, 471(1) and 474;
section 489(3);
section 497; and
section 545.**]**

(3) A statutory instrument containing any order made by the Secretary of State under this Act, other than an order under—

section 354(6), 355(2)(a), 356(2)(c) or 401,
[F637] . . .
section 554,
section 583(3) or (4), or
Schedule 40,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) No order shall be made under section 354(6), 355(2)(a) or 401 unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

(5) Any order made—

(a) by the Secretary of State under this Act by statutory instrument, [F638]. . .

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[F638](b) . . . . . .

may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.

(6) Without prejudice to the generality of subsection (5), an order made by the Secretary of State under this Act by statutory instrument may make in relation to Wales provision different from that made in relation to England.

Textual Amendments

F636 S. 568(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 175(a)**, (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)** as amended (31.8.1999) by S.I. 1999/2484, **reg. 3**

F637 Words in s. 568(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1** (subject to savings in S.I. 1999/2323, **art. 16(3)** (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**))

F638 S. 568(5)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)** (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**))

569 Regulations.

(1) Any power of the Secretary of State to make regulations under this Act shall be exercised by statutory instrument.

(2) A statutory instrument containing regulations under this Act, other than regulations under **[**[F639]section 492,**]** shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) No regulations shall be made under **[**[F640]section 492**]** unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(4) Regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.

(5) Without prejudice to the generality of subsection (4), regulations under this Act may make in relation to Wales provision different from that made in relation to England.

(6) Subsection (5) does not apply to regulations under section 579(4).

Extent Information

E1 S. 569 extends to Scotland so far as relating to regulations under s. 493 see s. 583(7).

Textual Amendments

F639 Words in s. 569(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 176(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F640 Words in s. 569(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 176(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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570 Revocation and variation of certain orders and directions.

(1) This section applies to any order or directions made or given under this Act by—

(a) the Secretary of State, **[**[F641]or**]**

[F642](b) . . . . . .

(c) a local education authority,

other than an order to which section 568(1) applies.

(2) Subject to subsection (3), any such order or directions may be varied or revoked by a further order or directions made or given by the Secretary of State, [F643]. . . or the local education authority, as the case may be.

(3) Where the power to make or give any such order or directions is only exercisable—

(a) on the application or with the consent of any person or body of persons, or

(b) after consultation with any person or body of persons, or

(c) subject to any other conditions,

no order or directions made or given under that power may be varied or revoked under subsection (2) unless the same conditions are complied with.

Textual Amendments

F641 Word at the end of s. 570(1)(a) inserted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 177(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

F642 S. 570(1)(b) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 177(a)(ii), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

F643 Words in s. 570(2) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 177(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

Guidance

571 Publication of guidance.

(1) The Secretary of State shall publish any guidance given by him for the purposes of any **[**[F644]provision of this Act**]** in such manner as he thinks fit.

[F645](2) . . . . . .

Textual Amendments

F644 Words in s. 571(1) substituted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 41(a)**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt.I**

F645 S. 571(2) repealed (14.6.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 41(b), **Sch.8**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt.I**

Service of documents

572 Service of notices and other documents.

Any order, notice or other document required or authorised by this Act to be served on any person may be served—

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(a) by delivering it to that person, or
(b) by leaving it at his usual or last known place of residence, or
(c) by sending it in a prepaid letter addressed to him at that place.

Construction

573 Meaning of expressions relating to alteration etc. of premises or character of schools.

(1) The following provisions apply for the purposes of this Act except where the context otherwise requires.

(2) References to the alteration of school premises include making improvements, extensions or additions to the premises; [F646]. . ..

(3) References to the enlargement of any school premises include any modification of the school's existing premises which has the effect of increasing the number of pupils for whom accommodation can be provided.

[F647](4) . . . . . .

[F647](5) . . . . . .

[F647](6) . . . . . .

Textual Amendments

F646 Words in s. 573(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F647 S. 573(4)-(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(b), **Sch.31** (with ss. 138(9), 144(6) and subject to savings for s. 573(4)-(6) in S.I. 1999/2323, **art. 19**); S.I. 1999/2323, art. 2(1), **Sch. 1**

574 Changes to school not amounting to discontinuance etc.

(1) For the purposes of this Act and any other enactment relating to the duties of a local education authority neither—
(a) references in whatever terms to discontinuing a school (including those to a local authority ceasing to maintain a school), nor
(b) references in whatever terms to establishing a new school,

shall be read as applying by reason only of a change such as is mentioned in subsection (2) being made to an existing school (so that, where such a change is made to an existing school, the school shall be regarded as continuing despite the change and as being the same school before and after it, unless for other reasons it is to be regarded as discontinued).

(2) The changes are—
(a) education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as girls or for girls as well as boys;
(b) an enlargement or alteration of the school premises; and
(c) the transfer of the school to a new site.

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575

. . . . . .

576 Meaning of "parent".

(1) In this Act, unless the context otherwise requires, "parent", in relation to a child or young person, includes any person—

(a) who is not a parent of his but who has parental responsibility for him, or

(b) who has care of him,

except that in **[**[F648]section 499(8)**]** it only includes such a person if he is an individual.

[F649](2) . . . . . .

(3) In subsection (1) "parental responsibility" has the same meaning as in the [M54]Children Act 1989.

(4) In determining for the purposes of subsection (1) whether an individual has care of a child or young person, any absence of the child or young person at a hospital or boarding school and any other temporary absence shall be disregarded.

Textual Amendments

F648 Words in s. 576(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 180(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F649 S. 576(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 180(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Modifications etc. (not altering text)

C61 S. 576 applied (24.7.1998) by 1998 c. 31, **ss. 142(10)**, 145(4) (with ss. 138(9), 144(6))

C62 S. 576 applied (1.9.2001) by S.I. 2001/600, **reg. 30(10)**

Marginal Citations

M54 1989 c. 41.

[F650]577 . . . . . .

Textual Amendments

F650 S. 577 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 181, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

578 Meaning of "the Education Acts".

In this Act "the Education Acts" means this Act together with the following Acts—

[F651] . . .

the [M55]Education Act 1967;

the [M56]Education Act 1973;

the [M57]Education Act 1980;

the [M58]Education (Fees and Awards) Act 1983;

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the [M59]Further Education Act 1985 (except sections 4 and 5);
the [M60]Education Act 1986;
the [M61]Education (No. 2) Act 1986;
the [M62]Education Reform Act 1988;
[F651] . . .
the [M63]School Teachers' Pay and Conditions Act 1991;
the [M64]Further and Higher Education Act 1992;
the [M65]Education Act 1994;
[F651] . . .
the [M66]Nursery Education and Grant-Maintained Schools Act 1996;
the [M67]School Inspections Act 1996.
[[F652]the [M68]Education Act 1997.**]**
[[F653]the [M69] Education (Schools) Act 1997**]**
[F654] . . .
[[F655]the [M70]Teaching and Higher Education Act 1998**]**
[[F656]the School Standards and Framework Act 1998**]**

Textual Amendments

F651 Entries in s. 578 repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, **art. 2(1)** (subject to arts. 3, 4)

F652 Entry in s. 578 added (14.6.1997) by virtue of 1997 c. 44, ss. 57(1), 58(2), **Sch. 7 para. 42**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**

F653 Entry in s. 578 inserted (31.7.1997) by 1997 c. 59, **ss. 6(2)**, 7(2)(3)

F654 Entry in s. 578 (as inserted (27.1.1998) by 1998 c. 1, **ss. 6(1)**, 7(2)) repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, **art. 2(1)** (subject to arts. 3, 4)

F655 Entry in s. 578 inserted (1.10.1998) by 1998 c. 30, ss. 44(1), 46(2), **Sch. 3 para. 15** (with s. 42(8)); S.I. 1998/2215, **art. 2**

F656 Entry in s. 578 inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.182** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1**

Marginal Citations

M55 1967 c. 3.
M56 1973 c. 16.
M57 1980 c. 20.
M58 1983 c. 40.
M59 1985 c. 47.
M60 1986 c. 40.
M61 1986 c. 61.
M62 1988 c. 40.
M63 1991 c. 49.
M64 1992 c. 13.
M65 1994 c. 30.
M66 1996 c. 50.
M67 1996 c. 57.
M68 1997 c. 44
M69 1997 c. 59
M70 1998 c. 30

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579 General interpretation.

(1) In this Act, unless the context otherwise requires—

F657 . . . . . .

[F658"assist", in relation to any school, institution or university, shall be construed in accordance with subsections (5) to (7) below;**]**

"boarder" includes a pupil who boards during the week but not at weekends;

"child" means a person who is not over compulsory school age;

"clothing" includes footwear;

F657 . . . . . .

"financial year" means a period of twelve months ending with 31st March;

"functions" includes powers and duties;

F657 . . . . . .

"head teacher" includes acting head teacher;

"higher education" means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;

"land" includes buildings and other structures, land covered with water, and any interest in land;

"liability" includes obligation;

"local authority" means a county council, a county borough council, a district council, a London borough council or the Common Council of the City of London;

F657 . . . . . .

"local government elector" has the meaning given by section 270(1) of the M71Local Government Act 1972;

"medical officer", in relation to a local education authority, means a registered medical practitioner who is employed or engaged (whether regularly or for the purposes of any particular case) by the authority or whose services are made available to the authority by the Secretary of State;

"modifications" includes additions, alterations and omissions and "modify" shall be construed accordingly;

"premises", in relation to a school, includes any detached playing fields but, except where otherwise expressly provided, does not include a teacher's dwelling-house;

"prescribed" means prescribed by regulations;

"proprietor", in relation to a school, means the person or body of persons responsible for the management of the school (so that, in relation to **[**F659a community, foundation or voluntary or community or foundation special school,**]** it means the governing body);

F657 . . . . . .

"regulations" means regulations made by the Secretary of State;

F657 . . . . . .

"school buildings", in relation to a school, means any building or part of a building forming part of the school premises, other than a building or part required only—

(a) as a caretaker's dwelling,

(b) for use in connection with playing fields,

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(c) to afford facilities for enabling the Secretary of State facilities to carry out his functions under section 5(1) or (1A) of, and Schedule 1 to, the [M72]National Health Service Act 1977 (which relate to the provision of medical and dental services for pupils), or

(d) to afford facilities for providing milk, meals or other refreshment for pupils in attendance at the school;

"school day", in relation to a school, means any day on which at that school there is a school session;

[[F660]"school year", in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;**]**

[[F661]"trust deed" includes any instrument (other than an instrument of government) regulating the constitution of the school's governing body or the maintenance, management or conduct of the school;**]**

"young person" means a person over compulsory school age but under the age of 18.

(2) References in this Act to an interest in land include any easement, right or charge in, to or over land.

[F662](3) . . . . . .

(4) For the purposes of this Act a person shall be treated as belonging, or as not belonging, to the area of a particular local education authority in accordance with regulations; and any question under the regulations shall, in the case of a dispute, be determined by the Secretary of State.

(5) For the purposes of this Act a school shall be regarded as "assisted" by a local education authority who do not maintain it if the authority make to its proprietor any grant in respect of the school or any payment in consideration of the provision of educational facilities there.

(6) Subject to subsection (7), an institution other than a school shall be regarded for the purposes of this Act as "assisted" by a local education authority if the authority make to the persons responsible for its maintenance any grant in respect of the institution or any payment in consideration of the provision of educational facilities there.

(7) Neither—

(a) a university, nor

(b) any institution within the further education sector or within the higher education sector other than a university,

shall be regarded for the purposes of this Act as "assisted" by a local education authority by virtue of the making by the authority to the persons responsible for the maintenance of the university or institution of any grant or payment such as is mentioned in subsection (6).

Textual Amendments

F657 S. 579(1): definitions of "the appropriate further education funding council", "exclude", "governing body" (and "governors"), "the local education authority", "reception class" and "relevant age group" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(a)(ii), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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F658 Definition in s. 579(1) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F659 Words in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F660 Definition in s. 579(1) inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 43**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**

F661 Definition in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iv)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F662 S. 579(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M71 1972 c. 70.

M72 1977 c. 49.

580 Index.

The expressions listed in the left-hand column below are defined by, or (as the case may be) are to be interpreted in accordance with, the provisions of this Act listed in the right-hand column in relation to those expressions.

Expression	*Relevant provision*
admission authority (in Chapter I of Part VI)	section 415
admitted to a school for nursery education	section 579(3)
aggregated budget (in Part II)	sections 101(3) and 105
agreed syllabus	section 375(2) and (4)
aided school	section 32(1) and (3)
allocation formula (in Part II)	section 106(2)
alteration (of school premises) and alterations (in relation to such premises)	section 573(2)
annual parents' meeting (in Chapter VI of Part II)	section 162(1)
appropriate diocesan authority (in Part III in relation to a Church of England, Church in Wales or Roman Catholic Church school)	section 311(1)
appropriate further education funding council	section 579(1)
area (of a local education authority)	section 12(6)
articles of government	
(in relation to a county, voluntary or maintained special school)	section 127(1)

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(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28
(in relation to a group of grant-maintained schools)	section 280(2)
assess (in Part V)	section 350(2)
assessment arrangements (in Part V)	section 353
assisted (in relation to a school or other institution)	section 579(5) to (7)
F663 . . .	. . .
attainment targets (in Part V)	section 353
authority responsible for election arrangements (in Chapter V of Part III)	section 243(2)
belonging to the area of a local education authority (in relation to a person)	section 579(4)
boarder	section 579(1)
budget share (in Part II)	section 101(3) and (6)
capital grant (in relation to grant-maintained schools)	section 246(1) (or section 252)
cease to maintain (in relation to a school)	section 574
the chairmen's panel (in Part IV)	section 333(2)
change in character (in relation to a school)	section 573(4)
character (of a school) (in Part III)	section 311(4)
child	
(generally)	section 579(1)
(in Part IV)	section 312(5)
[F664(in Chapter I of Part VI except sections 431 to 433)	section 411(8)**]**
child for whom a local education authority are responsible (in Part IV)	section 321(3)
Church in Wales school	section 311(1)
Church of England school	section 311(1)
[F665city academy	section 482**]**
city college for the technology of the arts	section 482(3)
city technology college	section 482(3)
clothing	section 579(1)

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commencement of this Act	section 583(2)
compulsory school age	section 8 (or paragraph 1 of Schedule 40)
contract of employment (in relation to provisions specified in section 575(2))	section 575(1)
controlled school	section 32(1) and (2)
co-opted governor (in relation to a county, voluntary or maintained special school)	section 78(1)
core governor	section 285 and Schedule 25
county school	section 31(1)
date of implementation	
(in Part III in relation to proposals for acquisition of grant-maintained status)	section 200(2)
(in Part III in relation to a new grant-maintained school)	section 217
date of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
delegation requirement (in Part II)	section 107(2)
discontinue (in relation to a school)	section 574
disposal of premises (in sections 297 to 300)	section 301(3)
dissolution date (in sections 274 to 279)	section 274(6)
the Education Acts	section 578
eligible for grant-maintained status (in Part III)	section 184
eligible governor (in Part III)	paragraph 4 of Schedule 24
eligible to vote in a ballot held in accordance with section 189 (in Chapter II of Part III)	section 190(1)
employed, employee, employer (in relation to provisions specified in section 575(2))	section 575(1)
employed to work, or to work solely, at a school (in relation to provisions specified in section 575(2))	section 575(3)
employee (in sections 469 to 473)	section 469(6)
enlargement (in relation to school premises)	section 573(3)
establish (in relation to a new school)	section 574

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examination requirement (in Chapter III of Part VI)	section 462(1)
exclude, exclusion (except in section 524)	section 579(1)
financial year	section 579(1)
first governor (in relation to a grant-maintained school)	paragraphs 7 and 12 of Schedule 24
foundation governor	
(in relation to a voluntary school)	section 78(2)
(in relation to a grant-maintained school)	paragraphs 8 and 13 of Schedule 24
foundation subjects	section 354
	F666
	. . .
functions	section 579(1)
funding authority	section 26
further education	section 2(3) to (5)
general schools budget (in Part II)	section 101(3)
governing body, governor	
(in Chapters IV to VI of Part II)	section 182
(in relation to a school grouped for purposes of Chapter IV of Part II)	section 89(6)
(in relation to a voluntary school and functions of foundation governors)	section 579(1)
governing body in liquidation (in sections 274 to 279)	section 274(3)
governor of an elected category (in Part III)	paragraph 3 of Schedule 24
governors' report (in Chapter VI of Part II)	section 161(1)
grant-maintained school	
(generally)	section 183(1)
(in sections 500 to 504)	section 505(8)
grant-maintained school formerly conducted by a governing body in liquidation (in sections 274 to 279)	section 274(5)
grant-maintained special school	sections 337(4) and 346(3)
grant regulations (in Chapter VI of Part III)	section 244(2)
grants for education support and training	section 484(1)

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group (of schools)	
(in Part II)	section 89(5)
(in Chapter IX of Part III)	section 280(7)
head teacher	
(generally)	section 579(1)
(in relation to a county, voluntary or maintained special school organised into separate departments)	section 132
higher education	section 579(1)
incorporation date	
(in Chapter II of Part III)	section 200(5)
(in Chapter IV of Part III)	section 217
(in Part IV)	section 345(3)
independent school	section 463
initial governor (in Part III)	paragraph 2 of Schedule 24
institution outside (or within) the further education sector	section 4(3)
institution outside (or within) the higher education sector	section 4(4)
instrument of government	
(in relation to a county, voluntary or maintained special school)	section 76(1)
(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28
(in relation to a group of grant-maintained schools)	section 280(2)
interest in land	section 579(2)
junior pupil	section 3(2)
key stage	section 355(1)
land	section 579(1)
the lay panel (in Part IV)	section 333(2)
learning difficulty	section 312(2) and (3)
liability	section 579(1)
local authority	section 579(1)
local education authority	section 12(1) to (5)
the local education authority	

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(generally)	section 579(1)
(in relation to a scheme under Part II)	section 101(2)
local government elector	
(generally)	section 579(1)
(in Part III in relation to an area)	section 311(7)
maintain (in relation to a school maintained by a local education authority)	section 34
maintained school	
(in Part IV)	section 312(5)
(in Part V)	section 350(1)
(in Chapter II of Part VI)	section 437(8)
(in Chapter III of Part VI)	section 449
(in sections 500 to 504)	section 505(8)
maintained nursery school	sections 6(1) and 33(1)
maintained special school	sections 6(2), 33(1) and 337(3)
maintenance grant (in relation to grant-maintained schools)	section 244(1) (or section 250(1))
medical officer (in relation to a local education authority)	section 579(1)
minor authority	section 577
middle school	section 5(3)
modifications, modify	section 579(1)
the National Curriculum	sections 352(1) and 353
new governing body (in Part III)	section 195(2)
new school (in Part II)	section 181(1)
nursery school	section 6(1)
optional extra (in Chapter III of Part VI)	section 455(3)
parent	section 576
parent governor	
(in relation to a county, voluntary or maintained special school)	section 78(3)
(in relation to a grant-maintained school)	paragraphs 5 and 10 of Schedule 24
F663 . . .	. . .
F663 . . .	. . .

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pending	
(in Part III in relation to proposals published under section 193)	section 193(4)
(in Chapter III of Part III in relation to the procedure for acquisition of grant-maintained status)	section 203(1)
powers to make proposals for the alteration of their school (in sections 500 to 504 in relation to the governing body of a voluntary school)	section 505(7)
powers to make proposals for the establishment, alteration or discontinuance of schools (in sections 500 to 504)	section 505(8)
premises	
(in relation to a school)	section 579(1)
(in Part III)	section 311(1)
prescribed	section 579(1)
the President (in Part IV)	section 333(2)
primary education	section 2(1)
primary school	section 5(1)
programmes of study (in Part V)	section 353
proceeds of disposal (in sections 297 to 300)	section 301(3)
procedure applicable under Chapter IV of Part II (in Chapter V of Part III)	section 243(3)
promoters (in Part III)	section 212(1)
proposals (in Chapter VII of Part III)	section 266(2)
proposals for acquisition of grant-maintained status (in Part III)	section 183(2)
proposals for the establishment of a new grant-maintained school (in Part III)	section 183(2)
proprietor (in relation to a school)	section 579(1)
prospectively disqualified (in Chapter V of Part III)	section 243(4)
provisionally registered school (in Part VII)	section 465(4)
pupil	sections 3(1) and 19(5)
reception class	section 579(1)

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register, registration (in Part VII in relation to independent schools)	section 464(4)
registered (in relation to parents or pupils)	section 434(5)
registered school (in Part VII)	section 465(4)
Registrar of Independent Schools (or the Registrar in Part VII)	section 464(4)
regulations	section 579(1)
relevant age group	section 579(1)
relevant education (in relation to an order under section 27(1))	section 27(7)
relevant particulars (in relation to a proposed initial governor of a grant-maintained school)	section 200(4)
relevant proposals (in Part II)	section 181(2)
relevant standard number (in Chapter I of Part VI)	section 411(7)
required to be covered by a scheme (in Part II in relation to a school)	section 102
reserved teacher (in Chapter VI of Part II in relation to a controlled school)	section 143(2)
reserved teacher (in Chapter VI of Part II in relation to a special agreement school)	section 144(1)
residential trip (in Chapter III of Part VI)	section 462(2)
responsible for a child (in Part IV in relation to a local education authority)	section 321(3)
right to a delegated budget (in Part II)	section 115(a)
Roman Catholic Church school	section 311(1)
scheme (in Part II)	section 101(1)
school	section 4(1) and (2)
school in respect of which financial delegation is required (in Part II)	section 115
school which has a delegated budget (in Part II)	section 115
school attendance order	section 437(3)
school buildings	section 579(1)
school day	section 579(1)
school property (in sections 274 to 279)	section 274(4)
[[F667]school year	section 579(1)**]**

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secondary education	section 2(2) and (5)
secondary school	section 5(2)
section 67 loan liabilities (in sections 274 to 279)	section 274(7)
senior pupil	section 3(2)
sex education	section 352(3)
significant (in relation to a change in character or enlargement of premises of a school)	section 573(5)
special agreement	section 32(5)
special agreement school	section 32(1) and (4)
special educational needs	section 312(1)
special educational provision	section 312(4)
special purpose grant (in relation to grant-maintained schools)	section 245(1) (or section 251)
special school	sections 6(2) and 337
sponsor governor (in Part III)	paragraphs 9 and 14 of Schedule 24
suitable education (in Chapter II of Part VI)	section 437(8)
teacher governor	
(in relation to a county, voluntary or maintained special school)	section 78(4)
(in relation to a grant-maintained school)	paragraphs 6 and 11 of Schedule 24
temporary governing body, temporary governor (in Part II)	section 181(3)
time of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
the Tribunal (in Part IV)	section 313(5)
trust deed (in relation to a voluntary school)	section 579(1)
trustees of the school (in sections 296 to 300)	section 301(2)
voluntary school	sections 31(2) and 32
[[F664]wholly based on selection by reference to ability or aptitude (in Chapter I of Part VI)	section 411(9)**]**
young person	section 579(1)

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Textual Amendments

F663 S. 580 table: entry repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), **Sch. Pt. I**

F664 S. 580 table: entry inserted (1.9.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 44**; S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**

F665 S. 580 table: entry inserted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 63** (with s. 150)

F666 S. 580 table: words in the entry relating to "foundation subjects" omitted (2.5.2000 for E. and 20.7.2000 for W.) by virtue of S.I. 2000/1146, **art. 3** and S.I. 2000/1882, **art. 2**

F667 S. 580 table: entry inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 44**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**

Final provisions

581 Application to Isles of Scilly.

This Act shall apply to the Isles of Scilly—

(a) as if the Isles were a separate non-metropolitan county (and the Council of the Isles of Scilly were accordingly a county council), and

(b) subject to such other modifications as are specified in an order made by the Secretary of State.

582 Consequential amendments, repeals, transitional provisions etc.

(1) The enactments specified in Schedule 37 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.

(2) The enactments and instruments specified in Schedule 38 are repealed or revoked to the extent specified.

(3) The transitional and saving provisions contained in Schedule 39 shall have effect.

(4) The transitory provisions contained in Schedule 40 shall have effect.

Commencement Information

I3 S. 582 wholly in force at 1.9.1997; s. 582(1) in force at 1.11.1996 so far as relating to Sch. 37 Pt. I; s. 582(2) in force at 1.11.1996 so far as relating to Sch. 38 Pts. I, III; s. 582(3)(4) in force at 1.11.1996 see s. 583(2); S. 582(1) in force at 1.9.1997 so far as relating to Sch. 37 Pt. II and s. 583(2) in force at 1.9.1997 so far as relating to Sch. 38 Pt. II by S.I. 1997/1623, **art. 2(2)**

583 Short title, commencement and extent.

(1) This Act may be cited as the Education Act 1996.

(2) Subject to subsection (3), this Act shall come into force on 1st November 1996 (and references to the commencement of this Act are to its coming into force on that date).

(3) The following provisions—

section 8,

section 317(6),

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section 348,
section 528,
Part II of Schedule 37 and section 582(1) so far as relating thereto, and
Part II of Schedule 38 and section 582(2) so far as relating thereto,

shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions and for different purposes.

(4) The Secretary of State may by order make such incidental, supplemental, saving or transitional provision as he thinks fit in connection with the coming into force in accordance with subsection (2) of any provision of this Act reproducing the effect of a provision of the [M73]Education Act 1993 which has not previously been brought into force by an order under section 308(3) of that Act (commencement).

(5) Where an order under subsection (3) brings into force any provision of section 317(6) or 528, then in relation to the coming into force of that provision—
  (a) section 568(5) and (6) shall not apply to the order, but
  (b) the order may make such provision as is authorised to be made, by virtue of section 67(2) and (3) of the [M74]Disability Discrimination Act 1995 (regulations and orders), by an order under section 70(3) of that Act (commencement).

(6) Subject to subsections (7) and (8), this Act extends to England and Wales only.

(7) This section, section 493 and section 569 so far as relating to regulations under section 493 extend also to Scotland; and this section extends also to Northern Ireland.

(8) Section 582 and Schedules 37 to 40 have the same extent as the enactments to which they relate.

Subordinate Legislation Made

P2 S. 583(3) power partly exercised (19.11.1996); 1.1.1997 appointed for specified provisions by S.I. 1996/2904, **art. 2**
S. 583(3) power partly exercised (30.6.1997); 1.9.1997 appointed for specified provsions by S.I. 1997/1623, **arts. 2**, 3
S. 583(3) power partly exercised (20.10.1997); 30.9.1997 appointed for specified provisions by S.I. 1997/2352, **art. 2**

Marginal Citations

M73 1993 c. 35.
M74 1995 c. 50.

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SCHEDULES

SCHEDULE 1

Section 19.

PUPIL REFERRAL UNITS

General adaptations of enactments

1 References in any enactment to the proprietor or governing body of a school shall be read, in relation to a pupil referral unit, as references to the local education authority.

2 References in any enactment to the head teacher of a school shall be read, in relation to a pupil referral unit, as references to the teacher in charge of the unit (whether known as the head teacher or not).

Modifications of enactments by regulations

3 Regulations may provide for any enactments relating to schools maintained by local education authorities (or schools including such schools)—

(a) to apply in relation to pupil referral units,

(b) to apply in relation to such units with such modifications as may be prescribed, or

(c) not to apply in relation to such units.

Registration

4 (1) A person who is registered as a pupil at a school other than a pupil referral unit shall not, by reason only of being registered also as a pupil at such a unit, cease for the purposes of the Education Acts to be treated as a registered pupil at that school.

(2) In this Schedule "registered" means shown in the register kept under section 434.

Application of Local Government Act 1986

5 A pupil referral unit is a maintained school for the purposes of section 2A(1)(b) of the [M75]Local Government Act 1986 (prohibition on promoting homosexuality).

Marginal Citations

M75 1986 c. 10.

Curriculum

6 [[F668](1) In relation to every pupil referral unit, the local education authority, the management committee (where applicable) and the teacher in charge shall exercise their functions

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with a view to securing that the curriculum for the unit satisfies the requirements of section 351(1) (balanced and broadly based curriculum).

(2) Regulations may make provision for the determination and organisation of the curriculum in relation to every pupil referral unit, including provision as to making, and keeping up to date, a written statement of the policy in relation to that curriculum for the unit; and such regulations may require—

(a) the local education authority, the management committee (where applicable), or the teacher in charge to exercise, or

(b) such of them as may be prescribed to collaborate with each other in exercising,

such functions in relation to the curriculum as may be prescribed.**]**

(3) Each local education authority shall, with the approval of the Secretary of State, make arrangements for the consideration and disposal of any complaint to the effect that the authority, or the teacher in charge of any pupil referral unit—

(a) have acted or are proposing to act unreasonably with respect to the exercise of any power conferred, or the performance of any duty imposed, on them by **[**[F669]sub-paragraph (1) or (2)**]** above, or

(b) have failed to discharge any such duty.

(4) The Secretary of State shall not entertain under section 496 or 497 (power to prevent unreasonable exercise of functions; general default powers) any complaint in respect of any local education authority if it is a complaint—

(a) for which arrangements are required to be made under sub-paragraph (3) above, or

(b) that a local education authority have failed to exercise their powers to secure compliance by the teacher in charge of a pupil referral unit with any such duty as is referred to in that sub-paragraph,

unless a complaint in respect of the local education authority or, as the case may be, the teacher in charge of the unit has been made in respect of the same matter and disposed of in accordance with arrangements under that sub-paragraph.

Textual Amendments

F668 Sch. 1 para. 6(1)(2) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 184(a)(i)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**

F669 Words in Sch. 1 para. 6(3) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 184(a)(ii)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**

Modifications etc. (not altering text)

C63 Sch. 1 para. 6(1) amended (19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 5(6)**

Discipline

7 The teacher in charge of a pupil referral unit may exclude a pupil from the unit on disciplinary grounds .

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Sex education, political indoctrination and political issues

8 Sections 403, 406 and 407 (sex education, political indoctrination, and treatment of political issues) apply in relation to pupil referral units as they apply in relation to county schools.

Charges

9 (1) Chapter III of Part VI applies in relation to pupil referral units as if the references to governing bodies were omitted.

(2) Section 458(2)(b) (charges for board and lodging) shall have effect in relation to a pupil provided with board and lodging at a unit as if after "that" there were inserted "for the time being".

Application of Environmental Protection Act 1990

10 A pupil referral unit is an educational institution for the purposes of Part IV of the [M76]Environmental Protection Act 1990 (litter).

Marginal Citations

M76 1990 c. 43.

Information

11 Each local education authority shall—

(a) on such occasions, and

(b) in such form and manner,

as may be prescribed, make available to registered parents of registered pupils at any pupil referral unit such information about the unit as may be prescribed.

Disapplication of Schedule 4

[F670]12 . . . . . .

Textual Amendments

F670 Sch. 1 para. 12 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 184(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Children with special educational needs

[F671]13 . . . . . .

Textual Amendments

F671 Sch. 1 para. 13 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 184(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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School attendance orders

14 (1) Where a pupil referral unit is named in a school attendance order—

(a) the local education authority shall inform the teacher in charge of the unit, and

(b) if another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, that authority shall admit the child to the unit;

but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.

(2) Section 438(4) does not apply in relation to a pupil referral unit.

(3) A local education authority—

(a) shall, before deciding to specify a particular pupil referral unit in a notice under section 438(2) where another local education authority are responsible for determining the arrangements for the admission of pupils to the unit, consult that authority; and

(b) if they decide to specify the unit in the notice, shall serve notice in writing of their decision on that authority.

(4) Section 439(7) and (8) apply where a notice is served on a local education authority under sub-paragraph (3) above as they apply where notice is served under section 439(6).

(5) The parent of a child in respect of whom a school attendance order is in force may not under section 440 request the local education authority to amend the order by substituting a pupil referral unit for the school named in the order.

(6) Where a child is a registered pupil at both a pupil referral unit and at a school other than a unit, the references in section 444 to the school at which he is a registered pupil shall be read as references to the unit.

[F672 Management committees]

Textual Amendments

F672 Sch. 1 para. 15 and cross heading added (1.12.1997) by virtue of 1997 c. 44, **s.48**; S.I. 1997/1468, art. 2(5), **Sch. 1 Pt.V**

F673 15 (1) Regulations may make provision—

(a) for requiring any local education authority who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and

(b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.

(2) Regulations under this paragraph may in particular make provision—

(a) for enabling a local education authority to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;

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(b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;

(c) as to the composition of a management committee established under the regulations and—

(i) the appointment and removal of its members, and

(ii) their terms of office,

and in particular for requiring such a committee to include persons representing schools [F674]. . . situated in the area from which the unit or units in question may be expected to draw pupils;

(d) for requiring or (as the case may be) prohibiting the delegation by a local education authority to a management committee of such functions in connection with pupil referral units as are specified in the regulations;

(e) for authorising a management committee to establish sub-committees;

(f) for enabling (subject to any provisions of the regulations) a local education authority or a management committee to determine to any extent the committee's procedure and that of any sub-committee;

(g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;

(h) for applying to any such committee or sub-committee, with or without modification—

(i) any provision of the Education Acts, or

(ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.

Textual Amendments

F673 Sch. 1 para. 15 and cross heading added (1.12.1997) by virtue of 1997 c. 44, **s. 48**; S.I. 1997/1468, art. 2(5), **Sch. 1 Pt. V**

F674 Words in Sch. 1 para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 184(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F675]SCHEDULE 2

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Textual Amendments

F675 Sch. 2 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2**

[F678]SCHEDULE 3

. . . . . .

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Textual Amendments

F678 Sch. 3 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

[F680]SCHEDULE 4

. . . . . .

Textual Amendments

F680 Sch. 4 repealed (1.10.1998 so far as relating to the repeal of paras. 7 and 8 and otherwise 1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I** and S.I. 1999/1016, art. 2(1), **Sch. 1**

[F684]SCHEDULE 5

. . . . . .

Textual Amendments

F684 Sch. 5 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F685]SCHEDULE 6

. . . . . .

Textual Amendments

F685 Sch. 6 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F686]SCHEDULE 7

. . . . . .

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Textual Amendments

F686 Sch. 7 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F687]SCHEDULE 8

. . . . . .

Textual Amendments

F687 Sch. 8 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F688]SCHEDULE 9

. . . . . .

Textual Amendments

F688 Sch. 9 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F689]SCHEDULE 10

. . . . . .

Textual Amendments

F689 Sch. 10 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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SCHEDULE 11

Sections 122 and 124.

CONTENTS OF STATEMENTS UNDER SECTION 122(2) AND SECTION 124(1)

PART I

STATEMENTS UNDER SECTION 122(2)

1 (1) This Part of this Schedule applies to any statement prepared by a local education authority under section 122(2).

(2) In this Part of this Schedule "the scheme" means the scheme referred to in section 122(1).

2 The statement shall contain the following particulars in respect of the financial year to which it relates—

(a) the amount of the authority's general schools budget for the year (as initially determined for the purposes of the scheme),

(b) the amount of the authority's aggregated budget for the year under the scheme (as so determined),

(c) such particulars as may be prescribed of amounts deducted in respect of excepted heads or items of expenditure (as defined in section 105(3)) in arriving at the amount specified in the statement by virtue of sub-paragraph (b),

(d) such particulars as may be prescribed of amounts deducted by virtue of section 105(1)(b) in arriving at the amount so specified, and

(e) such particulars of the allocation formula under the scheme as may be prescribed.

3 (1) The statement shall also contain, with respect to each school required to be covered by the scheme in the year in question, particulars in relation to that year of the planned expenditure per pupil arising from the division of the school's budget share (as initially determined for the purposes of the scheme) by the initial pupil number.

(2) In sub-paragraph (1) "the initial pupil number" means the number of registered pupils at the school in question which is required under the scheme to be used in applying the allocation formula under the scheme for initial determination of the school's budget share for the year.

4 The statement shall contain such further information in respect of the financial provision the authority plan to make in the year in question for county and voluntary schools maintained by them as may be prescribed.

PART II

STATEMENTS UNDER SECTION 124(1)

5 (1) A statement prepared by a local education authority under section 124(1) shall give the following particulars in respect of the financial year to which it relates—

(a) the initial amount appropriated for meeting expenditure in the year in respect of all the schools required to be covered by the statement,

(b) the amount remaining after deducting from that initial amount the aggregate of the amounts referred to in sub-paragraph (2), and

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(c) such particulars as may be prescribed of the amounts referred to in sub-paragraph (2).

(2) Those amounts are the initial amounts appropriated for meeting the following descriptions of expenditure in the year in respect of all the schools required to be covered by the statement—

(a) expenditure treated by the authority as expenditure of a capital nature,

(b) expenditure in respect of the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with any loan used to meet expenditure falling within paragraph (a), and

(c) expenditure of such other descriptions as may be prescribed.

6 (1) The statement shall also give, in relation to each school required to be covered by it, the following particulars in respect of the year—

(a) the share of the general expenditure amount which is appropriated by the authority for meeting expenditure for the purposes of the school,

(b) the share which is so appropriated of such of the amounts referred to in paragraph 5(2)(c) as may be prescribed,

(c) the amount of any expenditure initially planned for the purposes of the school and treated by the authority as expenditure of a capital nature, and

(d) such particulars as may be prescribed of the basis on which the authority determine the shares specified in the statement by virtue of paragraphs (a) and (b).

(2) In sub-paragraph (1) "the general expenditure amount" means the amount of which particulars are required to be given by paragraph 5(1)(b).

7 The statement shall contain such further information in respect of the financial provision initially planned by the authority for the schools required to be covered by the statement as may be prescribed.

8 Where only one school is required to be covered by the statement, the references in paragraph 5 to all the schools are references to that school and paragraph 6 does not apply.

SCHEDULE 12

Section 126.

FINANCIAL DELEGATION AND NEW SCHOOLS

Modifications etc. (not altering text)
C65 Sch. 12 excluded (*temp.* until 1.9.1999) by S.I. 1998/3097, **art.5**

Preliminary

1 In this Schedule "temporary governing body" does not include a temporary governing body who by virtue of paragraph 2 of Schedule 10 fall to be treated as a governing body.

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New county and voluntary schools

2 (1) For the purposes of applying (in accordance with this Schedule) sections 101 to 122 and Part I of Schedule 11 in relation to new schools which will be county or voluntary schools—

(a) references to a school conducted by a governing body shall be read as including a new school which has a temporary governing body, and

(b) other references to the governing body of a school shall be read as including the temporary governing body of a new school.

(2) For those purposes—

(b) references to a county or voluntary school maintained by a local education authority, and

(b) references, in a context referring to a local education authority, to county and voluntary schools,

shall be read as including a new school which on implementation of the relevant proposals will be a county or voluntary school maintained by the authority.

3 (1) A new school which will be a county or voluntary school is required to be covered by a scheme in any financial year if it has a temporary governing body during the whole or any part of that year.

(2) In the case of such a school, sections 101 to 122 and Part I of Schedule 11 apply subject to the modifications set out in paragraphs 4 to 7.

4 (1) Where a school required to be covered by a scheme in a financial year is a new school during the whole or any part of that year, the provision required by section 106(4)(a) shall not apply in relation to the determination of the school's budget share for the year, so far as that share falls in accordance with the scheme to be treated as referable to planned expenditure by the local education authority for the purposes of the school in respect of any period before the implementation of the relevant proposals.

(2) Accordingly—

(a) paragraph 3(1) of Schedule 11 shall apply in relation to the school as if it referred to such part (if any) of the school's budget share for the year as falls to be determined in accordance with the provision required by section 106(4)(a); and

(b) the statement under section 122(2) shall include in relation to the school the additional particulars mentioned in sub-paragraph (3).

(3) Those particulars are the amount of such part (if any) of the school's budget share for the year (as initially determined for the purposes of the scheme) as falls in accordance with the scheme to be treated as referable to planned expenditure such as is mentioned in sub-paragraph (1).

(4) Sub-paragraph (1) shall not be taken as prejudicing the inclusion in the allocation formula under a scheme, by virtue of section 106(4)(b), of provision taking into account in relation to a new school any forecast made in accordance with the scheme of the number of pupils it will have on implementation of the relevant proposals.

5 The delegation requirement under a scheme shall not apply in relation to a new school (where it is not a school to which section 110 applies) until such date as may be determined by or under the scheme.

6 Section 110 shall have effect, in relation to a new school to which it applies, with the omission of subsection (3)(a).

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7 Section 122(7) shall not apply in relation to the temporary governing body of a new school.

New special schools

8 (1) Any reference—
(a) in section 120, to maintained special schools or to a maintained special school, or
(b) in section 124, to special schools or to a special school,
shall be read as including a new school proposed to be established by a local education authority which will be a maintained special school and which has a temporary governing body.

(2) Any reference in section 120 or 124 to a school's governing body shall be read, in relation to such a new school, as a reference to its temporary governing body.

(3) The reference in section 124(1) to a local education authority maintaining a special school or special schools shall be read, in relation to such a new school, as a reference to the authority being under a duty by virtue of paragraph 20 of Schedule 9 to defray expenses in relation to its temporary governing body.

9 Section 124(8) shall not apply in relation to the temporary governing body of a new school.

Financial delegation apart from schemes

10 Section 125 shall not apply in relation to a new school.

SCHEDULE 13

Section 133.

STAFFING OF COUNTY, CONTROLLED, SPECIAL AGREEMENT AND MAINTAINED SPECIAL SCHOOLS

The selection panel

1 (1) The articles of government for a county, controlled, special agreement or maintained special school shall provide—
(a) for the constitution of a selection panel whenever such a panel is required by virtue of this Schedule in relation to the appointment of a head teacher or deputy head teacher, and
(b) for a selection panel to consist of a specified number of persons appointed to it by the local education authority and a specified number of governors appointed to it by the governing body.

(2) Neither of the numbers specified by virtue of sub-paragraph (1)(b) shall be less than three; and the number specified in relation to appointments made by the governing body shall not be less than the number specified in relation to appointments made by the authority.

(3) The articles shall provide for the governing body and the authority to have power to replace, at any time, any member of a selection panel whom they have appointed.

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2 Regulations may make provision as to the meetings and proceedings of selection panels.

Appointment of head teacher

3 (1) The articles of government for a county, controlled, special agreement or maintained special school shall, in relation to the appointment of a head teacher for the school, make provision for the matters set out in sub-paragraphs (2) to (11).

(2) If the post of head teacher is vacant, the local education authority shall appoint an acting head teacher after consulting the governing body.

(3) Before appointing a head teacher, the local education authority shall advertise the vacancy in such publications circulating throughout England and Wales as they consider appropriate.

(4) The local education authority shall not appoint a person to be head teacher unless his appointment has been recommended by a selection panel constituted in accordance with the articles.

(5) The selection panel shall interview such applicants for the post as they think fit.

(6) If the panel fail to agree on the applicants whom they wish to interview—

(a) the members of the panel appointed by the governing body are to have the right to nominate not more than two applicants to be interviewed by the panel, and

(b) the other members of the panel are to have the right to nominate not more than two other applicants to be interviewed.

(7) Where the panel consider it appropriate to do so, they shall recommend to the authority for appointment as head teacher one of the applicants interviewed by them.

(8) If the panel are unable to agree on a person to recommend to the authority, they shall—

(a) repeat (with a view to reaching agreement) such of the steps mentioned in sub-paragraphs (5) to (7) as they think fit,

(b) where—

(i) they have repeated any of those steps in pursuance of paragraph (a) and remain unable to agree, or

(ii) they have decided that it is not appropriate to repeat any of those steps,

require the authority to re-advertise the vacancy, and

(c) where the vacancy is re-advertised, repeat all of the steps mentioned in sub-paragraphs (5) to (7).

(9) If the authority decline to appoint a person recommended by the panel, the panel shall—

(a) where there are applicants for the post whom they have not interviewed, interview such of those applicants (if any) as they think fit,

(b) recommend another of the applicants interviewed by them, if they think fit,

(c) ask the authority to re-advertise the vacancy, if they consider that it should be re-advertised, and

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(d) where the vacancy is re-advertised, repeat the steps mentioned in sub-paragraphs (5) to (7).

(10) The authority shall re-advertise the vacancy where they are required to do so by the panel, and may do so where—

(a) it has been duly advertised,

(b) the panel have failed either to make a recommendation which is acceptable to the authority or to request that the vacancy be re-advertised, and

(c) the authority are of the opinion that the panel have had sufficient time in which to carry out their functions.

(11) The chief education officer of the authority, or a member of his department nominated by him, shall have the right to attend all proceedings of the panel (including interviews) for the purpose of giving advice to members of the panel.

(12) In this paragraph "head teacher" does not include an acting head teacher.

Appointment of deputy head teacher

4 (1) The articles of government for a county, controlled, special agreement or maintained special school shall, in relation to the appointment of a deputy head teacher for the school, make either—

(a) the same provision, modified as mentioned in sub-paragraphs (2) and (3), as that made (in accordance with paragraph 3) in relation to the appointment of a head teacher for the school, or

(b) the same provision as that made (in accordance with paragraph 5) in relation to the appointment of other teachers at the school.

(2) If the articles (in accordance with sub-paragraph (1)(a)) provide for the appointment of a deputy head teacher to be on the recommendation of a selection panel, they shall provide that where the head teacher is not a member of the panel—

(a) he may be present, for the purpose of giving advice, at any proceedings of the panel (including interviews), and

(b) whether or not he attends any such proceedings, he shall be consulted by the panel before they make any recommendation to the local education authority.

(3) No provision similar to that set out in paragraph 3(2) is required in the articles in relation to the appointment of a deputy head teacher.

Appointment of other staff: general

5 (1) The articles of government for a county, controlled, special agreement or maintained special school shall make provision for the matters set out in sub-paragraphs (2) and (3).

(2) Where there is a vacancy in a post (other than that of head teacher or deputy head teacher) which is part of the complement of the school, the local education authority shall decide whether, if the post is not a new one, it should be retained.

(3) If the authority decide that the post should be retained or it is a new post, they shall—

(a) advertise the vacancy and fill it in accordance with the procedure laid down by virtue of paragraph 6, unless they have the intention mentioned in paragraph (b) below;

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(b) fill the vacancy in accordance with the procedure laid down by virtue of paragraph 7, if they intend to appoint a person who, at the time when they form that intention, is an employee of theirs or has been appointed to take up employment with them at a future date.

(4) Nothing in this paragraph (or in any of paragraphs 6 to 9) applies in relation to any temporary appointment pending—
(a) the return to work of the holder of the post in question, or
(b) the taking of any steps required by the articles in relation to the vacancy in question.

Appointment of other staff: vacancy advertised

6 (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) to (7).

(2) Where the local education authority decide to advertise the vacancy, they shall do so in a manner likely in their opinion to bring it to the notice of persons (including employees of theirs) who are qualified to fill the post.

(3) Where the vacancy is advertised, the governing body shall—
(a) interview such applicants for the post as they think fit, and
(b) where they consider it appropriate to do so, recommend to the authority for appointment to the post one of the applicants interviewed by them.

(4) If the governing body are unable to agree on a person to recommend to the authority, they shall—
(a) repeat the steps mentioned in sub-paragraph (3), if they consider that to do so might lead to their reaching agreement,
(b) where they have repeated those steps and remain unable to agree, or decide that it is not appropriate to repeat them, ask the authority to re-advertise the vacancy, and
(c) where the vacancy is re-advertised, repeat those steps.

(5) If the authority decline to appoint a person recommended by the governing body, the governing body shall—
(a) where there are applicants for the post whom they have not interviewed, interview such of those applicants (if any) as they think fit,
(b) recommend another of the applicants interviewed by them, if they think fit,
(c) ask the authority to re-advertise the vacancy, if they consider that it should be re-advertised, and
(d) where the vacancy is re-advertised, repeat the steps mentioned in sub-paragraph (3).

(6) Where the authority are asked to re-advertise the vacancy by the governing body, they shall do so unless—
(a) they decide that the post is to be removed from the complement of the school, or
(b) they decide to appoint a person who, at the time when that decision is made, is an employee of theirs or has been appointed to take up employment with them at a future date.

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(7) Whenever governors meet to discuss the appointment or an applicant is interviewed—
  (a) the head teacher (if he would not otherwise be entitled to be present), and
  (b) such person (if any) as the authority appoint to represent them,

shall be entitled to be present for the purpose of giving advice.

Appointment of other staff: vacancy not advertised

7 (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) and (3).

(2) Where the vacancy is not advertised, the governing body—
  (a) shall be entitled to determine a specification for the post in consultation with the head teacher, and
  (b) if they do so, shall send a copy of it to the local education authority.

(3) When considering whom to appoint to the post, the authority shall—
  (a) have regard to any such specification, and
  (b) consult the governing body and the head teacher.

Delegation of functions under paragraph 6 or 7

8 (1) The articles of government for any school to which paragraph 5(1) applies shall make provision for the matters set out in sub-paragraphs (2) and (3).

(2) The governing body shall have power, in relation to the filling of a particular vacancy or a vacancy of a kind specified by them, to delegate any of the functions which are theirs by virtue of paragraph 6 or 7—
  (a) to one or more governors,
  (b) to the head teacher, or
  (c) to one or more governors and the head teacher acting together.

(3) In such a case, the provision made by virtue of paragraph 6(6) shall apply with the substitution of references to the person or persons to whom the functions are delegated for references to the governing body.

Restriction on making appointment where vacancy advertised

9 Where a local education authority have advertised a vacancy in accordance with the provision made by the articles of government for a school by virtue of paragraph 6(2), they shall not appoint a person to the post unless—
  (a) his appointment has been recommended in accordance with the provision made by the articles by virtue of paragraph 6(3) to (5), or
  (b) they decide to appoint a person who, at the time when that decision is made, is an employee of theirs or has been appointed to take up employment with them at a future date.

Consultation by LEA before appointing certain non-teaching staff

10 The articles of government for a county, controlled, special agreement or maintained special school shall require the local education authority to consult the

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governing body and the head teacher before appointing any person to work solely at the school otherwise than—

(a) in a teaching post,

(b) in a non-teaching post which is part of the complement of the school, or

(c) solely in connection with either or both of the following—

(i) the provision of meals;

(ii) the supervision of pupils at midday.

Dismissal etc. of staff

11 (1) The articles of government for a county, controlled, special agreement or maintained special school shall make provision for the matters set out in sub-paragraphs (2) to (7).

(2) The local education authority shall consult the governing body and (except where he is the person concerned) the head teacher before—

(a) dismissing a person to whom sub-paragraph (3) applies, or

(b) otherwise requiring such a person to cease to work at the school, or

(c) permitting such a person to retire in circumstances in which he would be entitled to compensation for premature retirement.

(3) This sub-paragraph applies to any person who is—

(a) employed in a post which is part of the complement of the school, or

(b) employed to work solely at the school in any other post, otherwise than solely in connection with either or both of the following—

(i) the provision of meals;

(ii) the supervision of pupils at midday.

(4) Where a teacher at the school is required to complete an initial period of probation, the local education authority shall consult the governing body and the head teacher before—

(a) extending his period of probation, or

(b) deciding whether he has completed it successfully.

(5) Where the governing body recommend to the local education authority that a person should cease to work at the school, the authority shall consider their recommendation.

(6) Both the governing body and the head teacher shall have power to suspend a person employed to work at the school where, in the opinion of the governing body or (as the case may be) the head teacher, his exclusion from the school is required.

(7) The governing body or head teacher shall—

(a) when exercising that power, immediately inform the local education authority and the head teacher or (as the case may be) governing body, and

(b) end the suspension if directed to do so by the authority.

(8) In this paragraph "suspend" means suspend without loss of emoluments; and in sub-paragraph (2) the reference to dismissing a person does not include a dismissal under section 143(6) or 144(3) (dismissal of teachers of religious education).

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[F690]SCHEDULE 14

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Textual Amendments

F690 Sch. 14 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/711, **reg. 5**); S.I. 1999/2323, reg. 2(1), **Sch. 1**

[F691]SCHEDULE 15

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Textual Amendments

F691 Sch. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F692]SCHEDULE 16

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Textual Amendments

F692 Sch. 16 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

SCHEDULE 17

Section 161.

GOVERNORS' ANNUAL REPORTS

General

1 (1) The articles of government for a county, voluntary or maintained special school shall impose the requirements set out in paragraphs 2 to **[**[F698]9F**]**.

(2) In those paragraphs "the report" means a governors' report prepared under section 161.

Textual Amendments

F698 Word in Sch. 17 para. 1(1) substituted (10.1.1997) by S.I. 1996/3210, **art. 2(2)**

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2 The report shall be as brief as is reasonably consistent with the requirements as to its contents.

Requirements as to contents

3 Where there is an obligation on the governing body (by virtue of section 162) to hold an annual parents' meeting, the report shall—

(a) give details of the date, time and place for the next annual parents' meeting and its agenda;

(b) indicate that the purpose of that meeting will be to discuss both the governors' report and the discharge by the governing body, the head teacher and the local education authority of their functions in relation to the school; and

(c) report on the consideration which has been given to any resolutions passed at the previous annual parents' meeting.

4 The report shall—

(a) give the name of each governor and indicate whether he—

(i) is a parent, teacher or foundation governor,

(ii) was co-opted or otherwise appointed as a governor, or

(iii) is an ex officio governor;

(b) in the case of an appointed governor, say by whom he was appointed;

(c) in relation to each governor who is not an ex officio governor, give the date on which his term of office comes to an end; and

(d) name, and give the address of, the chairman of the governing body and their clerk.

5 The report shall give such information as is available to the governing body about arrangements for the next election of parent governors.

6 The report shall contain a financial statement—

(a) reproducing or summarising any financial statement of which a copy has been provided to the governing body by the local education authority under section 122 or 124 since the last governors' report was prepared under section 161;

(b) indicating, in general terms, how any sum made available to the governing body by the authority—

(i) in respect of the school's budget share, or

(ii) under section 125,

in the period covered by the report was used;

(c) giving details of the application of any gifts made to the school in that period; and

(d) stating the total amount of any travelling and subsistence allowances paid to members of the governing body in that period.

7 The report shall give such information about—

(a) public examinations and other assessments of pupils' achievements,

(b) pupils' absences from the school,

(c) the continuing education of pupils leaving the school, and

(d) the employment or training taken up by such pupils,

as is required to be published by virtue of section 414(6) and (7).

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[F699 7A The report shall give the information about public examinations and other assessments of pupils' achievements—

(a) at schools in England (where the school is in England), or

(b) at schools in Wales (where the school is in Wales),

which has most recently been made available to the governing body by the Secretary of State.]

Textual Amendments

F699 Sch. 17 para. 7A added (10.1.1997) by S.I. 1996/3210, **art. 2(3)**

8 The report shall describe what steps have been taken by the governing body to develop or strengthen the school's links with the community (including links with the police).

9 The report shall draw attention to the information made available by the governing body in accordance with regulations made under section 408 so far as relating to the matters mentioned in subsection (2)(b) of that section (information as to educational provision made for pupils at the school and syllabuses followed by them).

[F700 9A The report shall summarise, where the school is in England, the nature, amount and purpose of training and professional development undertaken by the school's teaching staff in the period since the last governors' report was prepared under section 161, identifying in particular the nature, amount and purpose of any training and professional development so undertaken on any day when the staff were required to be available for work but were not required to teach pupils.]

Textual Amendments

F700 Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, **art. 2(4)**

F701 9B The report shall give, where the school is in Wales, such information about any targets for improvement set by the governing body in respect of the performance of pupils at the school as is required to be published by virtue of regulations made under section 414(6).

Textual Amendments

F701 Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, **art. 2(4)**

F702 9C The report shall describe in general terms—

(a) the arrangements made for the security of the pupils and staff at the school and the school premises, and

(b) any changes to those arrangements since the last governors' report was prepared under section 161.

Textual Amendments

F702 Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, **art. 2(4)**

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F703 9D The report shall indicate in relation to the period since the last governors' report was prepared under section 161—

(a) to what extent the aims of the governing body with respect to sport at the school have been attained; and

(b) any notable sporting achievements of the school's teams during that period.

Textual Amendments

F703 Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, **art. 2(4)**

F704 9E The report shall give the dates of the beginning and end of each school term, and of half-term holidays, for the next school year.

Textual Amendments

F704 Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, **art. 2(4)**

F705 9F The report shall summarise any changes to information contained in the school prospectus since it was last published pursuant to regulations made under section 414(6).

Textual Amendments

F705 Sch. 17 paras. 9A-9F added (10.1.1997) by S.I. 1996/3210, **art. 2(4)**

Power of Secretary of State to make amendments

10 The Secretary of State may by order amend the preceding provisions of this Schedule.

SCHEDULE 18

Section 162.

ANNUAL PARENTS' MEETINGS

Proceedings at an annual parents' meeting

1 The articles of government for a county, voluntary or maintained special school shall provide for the proceedings at an annual parents' meeting to be under the control of the governing body.

2 (1) The articles of government for a county, voluntary or maintained special school shall provide for any annual parents' meeting at which the required number of parents of registered pupils at the school are present to be entitled to pass (by a simple majority) resolutions on any matters which may properly be discussed at the meeting.

(2) In sub-paragraph (1) "the required number", in relation to a school, means any number equal to or greater than 20 per cent. of the number of registered pupils at the school.

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3 No person who is not a parent of a registered pupil at the school may vote on any question put to an annual parents' meeting.

Consideration of resolutions passed at an annual parents' meeting

4 (1) The articles of government for a county, voluntary or maintained special school shall require the governing body—
(a) to consider any resolution which is duly passed at an annual parents' meeting and which they consider is a matter for them;
(b) to send to the head teacher a copy of any resolution which is so passed and which they consider is a matter for him; and
(c) to send to the local education authority a copy of any resolution which is so passed and which they consider is a matter for the authority.

(2) The articles of government shall in addition—
(a) require the head teacher to consider any resolution a copy of which has been sent to him by virtue of sub-paragraph (1)(b) and to provide the governing body with a brief comment on it (in writing) for inclusion in their next governors' report; and
(b) require the local education authority to do likewise in relation to any resolution a copy of which has been sent to them by virtue of sub-paragraph (1)(c).

Determination of question whether person is to be treated as pupil's parent

5 (1) The articles of government for a county, controlled or maintained special school shall provide for any question whether any person is to be treated, for the purposes of any provision of the articles relating to the annual parents' meeting, as the parent of a registered pupil at the school to be determined by the local education authority.

(2) The articles of government for an aided or a special agreement school shall provide for any such question to be determined by the governing body.

SCHEDULE 19

Section 166.

CONDUCT AND STAFFING OF NEW COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

PART I

GENERAL

Articles of government for new schools

1 (1) The requirement for there to be articles of government for a school (imposed by section 127) shall not apply in relation to a new school until the requirement for there to be an instrument of government for the school takes effect under section 99.

(2) Before making an order under section 127 as to the articles of government for a new school, the local education authority shall consult the temporary governing body and the head teacher.

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(3) Before making such an order in respect of a new school which will be a voluntary school, the authority shall—

(a) secure the agreement of the temporary governing body to the terms of the proposed order, and

(b) secure the agreement of the temporary foundation governors to any provisions which are of particular concern to those governors.

(4) Where a local education authority propose to make an order under section 127 in respect of a new school but cannot secure any agreement required by this paragraph, they or (as the case may be) the temporary governing body or temporary foundation governors may refer the matter to the Secretary of State.

(5) On a reference to him under this paragraph, the Secretary of State shall give such direction as he thinks fit.

Modifications etc. (not altering text)
C66 Sch. 19 para. 1(1) modified (1.1.1999) by S.I. 1998/3097, **reg. 6**

2 Section 129(2) (amendment of articles) shall not apply in relation to a new school; but if the articles of government for a new county or voluntary school contain any provisions to which section 129(1) would apply during any period when the school had a delegated budget ("inconsistent provisions") they shall also include in relation to each inconsistent provision the statement required by section 129(3).

Conduct of new schools: general

3 The determination of those matters relating to the conduct of a new school which require to be determined before a governing body is constituted for the school under an instrument of government shall be under the direction of the temporary governing body, but subject to any provision made by or under this Act (including, in particular, this Schedule) or any other enactment.

Modifications etc. (not altering text)
C67 Sch. 19 para. 3 modified (1.1.1999) by S.I. 1998/3097, **reg. 7**

4 Regulations may make in relation to consultation with temporary governing bodies provision similar to the provision that may be made in relation to consultation with governing bodies by regulations under section 131 (consultation not required in urgent cases).

PART II

STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION NOT PROPOSED

Modifications etc. (not altering text)
C68 Sch. 19 Pt. II modified (temp from 1.4.1999) by S.I. 1999/638, **regs. 1**, 5

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Staffing of new county, controlled or maintained special schools

5 Subject to paragraph 19(4), paragraphs 6 to 11 apply in relation to any new school for which a temporary governing body have been constituted and which will be a county, controlled or maintained special school.

6 (1) The complement of teaching and non-teaching posts for the school shall be determined by the local education authority.

(2) Section 133(2) and (3) (staff complements) shall apply in relation to a complement determined under this paragraph.

7 (1) Whenever a selection panel is required by virtue of paragraph 8 or 9, it shall be constituted in accordance with this paragraph.

(2) A selection panel shall consist of—
(a) such number of persons appointed to it by the local education authority, and
(b) such number of temporary governors appointed to it by the temporary governing body,
as the authority shall determine.

(3) Neither of the numbers so determined shall be less than three; and the number determined in relation to appointments made by the temporary governing body shall not be less than the number determined in relation to appointments made by the authority.

(4) The temporary governing body and the authority may replace, at any time, any member of a selection panel whom they have appointed.

(5) Regulations may make provision, for the purposes of this paragraph, as to the meetings and proceedings of selection panels.

8 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (appointment of head teacher) shall apply in relation to the appointment of a head teacher for the school—
(a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
(b) subject to any necessary modifications.

(2) Where—
(a) two or more schools are to be discontinued ("the discontinued schools"), and
(b) the registered pupils at those schools, or a substantial number of those pupils, are expected to transfer to the new school,
the local education authority may, in consultation with the temporary governing body, appoint one of the head teachers of the discontinued schools as the first head teacher for the new school, instead of following the procedure set out in sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 (as applied by sub-paragraph (1) above).

(3) If the post of head teacher is vacant, the authority may, if they think fit, appoint an acting head teacher after consulting the temporary governing body.

9 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11) of paragraph 3 of Schedule 13 shall apply in relation to the appointment of a deputy head teacher for the school—

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(a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
(b) subject to any necessary modifications.

(2) If the local education authority so decide, those provisions of Schedule 13 shall not so apply and instead the general staff appointment provisions shall apply in relation to the appointment of a deputy head teacher for the school—
(a) as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government); and
(b) subject to any necessary modifications.

(3) Where (in accordance with sub-paragraph (1)) the appointment of a deputy head teacher is on the recommendation of a selection panel and the head teacher is not a member of the panel, the head teacher—
(a) shall be entitled to be present, for the purpose of giving advice, at any proceedings of the panel (including interviews), and
(b) whether or not he attends any such proceedings, shall be consulted by the panel before they make any recommendation to the local education authority.

(4) In this paragraph and paragraph 10 "the general staff appointment provisions" means the following provisions of Schedule 13—
(a) paragraph 5(3);
(b) paragraph 6(2) to (7);
(c) paragraph 7(2) and (3); and
(d) paragraph 8(2) and (3).

10 (1) The general staff appointment provisions shall apply in relation to the appointment of a person to a post (other than that of head teacher or deputy head teacher) which is part of the complement of the school as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government).

(2) The local education authority shall consult the temporary governing body and the head teacher before appointing any person to work solely at the school otherwise than—
(a) in a teaching post,
(b) in a non-teaching post which is part of the complement of the school, or
(c) solely in connection with either or both of the following—
(i) the provision of meals;
(ii) the supervision of pupils at midday.

(3) This paragraph does not apply in relation to a temporary appointment pending—
(a) the return to work of the holder of the post in question, or
(b) the taking of any steps required by virtue of this Schedule in relation to the vacancy in question.

(4) Paragraph 9(4) applies for the purposes of this paragraph.

11 (1) The clerk to the temporary governing body shall be appointed by the local education authority.

(2) When the arrangement for the constitution of the temporary governing body comes to an end under section 96 or 97, the person who was the clerk to that body shall

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act as clerk to the governing body who succeed them, pending the appointment of a clerk under section 135.

Modifications etc. (not altering text)
C69 Sch. 19 para. 11(2) excluded (1.1.1999) by S.I. 1998/3097, **reg. 8(f)**

12 Subject to paragraph 19(4), a local education authority shall, in discharging their duty under paragraph 21 of Schedule 9 (temporary governing bodies) to provide information to the temporary governing body of a new school which will be a county, controlled or maintained special school, inform the temporary governing body, in particular—

(a) of the number of members of any selection panel required by virtue of paragraph 8 or 9 above who are to be appointed by the authority and the number who are to be appointed by the temporary governing body;

(b) where the authority intend to exercise the power conferred on them by paragraph 8(2) above, of their intention to do so;

(c) of the provision which is to apply in relation to the appointment of the deputy head teacher of the school;

(d) of the complement of staff for the school; and

(e) of the authority's proposals with regard to the appointment of staff for the school and the timing of appointments.

Staffing of new aided schools

13 Subject to paragraph 19(5), paragraphs 14 to 16 apply in relation to a new school which will be an aided school.

14 Subject to paragraph 15(1), the local education authority and the temporary governing body shall have the same powers, and be under the same duties, for the purposes of the appointment and dismissal of staff at the school as would the authority and the governing body for an aided school whose articles of government provided for—

(a) staff employed solely in connection with the provision of school meals to be appointed by the authority, and

(b) other staff employed at the school to be appointed by the governing body.

15 (1) The first appointment of a clerk to the temporary governing body shall be made by the promoters of the school (that is, the persons making the relevant proposals).

(2) When the arrangement for the constitution of the temporary governing body comes to an end under section 97, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of their clerk.

Modifications etc. (not altering text)
C70 Sch. 19 para. 15(2) excluded (1.1.1999) by S.I. 1998/3097, **reg. 8(f)**

16 (1) The local education authority shall, with a view to enabling staff to be appointed in good time, notify the temporary governing body of any determination, prohibition or direction they intend to make or give pursuant to subsection (2)(b), (4)(a) or (b) or (5) of section 134 (staffing of aided schools).

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(2) The authority shall, in discharging their duty under paragraph 21 of Schedule 9 to provide information to the temporary governing body of a new school which will be an aided school, inform the temporary governing body, in particular, of the authority's proposals with regard to the appointment of staff for the school and the timing of appointments.

Expenditure on staff for new schools

17 Where a temporary governing body are constituted for a new school, the local education authority shall be under the same duty to defray the expenses incurred in relation to the staff appointed in accordance with paragraphs 6 to 11 or (as the case may be) 14 and 15, as they would be if the relevant proposals had been implemented and the temporary governing body were the governing body of the school.

PART III

STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION PROPOSED

Modifications etc. (not altering text)
C71 Sch. 19 Pt. III modified (temp. from 1.4.1999) by S.I. 1999/638, **regs. 1**, 5

Adaptation of references

18 For the purposes of the application (in accordance with paragraphs 19 to 24) of sections 136 to 141 and Schedule 14 in relation to new schools which will be county or voluntary schools—

(a) references to the governing body of a school shall be read as including the temporary governing body of a new school;

(b) references to a county school shall be read as including a new school which on implementation of the relevant proposals will be a county school; and

(c) references to a voluntary school of a particular category, or maintained by a particular local education authority, shall be read as including a new school which on implementation of the relevant proposals will be a voluntary school of that category, or maintained by that authority.

Application or otherwise of provisions about staffing

19 (1) Subject to paragraphs 20 to 24, section 136 or (as the case may be) section 137 (staffing of county or voluntary schools with delegated budgets) shall apply to a new school which on implementation of the relevant proposals will be a school of a category to which that section applies not only at any time when (by virtue of Schedule 12) the new school has a delegated budget but also at any time when it has a temporary governing body and sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the delegation requirement under the scheme will apply to the school on or before the implementation of the relevant proposals.

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(3) This sub-paragraph is satisfied if the local education authority propose to exercise any power under the scheme to delegate the management of the school's budget share for a financial year by making such a delegation—
  (a) to the temporary governing body before the implementation of the relevant proposals, or
  (b) to the governing body of the school on implementation of those proposals.

(4) Paragraphs 6 to 12 of this Schedule shall not apply in relation to a new school to which section 136 for the time being applies.

(5) Paragraphs 14 to 16 of this Schedule shall not apply in relation to a new school to which section 137 for the time being applies.

20 Sections 136, 137 and 138 and Schedule 14 (staffing of schools with delegated budgets) shall apply, in the case of a new school, for the purposes only of—
  (a) the appointment of staff at the school, and
  (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school following implementation of the relevant proposals.

21 In the case of a new school which is a proposed county, controlled, aided or special school, no appointments of staff for the school shall be made by the local education authority before the constitution of a temporary governing body for the school.

22 Section 139(2) and (5) (payments in respect of dismissal) shall not apply in relation to a new school.

23 Any provision included in a scheme by virtue of subsection (3) of section 140 (community schools), so far as it relates to the appointment of staff at a school to which that section applies, shall apply in relation to a new school which on implementation of the relevant proposals will be a school to which that section applies.

24 (1) Section 141 (amendment of articles) shall not apply in relation to a new school.

(2) The local education authority shall, however, incorporate—
  (a) the statement mentioned in section 141(2) in the articles of government for a new school which will be a county or controlled school and to which section 136 applies, or
  (b) the statement mentioned in section 141(3) in the articles of government for a new school which will be an aided school and to which section 137 applies.

PART IV

OTHER MATTERS RELATING TO CONDUCT ETC. OF NEW SCHOOLS

Preparation of curriculum

25 (1) The head teacher of a new school for which a temporary governing body have been constituted shall, in preparing to discharge his functions under Part V in relation to the curriculum for the school, consult that body and the local education authority.

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(2) Any authority who have been consulted under this paragraph shall inform the head teacher of the resources which are likely to be made available to the school; and the head teacher shall have regard to any information so given to him.

School terms, holidays and sessions

26 (1) Pending the coming into force of the articles of government for a new school which will be a county or controlled school—

(a) the dates when the school terms and holidays are to begin and end shall be determined by the local education authority, and

(b) the times of the school sessions shall be determined by the temporary governing body after consultation with the authority.

(2) Pending the coming into force of the articles of government for a new school which will be an aided school—

(a) the dates and times when the school terms and holidays are to begin and end, and

(b) the times of the school sessions,

shall be determined by the temporary governing body.

(3) In this paragraph "the times of the school sessions" means the times at which each of the school sessions (or, if there is only one, the school session) is to begin and end on any day.

Discipline

27 Pending the coming into force of the articles of government for a new school, section 154(2) to (6) (responsibility for discipline) shall apply—

(a) in relation to the head teacher, and

(b) subject to any necessary modifications, in relation to the temporary governing body,

as if they had effect as independent enactments (rather than for the purposes of the provision to be made by articles of government).

Reports and information

28 (1) A temporary governing body shall provide the local education authority with such reports in connection with the discharge of their functions as the authority may require (either on a regular basis or from time to time).

(2) The head teacher of a new school for which a temporary governing body have been constituted shall provide that body or (as the case may be) the local education authority with such reports in connection with the discharge of his functions as that body or the authority may require (either on a regular basis or from time to time).

(3) In the case of a new school which will be an aided school—

(a) the local education authority shall notify the temporary governing body of any requirement imposed by them on the head teacher under sub-paragraph (2), and

(b) the head teacher shall provide the temporary governing body with a copy of any report which he makes in complying with any such requirement.

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Consultation on expenditure by local education authority

29 (1) Where a temporary governing body have been constituted for a new school, the local education authority shall consult that body and the head teacher on their proposed expenditure on books, equipment and stationery for the school.

(2) Sub-paragraph (1) does not apply in relation to a new school which has a delegated budget.

[F706]SCHEDULE 20

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Textual Amendments

F706 Sch. 20 repealed (1.10.1998 so far as relating to the repeal of Pt. I and otherwise 1.4.1999) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**; S.I. 1999/1016, art. 2(1), **Sch. 1**

[F707]SCHEDULE 21

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Textual Amendments

F707 Sch. 21 repealed (1.10.1998) by 1998 c. 31, ss. 140(1)(3), 145(1), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt.I**

[[F708]SCHEDULE 22

Section 218(4).]

GOVERNING BODIES OF GRANT-MAINTAINED SCHOOLS

Textual Amendments

F708 Sch. 22 repealed (1.4.1999 so far as relating to the repeal of para. 15 and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(1), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt. IV**

Introductory

1 In this Schedule—

"school" means a grant-maintained school, and

"instrument", in relation to a school, means the instrument of government for the school.

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Election of governors

2 The instrument for a school may make provision—

(a) as to the procedure for the election of members of the governing body, and

(b) for the determination of any questions arising in connection with, or matters relating to, such elections.

Disqualification for, tenure of and removal from office

3 A person who is a member of the teaching or other staff at a school which is required to have first governors shall be disqualified for holding office as such a governor on the governing body.

4 The instrument for a school may make provision as to the circumstances in which persons are to be disqualified for holding office as members of the governing body.

5 Subject to paragraph 10, the instrument for a school must provide for each governor of an elected category to hold office for a term of four years.

6 (1) Subject to paragraph 10, the instrument for a school must make the following provision for the term of office of—

(a) first or, as the case may be, foundation governors, other than a foundation governor who is a governor ex officio, and

(b) where there are sponsor governors, those governors.

(2) Except where sub-paragraph (3), (4) or (5) applies, such a governor is to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.

(3) The initial instrument must provide, except where sub-paragraph (4) or (5) applies—

(a) subject to paragraph (b), for such a governor to hold office for such term as was specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school as the proposed term of office for initial governors of the category in question, and

(b) in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school which name a person as a sponsor of the school, for any sponsor governor to hold office for such term as was specified as the proposed term of office for such governors in those proposals.

(4) Any additional first or foundation governor appointed in pursuance of provision made in the instrument by virtue of section 230(2) is to hold office for such term (not being more than five years) as may be specified in the terms of that governor's appointment.

(5) Any first governor appointed in pursuance of provision made in the instrument by virtue of section 227 is to hold office for such term (not being less than five nor more than seven years) as may be specified in the terms of his appointment.

7 No provision made in the instrument by virtue of paragraph 5, 6 or 10 shall be taken to prevent a governor—

(a) from being elected or appointed for a further term, or

(b) from being disqualified, by virtue of paragraph 3 or any provision made by virtue of paragraph 4, for continuing to hold office.

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8 The instrument for a school must provide that any member of the governing body may at any time resign his office.

9 (1) The instrument for a school must provide that any foundation governor (other than one holding office ex officio) and any sponsor governor may be removed from office by the person or persons who appointed him.

(2) For the purposes of this paragraph, an initial foundation governor shall be treated as having been appointed by the person or persons entitled to appoint foundation governors under provision included in the instrument in accordance with section 228(7)(b).

Initial appointments: terms of office

10 (1) The instrument for a school must, until every initial governor has ceased to hold office, make the provision required by sub-paragraphs (2) and (3).

(2) In the case of a governing body incorporated under Chapter II of Part III—

(a) an initial governor of an elected category who was a governor of that category on the governing body of the school immediately before the incorporation date shall hold office for the remainder of his term of office on the former governing body, and

(b) an initial governor of an elected category who was elected under section 234, or elected or nominated under section 237 to hold office as such, shall hold office for a term of four years.

(3) An initial first governor, initial foundation governor (other than a foundation governor who is a governor ex officio) or initial sponsor governor shall hold office for such term (not being less than five nor more than seven years) beginning with the incorporation date as may be specified as his proposed term of office in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.

(4) In the case of a governing body incorporated under Chapter IV of Part III, the instrument for a school must, until every governor of an elected category appointed before the date of implementation of the proposals has ceased to hold office, provide for any such governor to hold office for the prescribed term.

Meetings and proceedings

11 The proceedings of the governing body of a school shall not be invalidated by—

(a) any vacancy among their number, or

(b) any defect in the election or appointment of any governor.

12 Subject to the provisions of Chapter V of Part III and any instrument of government or articles of government made under that Chapter, the governing body of a school may regulate their own procedure.

13 (1) The instrument for a school may make provision as to the meetings and proceedings of the governing body.

(2) The provision that may be made in pursuance of this paragraph includes, in particular, provision—

(a) as to the election of a chairman and vice-chairman,

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(b) as to the establishment, constitution, meetings and proceedings of committees,

(c) for the delegation of the governing body's functions, in such circumstances as may be specified in the instrument, to committees established by that body or to any member of that body, and

(d) as to the procedure (including any quorum) when business is transacted by members of the governing body of a particular category.

(3) The provision mentioned in sub-paragraph (2)(b) may provide for a committee to include persons who are not members of the governing body.

(4) The instrument shall make provision for an appeal committee for the purposes of paragraph 6(1) of Schedule 23 to include among its members (with full voting powers) a person nominated by the governing body from among persons who are eligible to be lay members.

(5) A person is eligible to be a lay member for the purposes of sub-paragraph (4) if—

(a) he is a person without personal experience in the management of any school or the provision of education in any school (disregarding any such experience as a governor or in any other voluntary capacity), and

(b) he does not have, and has not at any time had, any connection with—

(i) the school, or

(ii) any person who is a member of, or employed by, the governing body of the school,

of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the school.

Information as to meetings and proceedings

14 (1) Regulations may require the governing body of a school to make available, to such persons or classes of person as may be prescribed, such documents and information relating to the meetings and proceedings of the governing body as may be prescribed.

(2) Documents and information required by the regulations to be made available shall be made available in such form and manner, and at such times, as may be prescribed.

Allowances for governors

F709 15 . . . . . .

Textual Amendments

F709 Sch. 22 para. 15 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt.IV**

Seal etc.

16 (1) The application of the seal of the governing body of a school must be authenticated by the signature—

(a) of the chairman of the governing body, or

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(b) of some other member authorised either generally or specially by the governing body to act for that purpose,

together with the signature of any other member.

(2) Every document purporting to be an instrument made or issued by or on behalf of the governing body of a school and—

(a) to be duly executed under the seal of the governing body, or

(b) to be signed or executed by a person authorised by the governing body to act in that behalf,

shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

SCHEDULE 23

Section 218(5).

CONTENT OF ARTICLES OF GOVERNMENT FOR GRANT-MAINTAINED SCHOOLS

Modifications etc. (not altering text)

C72 Sch. 23 modified (*temp.*) (1.9.1998) by S.I. 1998/1948, reg. 3(1)(2), **Sch. para. 9(1)(2)**

Introductory

1 In this Schedule—

"school" means a grant-maintained school, and

"articles", in relation to a school, means the articles of government for the school.

Performance and delegation of functions

2 (1) The articles must make provision as to the functions to be exercised in relation to the school by—

(a) the Secretary of State,

(b) the funding authority,

(c) the governing body,

(d) any committee or other body established by the governing body,

(e) the head teacher, and

(f) any other persons specified in or determined under the articles.

(2) The articles must also include provision as to the delegation of such functions by those on whom they are imposed or conferred by or under the articles.

(3) The articles may include provision as to the establishment by the governing body of committees or other bodies of persons for the purposes of or in connection with the performance in relation to the school of such functions as may be determined by or under the articles.

Staff

3 (1) The articles must include provision as to—

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(a) disciplinary rules and procedures applicable to members of the staff of the school, and

(b) procedures for giving them opportunities for seeking redress of any grievances relating to their employment.

(2) The articles must also include provision as to arrangements—

(a) for giving any member of the staff an opportunity of making representations as to any proposal to dismiss him by the governing body or any persons authorised under the articles to dismiss him, including (if he so wishes) oral representations to such person or persons as may be appointed for the purpose,

(b) for requiring the governing body or any persons authorised under the articles to dismiss him to have regard to any representations made by him before taking any decision to dismiss him, and

(c) for giving any member of staff whom it has been decided to dismiss an opportunity of appealing against that decision before any action is taken to implement it.

Curriculum

4 (1) The articles must include provision for securing the discharge by the governing body and the head teacher of duties imposed on them under Chapters I and II of Part V and sections 384, 388, 389, 400 and 408.

(2) The articles must include provision as to arrangements for the consideration and disposal of complaints relating to any matter concerning the curriculum followed within the school including, in particular, the discharge by the governing body of those duties.

(3) The articles must require the governing body, when considering the content of the secular curriculum for the school, to have regard to any representations with regard to that curriculum—

(a) which are made to them by any persons connected with the community served by the school, or

(b) which are made to them by the chief officer of police and are connected with his responsibilities.

Admission arrangements

5 (1) The articles must—

(a) provide for the governing body to be responsible for determining the arrangements for admitting pupils to the school; and

(b) include provision as to the policy to be followed in deciding admissions.

(2) The articles must also require the governing body to publish, for each school year, particulars of—

(a) the arrangements for admission of pupils to the school; and

(b) the procedures applicable under the articles in relation to the admission of pupils to the school.

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Appeals relating to admission and exclusion of pupils

6 (1) The articles must include provision as to the arrangements for appeals (in such circumstances as may be provided by the articles) to an appeal committee constituted in accordance with the instrument of government against any decision or action taken—

(a) by the governing body, or

(b) by any persons authorised under the articles to take any decision or action of the kind in question,

in relation to admissions of pupils to the school or the permanent exclusion of a pupil from the school.

(2) The articles must enable the governing body to make such arrangements jointly with the governing body of one or more other grant-maintained schools.

[[F710](2A) Sub-paragraphs (1) and (2), so far as they apply in relation to arrangements in respect of appeals—

(a) do not require the articles to provide for any matter for which provision is made by Schedule 25A (exclusion appeals); and

(b) have effect subject to paragraph 4(2) of Schedule 33B (refusal of admission in case of children permanently excluded from two or more schools).**]**

(3) The articles must require the governing body to publish, for each school year, particulars of any arrangements made by them in respect of appeals by parents against any such decision or action in relation to admissions of pupils to the school as is mentioned in sub-paragraph (1) above.

Textual Amendments

F710 Sch. 23 para. 6(2A) inserted (1.9.1997 except in relation to the insertion of para. 6(2A)(a), as to which the insertion came into force on 1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 49(3)**; S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II** (with transitional provisions); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV** (with transitional provisions); and Sch. 7 para. 49 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Annual reports

7 (1) The articles must require the governing body to prepare once in every school year a report in such form and containing such information as the articles may require.

(2) The articles must require the governing body to take such steps as are reasonably practicable to secure that—

(a) the registered parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the report, and

(b) copies of the report are available for inspection (at all reasonable times and free of charge) at the school.

Annual parents' meetings

8 (1) The articles must require the governing body, subject to any exceptions provided for in the articles, to hold a meeting once in every school year which is open to—

(a) all parents of registered pupils at the school, and

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(b) such other persons as the governing body may invite.

(2) The articles must include provision as to—

(a) the procedure to be followed and the matters to be considered at such a meeting,

(b) the determination of any questions arising in connection with such a meeting, and

(c) the taking by the governing body or any other persons of such action as may be required by the articles for the purposes of, or in connection with, such a meeting or any resolutions passed at it.

SCHEDULE 24

Section 222.

CATEGORIES OF GOVERNORS

PART I

INTRODUCTORY

Application

1 (1) This Schedule applies, in relation to the governing body of a grant-maintained school, for the purposes of Part III.

(2) Part II of this Schedule applies for the purpose of determining who are to be the initial governors of a grant-maintained school.

(3) Part III of this Schedule applies for the purpose of determining who are to be the governors of a grant-maintained school on and after the incorporation date.

General interpretation

2 References to an initial governor are to any person who becomes a member of the governing body on the incorporation date.

3 References to a governor of an elected category are to a person who is a parent or teacher governor as defined by section 78(3) or (4) or is such a governor within the meaning of this Schedule.

4 In relation to any proposals for acquisition of grant-maintained status in respect of a school, a person who is a governor of an elected category on the existing governing body of the school is an eligible governor of that category if—

(a) his term of office as a governor is due to end after the date of implementation of the proposals, and

(b) he has notified the existing governing body that he is willing to serve on the proposed governing body and has not withdrawn that notification.

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PART II

INITIAL GOVERNORS

Parent governors

5 (1) In relation to a governing body to be incorporated under Chapter II of Part III, "parent governor" means—

(a) a person who, immediately before the incorporation date in relation to the school, is a parent governor (as defined by section 78(3)) in relation to the school, or

(b) a person elected or appointed under section 234, or elected, appointed or nominated under section 237, to hold office as an initial parent governor on the governing body.

(2) A person elected under section 234 to hold office as an initial parent governor must be elected by registered parents of registered pupils at the school and a person elected or appointed under that section to hold such office must when he is elected or appointed be such a parent.

(3) A person elected, appointed or nominated under section 237 to hold office as an initial parent governor—

(a) in the case of an election, must be elected by registered parents of registered pupils at the school and must when he is elected be such a parent, and

(b) in the case of an appointment or nomination, must be a registered parent of a registered pupil at the school at the time of his appointment or nomination.

Teacher governors

6 (1) In relation to a governing body to be incorporated under Chapter II of Part III, "teacher governor" means—

(a) a person who, immediately before the incorporation date in relation to the school, is a teacher governor (as defined by section 78(4)) in relation to the school, or

(b) a person elected under section 234, or elected or nominated under section 237, to hold office as an initial teacher governor on the governing body.

(2) A person elected under section 234 to hold office as an initial teacher governor must be elected by teachers at the school and must when he is elected be such a teacher.

(3) A person elected or nominated under section 237 to hold office as an initial teacher governor—

(a) in the case of an election, must be elected by teachers at the school and must when he is elected be such a teacher, and

(b) in the case of a nomination, must be a teacher at the school at the time of his nomination.

First governors

7 (1) In relation to a governing body to be incorporated under Chapter II of Part III, "first governor" means a person who is selected under section 236(1), or nominated

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under section 238(1), and appears to the persons selecting or nominating him to be committed to the good government and continuing viability of the school.

(2) In relation to a governing body to be incorporated under Chapter IV of Part III, "first governor" means a person appointed by the funding authority who appears to them to be committed to the good government and continuing viability of the proposed school.

Foundation governors

8 (1) In relation to a governing body to be incorporated under Chapter II of Part III, "foundation governor" means—

(a) a person who is selected under section 236(2) or nominated under section 238(2),

(b) where the statement annexed (under paragraph 2 of Schedule 20) to the proposals for acquisition of grant-maintained status describes the religious character of the school, a person who is appointed for the purpose of securing that (subject to the approval or adoption under section 261 of any proposals) the religious character of the school is such as is indicated in the statement, and

(c) where there is a trust deed relating to the school, a person who is appointed for the purpose of securing that the school is conducted in accordance with the deed.

(2) In relation to a governing body to be incorporated under Chapter IV of Part III, "foundation governor" means—

(a) a person who is appointed by the promoters,

(b) where the statement annexed under paragraph 8 of Schedule 20 to the proposals for the establishment of a new grant-maintained school describes the religious character of the school, a person who is appointed for the purpose of securing that (subject to the approval or adoption under section 261 of any proposals) the religious character of the proposed school is such as is indicated in the statement, and

(c) where there is a trust deed relating to the proposed school, a person who is appointed for the purpose of securing that the proposed school is conducted in accordance with that deed.

Sponsor governors

9 In relation to a governing body to be incorporated under Chapter II of Part III, "sponsor governor" means a person appointed by a person named as a sponsor of the school in the proposals for acquisition of grant-maintained status.

PART III

GOVERNORS OTHER THAN INITIAL GOVERNORS

Parent governors

10 (1) "Parent governor" means a person who—

(a) is elected by registered parents of registered pupils at the school,

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(b) is appointed under a provision of the instrument of government made by virtue of section 223(3),
(c) is appointed by virtue of section 223(6), or
(d) is an initial parent governor.

(2) To qualify for such election, the person must when he is elected be a registered parent of a registered pupil at the school.

Teacher governors

11 (1) "Teacher governor" means a person who—
(a) is elected by teachers at the school,
(b) is appointed by virtue of section 224(4), or
(c) is an initial teacher governor.

(2) To qualify for such election, the person must when he is elected be a teacher at the school.

First governors

12 "First governor" means—
(a) a person appointed by the governing body who appears to them to be committed to the good government and continuing viability of the school,
(b) a person appointed under a provision of the instrument of government made by virtue of section 227 who appears to the person appointing him to be committed to the good government and continuing viability of the school, or
(c) an initial first governor.

Foundation governors

13 "Foundation governor" means a person who—
(a) is appointed otherwise than by a local education authority or the funding authority,
(b) where paragraph 8(1)(b) or (2)(b) applies, is appointed for the purpose there referred to, and
(c) where there is a trust deed relating to the school, is appointed for the purpose of securing that the school is conducted in accordance with that deed.

Sponsor governors

14 "Sponsor governor" means—
(a) a person appointed by a person named in the instrument of government as a sponsor of the school,
(b) while the instrument of government is the initial instrument, a person appointed by a person named as a sponsor of the school in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school, or
(c) an initial sponsor governor.

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SCHEDULE 25

Section 285.

CORE GOVERNORS FOR GROUPS

Introductory

1 The provision made for core governors in the instrument of government for the governing body of a group must be in accordance with this Schedule.

Kinds of core governor

2 (1) Core governors may be either—
- (a) appointed by the governing body, or
- (b) externally appointed.

(2) Externally appointed core governors may be either—
- (a) appointed in respect of a particular school in the group, being a school—
  - (i) which was a voluntary school immediately before it became grant-maintained, or
  - (ii) which was established in pursuance of proposals published under section 212, or
- (b) where the group consists only of such schools, appointed in respect of the group otherwise than by the governing body.

(3) A person appointed as mentioned in sub-paragraph (2)(a) must be appointed by the persons named in the instrument of government for the group as being entitled to appoint externally appointed core governors in respect of the school.

(4) A person appointed as mentioned in sub-paragraph (2)(a) must be appointed—
- (a) (where any statement annexed to the proposals in pursuance of which the school became a grant-maintained school described the religious character of the school) for the purpose of securing that, subject to any change in the character of the school which may be authorised by or under Part III, the religious character of the school is such as was indicated in the statement, and
- (b) (where there is a trust deed relating to the school) for the purpose of securing that the school is conducted in accordance with the deed.

(5) Core governors, other than externally appointed core governors appointed in respect of particular schools in the group, must be appointed from among persons who appear to the person making the appointment to be committed to the good government and continuing viability of all the schools in the group.

(6) A person who is a member of the teaching or other staff at any of the schools in the group is disqualified from holding office as a core governor, other than an externally appointed core governor.

Groups consisting only of former voluntary schools or section 212 schools

3 (1) This paragraph applies in the case of such a group as is mentioned in paragraph 2(2)(b).

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Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The minimum number of externally appointed core governors (referred to in this paragraph as "MN") is one greater than the number of governors other than externally appointed core governors.

(3) Any head teacher of a school in the group who has chosen not to be a governor shall be counted as one for the purposes of sub-paragraph (2).

(4) In respect of each school in the group there must be the same number of externally appointed core governors.

(5) The total number of externally appointed core governors in respect of schools in the group must not be less than the highest number, not exceeding MN, that is consistent with sub-paragraph (4).

Other groups

4 (1) This paragraph applies in the case of a group other than such a group as is mentioned in paragraph 2(2)(b).

(2) If any school in the group falls within paragraph 2(2)(a), one externally appointed governor must be appointed in respect of that school.

(3) The appropriate number of the core governors must (on the date or dates on which they respectively take office) be parents of registered pupils at schools in the group, and the appropriate number of the core governors must (on the date or dates on which they respectively take office) be members of the local community; but one person may satisfy both requirements.

(4) In sub-paragraph (3) "the appropriate number" means not less than two or, if all but one of the schools in the group fall within paragraph 2(2)(a), at least one.

(5) In appointing core governors, the governing body must secure that those governors include persons appearing to the governing body to be members of the local business community (and such persons may also satisfy one or both of the requirements of sub-paragraph (3)).

(6) The number of core governors must be such number, not being—

(a) less than five, or

(b) (subject to paragraph (a)) more than the number of schools in the group,

as will secure that they and the parent governors outnumber the other governors.

(7) Any head teacher of a school in the group who has chosen not to be a governor shall be counted as one for the purposes of sub-paragraph (6).

[F711 SCHEDULE 25A

APPEALS AGAINST EXCLUSION OF PUPILS FROM GRANT-MAINTAINED SCHOOLS

Textual Amendments

F711 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (with transitional provisions)

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F712] *Introductory*

Textual Amendments

F712 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F713]1 In this Schedule—

"appeal" means an appeal mentioned in section 307A;

"appeal committee" means an appeal committee constituted for the purposes of an appeal in accordance with the instrument of government of the school;

"the relevant person" means—

(a) in relation to a pupil under the age of 18, a parent of his;

(b) in relation to a pupil who has attained that age, the pupil himself.

Textual Amendments

F713 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F714] *Procedure on appeal*

Textual Amendments

F714 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F715]2 An appeal shall be by notice in writing setting out the grounds on which it is made.

Textual Amendments

F715 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F716]3 (1) Subject to sub-paragraph (2), the appeal committee shall meet to consider an appeal—

(a) within the period ending with the 15th school day after the day on which the appeal is lodged, or

(b) if the governing body have determined a shorter period, within that period.

(2) The governing body may extend the period within which the appeal committee are to consider an appeal where—

(a) the relevant person requests them to do so; and

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(b) they are satisfied that the circumstances are exceptional and justify the period under sub-paragraph (1) being extended.

Textual Amendments

F716 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F717 4 (1) For the purpose of fixing the time (falling within the period mentioned in paragraph 3) at which the hearing of an appeal is to take place, the governing body shall take reasonable steps to ascertain any times falling within that period when—

(a) the relevant person, or

(b) any other person who wishes, and would be entitled, to appear and make oral representations in accordance with paragraph 5,

would be able to attend.

(2) Where in accordance with sub-paragraph (1) the governing body have ascertained any such times in the case of any such person, they shall, when fixing the time at which the hearing is to take place, take those times into account with a view to ensuring, so far as it is reasonably practicable to do so, that that person is able to appear and make such representations at the hearing.

Textual Amendments

F717 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F718 5 (1) The appeal committee shall give the relevant person an opportunity of appearing and making oral representations, and shall allow him to be represented or to be accompanied by a friend.

(2) The appeal committee shall allow—

(a) the head teacher and a member of the governing body to make written representations;

(b) the head teacher and a member of the governing body to appear and make oral representations; and

(c) the governing body to be represented.

Textual Amendments

F718 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F719 6 An appeal shall be held in private except when otherwise directed by the governing body, but any member of the Council on Tribunals may attend as an observer any meeting of the appeal committee at which an appeal is considered.

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Textual Amendments

F719 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F720 7 Two or more appeals may be combined and dealt with in the same proceedings if the appeal committee consider that it is expedient to do so because the issues raised by the appeals are the same or connected.

Textual Amendments

F720 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F721 8 (1) In deciding whether the pupil in question should be reinstated (and, if so, the time when this should take place), the appeal committee shall have regard to both the interests of that pupil and the interests of other pupils at his school and members of its staff.

(2) In making its decision on an appeal, the appeal committee shall also have regard to the measures publicised by the head teacher under section 306A(7).

(3) Sub-paragraphs (1) and (2) do not apply where the appeal committee decides that the pupil in question was not guilty of the conduct which the head teacher relied on as grounds for his permanent exclusion.

(4) Sub-paragraphs (1) and (2) shall not be read as precluding an appeal committee from having regard to any other relevant matters.

Textual Amendments

F721 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F722 9 In the event of a disagreement between the members of the appeal committee the appeal under consideration shall be decided by a simple majority of the votes cast and, in the case of an equality of votes, the chairman of the committee shall have a second or casting vote.

Textual Amendments

F722 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F723 10 Subject to paragraph 11, the decision of the appeal committee and the grounds on which it is made shall be communicated by the committee in writing to the relevant person, the governing body, the head teacher and the local education authority to whose area the pupil belongs within—

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(a) the period ending with the 17th school day after the day on which the appeal is lodged; or

(b) if the governing body have determined a shorter period, that period.

Textual Amendments

F723 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F724 11 Where the governing body extend the period for the consideration of an appeal in accordance with paragraph 3(2), they shall (to the extent it appears to them to be necessary as a result of the extension of that period) extend the period within which the appeal committee are to communicate their decision.

Textual Amendments

F724 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F725 12 Subject to paragraphs 2 to 11, all matters relating to the procedure on appeals shall be determined by the governing body.

Textual Amendments

F725 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F726 13 (1) Subject to sub-paragraph (2), where joint arrangements for appeals have been made in accordance with paragraph 6(2) of Schedule 23 (content of articles of government), paragraphs 2 to 12 shall have effect in respect of appeals to committees established in accordance with the joint arrangements.

(2) In the case of any appeal made in pursuance of the joint arrangements—

(a) paragraphs 3, 4, 6, 10(b), 11 and 12 shall have effect as if for "the governing body" there were substituted "the governing body and the governing body of every other school which is a party to the arrangements, acting jointly"; and

(b) paragraphs 5(2) and 10 (except paragraph 10(b)) shall have effect as if for "the governing body" there were substituted "the governing body against whose decision the appeal is made".

Textual Amendments

F726 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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[F727]*Power of Secretary of State to make amendments*

Textual Amendments

F727 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F728]14 The Secretary of State may by order amend the preceding provisions of this Schedule.**]**

Textual Amendments

F728 Sch. 25A inserted (1.9.1998) by 1997 c. 44, s. 8(2), **Sch.1**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt.IV** (subject to transitional provisions in Sch. 2 Pt. II); and Sch. 1 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 222(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

SCHEDULE 26

Section 323.

MAKING OF ASSESSMENTS UNDER SECTION 323

Introductory

1 In this Schedule "assessment" means an assessment of a child's educational needs under section 323.

Medical and other advice

2 (1) Regulations shall make provision as to the advice which a local education authority are to seek in making assessments.

(2) Without prejudice to the generality of sub-paragraph (1), the regulations shall require the authority, except in such circumstances as may be prescribed, to seek medical, psychological and educational advice and such other advice as may be prescribed.

Manner, and timing, of assessments, etc.

3 (1) Regulations may make provision—

(a) as to the manner in which assessments are to be conducted,

(b) requiring the local education authority, where, after conducting an assessment under section 323 of the educational needs of a child for whom a statement is maintained under section 324, they determine not to amend the statement, to serve on the parent of the child a notice giving the prescribed information, and

(c) in connection with such other matters relating to the making of assessments as the Secretary of State considers appropriate.

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(2) Sub-paragraph (1)(b) does not apply to a determination made following the service of notice under paragraph 10 of Schedule 27 (amendment of statement by LEA) of a proposal to amend the statement.

(3) Regulations may provide that, where a local education authority are under a duty to make an assessment, the duty must, subject to prescribed exceptions, be performed within the prescribed period.

(4) Such provision shall not relieve the authority of the duty to make an assessment which has not been performed within that period.

Attendance at examinations

4 (1) Where a local education authority propose to make an assessment, they may serve a notice on the parent of the child concerned requiring the child's attendance for examination in accordance with the provisions of the notice.

(2) The parent of a child examined under this paragraph may be present at the examination if he so desires.

(3) A notice under this paragraph shall—
- (a) state the purpose of the examination,
- (b) state the time and place at which the examination will be held,
- (c) name an officer of the authority from whom further information may be obtained,
- (d) inform the parent that he may submit such information to the authority as he may wish, and
- (e) inform the parent of his right to be present at the examination.

Offence

5 (1) Any parent who fails without reasonable excuse to comply with any requirements of a notice served on him under paragraph 4 commits an offence if the notice relates to a child who is not over compulsory school age at the time stated in it as the time for holding the examination.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

SCHEDULE 27

Section 324.

MAKING AND MAINTENANCE OF STATEMENTS UNDER SECTION 324

Introductory

1 In this Schedule "statement" means a statement of a child's special educational needs under section 324.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Copy of proposed statement

2 Before making a statement, a local education authority shall serve on the parent of the child concerned—

(a) a copy of the proposed statement, and

(b) a written notice explaining the arrangements under paragraph 3, the effect of paragraph 4 and the right to appeal under section 326 and containing such other information as may be prescribed,

but the copy of the proposed statement shall not specify any matter in pursuance of section 324(4) or any prescribed matter.

VALID FROM 15/06/2001

Amendments to a statement

F729 2A (1) A local education authority shall not amend a statement except—

(a) in compliance with an order of the Tribunal,

(b) as directed by the Secretary of State under section 442(4), or

(c) in accordance with the procedure laid down in this Schedule.

(2) If, following a re-assessment review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned a copy of the proposed amended statement.

(3) Sub-paragraphs (3) and (4) of paragraph 2 apply to a copy of a proposed amended statement served under sub-paragraph (2) as they apply to a copy of a proposed statement served under paragraph 2(1).

(4) If, following a periodic review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned—

(a) a copy of the existing statement, and

(b) an amendment notice.

(5) If, at any other time, a local education authority propose to amend a statement, they shall proceed as if the proposed amendment were an amendment proposed after a periodic review.

(6) An amendment notice is a notice in writing giving details of the amendments to the statement proposed by the authority.

Textual Amendments

F729 Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, Sch. Pts. I, **II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, arts. 4, 5, Sch. Pts. I, **II**

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VALID FROM 15/06/2001

Provision of additional information

[F730]2B (1) Sub-paragraph (2) applies when a local education authority serve on a parent—
(a) a copy of a proposed statement under paragraph 2,
(b) a copy of a proposed amended statement under paragraph 2A, or
(c) an amendment notice under paragraph 2A.

(2) The local education authority shall also serve on the parent a written notice explaining (to the extent that they are applicable)—
(a) the arrangements under paragraph 3,
(b) the effect of paragraph 4, and
(c) the right to appeal under section 326.

(3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.

Textual Amendments

F730 Sch. 27 paras. 2-2B substituted for Sch. 27 para. 2 (15.6.2001 for E. for certain purposes and otherwise 1.1.2002 and 8.12.2001 for W. for certain purposes and otherwise 1.4.2002) by 2001 c. 10, s. 10, **Sch. 1 para. 3** (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, Sch. Pts. I, **II** (as amended by S.I. 2001/2614, **art. 4**); S.I. 2001/3992, arts. 4, 5, Sch. Pts. I, **II**

Choice of school

3 (1) Every local education authority shall make arrangements for enabling a parent on whom a copy of a proposed statement has been served under paragraph 2 to express a preference as to **[**[F731]the maintained school**]** at which he wishes education to be provided for his child and to give reasons for his preference.

(2) Any such preference must be expressed or made within the period of 15 days beginning—
(a) with the date on which the written notice mentioned in paragraph 2(b) was served on the parent, or
(b) if a meeting has (or meetings have) been arranged under paragraph 4(1)(b) or (2), with the date fixed for that meeting (or the last of those meetings).

(3) Where a local education authority make a statement in a case where the parent of the child concerned has expressed a preference in pursuance of such arrangements as to the school at which he wishes education to be provided for his child, they shall specify the name of that school in the statement unless—
(a) the school is unsuitable to the child's age, ability or aptitude or to his special educational needs, or
(b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.

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(4) A local education authority shall, before specifying the name of **[**[F732]any maintained school**]** in a statement, consult the governing body of the school and, if the school is maintained by another local education authority, that authority.

Textual Amendments

F731 Words in Sch. 27 para 3(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 186(2)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F732 Words in Sch. 27 para. 3(4) substituted (1.9.1999) by 1998 c, 31, s. 140(1), Sch. 30 para. 186(2)(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Modifications etc. (not altering text)

C73 Sch. 27 para. 3(4) applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, **2-4**
Sch. 27 para. 3(4) applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(b), **2-4**

VALID FROM 01/01/2002

Consultation on specifying name of school in statement

[[F733]3A(1) Sub-paragraph (2) applies if a local education authority are considering—

(a) specifying the name of a maintained school in a statement, or

(b) amending a statement—

(i) if no school was specified in the statement before the amendment, so that a maintained school will be specified in it,

(ii) if a school was specified in the statement before the amendment, so that a different school, which is a maintained school, will be specified in it.

(2) The local education authority shall—

(a) serve a copy of the proposed statement or amended statement, or of the existing statement and of the amendment notice, on each affected body, and

(b) consult each affected body.

(3) "Affected body" means—

(a) the governing body of any school which the local education authority are considering specifying; and

(b) if a school which the local education authority are considering specifying is maintained by another local education authority, that authority.**]**

Textual Amendments

F733 Sch. 27 para. 3A inserted (1.1.2002 (E.) 1.4.2002 (W.)) by 2001 c. 10, **s. 10 Sch. 1 para. 7** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614 art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Representations

4 (1) A parent on whom a copy of a proposed statement has been served under paragraph 2 may—

(a) make representations (or further representations) to the local education authority about the content of the statement, and

(b) require the authority to arrange a meeting between him and an officer of the authority at which the statement can be discussed.

(2) Where a parent, having attended a meeting arranged by a local education authority under sub-paragraph (1)(b), disagrees with any part of the assessment in question, he may require the authority to arrange such meeting or meetings as they consider will enable him to discuss the relevant advice with the appropriate person or persons.

(3) In this paragraph—

"relevant advice" means such of the advice given to the authority in connection with the assessment as they consider to be relevant to that part of the assessment with which the parent disagrees, and

"appropriate person" means the person who gave the relevant advice or any other person who, in the opinion of the authority, is the appropriate person to discuss it with the parent.

(4) Any representations under sub-paragraph (1)(a) must be made within the period of 15 days beginning—

(a) with the date on which the written notice mentioned in paragraph 2(b) was served on the parent, or

(b) if a meeting has (or meetings have) been arranged under sub-paragraph (1)(b) or (2), with the date fixed for that meeting (or the last of those meetings).

(5) A requirement under sub-paragraph (1)(b) must be made within the period of 15 days beginning with the date on which the written notice mentioned in paragraph 2(b) was served on the parent.

(6) A requirement under sub-paragraph (2) must be made within the period of 15 days beginning with the date fixed for the meeting arranged under sub-paragraph (1)(b).

Making the statement

5 (1) Where representations are made to a local education authority under paragraph 4(1)(a), the authority shall not make the statement until they have considered the representations and the period or the last of the periods allowed by paragraph 4 for making requirements or further representations has expired.

(2) The statement may be in the form originally proposed (except as to the matters required to be excluded from the copy of the proposed statement) or in a form modified in the light of the representations.

(3) Regulations may provide that, where a local education authority are under a duty (subject to compliance with the preceding requirements of this Schedule) to make a statement, the duty, or any step required to be taken for performance of the duty, must, subject to prescribed exceptions, be performed within the prescribed period.

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(4) Such provision shall not relieve the authority of the duty to make a statement, or take any step, which has not been performed or taken within that period.

Service of statement

6 Where a local education authority make a statement they shall serve a copy of the statement on the parent of the child concerned and shall give notice in writing to him—

(a) of his right under section 326(1) to appeal against—

(i) the description in the statement of the authority's assessment of the child's special educational needs,

(ii) the special educational provision specified in the statement, or

(iii) if no school is named in the statement, that fact, and

(b) of the name of the person to whom he may apply for information and advice about the child's special educational needs.

Keeping, disclosure and transfer of statements

7 (1) Regulations may make provision as to the keeping and disclosure of statements.

(2) Regulations may make provision, where a local education authority become responsible for a child for whom a statement is maintained by another authority, for the transfer of the statement to them and for Part IV to have effect as if the duty to maintain the transferred statement were their duty.

Change of named school

8 (1) Sub-paragraph (2) applies where—

(a) the parent of a child for whom a statement is maintained which specifies the name of a school or institution asks the local education authority to substitute for that name the name of a maintained, grant-maintained or grant-maintained special school specified by the parent, and

(b) the request is not made less than 12 months after—

(i) an earlier request under this paragraph,

(ii) the service of a copy of the statement under paragraph 6,

(iii) if the statement has been amended, the date when notice of the amendment is given under paragraph 10(3)(b), or

(iv) if the parent has appealed to the Tribunal under section 326 or this paragraph, the date when the appeal is concluded,

whichever is the later.

(2) The local education authority shall comply with the request unless—

(a) the school is unsuitable to the child's age, ability or aptitude or to his special educational needs, or

(b) the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.

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(3) Where the local education authority determine not to comply with the request—
  (a) they shall give notice of that fact and of the effect of paragraph (b) below to the parent of the child, and
  (b) the parent of the child may appeal to the Tribunal against the determination.

(4) On the appeal the Tribunal may—
  (a) dismiss the appeal, or
  (b) order the local education authority to substitute for the name of the school or other institution specified in the statement the name of the school specified by the parent.

(5) Regulations may provide that, where a local education authority are under a duty to comply with a request under this paragraph, the duty must, subject to prescribed exceptions, be performed within the prescribed period.

(6) Such provision shall not relieve the authority of the duty to comply with such a request which has not been complied with within that period.

Procedure for amending or ceasing to maintain a statement

9 (1) A local education authority may not amend, or cease to maintain, a statement except in accordance with paragraph 10 or 11.

(2) Sub-paragraph (1) does not apply where the local education authority—
  (a) cease to maintain a statement for a child who has ceased to be a child for whom they are responsible,
  (b) amend a statement in pursuance of paragraph 8,
  (c) are ordered to cease to maintain a statement under section 326(3)(c), or
  (d) amend a statement in pursuance of directions under section 442 (revocation of school attendance order).

10 (1) Before amending a statement, a local education authority shall serve on the parent of the child concerned a notice informing him—
  (a) of their proposal, and
  (b) of his right to make representations under sub-paragraph (2).

(2) A parent on whom a notice has been served under sub-paragraph (1) may, within the period of 15 days beginning with the date on which the notice is served, make representations to the local education authority about their proposal.

(3) The local education authority—
  (a) shall consider any representations made to them under sub-paragraph (2), and
  (b) on taking a decision on the proposal to which the representations relate, shall give notice in writing to the parent of their decision.

(4) Where a local education authority make an amendment under this paragraph to the description in a statement of the authority's assessment of a child's special educational needs or to the special educational provision specified in a statement,

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they shall give notice in writing to the parent of his right under section 326(1) to appeal against—

(a) the description in the statement of the authority's assessment of the child's special educational needs,

(b) the special educational provision specified in the statement, or

(c) if no school is named in the statement, that fact.

(5) A local education authority may only amend a statement under this paragraph within the prescribed period beginning with the service of the notice under sub-paragraph (1).

11 (1) A local education authority may cease to maintain a statement only if it is no longer necessary to maintain it.

(2) Where the local education authority determine to cease to maintain a statement—

(a) they shall give notice of that fact and of the effect of paragraph (b) below to the parent of the child, and

(b) the parent of the child may appeal to the Tribunal against the determination.

(3) On an appeal under this paragraph the Tribunal may—

(a) dismiss the appeal, or

(b) order the local education authority to continue to maintain the statement in its existing form or with such amendments of—

(i) the description in the statement of the authority's assessment of the child's special educational needs, or

(ii) the special educational provision specified in the statement,

and such other consequential amendments, as the Tribunal may determine.

(4) Except where the parent of the child appeals to the Tribunal under this paragraph, a local education authority may only cease to maintain a statement under this paragraph within the prescribed period beginning with the service of the notice under sub-paragraph (2).

[F734]SCHEDULE 28

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Textual Amendments

F734 Sch. 28 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 187, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, Sch. 6 para. 2, Sch. 7 paras. 2, **10**); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F738]SCHEDULE 29

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Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F738 Sch. 29 repealed (1.3.1998) by 1997 c. 44, s. 57(4), **Sch.8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

[F739]SCHEDULE 30

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Textual Amendments

F739 Sch. 30 repealed and replaced (1.10.1997) by 1997 c. 44, ss. 27(5), 57(4), **Schs. 5**,8; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**

SCHEDULE 31

Section 375.

AGREED SYLLABUSES OF RELIGIOUS EDUCATION

Duty to convene conference to reconsider agreed syllabus

1 (1) Where the agreed syllabus for the time being adopted by a local education authority was adopted by them on or after 29th September 1988 but before 1st April 1994, they shall, within the period of five years beginning with the date on which they adopted the syllabus, convene a conference for the purpose of reconsidering the syllabus.

(2) Sub-paragraph (1) does not apply where the authority have already convened such a conference on or after 1st April 1994 in pursuance of paragraph 12(3) of Schedule 5 to the [M91]Education Act 1944.

Marginal Citations

M91 1944 c. 31.

2 (1) A local education authority shall from time to time cause further conferences to be convened for the purpose of reconsidering any agreed syllabus for the time being adopted by them (whether adopted before, on or after 1st April 1994).

(2) No such conference shall be convened later than the end of the period of five years beginning with the date (falling after 31st March 1994) on which—

(a) the authority adopted the syllabus, or

(b) the authority gave effect to a recommendation under paragraph 10(2) below (or under paragraph 13 of Schedule 5 to the Education Act 1944) that the syllabus should continue to be the agreed syllabus.

3 On receipt by a local education authority of written notification of any such requirement as is mentioned in section 391(3), the authority shall cause a conference to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Constitution of conference

4 (1) A conference convened under this Schedule shall consist of such groups of persons ("committees") appointed by the local education authority which convenes the conference as are required by sub-paragraph (2).

(2) Those committees are—

(a) a committee of persons representing such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

(b) except in the case of an area in Wales, a committee of persons representing the Church of England;

(c) a committee of persons representing such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and

(d) a committee of persons representing the authority.

(3) Where a committee is required to be appointed by virtue of sub-paragraph (2)(b), the committee required to be appointed by virtue of sub-paragraph (2)(a) shall not include persons appointed to represent the Church of England.

(4) The number of persons appointed under sub-paragraph (2)(a) to represent each denomination or religion required to be represented shall, so far as is consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that denomination or religion in the area.

5 Any sub-committees appointed by the conference shall each include at least one member of each of the committees constituting the conference.

6 On any question to be decided by the conference or by any sub-committee of the conference, a single vote shall be given for each of the committees constituting the conference.

7 (1) Before appointing a person to represent any religion, denomination or associations as a member of a committee, the local education authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.

(2) No proceedings under this Schedule shall be invalidated on the ground that a member of a committee did not represent the religion, denomination or associations which he was appointed to represent, unless it is shown that the authority failed to take the steps required by sub-paragraph (1).

8 A person appointed as a member of a committee—

(a) may resign his membership, or

(b) may be withdrawn from membership by the local education authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) of the authority.

9 Where a person resigns or is withdrawn from a committee, the local education authority shall appoint someone in his place in the same manner as that in which they made the original appointment.

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Reconsideration of agreed syllabus

10 (1) This paragraph applies where a local education authority cause a conference to be convened for the purpose of reconsidering any agreed syllabus under any of paragraphs 1 to 3.

(2) If—

(a) the conference—

(i) unanimously recommend that the existing syllabus should continue to be the agreed syllabus, or

(ii) unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and

(b) it appears to the local education authority that the syllabus or, as the case may be, the new syllabus, reflects the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain,

the authority may give effect to the recommendation.

(3) If—

(a) the authority report to the Secretary of State that the conference are unable to reach unanimous agreement, or

(b) the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus but the local education authority consider that sub-paragraph (2)(b) prevents them from giving effect to the recommendation, or

(c) it appears to the Secretary of State that the authority have failed to exercise their power under sub-paragraph (2) to give effect to the unanimous recommendation of the conference,

the Secretary of State shall proceed in accordance with paragraph 12.

F740 11 . . . . . .

Textual Amendments

F740 Sch. 31 para. 11 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 188, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Preparation of new syllabus by appointed body

12 (1) Where required by paragraph 10 to proceed in accordance with this paragraph, the Secretary of State shall appoint a body of persons having experience in religious education to prepare a syllabus of religious education.

(2) The appointed body shall, so far as is practicable, be of a representative character which is the same as that required by paragraph 4 in the case of a conference.

13 (1) The appointed body shall—

(a) give the local education authority, the conference and every committee constituting the conference an opportunity of making representations to it;

(b) after considering any such representations made to it, prepare a syllabus of religious education; and

(c) transmit a copy of that syllabus to the authority and to the Secretary of State.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(2) Subject to sub-paragraph (1)(a), the appointed body may conduct its proceedings in such manner as it thinks fit.

14 The syllabus prepared by the appointed body shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared—

(a) as from such date as the Secretary of State may direct, and

(b) until a new syllabus is adopted for use in those schools, or for pupils of that class or description, in accordance with this Schedule.

Special provisions applicable where order under section 27(1)(b) applies

[F741]15 . . . . . .

Textual Amendments

F741 Sch. 31 para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 188, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[F742]SCHEDULE 32

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Textual Amendments

F742 Sch. 32 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(a), **Sch.31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/1016, art. 6, **Sch. 4 para. 6**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F743]SCHEDULE 33

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Textual Amendments

F743 Sch. 33 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(b), **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, art. 6, **Sch. 4 para. 8** and S.I. 1999/2323, Sch. 6 paras. 2, **5**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F744]SCHEDULE 33A

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Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F744 Sch. 33A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(c), **Sch. 31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/1016, art. 6, **Sch. 4 para. 8**); S.I. 1999/1016, art. 2(3), **Sch. 3**

[F764]SCHEDULE 33B

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Textual Amendments

F764 Sch. 33B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(d), **Sch. 31** (with ss. 138(9), 144(6) and with savings in S.I. 1999/1016, art. 6, Sch. 4 paras. 2, **8**); S.I. 1999/1016, art. 2(3), **Sch. 3**

SCHEDULE 34

Section 476.

INDEPENDENT SCHOOLS TRIBUNALS

Appointment of legal and educational panels

1 (1) For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require there shall be two panels.

(2) One of the panels (the "legal panel") shall consist of persons who will be available to act when required as chairmen of such tribunals and shall be appointed by the Lord Chancellor.

(3) The other panel (the "educational panel") shall consist of persons who will be available to act when required as members of such tribunals and shall be appointed by the Lord President of the Council.

Qualifications for appointment

2 (1) A person is not qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable.

(2) A person is not qualified to be appointed to the educational panel unless he has had such experience in teaching or in the conduct, management or administration of schools as the Lord President of the Council considers suitable.

(3) A person who is—

(a) an officer of a government department, or

(b) employed by a local education authority otherwise than as a teacher,

is disqualified from being appointed to either panel.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Terms and conditions of appointment

3 (1) Subject (in the case of a member of the legal panel) to sub-paragraph (2), a person appointed to be a member of a panel shall hold office as such subject to such conditions as to the period of his membership and otherwise as may be determined by the Lord Chancellor or the Lord President of the Council, as the case may be.

(2) No appointment of a person to be a member of the legal panel shall be such as to extend beyond the day on which he attains the age of 70; but this sub-paragraph has effect subject to section 26(4) to (6) of the [M97]Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

Marginal Citations
M97 1993 c. 8.

Constitution of tribunal

4 (1) Where an appeal is required to be determined by an Independent Schools Tribunal, the tribunal shall consist of—
(a) a chairman who is a member of the legal panel, and
(b) two other members who are members of the educational panel.

(2) The chairman and other members of the tribunal shall be impartial persons appointed from those panels by the Lord Chancellor and the Lord President of the Council respectively.

Remuneration

5 The Secretary of State may pay to the members of an Independent Schools Tribunal such remuneration and allowances as he may determine with the consent of the Treasury.

[F773]SCHEDULE 35

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Textual Amendments
F773 Sch. 35 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(c), 6(3), 7(3)(a), **Sch. Pt. I** (with s. 1(3))

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 26/07/2002

[F774SCHEDULE 35A

ACADEMIES: LAND

Textual Amendments

F774 Sch. 35A inserted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

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SCHEDULE 36

Section 557.

UNIFORM STATUTORY TRUSTS FOR EDUCATIONAL ENDOWMENTS

1 The trustees may, after payment of any expenses incurred in connection with the administration of the trust, apply the capital and income of the relevant trust assets for any of the following purposes—

(a) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of any relevant school in the area,

(b) for the maintenance of any relevant school in the area;

(c) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of a teacher's house for use in connection with any relevant school in the area; and

(d) for the maintenance of a teacher's house for use in connection with any relevant school in the area.

2 The trustees may also, after payment of any expenses incurred in connection with the administration of the trust, apply the income of the relevant trust assets for any of the following purposes—

(a) in or towards the provision of advice, guidance and resources (including materials) in connection with any matter related to the management of, or education provided at, any relevant school in the area;

(b) the provision of services for the carrying out of any inspection of any relevant school in the area required by Part I of the [M98]School Inspections Act 1996; and

(c) to defray the cost of employing or engaging staff in connection with—

(i) the application of income of the relevant trust assets for either of the purposes referred to in sub-paragraphs (a) and (b) above, or

(ii) the application of capital or income of the relevant trust assets for any of the purposes referred to in paragraph 1 above.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations
M98 1996 c. 57.

SCHEDULE 37

Section 582(1).

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 1996

Children and Young Persons Act 1933 (c. 12)

1 Section 96 of the [M99]Children and Young Persons Act 1933 (provisions as to local authorities) shall continue to have effect with the following amendments (originally made by Schedule 8 to the Education Act 1944)—

(a) in subsection (3), for the words from "for elementary education" onwards there is substituted " shall be defrayed as expenses under the enactments relating to education "; and

(b) in subsection (4), for the second "under" there is substituted "in accordance with".

Marginal Citations
M99 1944 c. 31.

Public Records Act 1958 (c. 51)

2 In Schedule 1 to the Public Records Act 1958 (definition of public records) Part II of the Table at the end of paragraph 3 (organisations whose records are public records) shall continue to include the following entries (originally inserted by Schedule 19 to the [M100]Education Act 1993, taken with Schedule 15 to that Act)—

"Curriculum and Assessment Authority for Wales",

"Funding Agency for Schools",

"School Curriculum and Assessment Authority", and

"Schools Funding Council for Wales".

Marginal Citations
M100 1993 c. 35.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Church Schools (Assistance by Church Commissioners) Measure 1958 (1958 No. 2)

3 In section 2(1) of the Church Schools (Assistance by Church Commissioners) Measure 1958 (interpretation) for "the Education Acts, 1944 to 1993" there is substituted " the Education Act 1996 " .

Education Act 1962 (c. 12)

4 (1) Section 1 of the Education Act 1962 (local education authority awards for designated courses) shall continue to have effect with the following amendment (originally made by section 4 of the [M101]Education (Grants and Awards) Act 1984).

(2) In subsection (3)(d), for the words from "for the higher diploma" onwards there is substituted " or for the higher national diploma of the body corporate known at the passing of the Education (Grants and Awards) Act 1984 as the Business & Technician Education Council. "

Marginal Citations

M101 1984 c. 11.

5 In section 3(c)(i) of that Act (awards by Secretary of State) for "section 100 of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ".

6 For section 14(4) of that Act there is substituted—

"(4) This Act shall be construed as one with the Education Act 1996."

7 In paragraph 2 of Schedule 1 to that Act (ordinary residence) for "section 31(3) of the Education Act 1980" there is substituted " the Education Act 1996 in accordance with regulations made under section 579(4) of that Act. "

London Government Act 1963 (c. 33)

8 In section 30(1) of the London Government Act 1963 (local education authorities) for "the Education Acts 1944 to 1962 or in any other Act" there is substituted " any Act ".

[F775]9 . . . . . .

Textual Amendments

F775 Sch. 37 para. 9 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Children and Young Persons Act 1963 (c. 37)

10 In section 37(3) of the Children and Young Persons Act 1963 (exceptions to restriction on persons under 16 taking part in public performances etc.) for "the Education Act 1944" there is substituted " the Education Act 1996 ".

11 In section 38 of that Act (restriction on licences for performances by children under 13)—

(a) in subsection (1) for "thirteen" there is substituted " fourteen ";

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(b) subsection (2) is omitted; and

(c) in the sidenote, for "13" there is substituted " 14 ".

Veterinary Surgeons Act 1966 (c. 36)

12 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions from restrictions on practice of veterinary surgery), in the definition of "recognised institution" following paragraph 5, for "the Education Act 1944" there is substituted " the Education Act 1996 ".

Education Act 1967 (c. 3)

13 In section 6(2) of the Education Act 1967 (construction as one) for "the Education Acts 1944 to 1965" there is substituted " the Education Act 1996. "

Public Expenditure and Receipts Act 1968 (c. 14)

14 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees, etc.) for "The Education Act 1944 (c.31) section 94" there is substituted " The Education Act 1996 (c.56) section 564 ".

Children and Young Persons Act 1969 (c. 54)

15 In section 12C(3) of the Children and Young Persons Act 1969 (requirements as to education) for "the Education Act 1944" there is substituted " the Education Act 1996 ".

16 In section 19(17) of that Act (facilities for the carrying out of supervisor's directions etc.) for "the Education Act 1944" there is substituted " the Education Act 1996 ".

Local Authorities (Goods and Services) Act 1970 (c. 39)

F776 17 . . . . . .

Textual Amendments

F776 Sch. 37 para. 17 repealed (1.3.1998 in so far as Sch. 37 relates to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

Local Authority Social Services Act 1970 (c. 42)

18 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee) the entry relating to the Education Act 1993 is omitted and at the end there is added—

"Education Act 1996.

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Section 322.....	Help for local education authority in exercising functions under Part IV of the Act.”

Chronically Sick and Disabled Persons Act 1970 (c. 44)

19 In section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to and facilities at university and school buildings) for the words from “and expressions used” onwards there is substituted “ and expressions used in paragraph (b) above and in the Education Act 1996 have the same meanings as in that Act. ”

Pensions (Increase) Act 1971 (c. 56)

20 In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions payable out of local funds), in paragraph 57, for “the Education Act 1944” there is substituted “ the Education Act 1996. ”

Superannuation Act 1972 (c. 11)

21 (1) Schedule 1 to the Superannuation Act 1972 shall continue—

(a) to include [F777]. . . and the entries relating to the Funding Agency for Schools and the Schools Funding Council for Wales (originally inserted by Schedule 19 to that Act); [F778]. . .

[F778](b) . . . . . .

[F779](2) . . . . . .

Textual Amendments

F777 Words in Sch. 37 para. 21(1)(a) repealed (1.3.1998 in so far as relating to School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

F778 Sch. 37 para. 21(1)(b) and the word immediately preceding it repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch.8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

F779 Sch. 37 para. 21(2) repealed (1.3.1998 in so far as relating to the School Curriculum and Assessment Authority and otherwise 1.10.1997) by 1997 c. 44, ss. 57(4), 58(3), **Sch. 8**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt.I**

Local Government Act 1972 (c. 70)

22 (1) Section 104(2)(a) of the Local Government Act 1972 (teachers not disqualified for being members of committees) shall continue to have effect with the following amendment (originally made by Schedule 19 to the [M102]Education Act 1993).

(2) For “for the purposes of the enactments relating to education” there is substituted “ wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities ”.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M102 1993 c. 35.

23 In section 112(4)(b) of that Act (appointment of staff) for "section 88 of the Education Act 1944" there is substituted " section 532 of the Education Act 1996 ".

24 In section 139(4) of that Act (acceptance of gifts of property) for "the Education Acts 1944 to 1971" there is substituted " the Education Act 1996 ".

25 In section 177(1) of that Act (supplementary provisions as to allowances) for "paragraph 4 of Schedule 2 to the Education Act 1980" there is substituted " paragraph 4 of Schedule 33 to the Education Act 1996 ".

Fair Trading Act 1973 (c. 41)

26 In Schedule 4 to the Fair Trading Act 1973 (services excluded from sections 14 and 109), in paragraph 14, for "the Education Act 1944," there is substituted " the Education Act 1996, ".

Local Government Act 1974 (c. 7)

[F780]27 . . . . . .

Textual Amendments

F780 Sch. 37 para. 27 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

28 In section 31A(2) of that Act (consideration of adverse reports) for "paragraph 1 of Schedule 2 to the Education Act 1980" there is substituted " paragraph 1 of Schedule 33 to the Education Act 1996 ".

29 In paragraph 5(1) of Schedule 5 to that Act (matters not subject to investigation) for the words from "section 23" to "1986" there is substituted " section 370 of the Education Act 1996 or section 17 of the Education (No.2) Act 1986 ".

House of Commons Disqualification Act 1975 (c. 24)

30 (1) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—

(a) shall be amended as provided in sub-paragraphs (2) and (3); and

(b) shall continue to include the entries set out in sub-paragraph (4) (originally inserted by Schedule 19 to the [M103]Education Act 1993).

(2) For the entry relating to the Curriculum and Assessment Authority for Wales there is substituted—

"Any member of the Curriculum and Assessment Authority for Wales constituted under section 360 of the Education Act 1996 in receipt of remuneration".

(3) For the entry relating to the School Curriculum and Assessment Authority there is substituted—

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"Any member of the School Curriculum and Assessment Authority constituted under section 358 of the Education Act 1996 in receipt of remuneration".

(4) The entries referred to in sub-paragraph (1)(b) are—

"Any member of an education association in receipt of remuneration",

"Any member of the Funding Agency for Schools in receipt of remuneration", and

"Any member of the Schools Funding Council for Wales in receipt of remuneration".

Marginal Citations

M103 1993 c. 35.

Sex Discrimination Act 1975 (c. 65)

31 In section 23(1) of the Sex Discrimination Act 1975 (other discrimination by local education authorities) for "the Education Acts 1944 to 1996" there is substituted " the Education Acts ".

32 In section 23A of that Act (discrimination by Further Education and Higher Education Funding Councils) for "the Education Acts 1944 to 1994" there is substituted " the Education Acts ".

F781 33 . . . . . .

Textual Amendments

F781 Sch. 37 para. 33 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

34 In section 24(2)(c) of that Act (designated establishments) for "the Education Act 1944" there is substituted " the Education Act 1996 ".

35 (1) Section 25 of that Act (general duty in public sector of education)—

(a) shall be amended in accordance with sub-paragraphs (2)(a) to (c), (3)(b), and (4)(a); and

(b) shall continue to have effect with the amendments set out in sub-paragraphs (2)(d), (3)(a) and (4)(b) (originally made by Schedule 19 to the Education Act 1993 and subsequently amended by the M104Education Act 1994).

(2) In subsection (2)—

(a) for "the Education Act 1944" there is substituted " the Education Act 1996 ";

(b) in paragraph (a), for "section 68" there is substituted " section 496 ";

(c) in paragraph (b), for "section 99" there is substituted " section 497 "; and

(d) for "and 23" there is substituted " 23, 23A, 23C and 23D ".

(3) In subsection (4)—

(a) for "and 23" there is substituted " 23, 23A, 23C and 23D "; and

(b) for "either" there is substituted " any ".

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(4) In subsection (6)—

(a) in paragraph (c)(iii), for "section 100 of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 "; and

(b) after paragraph (d) there is added—

"(e) the Funding Agency for Schools and the Schools Funding Council for Wales."

Marginal Citations

M104 1994 c. 30.

36 In section 82 of that Act (general interpretation), in subsection (1)—

(a) after the definition of "education" there is inserted—

""the Education Acts" has the meaning given by section 578 of the Education Act 1996;";

(b) in the definition of "further education", for "section 41(3) of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992" there is substituted " section 2 of the Education Act 1996 ";

(c) in the definition of "independent school", for "section 114(1) of the Education Act 1944" there is substituted " section 463 of the Education Act 1996 ";

(d) in the definition of "proprietor", for "section 114(1) of the Education Act 1944" there is substituted " section 579 of the Education Act 1996 "; and

(e) in the definition of "school", for "section 114(1) of the Education Act 1944" there is substituted " section 4 of the Education Act 1996 ".

37 In Schedule 2 to that Act (transitional exemption orders for educational admissions)—

F782 (a) . . . . . .

(b) in paragraph 3—

(i) for "section 100 of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 "; and

(ii) for "subsection (1)(b) of the said section 100" there is substituted " the said section 485 ".

Textual Amendments

F782 Sch. 37 para. 37(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Restrictive Trade Practices Act 1976 (c. 34)

38 In Schedule 1 to the Restrictive Trade Practices Act 1976 (services excluded from section 13), in paragraph 14, for "the Education Act 1944," there is substituted " the Education Act 1996, ".

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Race Relations Act 1976 (c. 74)

39 In section 18(1) of the Race Relations Act 1976 (other discrimination by local education authorities) for "the Education Acts 1944 to 1996" there is substituted " the Education Acts ".

40 In section 18A of that Act (discrimination by Further Education and Higher Education Funding Councils) for "the Education Acts 1944 to 1994" there is substituted " the Education Acts ".

F783 41 . . . . . .

Textual Amendments

F783 Sch. 37 para. 41 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

42 (1) Section 19 of that Act (general duty in public sector of education)—

(a) shall be amended in accordance with sub-paragraphs (2)(a) to (c), (3)(b) and (4)(a); and

(b) shall continue to have effect with the amendments set out in sub-paragraphs (2)(d), (3)(a) and (4)(b) (originally made by Schedule 19 to the Education Act 1993 and subsequently amended by the M105 Education Act 1994).

(2) In subsection (2)—

(a) for "the Education Act 1944" there is substituted " the Education Act 1996 ";

(b) in paragraph (a), for "section 68" there is substituted " section 496 ";

(c) in paragraph (b), for "section 99" there is substituted " section 497 "; and

(d) for "and 18" there is substituted " 18, 18A, 18C and 18D ".

(3) In subsection (4)—

(a) for "and 18" there is substituted " 18, 18A, 18C and 18D "; and

(b) for "either" there is substituted " any ".

(4) In subsection (6)—

(a) in paragraph (c)(iii), for "section 100 of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 "; and

F784 (b) . . . . . .

Textual Amendments

F784 Sch. 37 para. 42(4)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 13(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M105 1994 c. 30.

43 In section 78 of that Act (general interpretation), in subsection (1)—

(a) after the definition of "education" there is inserted—

""the Education Acts" has the meaning given by section 578 of the Education Act 1996;";

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(b) in the definition of "independent school", for "section 114(1) of the Education Act 1944" there is substituted " section 463 of the Education Act 1996 ";

(c) in the definition of "proprietor", for "section 114(1) of the Education Act 1944" there is substituted " section 579 of the Education Act 1996 "; and

(d) in the definition of "school", for "section 114(1) of the Education Act 1944" there is substituted " section 4 of the Education Act 1996 ".

National Health Service Act 1977 (c. 49)

44 In section 28A(2)(c) of the National Health Service Act 1977 (power to make payments to local education authority)—

(a) for "the Education Acts 1944 to 1996" there is substituted " the Education Act 1996 "; and

(b) for "those Acts" there is substituted " the Education Acts (within the meaning of that Act) ".

45 In section 128(1) of that Act (interpretation), in the definition of "local education authority", for "the Education Act 1944" there is substituted " the Education Act 1996 ".

46 In Schedule 1 to that Act (medical and dental inspection and treatment of pupils etc.)—

(a) in paragraph 1(a)(ii), for "section 163 or 298 of the Education Act 1993" there is substituted " section 19 or 319 of the Education Act 1996 "; and

(b) in paragraph 4, for "by section 114(1) of the Education Act 1944" there is substituted " for the purposes of the Education Act 1996 ".

Education Act 1980 (c.20)

47 (1) Section 38 of the Education Act 1980 (citation etc.) shall be amended as follows.

(2) Subsections (2) and (4) to (6) are omitted.

(3) For subsection (3) there is substituted—

"(3) This Act shall, in its application to England and Wales, be construed as one with the Education Act 1996."

(4) In subsection (7), for the words from the beginning to "Northern Ireland;" there is substituted " In this Act section 20 and this section extend to Northern Ireland, ".

Education (Scotland) Act 1980 (c. 44)

48 (1) Section 48A of the Education (Scotland) Act 1980 (corporal punishment) shall continue to have effect with the following amendments (originally made by section 294 of the [M106]Education Act 1993).

(2) In subsection (1), after "pupil" there is inserted " to whom this subsection applies ", and after that subsection there is inserted—

"(1A) Where, in any proceedings, it is shown that corporal punishment has been given to a pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if the punishment was inhuman or degrading.

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(1B) In determining whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects."

(3) In subsection (5) for the words preceding paragraph (a) there is substituted "In this section "pupil" means a person for whom education is provided at a school or for whom school education is provided by an education authority otherwise than at a school.

(5A) Subsection (1) above applies to a pupil".

(4) In subsection (8)(a) for "(5)(a)(iii)" there is substituted " (5A)(a)(iii) ".

Marginal Citations
M106 1993 c. 35.

Local Government, Planning and Land Act 1980 (c.65)

49 In paragraph 10 of Schedule 10 to the Local Government, Planning and Land Act 1980 (adjustment of block grant in connection with education etc.: interpretation) for "Section 38(5) of the Education Act 1980" there is substituted " Section 579(4) of the Education Act 1996 ".

Acquisition of Land Act 1981 (c. 67)

50 In section 1(2) of the Acquisition of Land Act 1981 (application of Act) for "section 90(1) of the Education Act 1944" there is substituted " section 530(1) of the Education Act 1996 ".

51 (1) Section 17(4) of that Act (statutory undertakers) shall have effect with the following amendment instead of that made by section 11 of the [M107]Education Act 1993.

(2) After paragraph (aa) of the definition of "statutory undertakers" there is inserted—

"(ab) the Funding Agency for Schools,

(ac) the Schools Funding Council for Wales,".

Marginal Citations
M107 1993 c. 35.

Greater London Council (General Powers) Act 1981 (c. xvii)

52 In section 16 of the Greater London Council (General Powers) Act 1981 (exemptions from Part IV)—

(a) in paragraph (b) for "the Education Act 1944" there is substituted " the Education Act 1996 "; and

(b) in paragraph (k) for "section 100(1)(b) of the said Act of 1944" there is substituted " section 485 of the Education Act 1996 ".

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Agricultural Training Board Act 1982 (c. 9)

53 In section 4(5) of the Agricultural Training Board Act 1982 (meaning of "post-school education"), for paragraph (a) there is substituted—

"(a) in England and Wales, "higher education" as defined by section 120(1) of the Education Reform Act 1988 or "further education" as defined by section 2(3) to (5) of the Education Act 1996; and".

Industrial Training Act 1982 (c. 10)

54 In section 5 of the Industrial Training Act 1982 (functions of boards) for the subsection (7) inserted by the [M108]Education Reform Act 1988 there is substituted—

"(8) In this section "post-school education" means—

(a) in England and Wales, "higher education" as defined by section 120(1) of the Education Reform Act 1988 or "further education" as defined by section 2(3) to (5) of the Education Act 1996; and

(b) in Scotland, "further education" within the meaning of the Education (Scotland) Act 1980."

Marginal Citations

M108 1988 c. 40.

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

55 In section 40 of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) for subsections (2) to (10) there is substituted—

"(2) This section applies to premises, including playing fields and other premises for outdoor recreation, of an institution (other than a school) which—

(a) is maintained by a local education authority; and

(b) provides further education or higher education (or both).

(3) If—

(a) a police constable; or

(b) a person whom a local education authority have authorised to exercise the power conferred by this subsection,

has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.

(4) No proceedings under this section shall be brought by any person other than—

(a) a police constable; or

(b) a local education authority.

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(5) Expressions used in this section and in the Education Act 1996 have the same meaning as in that Act."

Representation of the People Act 1983 (c. 2)

56 (1) Paragraph 22 of Schedule 1 to the Representation of the People Act 1983 (use of schools for the purpose of taking a poll) shall continue to have effect with the following amendment (originally made by Schedule 19 to the [M109]Education Act 1993).

(2) In sub-paragraph (1)(i), after "authority" there is inserted " a grant-maintained school ".

Marginal Citations
M109 1993 c. 35.

Education (Fees and Awards) Act 1983 (c. 40)

57 In section 1(4) of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments)—

(a) for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 "; and

(b) for "the Education Act 1944" there is substituted " the 1996 Act ".

Registered Homes Act 1984 (c. 23)

58 (1) Section 1 of the Registered Homes Act 1984 (requirement of registration: independent schools) shall be amended as follows.

(2) In subsection (5)—

(a) in paragraph (f), for "section 114 of the Education Act 1944" there is substituted " section 4 of the Education Act 1996 "; and

(b) in paragraph (g), for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ".

(3) In subsection (6)—

(a) for "the Education Act 1944" there is substituted " the Education Act 1996 "; and

(b) for "section 189(1) of the Education Act 1993" there is substituted " section 347 of the Education Act 1996 ".

(4) In subsection (7), for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ".

Building Act 1984 (c. 55)

59 In section 4(1)(a) of the Building Act 1984 (exemption of educational buildings etc) for sub-paragraphs (i) to (iv) substitute—

"(i) plans that have been approved by the Secretary of State,

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(ii) particulars submitted and approved under section 39 or 44 of the Education Act 1996 or under regulations made under section 544 of that Act or section 218(7) of the Education Reform Act 1988,

(iii) particulars approved or adopted under section 214, 262 or 341 of the Education Act 1996, or

(iv) particulars given in a direction under section 428 of that Act."

Greater London Council (General Powers) Act 1984 (c. xxvii)

60 In section 10(2)(g) of the Greater London Council (General Powers) Act 1984 (buildings excepted from Part IV) for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ".

Further Education Act 1985 (c. 47)

61 In section 8(3) (short title etc.) for "the Education Act 1944" there is substituted " the Education Act 1996. "

Housing Act 1985 (c. 68)

62 In Schedule 1 (tenancies which are not secure tenancies), in paragraph 10(4), for "the Education Act 1944" there is substituted " the Education Act 1996 ".

Local Government Act 1986 (c. 10)

63 In section 2A(4)(a) of the Local Government Act 1986 (prohibition on promoting homosexuality) for "the Education Act 1944" there is substituted " the Education Act 1996 ".

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

64 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.

(2) In subsection (1)(a) for "or 168 of the Education Act 1993" there is substituted " section 168 of the Education Act 1993 or section 324 of the Education Act 1996 ".

(3) In subsection (8)—

(a) for "paragraph 7 of Schedule 10 to the Education Act 1993" there is substituted " paragraph 7 of Schedule 27chedul to the Education Act 1996 ", and

(b) for "maintained under section 168" there is substituted " maintained under section 324 ".

(4) In subsection (9)—

(a) for "Part III of the Education Act 1993" there is substituted " Part IV of the Education Act 1996 "; and

(b) for "the Education Act 1944" there is substituted " the Education Act 1996 ".

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Education (No. 2) Act 1986 (c. 61)

65 (1) Section 50 of the Education (No. 2) Act 1986 (grants for teacher training etc.) shall continue to have effect with the following amendments (originally made by section 278 of and Schedule 19 to the [M110]Education Act 1993).

(2) In subsection (1)—

(a) for "local authorities and other persons" there is substituted " persons other than local education authorities "; and

(b) for the words from the end of paragraph (a) onwards there is substituted—

"and

(b) such other classes of persons as may be prescribed."

(3) In subsection (2)(b), for "capacity as an employee of the kind in question" there is substituted " employment ".

Marginal Citations

M110 1993 c. 35.

66 (1) Section 67 of that Act (short title etc.) shall be amended as follows.

(2) Subsections (2), (5) and (6) are omitted.

(3) In subsection (3), for "the 1944 Act" there is substituted " the Education Act 1996. "

(4) In subsection (7), for the words from the beginning to "Northern Ireland;" there is substituted " In this Act section 48 and this section extend to Scotland, ".

Reverter of Sites Act 1987 (c. 15)

67 (1) The Reverter of Sites Act 1987 shall be amended as follows.

(2) In section 1(5) (right of reverter replaced by trust for sale) for "section 2 of the Education Act 1973" there is substituted " section 554 of the Education Act 1996 ".

(2) In section 5 (orders under Education Act 1973)—

(a) in subsection (1), for "section 2 of the Education Act 1973" there is substituted " section 554 of the Education Act 1996 "; and

(b) for "section 2 of the said Act of 1973", wherever occurring, there is substituted " section 554 of the 1996 Act ".

Local Government Act 1988 (c. 9)

68 In paragraph 8(3)(a) of Schedule 1 to the Local Government Act 1988 (competition) for "section 53 of the Education Act 1944 (whether or not also provided under section 41 of that Act)" there is substituted " section 508 of the Education Act 1996 (whether or not also provided under section 15 of that Act) ".

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Criminal Justice Act 1988 (c. 33)

69 In section 139A(6) and (7) of the Criminal Justice Act 1988 (as amended by the Offensive Weapons Act 1996), for "section 14(5) of the Further and Higher Education Act 1992" there is substituted " section 4 of the Education Act 1996 ".

Education Reform Act 1988 (c. 40)

70 In section 124(2)(b) of the Education Reform Act 1988 (powers of a higher education corporation) for "within the meaning of section 41(9) of the Education Act 1944)" there is substituted " , as defined by section 15(6) and (7) of the Education Act 1996) ".

71 In section 161(1)(b)(i) of that Act (interpretation of Part II) for "section 41 of the 1944 Act" there is substituted " section 15 of the Education Act 1996 ".

72 In section 163(1) of that Act (new education authorities for London) for "the Education Acts 1944 to 1996" there is substituted " the Education Act 1996 ".

73 In section 166(5) of that Act (responsibility for schools) for "the Education Acts 1944 to 1993" there is substituted " the Education Act 1996 ".

74 (1) Section 197 of that Act ([F785]Education Transfer Council]) shall be amended as follows.

(2) In subsection (6), for "the Education Acts 1944 to 1993" there is substituted " the Education Acts ".

(3) Subsection (7) shall continue to have effect with the insertion of the words "and any governing body of a maintained or grant-maintained school" (originally inserted by section 47(5) of the [M111]Education Act 1993); and in that subsection for "the Education Acts 1944 to 1993" there is substituted " the Education Acts ".

(4) In subsection (7B), for "the Education Acts 1944 to 1992" there is substituted " the Education Acts ".

(5) At the end of the section there is added—

"(10) In this section "the Education Acts" has the meaning given by section 578 of the Education Act 1996."

Textual Amendments

F785 Words in Sch. 37 para. 74 substituted (1.10.1998) by 1998 c. 31, **s. 136** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

Marginal Citations

M111 1993 c. 35.

[F786]75 . . . . . .

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Textual Amendments

F786 Sch. 37 para. 75 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

76 (1) Section 218 of that Act (school and further and higher regulations)—

(a) shall be amended as provided in sub-paragraphs (2) to (5); and

(b) shall continue to have effect with the amendments set out in sub-paragraph (6) (originally made by section 290 of the Education Act 1993).

(2) In subsection (1) the following are omitted—

(a) in paragraphs (e) and (f), the words "schools and"; and

(b) paragraph (g).

(3) For subsection (2B) (renumbered by paragraph 8(4) of Schedule 2 to the [M112]Education Act 1994) there is substituted—

"(2B) Regulations under subsection (2) above may impose requirements on persons carrying on city technology colleges or city colleges for the technology of the arts as to the training and teaching experience of persons employed as teachers at such colleges who seek to become (in relation to schools) qualified teachers."

(4) In subsection (7), the following are omitted—

(a) the words from "or, in such cases" to "the funding authority"; and

(b) the words "school or" (where first occurring) and "any school or".

(5) Subsections (8) and (13) are omitted.

(6) The amendments referred to in sub-paragraph (1)(b) are—

(a) after subsection (6)(c) there is added "or

(d) by the proprietors of independent schools or at such schools as teachers or in any such work,"; and

(b) in subsection (12) after "section" there is inserted " other than in subsection (6)(d) above ".

Marginal Citations

M112 1994 c. 40.

77 For section 219 of that Act there is substituted—

"**219 Powers of the Secretary of State in relation to certain educational institutions.**

(1) This section applies to any institution which is maintained by a local education authority and provides higher education or further education (or both).

(2) Section 495(1) of the Education Act 1996 (determination of disputes by the Secretary of State) shall apply in relation to the governing body of

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an institution to which this section applies as it applies in relation to the governing body of a school.

(3) Each of sections 496 and 497 of that Act (power of Secretary of State to prevent unreasonable exercise of functions and Secretary of State's general default powers) shall have effect as if any reference to a body to which that section applies included a reference to the governing body of an institution to which this section applies.

(4) Section 498 of that Act (powers of Secretary of State where there is no properly constituted governing body) shall have effect as if any reference to a school to which that section applies included a reference to an institution to which this section applies."

[F787]78 . . . . . .

Textual Amendments

F787 Sch. 37 para. 78 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch.5**

79 In section 228 of that Act (transfer of property to grant-aided institutions in Wales), in subsection (2)(a), for "section 100(1)(b) of the 1944 Act" there is substituted " section 485 of the Education Act 1996 ".

80 In section 232 of that Act (orders and regulations)—

(a) in subsection (2), for the words from "sections" to "Schedule 5" there is substituted " section 157 ";

(b) subsection (3) is omitted; and

(c) in subsection (4), "3(4)(a), 4(2)(c), 24," is omitted.

81 (1) Section 235 of that Act (general interpretation) shall be amended as follows.

(2) In subsection (1) the definition of "the 1980 Act" is omitted.

(3) In subsection (2)(c), after "1944 Act" there is inserted " or section 485 of the Education Act 1996 ".

(4) In subsections (7) and (8), for "the 1944 Act" in each place there is substituted " the Education Act 1996 ".

82 (1) Schedule 10 to that Act (supplementary provisions with respect to transfers)—

(a) shall continue to have effect with the amendments set out in sub-paragraph (2) (originally made by section 47 of the [M113]Education Act 1993); [F788] . . .

[F788](b) . . . . . .

(2) The amendments mentioned in sub-paragraph (1)(a) are as follows—

[F789](a) . . . . . .

(b) in paragraph 4(1) of the Schedule, for "by virtue of section 126 or 130" there is substituted " to which this Schedule applies "; [F790] . . .

[F790](c) . . . . . .

[F791](3) . . . . . .

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Textual Amendments

F788 Sch. 37 para. 82(1)(b) and the word immediately preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F789 Sch. 37 para. 82(2)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F790 Sch. 37 para. 82(2)(c) and the word immediately preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 31 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F791 Sch. 37 para. 82(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I 1999/2323, art. 2(1), Sch. 1

Marginal Citations

M113 1993 c. 35.

Copyright, Designs and Patents Act 1988 (c. 48)

83 In section 174(3) of the Copyright, Patents and Designs Act 1988 (meaning of "school") for "the Education Act 1944" there is substituted " the Education Act 1996 ".

Children Act 1989 (c. 41)

84 In section 28(4) of the Children Act 1989 (local authority support for children and families: consultation with local education authorities) for "Part III of the Education Act 1993" there is substituted " Part IV of the Education Act 1996 ".

85 In section 36(5) of that Act (education supervision orders: presumption that child is not being properly educated)—

(a) for "section 37 of the Education Act 1944" there is substituted " section 437 of the Education Act 1996 "; and

(b) for "section 39" there is substituted " section 444 ".

86 (1) Section 63 of that Act (children not to be cared for and accommodated in unregistered children's homes) shall be amended as follows.

(2) For subsection (6) there is substituted—

"(6) An independent school is a children's home at any time if at that time accommodation is provided for children at the school and either—

(a) in each year that fell within the period of two years ending at that time accommodation was provided for more than three of the children at the school, or under arrangements made by the proprietor of the school, for more than 295 days in that year, or

(b) it is intended to provide accommodation for more than three of the children at the school, or under arrangements made by the proprietor of the school, for more than 295 days in any year,

unless the school is approved by the Secretary of State under section 347(1) of the Education Act 1996 (approval of independent schools for children with statements); and in this subsection "year" means a period of twelve months and "proprietor" has the same meaning as in that Act."

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87 In section 87(10) of that Act (welfare of children accommodated in independent schools) for "the Education Act 1944" there is substituted " the Education Act 1996 ".

88 In section 87A(6) of that Act (inspection of independent schools), in paragraph (a), for "the Education Act 1944" there is substituted " the Education Act 1996 ".

89 In section 87B(4) of that Act (duties of inspectors of independent schools), in paragraph (a), for "the Education Act 1944" there is substituted " the Education Act 1996 ".

90 In section 91(5) of that Act (effect and duration of orders: school attendance orders) for "section 37 of the Education Act 1944" there is substituted " section 437 of the Education Act 1996 ".

91 In section 105(1) of that Act (interpretation) for "the Education Act 1944" in each place where it occurs, and for "the Education Act 1993", there is substituted " the Education Act 1996 ".

92 In paragraph 3(b) of Schedule 2 to that Act (local authority support for children and families: assessment of children's needs) for "Part III of the Education Act 1993" there is substituted " Part IV of the Education Act 1996 ".

93 (1) Part III of Schedule 3 to that Act (education supervision orders) shall be amended as follows.

(2) In paragraph 13—

(a) in sub-paragraph (1) for "section 36 of the Education Act 1944 (duty to secure education of children) and section 199 of the Education Act 1993 (duty" there is substituted " sections 7 and 444 of the Education Act 1996 (duties to secure education of children and "; and

(b) in sub-paragraph (2)—

(i) in paragraph (a)(i) for "section 192 of that Act" there is substituted " section 437 of the Education Act 1996 ",

(ii) in paragraph (b)(i) for "section 192" there is substituted " section 437 ",

(iii) in paragraph (b)(ii) for "section 76 of the Education Act 1944" there is substituted " section 9 of that Act ", and

(iv) in paragraph (b)(iii) for "sections 6 and 7 of the Education Act 1980" there is substituted " sections 411 and 423 of that Act ".

(3) In paragraph 21 for "the Education Act 1944 (as amended by Schedule 13)" there is substituted " the Education Act 1996. "

94 (1) Paragraph 3 of Schedule 9 to that Act (child minding and day care: exemption of certain schools) shall be amended as follows.

(2) In sub-paragraph (1)—

(a) for "section 100 of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ", and

(b) for "section 53 of the Act of 1944" there is substituted " section 508 of that Act ".

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(3) In sub-paragraph (3)—

(a) for "the Education Act 1944" there is substituted " the Education Act 1996 ", and

(b) for "the Education Act 1993" there is substituted " that Act ".

Local Government and Housing Act 1989 (c. 42)

95 In section 2(6)(a) of the Local Government and Housing Act 1989 (politically restricted posts) for "section 88 of the Education Act 1944" there is substituted " section 532 of the Education Act 1996 ".

96 (1) Section 13 of that Act (voting rights of members of committees)—

(a) shall be amended as provided in sub-paragraphs (2), (3) and (5); and

(b) shall continue to have effect with the amendment set out in sub-paragraph (4) (originally made by Schedule 19 to the [M114]Education Act 1993).

[F792](2) . . . . . .

(3) For subsection (5) there is substituted—

"(5) Nothing in this section shall prevent the appointment of a person who is not a member of a local education authority as a voting member of—

(a) any committee or sub-committee appointed by the local authority wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as a local education authority,

(b) any joint committee appointed by two or more local authorities wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities, or

(c) any sub-committee appointed by any such committee or joint committee wholly or partly for the purpose of discharging any of that committee's functions with respect to education,

where that appointment is required by directions given by the Secretary of State under section 499 of the Education Act 1996 (power of Secretary of State to direct appointment of members of committees)."

(4) In subsection (7) for "education committee or sub-committee of an education committee" there is substituted " committee, joint committee or sub-committee appointed for the purpose mentioned in that subsection ".

(5) In subsection (9) the definition of "foundation governors" and the "and" immediately following it are omitted.

Textual Amendments

F792 Sch. 37 para. 96(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Marginal Citations

M114 1993 c. 35.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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[F793]97 . . . . . .

Textual Amendments

F793 Sch. 37 para. 97 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Education (Student Loans) Act 1990 (c. 6)

98 In section 1(3)(a) of the Education (Student Loans) Act 1990 (meaning of "institutions receiving support from public funds") for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ".

Town and Country Planning Act 1990 (c. 8)

99 In section 76 of the Town and Country Planning Act 1990 (duty to draw attention to certain provisions for benefit of disabled) for subsection (3) there is substituted—

"(3) Expressions used in subsection (1)(e) and in the Education Act 1996 have the same meanings as in that Act."

Environmental Protection Act 1990 (c. 43)

100 In section 98(2) of the Environmental Protection Act 1990 (definitions)—

(a) in paragraph (c)(i) for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 "; and

(b) in paragraph (e) for "section 105 of the Education Reform Act 1988)" there is substituted " section 482 of the Education Act 1996) ".

School Teachers' Pay and Conditions Act 1991 (c. 49)

101 (1) The School Teachers' Pay and Conditions Act 1991—

(a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by Schedule 19 to the [M115]Education Act 1993); and

(b) shall be amended as provided in sub-paragraphs (3) and (4).

(2) In section 2 (orders relating to statutory conditions of employment), in subsections (6) and (7) for "section 3" there is substituted " sections 3 and 3A ".

(3) For the section 3A inserted by section 289 of the Education Act 1993 there is substituted—

"**3A Special provisions for teachers on transfer of employment.**

(1) This section applies where a school teacher employed to teach at an independent school—

(a) which becomes a county or voluntary school in pursuance of proposals published under section 35(1)(b) or, as the case may be, 41(1) of the Education Act 1996, or

(b) in place of which a grant-maintained school is established in pursuance of proposals published under section 212 of that Act,

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becomes employed (in the case of a county or voluntary school) by the local education authority or the governing body or (in the case of a grant-maintained school) by the governing body in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 1981.

(2) A pay and conditions order shall not apply to the statutory conditions of employment of such a teacher unless he gives notice in writing to the new employer that the order is to so apply.

(3) Where the governing body of an aided school receive notice given under subsection (2) above, they shall inform the local education authority."

(4) In section 5 (interpretation etc.)—

(a) in subsection (1)—

(i) in the definition of "school which has a delegated budget" for "Chapter III of Part I of the Education Reform Act 1988" there is substituted " Part II of the Education Act 1996 ", and

(ii) for "the Education Act 1944" there is substituted " that Act "; and

(b) in subsection (5), for "sections 68 and 99(1) of the Education Act 1944" there is substituted " sections 496 and 497 of the Education Act 1996 ".

Marginal Citations

M115 1993 c. 35.

Diocesan Boards of Education Measure 1991 (1991 No. 2)

F794 102 . . . . . .

Textual Amendments

F794 Sch. 37 para. 102 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F795 103 . . . . . .

Textual Amendments

F795 Sch. 37 para. 103 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

104 (1) Section 6 of that Measure (Board to be consulted in certain cases) shall be amended as follows.

(2) In subsection (1)—

(a) for "section 13(1) of the 1988 Act" there is substituted " section 392(2) of the Education Act 1996 "; and

(b) for "section 11" there is substituted " section 390 ".

F796 (3) . . . . . .

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Textual Amendments

F796 Sch. 37 para. 104(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F797 105 . . . . . .

Textual Amendments

F797 Sch. 37 para. 105 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F798 106 . . . . . .

Textual Amendments

F798 Sch. 37 para. 106 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F799 107 . . . . . .

Textual Amendments

F799 Sch. 37 para. 107 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Further and Higher Education Act 1992 (c. 13)

F800 108 . . . . . .

Textual Amendments

F800 Sch. 37 para. 108 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

109 In section 28(3)(a) of that Act (institutions which are grant-aided or eligible to receive aid by way of grant) for "section 100(1)(b) of the Education Act 1944" there is substituted " section 485 of the Education Act 1996 ".

110 (1) Section 37 of that Act (attribution of surpluses and deficits) shall be amended as follows.

F801 (2) . . . . . .

(3) In subsection (7)—

F801 (a) . . . . . .

(b) in the definition of "financial year", for "the Education Reform Act 1988" there is substituted " the Education Act 1996 ".

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Textual Amendments

F801 Sch. 37 para. 110(2)(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

111 In section 54(2) of that Act (duty to give information) for the words from "section 51" to "section 52 of that Act" there is substituted " regulations under section 492 or 493 of the Education Act 1996 ".

112 At the end of section 56 of that Act (directions) there is added—

"(3) Section 496 of the Education Act 1996 (power to prevent unreasonable exercise of functions) applies in relation to a council as it applies in relation to a body falling within subsection (2) of that section."

113 For section 57(6) of that Act (intervention in event of mismanagement etc.) there is substituted—

"(6) In the Education Act 1996—

(a) section 496 (power to prevent unreasonable exercise of functions) applies in relation to the governing body of an institution within the further education sector as it applies in relation to a body falling within subsection (2) of that section; and

(b) section 507 (power to direct local inquiries) applies for the purposes of the Secretary of State's functions under this section as it applies for the purposes of his functions under that Act."

114 In section 89(5) of that Act (orders, regulations and directions) for "Section 111 of the Education Act 1944" there is substituted " Section 570 of the Education Act 1996 ".

115 (1) Section 90 of that Act (interpretation) shall be amended as follows.

(2) In subsection (1)—

(a) in the definition of "the Education Acts", for "means the Education Acts 1944 to 1996" there is substituted " has the meaning given by section 578 of the Education Act 1996 "; and

(b) after that definition there is inserted—

""further education" has the meaning given by section 2(3) to (5) of that Act;".

(3) In subsection (5), for "the Education Act 1944" there is substituted " the Education Act 1996 ".

116 In section 92 of that Act (Index)—

(a) in the entry for "further education", for "section 14(1) to (4)" there is substituted " section 90(1) "; and

(b) the entries for "pupil", "secondary education" and "school" are omitted.

117 (1) Schedule 8 to that Act—

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(a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by section 47(6) of the [M116]Education Act 1993); and

(b) shall be amended as provided in sub-paragraphs (3) and (4).

(2) In paragraph 61, for "by virtue of section 126 or 130 and in such a case" there is substituted " and ".

(3) In paragraph 62(3), for "or (as the case may be) the Education Act 1993" there is substituted " or (as the case may be) the Education Act 1996 ".

(4) In—

(a) paragraph 79(2) (which provides that, in relation to a further education corporation or a Further Education Funding Council, the reference in section 25(2) of the [M117]Sex Discrimination Act 1975 to section 99 of the [M118]Education Act 1944 is to be read as a reference to section 57(3) of the 1992 Act), and

(b) paragraph 88(2) (which makes similar provision in relation to section 19(2) of the [M119]Race Relations Act 1976),

for "section 99 of the Education Act 1944" there is substituted " section 497 of the Education Act 1996 ".

Marginal Citations

M116 1993 c. 35.
M117 1975 c. 65.
M118 1994 c. 31.
M119 1976 c. 74.

Tribunals and Inquiries Act 1992 (c. 53)

118 (1) The Tribunals and Inquiries Act 1992 shall be amended as follows.

(2) Section 11(1) (appeals from certain tribunals) shall continue to have effect with the substitution for "15(a) or (d)" of "15(a), (d) or (e)" (originally made by section 181 of the Education Act 1993).

(3) In paragraph 15 of Schedule 1 (tribunals under general supervision of Council on Tribunals)—

(a) in sub-paragraph (a), for "section 72 of, and Schedule 6 to, the Education Act 1944 (c. 31)" there is substituted " section 476 of, and Schedule 34 to, the Education Act 1996 (c. 56) ";

(b) in sub-paragraph (b), for "Part I of Schedule 2 to the Education Act 1980 (c. 20)" there is substituted " Part I of Schedule 33 to that Act ";

(c) in sub-paragraph (c), for "paragraph 5(1) of Schedule 6 to the Education Act 1993" there is substituted " paragraph 6(1) of Schedule 23 to that Act "; and

(d) for sub-paragraph (e) there is substituted—

"(e) the Special Educational Needs Tribunal constituted under section 333 of that Act".

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Charities Act 1993 (c. 10)

119 For section 79(9) of the Charities Act 1993 (parochial charities) there is substituted—

"(9) This section shall not affect the trusteeship, control or management of any voluntary or grant-maintained school within the meaning of the Education Act 1996."

120 (1) Schedule 2 to that Act (exempt charities) shall continue to have effect with the following amendments (originally made by Schedules 15 and 19 to the [M120]Education Act 1993).

(2) After paragraph (d) there is inserted—

"(da) the School Curriculum and Assessment Authority;".

(3) For paragraph (f) there is substituted—

"(f) the Curriculum and Assessment Authority for Wales;".

Marginal Citations

M120 1993 c. 35.

121 At the end of paragraph 1(b) of Schedule 4 to that Act (charities over which the court has jurisdiction) there is added " or section 554 of the Education Act 1996 ".

Welsh Language Act 1993 (c. 38)

[F802]122 . . . . . .

Textual Amendments

F802 Sch. 37 para. 122 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Local Government (Wales) Act 1994 (c. 19)

123 (1) Section 30 of the Local Government (Wales) Act 1994 (area committees) shall be amended as follows.

(2) In subsection (7) for "section 297 of the Education Act 1993" there is substituted " section 499 of the Education Act 1996 ".

(3) In subsections (9) and (14) for "section 297 of the Act of 1993" there is substituted " section 499 of the Act of 1996 ".

124 (1) Section 31 of that Act (sub-committees of area committees) shall be amended as follows.

(2) In subsection (6) for "section 297 of the Education Act 1993" there is substituted " section 499 of the Education Act 1996 ".

(3) In subsections (8) and (12) for "section 297 of the Act of 1993" there is substituted " section 499 of the Act of 1996 ".

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Value Added Tax Act 1994 (c. 23)

125 In Schedule 9 to the Value Added Tax Act 1994 (exemptions), in paragraph (a) of Note (1) to Group 6 (education)—

(a) for "the Education Acts 1944 to 1996" there is substituted " the Education Act 1996 ";

(b) in sub-paragraph (iii), for "a maintained school within the meaning of the Education Act 1993 or" there is substituted " a county school, voluntary school or maintained special school (other than one established in a hospital) within the meaning of the Education Act 1996 or a maintained school within the meaning of ";

F803(c) . . . . . .

F803(d) . . . . . .

Textual Amendments

F803 Sch. 37 para. 125(c)(d) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(e), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Education Act 1994 (c. 30)

126 After section 11 of the Education Act 1994 there is inserted—

" General duty of Secretary of State

11A General duty of Secretary of State with respect to teacher training.

In carrying out his duties under sections 10 and 11 of the Education Act 1996 the Secretary of State shall, in particular, make such arrangements as he considers expedient for securing that sufficient facilities are available for the training of teachers to serve in schools maintained by local education authorities, grant-maintained schools, institutions within the further education sector and institutions which are maintained by such authorities and provide higher education or further education (or both)."

127 (1) Section 12 of that Act (power of schools to provide courses of initial teacher training) shall be amended as follows.

(2) In subsection (5), for "section 12 or 13 of the Education Act 1980 or section 96 of the Education Act 1993" there is substituted " section 35, 41 or 259 of the Education Act 1996 ".

(3) In subsection (6)—

(a) for "sections 33 to 43 of the Education Reform Act 1988" there is substituted " sections 101 to 123 of the Education Act 1996 ", and

(b) for "Chapter VI of Part II of the Education Act 1993" there is substituted " Chapter VI of Part III of that Act ".

128 In section 19 of that Act (interpretation)—

(a) in subsection (3), for "section 156 of the Education Act 1993" there is substituted " section 312 of the Education Act 1996 "; and

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Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) in subsection (5), for "the Education Act 1944" there is substituted " the Education Act 1996 ".

Disability Discrimination Act 1995 (c. 50)

129 In section 19(5)(a)(ii) of the Disability Discrimination Act 1995 (discrimination in relation to goods, facilities and services) for "section 14(5) of the Further and Higher Education Act 1992" there is substituted " section 4(1) and (2) of the Education Act 1996 ".

Employment Rights Act 1996 (c. 18)

130 In section 134(1) of the Employment Rights Act 1996 (dismissal of teachers in aided schools) for "paragraph (a) of the proviso to section 24(2) of the Education Act 1944" there is substituted " section 134(3) of the Education Act 1996 ".

Nursery Education and Grant-Maintained Schools Act 1996 (c. 57)

131 (1) Section 4 of the Nursery Education and Grant-Maintained Schools Act 1996 (children with special educational needs) shall be amended as follows.

(2) In subsection (1)—

(a) for "section 157 of the Education Act 1993)" there is substituted " section 313 of the Education Act 1996) "; and

(b) for "Part III" there is substituted " Part IV ".

(3) In each of subsections (2) and (3), for "Part III of the Education Act 1993" there is substituted " Part IV of the Education Act 1996 ".

132 In section 11 of that Act (citation etc.) for subsection (2) there is substituted—

"(2) This Act shall be construed as one with the Education Act 1996."

PART II

AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

Children and Young Persons Act 1933 (c. 12)

133 In section 30(1)(a) of the Children and Young Persons Act 1933 (interpretation) for the words from "for the purposes" to the end of paragraph (a) there is substituted " over compulsory school age (construed in accordance with section 8 of the Education Act 1996) ".

Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c. 49)

134 In section 24(1) of the Agriculture (Safety, Health and Welfare Provisions) Act 1956 (interpretation) in the definition of "young person", for "for the purposes of the Education Act 1944" there is substituted " (construed in accordance with section 8 of the Education Act 1996) ".

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Factories Act 1961 (c. 34)

135 In section 176(1) of the Factories Act 1961 (general interpretation) for the definition of "child" there is substituted—

""child" means any person who is not over—

(a) compulsory school age (construed in accordance with section 8 of the Education Act 1996), or

(b) school age (construed in accordance with section 31 of the Education (Scotland) Act 1980);".

Matrimonial Causes Act 1973 (c. 18)

136 In section 29(2)(a) of the Matrimonial Causes Act 1973 (age limit on making certain orders in favour of children) for the words from "(that is to say" to "that section)" there is substituted " (construed in accordance with section 8 of the Education Act 1996) ".

Sex Discrimination Act 1975 (c. 65)

137 In section 24(2)(d) of the Sex Discrimination Act 1975 (designated establishments) after "school age" there is inserted " (construed in accordance with section 8 of the Education Act 1996) ".

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

138 In section 5(2)(a) of the Domestic Proceedings and Magistrates' Courts Act 1978 (age limit on making certain orders in favour of children) for the words from "(that is to say" to "that section)" there is substituted " (construed in accordance with section 8 of the Education Act 1996) ".

Employment Act 1989 (c. 38)

139 In section 10 of the Employment Act 1989 (removal of restrictions relating to employment of young persons), in subsection (6), for "for the purposes of the Education Act 1944" there is substituted " (construed in accordance with section 8 of the Education Act 1996) ".

SCHEDULE 38

Section 582(2).

REPEALS AND REVOCATIONS

PART I

REPEALS COMING INTO FORCE ON 1ST NOVEMBER 1996

Chapter	Short title	Extent of repeal
1944 c.31.	Education Act 1944.	The whole Act.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1946 c.49.	Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entry relating to the Education Act 1944.
1946 c.50.	Education Act 1946.	The whole Act.
1948 c.40.	Education (Miscellaneous Provisions) Act 1948.	The whole Act.
1953 c.33.	Education (Miscellaneous Provisions) Act 1953.	The whole Act.
1959 c.53.	Town and Country Planning Act 1959.	In Schedule 4, paragraph 4.
1959 c.60.	Education Act 1959.	The whole Act.
1961 c.45.	Rating and Valuation Act 1961.	The whole Act.
1962 c.12.	Education Act 1962.	Section 9.
		Section 13(4).
		Section 14(2).
1963 c.37.	Children and Young Persons Act 1963.	Section 38(2).
1964 c.82.	Education Act 1964.	The whole Act.
1967 c.3.	Education Act 1967.	Section 2.
		In section 6(1), the words from “and this Act” onwards.
1967 c.80.	Criminal Justice Act 1967.	In Part I of Schedule 3, the entry relating to the Education Act 1944.
1968 c.17.	Education Act 1968.	The whole Act.
1968 c.xxxix	Greater London Council (General Powers) Act 1968.	Section 56.
1970 c.42.	Local Authority Social Services Act 1970.	In Schedule 1, the entry relating to the Education Act 1993.
1970 c.52.	Education (Handicapped Children) Act 1970.	The whole Act.
1972 c.70.	Local Government Act 1972.	Section 192.
1973 c.16.	Education Act 1973.	Section 1(2).
		Section 2.
		In section 5(1), the words from “, and the Education Acts” onwards.
		In Schedule 1, paragraph 3.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1973 c.23.	Education (Work Experience) Act 1973.	The whole Act.
1975 c.2.	Education Act 1975.	The whole Act.
1976 c.5.	Education (School-leaving Dates) Act 1976.	The whole Act.
1976 c.81.	Education Act 1976.	The whole Act.
1977 c.49.	National Health Service Act 1977.	In Schedule 14, in paragraph 13(1)(b) “7 to 9”.
		In Schedule 15, paragraphs 2 and 3.
1979 c.49.	Education Act 1979.	The whole Act.
1980 c.20.	Education Act 1980.	Sections 1 to 18.
		Sections 21 and 22.
		Section 24.
		Section 26.
		Sections 28 to 30.
		Section 33(3).
		Sections 34 and 35.
		Section 37.
		In section 38, subsections (2) and (4) to (6).
		Schedules 1 to 4.
		Schedule 7.
1980 c.65.	Local Government, Planning and Land Act 1980.	Section 2(3).
1981 c.60.	Education Act 1981.	The whole Act.
1982 c.48.	Criminal Justice Act 1982.	In Schedule 3, the entries relating to the Education Act 1944.
1984 c.11.	Education (Grants and Awards) Act 1984.	The whole Act.
1985 c.47.	Further Education Act 1985.	Section 8(2).
1986 c.50.	Social Security Act 1986.	Section 77 so far as relating to section 22 of the Education Act 1980.
1986 c.61.	Education (No.2) Act 1986.	Sections 1 to 42.
		Sections 44 to 47.
		Sections 51 to 60.

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		In section 62(1), paragraph (a) and the "(b)" immediately following it.
		In section 63, in subsection (1) the words "(other than under section 2(7), 9(6) or 54)", in subsection (2) "51 or", and subsection (2A).
		In section 65(1), all the definitions except that of "establishment of higher or further education".
		In section 66, in subsection (1) "60 and" and "to (3)", and in subsection (2) "and 59".
		In section 67, subsections (2), (5) and (6).
		Schedules 1 to 3.
		In Schedule 4, paragraphs 1, 2 and 5.
		Schedules 5 and 6.
1987 c.15.	Reverter of Sites Act 1987.	Section 8(1).
1988 c.40.	Education Reform Act 1988.	Part I.
		Section 120(5) and (9).
		In section 210, in each of subsections (1) and (3)(d) the words "local education authorities or".
		In section 211, paragraphs (a) and (b) and the words "the school or".
		Sections 212 and 213.
		In section 218, in subsection (1) in each of paragraphs (e) and (f) the words "schools and" and paragraph (g), in subsection (7) the words from "or, in such cases" to "the funding authority" and the words "school or" (where first occurring) and "any

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Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		school or", and subsections (8) and (13).
		Section 222.
		Sections 225 and 227.
		Section 229(1).
		In section 230(1), "section 15(2)".
		In section 232, subsection (3) and, in subsection (4)(b), "3(4)(a), 4(2)(c), 24".
		Section 234.
		In section 235, in subsection (1) the definition of "the 1980 Act".
		In section 236, in subsection (1) the words from "section 1" to "section 119" and "sections 212 and 213", and subsections (2) and (3).
		Section 238(2).
		Schedules 1 to 4.
		In Schedule 12, paragraphs 1 to 8, 14, 17, 24, 25, 34, 35, 37, 54 to 62, 69(4), 76, 77, 81, 82, 87(3), 99, 102, 103 and 106.
1989 c.41.	Children Act 1989.	In Schedule 13, paragraphs 9 and 10.
1989 c.42.	Local Government and Housing Act 1989.	In section 13(9), the definition of "foundation governors" and the "and" immediately following it.
		Section 188.
1990 c.6.	Education (Student Loans) Act 1990.	Section 4(2).
1990 c.19.	National Health Service and Community Care Act 1990.	In Schedule 9, paragraph 31.
1990 c.38.	Employment Act 1990.	Section 14.
		In section 18(2), the words from "section 14" to "experience)".

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1991 c.21.	Disability Living Allowance and Disability Working Allowance Act 1991.	In Schedule 3, paragraph 12.
1991 c.49.	School Teachers' Pay and Conditions Act 1991.	Section 6(2).
1991 No.2.	Diocesan Boards of Education Measure 1991.	In section 10(1), the definition of "the 1988 Act".
1992 c.13.	Further and Higher Education Act 1992.	Sections 10 to 14.
		Section 59.
		In section 92, the entries for "pupil", "secondary education" and "school".
		Section 94(2).
		In Schedule 8, paragraphs 1 to 17, 24 to 26, 28, 43(b), 50, 53, 54, 56, 57 and 82.
1992 c.38.	Education (Schools) Act 1992.	Section 16.
		In Schedule 4, paragraphs 1 and 4 to 6.
1993 c.8.	Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 51.
1993 c.10.	Charities Act 1993.	In Schedule 2, paragraphs (e) and (g).
1993 c.35.	Education Act 1993.	The whole Act.
1994 c.19.	Local Government (Wales) Act 1994.	Section 21.
		In Schedule 16, paragraphs 8 and 105.
1994 c.30.	Education Act 1994.	Section 27(2).
		In Schedule 2, paragraphs 5(2) and (4)(a), 6(2) and (4)(a) and 8(2) to (4).
1995 c.17.	Health Authorities Act 1995.	In Schedule 1, paragraphs 112 and 124.
1995 c.18.	Jobseekers Act 1995.	In Schedule 2, paragraphs 3 and 17.
1995 c.21.	Merchant Shipping Act 1995.	In Schedule 13, paragraph 48.
1995 c.50.	Disability Discrimination Act 1995.	Section 29(1) and (2).
		Section 30(7) to (9).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1996 c.9.	Education (Student Loans) Act 1996.	Section 4(2).
1996 c.18.	Employment Rights Act 1996.	In Schedule 1, paragraph 59.
1996 c.23.	Arbitration Act 1996.	In Schedule 3, paragraphs 4 and 59.
1996 c.50.	Nursery Education and Grant-Maintained Schools Act 1996.	Section 7.
		In Schedule 3, paragraphs 1 to 8 and 10 to 15.

PART II

REPEALS COMING INTO FORCE ON APPOINTED DAY

Chapter	Short title	Extent of repeal
1975 c.65.	Sex Discrimination Act 1975.	In section 82(1), the definition of "upper limit of compulsory school age".
1976 c.74.	Race Relations Act 1976.	In section 78(1), the definition of "upper limit of compulsory school age".
1995 c.36.	Children (Scotland) Act 1995.	In Schedule 4, paragraph 10(a).

PART III

REVOCATIONS

S.I. Number	Title	Extent of revocation
S.I. 1977/293.	Local Authorities etc. (Miscellaneous Provision) Order 1977.	Article 4(1) and (5).
S.I. 1991/1890.	Education (Financial Delegation for Primary Schools) Regulations 1991.	The whole Regulations.
S.I. 1992/110.	Education (Financial Delegation for Primary Schools) (Amendment) Regulations 1992.	The whole Regulations.
S.I. 1992/1548.	Education (National Curriculum) (Foundation	The whole Order.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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	Subjects at Key Stage 4) Order 1992.	
S.I. 1993/2709.	Education (No. 2) Act 1986 (Amendment) Order 1993.	The whole Order.
S.I. 1993/2827.	Education (No. 2) Act 1986 (Amendment) (No. 2) Order 1993.	The whole Order.
S.I. 1994/692.	Education (No. 2) Act 1986 (Amendment) Order 1994.	The whole Order.
S.I. 1994/1814.	Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1994.	The whole Order.
S.I. 1994/2092.	Education (No. 2) Act 1986 (Amendment) (No. 2) Order 1994.	The whole Order.
S.I. 1994/2732.	Education (No. 2) Act 1986 (Amendment) (No. 3) Order 1994.	The whole Order.
S.I. 1996/710.	Local Government Changes for England (Education) (Miscellaneous Provisions) Regulations 1996.	Regulation 19.
S.I. 1996/951.	Deregulation (Length of the School Day) Order 1996.	The whole Order.

SCHEDULE 39

Section 582(3).

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

GENERAL

General transitional provisions

1 (1) The repeal and re-enactment of provisions by this Act does not affect the continuity of the law.

(2) Any subordinate legislation made or other thing done, or having effect as if made or done, under or for the purposes of any provision repealed and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—

(a) to any provision of this Act, or

(b) to things done or falling to be done under or for the purposes of any provision of this Act,

shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference—

(i) to that corresponding provision, or

(ii) to things done or falling to be done under or for the purposes of that corresponding provision,

as the case may be.

(4) Any reference (express or implied) in any enactment or in any instrument or document—

(a) to any provision repealed and re-enacted by this Act, or

(b) to things done or falling to be done under or for the purposes of any such provision,

shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—

(i) to that corresponding provision, or

(ii) to things done or falling to be done under or for the purposes of that corresponding provision,

as the case may be.

(5) Without prejudice to the generality of sub-paragraph (4), where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.

(6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the [M121]Interpretation Act 1978 (but are without prejudice to any other provision of that Act); and sub-paragraph (1) has effect subject to any amendments of the law which give effect to recommendations of the Law Commission.

(7) Sub-paragraph (2) does not apply to any subordinate legislation in so far as it is reproduced in this Act.

Modifications etc. (not altering text)

C75 Sch. 39 Pt. I para. 1 applied (24.7.1998) by 1998 c. 31, **ss. 142(8)(9)**, 145(4) (with ss. 138(9), 144(6))

Marginal Citations

M121 1978 c. 30.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Extension of references to provisions repealed by Education Act 1993

2 (1) Paragraph 1(3) above shall have effect, for the purpose of extending references so as to include references to (or to things done or falling to be done under) the pre-1993 Act enactments, as if any reference in paragraph 1(3) to the corresponding provision repealed by this Act were a reference to the corresponding provision of those enactments.

(2) Paragraph 1(4) above shall have effect, for the purpose of extending references to (or to things done or falling to be done under) the pre-1993 Act enactments, as if any reference in paragraph 1(4) to any provision repealed and re-enacted by this Act were a reference to a provision of those enactments.

[F804](3) . . . . . .

(4) In this paragraph "the pre-1993 Act enactments" means the enactments specified in Part I of Schedule 21 to the [M122]Education Act 1993 (repeals).

Textual Amendments

F804 Sch. 39 Pt. I para. 2(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 189(f)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2, **Sch. 1**

Modifications etc. (not altering text)

C76 Sch. 39 Pt. I para. 2 applied (24.7.1998) by 1998 c. 31, **ss. 142(8)(9)**, 145(4) (with ss. 138(9), 144(6))

Marginal Citations

M122 1993 c. 35.

Construction of pre-1944 Act references

3 Where immediately before the commencement of this Act any reference in any enactment, instrument or document had effect as if it were a reference to the Secretary of State or the Department for Education and Employment by virtue of the operation of section 2(1) of the [M123]Education Act 1944 and any order made under the Ministers of the [M124]Crown Act 1975, it shall continue to do so despite the repeal of that provision by this Act.

Marginal Citations

M123 1944 c. 31.

M124 1975 c. 26.

4 (1) This paragraph applies to enactments passed before 1st April 1945.

(2) Unless the context otherwise requires any such enactment shall be construed as if—

(a) any reference to an elementary school or to a public elementary school (whether or not any reference is made there to the payment of parliamentary grants in respect of the school) were a reference to a county school or voluntary school, as the context may require;

(b) any reference to a school certified by the Board of Education, in accordance with the provisions of Part V of the [M125]Education Act 1921, as suitable for

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providing education for blind, deaf, defective or epileptic children were a reference to a special school;

(c) any reference to the managers of a school, in relation to a county school or voluntary school, were a reference to the governors (or, if the context so requires, the governing body) of the school;

(d) any reference to elementary education or to higher education were a reference to such education as may be provided by a local education authority in the exercise of their functions under sections 13 to 15 of this Act; and

(e) any reference to a local education authority, to a local education authority for elementary education or to a local education authority for higher education were a reference to a local education authority within the meaning of this Act.

Marginal Citations

M125 1921 c. 51.

Effect of old transitional provisions and savings

5 The repeals made by this Act shall not affect the operation of any transitional provision or saving relating to the coming into force of a provision reproduced in this Act in so far as the transitional provision or saving is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act or otherwise.

6 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.

(2) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the saving so far as it is not specifically reproduced in this Act but remains capable of having effect.

Use of existing forms etc.

7 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference or (as the context may require) including a reference to the corresponding provision of this Act.

Pre-commencement offences

8 Nothing in this Act affects the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.

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PART II

SPECIFIC PROVISIONS

Governing bodies of LEA-maintained schools

9 (1) Any governing body which immediately before the commencement of this Act was incorporated by virtue of section 238 of the [M126]Education Act 1993 (incorporation of governing bodies of county, voluntary and maintained special schools) shall continue in existence as a body corporate despite the repeal of that section by this Act.

(2) In Schedule 7 to this Act any reference to a governing body incorporated under section 88(1) of this Act includes a reference to a governing body falling within sub-paragraph (1).

(3) Despite the repeal by this Act of Schedule 13 to the Education Act 1993 (incorporated governing bodies for county, voluntary and maintained special schools)—

(a) paragraph 3 of that Schedule (contracts of employment) shall continue to apply to, or in relation to, any contract of employment to which it applied immediately before the commencement of this Act; and

(b) to the extent that any provision of paragraphs 13 to 15 (general provisions about transfers) applied in relation to any transfer immediately before the commencement of this Act, it shall continue so to apply.

Marginal Citations
M126 1993 c. 35.

10 (1) The reproduction by this Act of any reference, in an enactment repealed by this Act, to the governors of a school of any description as a reference to the governing body of a school of that description shall not be taken to affect the construction or operation of that enactment in relation to any times, circumstances or purposes in relation to which it had effect.

(2) Where by virtue of section 1(4) of the [M127]Education Act 1980 any enactment or document referred immediately before the commencement of this Act to the governors, foundation governors, instrument of government or articles of government of a primary school to which section 1(2) and (3) of that Act applied, it shall continue to do so despite the repeal of section 1(4) by this Act.

Marginal Citations
M127 1980 c. 20.

11 Where any instrument under which the governing body of an aided or special agreement school is constituted was in force immediately before the commencement of this Act by virtue of paragraph 1 of Schedule 5 to the [M128]Education (No. 2) Act 1986, the instrument shall have effect thereafter as if made by order under section 76 of this Act; but this paragraph shall cease to apply to any such school if it is grouped with any other school or schools under section 89 of this Act.

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Marginal Citations
M128 1986 c. 61.

Special agreement schools

12 (1) Any order under section 15(2) of the [M129]Education Act 1944 directing that a school is to be a special agreement school shall, if in force immediately before the commencement of this Act, continue in force despite the repeal by this Act of section 15(2) of that Act.

(2) Sub-paragraph (1) does not prejudice the operation of paragraph 1(2) above in relation to other orders in force under section 15(2) of that Act immediately before the commencement of this Act.

Marginal Citations
M129 1944 c. 31.

Proposals to establish etc. maintained or grant-maintained schools

13 (1) Nothing in sections 35 to 45 or in sections 259 to 263 of this Act applies in relation to any proposals published before the commencement of this Act; and the corresponding provisions of the [M130]Education Act 1980 and the [M131]Education Act 1993 shall continue to apply in relation to any proposals duly published under section 12(1)(a) to (d) or 13 of the 1980 Act or section 96 or 97 of the 1993 Act as if this Act had not been passed.

(2) Sub-paragraph (1) does not prevent references in other provisions of this Act to proposals published or implemented under any of those sections of this Act from applying, by virtue of paragraph 1(3) above, to any proposals falling within sub-paragraph (1).

Marginal Citations
M130 1980 c. 20.
M131 1993 c. 35.

Review of constitution of governing bodies

14 (1) Subject to sub-paragraph (2), nothing in section 82 of this Act applies in relation to the implementation of any proposal made before the commencement of this Act, and section 11 of the [M132]Education (No. 2) Act 1986 shall continue to apply in relation to the implementation of any such proposal falling within subsection (2)(a) of that section as if this Act had not been passed.

(2) In section 82(2) of this Act—

(a) in paragraph (b), the reference to proposals falling within subsection (3) of that section includes a reference to proposals falling within section 11(2) of the 1986 Act; and

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(b) in paragraph (c) the reference to a relevant event for the purposes of section 82 includes a reference to a relevant event for the purposes of section 11 of the 1986 Act;

and any date determined by the local authority under section 11(6) of the 1986 Act shall be taken, for the purposes of section 82(2) of this Act, to be the date on which the proposals in question were implemented.

Marginal Citations
M132 1986 c. 61.

Confirmation of certain decisions of governing body

F805 15 . . . . . .

Textual Amendments
F805 Sch. 39 para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(f), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Review of grouping

16 The reference in section 94(2)(c) of this Act to an order under section 50 or 51 or 58(1) of this Act does not, by virtue of paragraph 1(3) above, include a reference to an order made before the commencement of this Act under section 2 of the M133Education Act 1946 or section 15(5) of the M134Education Act 1944.

Marginal Citations
M133 1946 c. 50.
M134 1944 c. 31.

Financial delegation

17 (1) Without prejudice to paragraph 1(3) above—

(a) the reference in section 101(1) of this Act to a scheme made by a local education authority under section 103 of this Act includes a reference to a scheme in force immediately before the commencement of this Act which was made under section 33 of the M135Education Reform Act 1988 (including one made by way of variation or replacement of such a scheme under section 35 of that Act); and

(b) the reference in section 104(6) of this Act to section 104(5) includes a reference to section 34(6) of that Act.

(2) In relation to any such scheme made (or treated as if made) under section 33 of that Act, the reference in section 110(2) of this Act to the date of the coming into force of the scheme is (subject to sub-paragraph (3) below) a reference to the date of its coming into force as first made under section 33 (or 34(6)) of that Act.

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(3) Where the initial period of any such scheme made before 1st January 1994 (the date on which section 274 of the [M136]Education Act 1993 came into force) was before 1st January 1994 determined by reference to a date later than that referred to in sub-paragraph (2) above, section 110(2) of this Act shall have effect in relation to the scheme as if it instead referred to that later date.

Marginal Citations
M135 1988 c. 40.
M136 1993 c. 35.

18 Nothing in section 141 of this Act requires a local education authority to amend the articles of government of a school if, before the commencement of this Act, they have already amended those articles in accordance with section 44(4) of the [M137]Education Reform Act 1988.

Marginal Citations
M137 1988 c. 40.

School sessions

19 For the purposes of section 147(1)(b) of this Act as it applies to a county, controlled or maintained special school, any determination as to the times of the school sessions (within the meaning of section 147) which had effect immediately before the commencement of this Act, whether made—

(a) by the governing body, or

(b) by the local education authority before 1st May 1989 (the date on which section 115 of the Education Reform Act 1988 came into force),

shall continue to have effect, as if made for those purposes, subject to any new determination under section 148 of this Act.

Exclusion of pupils

20 Nothing in section 157 of this Act applies in relation to any pupil excluded from a school before the commencement of this Act, and section 23 of the [M138]Education (No. 2) Act 1986 shall continue to apply to any such pupil as if this Act had not been passed.

Marginal Citations
M138 1986 c. 61.

School premises: pre-1993 Act transfer of control agreements

21 (1) This paragraph applies to any agreement to which paragraph 6 or 7 of Schedule 13 to the Education Act 1993 (pre-existing transfer of control agreements) applied immediately before the commencement of this Act.

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(2) The provisions of paragraph 6 or (as the case may be) paragraph 7 shall continue to apply in relation to any such agreement as if this Act had not been passed.

Variation of trust deeds etc.

22 In section 179(1) of this Act—

(a) paragraph (b) does not apply to a transfer made before the commencement of this Act unless it was made in pursuance of proposals that fell to be implemented under section 12 or 13 of the [M139]Education Act 1980; but

(b) in paragraph (d) the reference to any order made by the Secretary of State under section 47 of this Act includes a reference to any order made under section 16(1) of the [M140]Education Act 1944 (whether made in relation to a county school or a voluntary school).

Marginal Citations

M139 1980 c. 20.

M140 1944 c. 31.

Ballots relating to acquisition of grant-maintained status

23 Section 190(2)(b) of this Act applies where after the commencement of this Act the Secretary of State has given his consent for the purposes of section 186(3) or section 187(5) of this Act.

Instruments and articles for grant-maintained schools incorporated under pre-1993 Act law

24 (1) This paragraph applies in relation to a grant-maintained school where—

(a) the governing body of the school were incorporated under Chapter IV of Part I of the [M141]Education Reform Act 1988;

(b) an instrument and articles of government were made for the school under that Chapter before 1st January 1994; and

(c) immediately before the commencement of this Act those instruments had effect (in accordance with paragraph 1(2) of Schedule 20 to the [M142]Education Act 1993 (transitional provisions and savings)) subject to the modifications specified in either or both of paragraphs 8 and 9 of the [M143]Education Act 1993 (Commencement No. 2 and Transitional Provisions) Order 1993.

(2) The instrument and articles of government for the school shall continue to have effect, subject to those modifications, as if made under section 220 of this Act and in accordance with Part III of this Act.

Marginal Citations

M141 1988 c. 40.

M142 1993 c. 35.

M143 S.I. 1993/3106.

25 (1) This paragraph applies in relation to a grant-maintained school where—

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(a) the governing body of the school were incorporated under Chapter IV of Part I of the Education Reform Act 1988;

(b) paragraph 24(1)(b) above does not apply; and

(c) immediately before the commencement of this Act the instrument and articles of government prescribed by virtue of section 56 of the Education Act 1993 had effect in relation to the school (in accordance with paragraph 1(3) of Schedule 20 to that Act).

(2) The instrument and articles of government for the school shall continue to have effect as if made under section 219 of this Act; and while they remain in force Schedule 24 to this Act shall apply in relation to the school with the following modifications.

(3) In paragraph 10(1) there shall be inserted at the end of paragraph (d) "or

(e) in the case of a governing body incorporated under Chapter IV of Part I of the Education Reform Act 1988, became a member of the governing body on the incorporation date in relation to the school (as defined by section 104(3) of that Act) and—

(i) immediately before that date, was a parent governor (within the meaning of the Education (No. 2) Act 1986) in relation to the school, or

(ii) was elected under section 66, or elected or nominated under section 68, of the Education Reform Act 1988 to hold office as a parent governor on the governing body."

(4) In paragraph 11(1) there shall be inserted at the end of paragraph (c) "or

(d) in the case of a governing body incorporated under Chapter IV of Part I of the Education Reform Act 1988, became a member of the governing body on the incorporation date in relation to the school (as defined by section 104(3) of that Act) and—

(i) immediately before that date, was a teacher governor (within the meaning of the Education (No. 2) Act 1986) in relation to the school, or

(ii) was elected under section 66, or elected or nominated under section 68, of the Education Reform Act 1988 to hold office as a teacher governor on the governing body."

(5) In paragraph 12(1) there shall be inserted at the end of paragraph (c) "or

(d) in the case of a governing body incorporated under Chapter IV of Part I of the Education Reform Act 1988—

(i) became a member of the governing body on the incorporation date in relation to the school (as defined by section 104(3) of that Act), and

(ii) was selected under section 66, or nominated under section 68, of that Act as being a person appearing to be a member of the local community committed to the good government and continuing viability of the school."

26 (1) This paragraph applies in relation to a grant-maintained school where—

(a) the governing body of the school were incorporated under Chapter IV of Part I of the [M144]Education Reform Act 1988; and

(b) the school was a voluntary school before it became grant-maintained.

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(2) Schedule 24 to this Act shall apply in relation to the school with the substitution of the following paragraph for paragraph 13—

"13 "Foundation governor" means—

(a) a person appointed otherwise than by a local education authority for the purpose of securing, so far as is practicable, that the established character of the school at the time when it became grant-maintained is preserved and developed and, in particular, that the school is conducted in accordance with the provisions of any trust deed relating to it; or

(b) a person selected under section 66, or nominated under section 68, of the Education Reform Act 1988 for the purpose referred to in sub-paragraph (a) above."

Marginal Citations
M144 1988 c. 40.

Appeal committees

27 Nothing in—

(a) section 308(3) of this Act, or

(b) paragraph 7 of Schedule 33 to this Act,

applies in relation to any decision or action taken by the members of an appeal committee before 1st January 1994.

28 Paragraph 13(4) of Schedule 22 to this Act does not apply to any appeal committee constituted before 1st January 1994 in accordance with the instrument of government for any grant-maintained school for the purposes referred to in section 58(5)(d) of the Education Reform Act 1988 (articles of government admission appeal committees) while all the members of the committee are persons who were nominated before that date.

29 Where immediately before the commencement of this Act an appeal committee was constituted in accordance with the provisions of Part I of Schedule 2 to the [M145]Education (No. 2) Act 1986 as they had effect by virtue of paragraph 6 of Schedule 20 to the [M146]Education Act 1993 (namely without the amendments made by Schedule 16 to that Act), those provisions shall continue to apply to the committee (in place of the corresponding provisions of Part I of Schedule 33 to this Act) while all the members of the committee are persons nominated before 1st January 1994.

Marginal Citations
M145 1986 c. 61.
M146 1993 c. 35.

30 Nothing in this Act affects the restriction imposed by paragraph 4(2) of Schedule 2 to the [M147]Education Act 1993 (Commencement No.1 and Transitional Provisions) Order 1993 on the jurisdiction exercisable by a Local Commissioner, by virtue of

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section 25(5) of the [M148]Local Government Act 1974, in relation to cases where notice of appeal was served before 1st October 1993.

Marginal Citations
M147 S.I. 1993/1975.
M148 1974 c. 7.

Maintenance etc. grants

31 (1) The former grants code shall continue to have effect in relation to—
(a) any payments of maintenance grant under section 79(1) of the [M149]Education Reform Act 1988 in respect of any financial year ending before 1st April 1994; and
(b) any payments of capital and special purpose grants under section 79(3) of that Act made before that date.

(2) The functions conferred on the Secretary of State by or under the former grants code (as it has effect by virtue of sub-paragraph (1) above) shall, so far as relating to any amounts which—
(a) fall or may fall to be paid in any financial year beginning on or after 1st April 1994 in respect of any grant under that code, or
(b) have been paid by the Secretary of State before that date in respect of any such grant,
be exercisable by the funding authority.

(3) In this paragraph "the former grants code" means sections 79 and 80 of the Education Reform Act 1988 (maintenance, special purpose and capital grants) in their application to England.

Marginal Citations
M149 1988 c. 40.

32 Section 81 of the Education Reform Act 1988 (recovery from local funds of sums in respect of maintenance grant) shall continue to have effect in relation to any sums recoverable by the Secretary of State under section 81(1) of that Act for any financial year ending before 1st April 1994.

33 The [M150]Education (Grant-maintained Schools) (Finance) Regulations 1990, so far as in force immediately before the commencement of this Act, shall continue in force despite the repeals made by this Act.

Marginal Citations
M150 S.I. 1990/549.

Assessments and statements of special educational needs

34 Any assessment or statement of special educational needs which—

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(a) was made pursuant to a notice or copy of a proposed statement served before 1st September 1994, and

(b) immediately before the commencement of this Act was treated, by virtue of paragraph 2(7) or 4(3) of Schedule 4 to the [M151]Education Act 1993 (Commencement No.5 and Transitional Provisions) Order 1994, as if it had been made under section 167 or 168 of the [M152]Education Act 1993,

shall have effect as if made under section 323 or 324 of this Act (as the case may be).

Marginal Citations

M151 S.I. 1994/2038.

M152 1993 c. 35.

Applications relating to special schools

35 Any application which—

(a) was made to the Secretary of State before 1st April 1994, and

(b) immediately before the commencement of this Act was treated, by virtue of paragraph 5 of Schedule 3 to the [M153]Education Act 1993 (Commencement No. 3 and Transitional Provisions) Order 1994, as if it had been made in accordance with—

(i) paragraph (a) or paragraph (b) of subsection (2), and subsection (6), of section 183 of the [M154]Education Act 1993, and

(ii) section 184(1) to (3) of that Act,

shall have effect as if made in accordance with paragraph (a) or (as the case may be) paragraph (b) of subsection (1), and subsection (5), of section 339 of this Act and section 340(1) to (3) of this Act.

Marginal Citations

M153 S.I. 1994/507.

M154 1993 c. 35.

Contracts of staff transferred to School Curriculum and Assessment Authority or Curriculum and Assessment Authority for Wales

36 (1) The repeal by this Act of—

(a) section 15 of the [M155]Education Reform Act 1988 (transfer of staff of School Curriculum Development Committee or Secondary Examinations Council), or

(b) section 248 of the Education Act 1993 (transfer of staff of National Curriculum Council and School Examinations and Assessment Council),

shall not affect the continued operation of section 15(3) to (5) or (as the case may be) section 248(2) and (3) in relation to any contract of employment in relation to which those provisions applied immediately before the commencement of this Act.

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(2) Nothing in this Act shall affect the continued operation of Article 4 of the [M156]Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1995 in relation to the person mentioned in that Article.

Marginal Citations
M155 1988 c. 40.
M156 S.I. 1995/903.

Information about directions under section 365

37 Nothing in section 366 of this Act applies, by virtue of paragraph 1 above, to any direction given before the commencement of this Act under regulations made under section 19 of the Education Reform Act 1988, and that section shall continue to apply in relation to any such direction as if this Act had not been passed.

Review of conclusions about policy relating to curriculum

38 Any articles of government of a county, controlled or maintained special school made under section 18(7) of the [M157]Education (No. 2) Act 1986 shall, in their operation after the commencement of this Act in accordance with paragraph 1 above, have effect as if the events requiring the governing body to review their conclusions about the matters mentioned in section 371(2) and (3) of this Act included the implementation of any proposals made after that time which—

(a) would fall to be published by virtue of section 35 of this Act but for subsection (2)(b) of that section, and

(b) materially affect the school.

Marginal Citations
M157 1986 c. 61.

Agreed syllabuses of religious education

39 (1) Nothing in this Act affects the constitution of, or the operation of Schedule 5 to the [M158]Education Act 1944 in relation to, any conference convened (or reconvened) before the commencement of this Act.

(2) Any regulations made under section 258(2) of the [M159]Education Act 1993 and having effect immediately before the commencement of this Act in relation to any conference or other body falling within section 258(1) or (3) shall continue to have effect in relation to any such conference or body, subject to the provisions of any regulations made under section 397(2) of this Act.

Marginal Citations
M158 1944 c. 31.
M159 1993 c. 35.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Arrangements for collective worship

40 In section 385 of this Act—

(a) subsection (4)(b) does not affect any arrangements for collective worship in the case of a grant-maintained school that was formerly a voluntary school which were made before the commencement of this Act for the purposes of section 6 of the [M160]Education Reform Act 1988; and

(b) subsection (6) does not affect any arrangements made for the purposes of section 6(5) of that Act before the commencement of this Act.

Marginal Citations
M160 1988 c. 40.

Disqualification for purposes of Part VII

41 Sections 472 and 473 of this Act shall apply to a person who is disqualified—

(a) from being the proprietor of an independent school, or

(b) from being a teacher in any school,

by virtue of an order under Part III of the Education Act 1944 made before 1st January 1994 as if the words "or other employee" were omitted, wherever occurring.

Chairmen of Independent Schools Tribunals

42 In its application to a person who, immediately before 31st March 1995, was a member of the legal panel appointed under paragraph 1 of Schedule 6 to the Education Act 1944, paragraph 3(2) of Schedule 34 to this Act has effect subject to Schedule 7 to the Judicial Pensions and [M161]Retirement Act 1993 (transitional provisions), as well as to section 26(4) to (6) of that Act.

Marginal Citations
M161 1993 c. 8.

Training grants

43 The [M162]Education (Training Grants) Regulations 1993 shall continue to have effect in so far as they relate to the payment of grant on and after 1st April 1994, or to grant paid before that date, in respect of expenditure incurred before that date.

Marginal Citations
M162 S.I. 1993/72.

Education committees etc. and members of those committees

44 (1) Sub-paragraph (2) below applies to—

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(a) any education committee established in accordance with paragraph 1 of Part II of Schedule 1 to the Education Act 1944, and

(b) any sub-committee of any such committee appointed in accordance with paragraph 10 of that Part,

which was in existence immediately before 1st April 1994.

(2) Any committee or sub-committee to which this sub-paragraph applies shall, for the purposes of any enactment, be treated as if it had been—

(a) appointed on that date—

(i) in the case of a committee, by the local authority, or

(ii) in the case of a sub-committee, by the committee appointed by the authority,

in accordance with section 102(1) of the [M163]Local Government Act 1972, and

(b) so appointed wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as a local education authority or, as the case may be, the committee's functions with respect to education.

(3) Sub-paragraph (4) below applies to any person who was immediately before 1st April 1994 a member of an education committee or sub-committee of such a committee appointed for a term of office.

(4) Any person to whom this sub-paragraph applies shall, for the purposes of any enactment, be treated—

(a) as if he had been appointed on that date as a member of a committee or sub-committee appointed as mentioned in sub-paragraph (2) above for the residue of that term, and

(b) if he was a member of an education committee or sub-committee by virtue of directions given by the Secretary of State under paragraph 5A of Part II of Schedule 1 to the [M164]Education Act 1944, as if he had been appointed on that date as a member of a committee or sub-committee appointed as mentioned in sub-paragraph (2) above by virtue of directions given by the Secretary of State under section 297 of the [M165]Education Act 1993 or, in relation to any time after the commencement of this Act, under section 499 of this Act.

Marginal Citations

M163 1972 c. 70.

M164 1944 c. 31.

M165 1993 c. 35.

Documents issued by divisional executives

45 Section 566(1) of this Act applies to a document purporting—

(a) to be a document issued by a divisional executive (within the meaning of Part III of Schedule 1 to the Education Act 1944), and

(b) to be signed by the person authorised by the executive to sign it,

as it applies to a document falling within paragraph (a) of that provision.

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PART III

MISCELLANEOUS SAVINGS ETC.

Handicapped children

46 The repeal by this Act of the [M166]Education (Handicapped Children) Act 1970 shall not affect the operation of any order made under section 1 of that Act so far as in force immediately before the commencement of this Act or of any statement of terms and conditions of employment given in connection with any such order.

Marginal Citations
M166 1970 c. 52.

Byelaws under Children and Young Persons Act 1933

47 Despite the repeal by this Act of section 120(5) of the Education Act 1944—

(a) references to a "child" in any byelaws made under Part II of the [M167]Children and Young Persons Act 1933 (employment of children) shall continue to be construed as references to a child within the meaning of that Part of that Act; and

(b) any such byelaws made before 1st April 1945 which were continued in force by section 120(5) shall, if in force immediately before the commencement of this Act, continue in force as if made by the local education authority for the area in question and may be varied or revoked accordingly.

Marginal Citations
M167 1933 c. 12.

Disputes as to property transferred by virtue of 1944 Act

48 Any question which, if it had arisen before the commencement of this Act, would have fallen to be determined by the Secretary of State in accordance with section 96(2) of the [M168]Education Act 1944 (questions relating to property etc. transferred to LEAs) shall be determined by him despite the repeal of that provision by this Act.

Marginal Citations
M168 1944 c. 31.

Modifications of deeds made prior to Education Act 1973

49 Without prejudice to the generality of paragraph 6(2) above, any order to which paragraph 3 of Schedule 1 to the [M169]Education Act 1973 (saving on repeals made by that Act) applied immediately before the commencement of this Act shall continue

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in force despite the repeal by this Act of that paragraph; and section 570 of this Act shall apply to any such order as if it had been made under this Act.

Marginal Citations
M169 1973 c. 16.

Instruments made prior to Local Government Act 1972

50 The repeal by this Act of section 192(5) and (6) of the [M170]Local Government Act 1972 (transitional provisions about instruments made by old LEAs) shall not affect the continued operation of those provisions in relation to any instrument in relation to which they applied or were applicable immediately before the commencement of this Act.

Marginal Citations
M170 1972 c. 70.

PART IV

INTERPRETATION

51 In this Schedule "repeal" includes (so far as the context permits) revoke or revocation.

[F806]SCHEDULE 40

. . . . . .

Textual Amendments
F806 Sch. 40 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(g), **Sch. 31** (with ss. 138(9), 144(6)); S. I. 1998/2212, art. 2, **Sch. 1 Pt.I**

TABLE OF DERIVATIONS

Notes:

1 This Table shows the derivation of the provisions of the Bill.

2 The following abbreviations are used in the Table:—

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Acts of Parliament

1944	= Education Act 1944 (c.31)
1946	= Education Act 1946 (c.50)
1948	= Education (Miscellaneous Provisions) Act 1948 (c.40)
1953	= Education (Miscellaneous Provisions) Act 1953 (c.33)
1962	= Education Act 1962 (c.12)
1964	= Education Act 1964 (c.82)
1967	= Education Act 1967 (c.3)
1968	= Education Act 1968 (c.17)
1972LG	= Local Government Act 1972 (c.70)
1973EWE	= Education (Work Experience) Act 1973 (c.23)
1973NHSR	= National Health Service Reorganisation Act 1973 (c.32)
1976	= Education Act 1976 (c.81)
1978IA	= Interpretation Act 1978 (c.30)
1980	= Education Act 1980 (c.20)
1981	= Education Act 1981 (c.60)
1982LG(MP)	= Local Government (Miscellaneous Provisions) Act 1982 (c.30)
1984	= Education (Grants and Awards) Act 1984 (c.11)
1986	= Education (No.2) Act 1986 (c.61)
1988	= Education Reform Act 1988 (c.40)
1992FHE	= Further and Higher Education Act 1992 (c.13)
1992(S)	= Education (Schools) Act 1992 (c.38)
1993	= Education Act 1993 (c.35)
1994LG(W)	= Local Government (Wales) Act 1994 (c. 19)
1994	= Education Act 1994 (c.30)
1995HA	= Health Authorities Act 1995 (c.17)
1996ER	= Employment Rights Act 1996 (c.18)
1996N	= Nursery Education and Grant-Maintained Schools Act 1996 (c.50)

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Subordinate legislation

S.I. 1968/1699	= Secretary of State for Social Services Order 1968
S.I. 1977/293	= Local Authorities etc. (Miscellaneous Provision) Order 1977
S.I. 1991/1890	= Education (Financial Delegation for Primary Schools) Regulations 1991
S.I. 1992/110	= Education (Financial Delegation for Primary Schools) (Amendment) Regulations 1992
S.I. 1992/1548	= Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1992
S.I. 1993/1975	= Education Act 1993 (Commencement No. 1 and Transitional Provisions) Order 1993
S.I. 1993/3106	= Education Act 1993 (Commencement No. 2 and Transitional Provisions) 1993
S.I. 1994/507	= Education Act 1993 (Commencement No. 3 and Transitional Provisions) Order 1994
S.I. 1994/1814	= Education (National Curriculum) (Foundation Subjects at Key Stage 4) Order 1994
S.I. 1994/2038	= Education Act 1993 (Commencement No. 5 and Transitional Provisions) Order 1994
S.I. 1994/2092	= Education (No.2) Act 1986 (Amendment) (No.2) Order 1994
S.I. 1996/951	= Deregulation (Length of the School Day) Order 1996

3 The abbreviation "Law Com. Rec. No." followed by a number refers to a recommendation set out in the paragraph of that number in Appendix 1 to the Report of the Law Commission (Cm.3251).

4 By virtue of the Secretary of State for Education and Science Order 1964 (S.I. 1964/490) all the functions of the Minister of Education were transferred to the Secretary of State for Education and Science. By virtue of further Transfer of Functions Orders (S.Is.1970/1536, 1978/274 and 1995/2986) all the functions so transferred are now exercisable by the Secretary of State at large. The effect of these Orders is not separately acknowledged in the Table against each of the provisions affected.

5 The Table also does not separately acknowledge the provisions of general effect contained in the Criminal Law Act 1977 and the Criminal Justice Act 1982 which secure that, where the maximum fine that may be imposed on the commission of a

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summary offence was originally expressed as a particular amount (or one particular amount on a first conviction and another on subsequent convictions), the amount of the maximum fine is now a particular level on the standard scale.

Provision	**Derivation**
1(1)	1944 s.7.
(2) to (4)	Drafting.
2(1)	1944 ss.8(1)(a), 114(1) ("primary education"); 1948 s.3(2).
(2)	1944 ss.8(1)(b), 114(1) ("secondary education"); 1992FHE ss.10(1), 14(2), Sch.8 para.13(2).
(3)	1944 ss.41(3), (4), 114(1) ("further education"); 1992FHE s.11, Sch.8 para.13(2).
(4)	1992FHE s.14(1).
(5)	1992FHE s.14(3).
(6)	1944 s.41(5); 1992FHE s.11.
(7)	1992FHE s.14(4).
3(1)	1944 s.114(1) ("pupil"); 1992FHE s.14(6), Sch.8 para.13(2).
(2)	1944 s.114(1) ("junior pupil"; "senior pupil").
(3)	1992FHE s.14(6).
4(1)	1944 s.114(1) ("school"); 1992FHE s.14(5); 1993 s.304(1).
(2)	Law Com. Rec. No. 2.
(3)	1992FHE s.91(3).
(4)	1992FHE s.91(5).
5(1)	1944 s.114(1) ("primary school"); 1992FHE Sch.8 para.13(2); 1993 s.304(2).
(2)	1944 s.114(1) ("secondary school"); 1992FHE Sch.8 para.13(2); 1993 Sch.19 para.24(1).
(3)	Drafting.
(4)	1964 s.1(2); 1980 Sch.3 para.12.
(5)	1964 s.1(3); 1993 Sch.19 para.38(3).
6(1)	1944 s.9(4).
(2)	1993 s.182(1).

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7	1944 s.36; 1981 s.17.
8	1993 s.277.
9	1944 s.76; 1993 Sch.19 para.20; 1996N Sch.3 para.1.
10	1993 s.1.
11	1993 s.2.
12(1)	1944 ss.6(1), 114(1) ("county"; "local education authority"); 1972LG ss.179(2), 192(1); S.I. 1977/293; 1994LG(W) s.21(2).
(2)	1944 s.114(1) ("local education authority"); 1972LG s.192(1); S.I. 1977/293 art.4; Local Government Changes for England Regulations 1994 (S.I. 1994/867) reg.5(6); Local Government Changes for England (Amendment) Regulations 1996 (S.I. 1996/611) reg.2.
(3)	London Government Act 1963 (c.33) s.30(1)(a); 1988 s.163.
(4)	1988 ss.163, 235(4).
(5)	1944 ss.6(1), 114(1) ("local education authority"); 1972LG s.192(1); S.I. 1977/293; 1994LG(W) s.21(1), (2).
(6)	Drafting.
13(1)	1944 s.7.
(2)	1992FHE s.91(2), (4), Sch.8 para.2.
14(1)	1944 s.8(1); 1992FHE s.10(1).
(2), (3)	1944 s.8(1).
(4)	1980 s.24(2).
(5)	1944 s.8(1A); 1992FHE s.10(2).
(6)	1944 s.8(2); 1981 s.2(1); 1992FHE s.10(3).
(7)	1944 s.8(2) proviso; 1964 s.1(3).
15(1) to (3)	1944 s.41(1), (2); 1992FHE s.11.
(4)	1944 s.41(6); 1992FHE s.11.
(5)	1944 s.41(7), (8); 1992FHE s.11.
(6), (7)	1944 s.41(9), (10); 1992FHE s.11.
(8)	1944 s.41(2), (11); 1992FHE s.11.
16(1)	1944 s.9(1); 1992FHE Sch.8 para.4.

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(2)	1944 s.9(6).
(3)	1944 s.9(7); 1992FHE s.12(1).
17(1)	1980 s.24(1).
(2)	1980 s.24(2).
18	1953 s.6(1).
19(1) to (4)	1993 s.298(1) to (4).
(5) to (7)	1993 s.298(6) to (8).
20	1993 s.3.
21	1993 s.4.
22	Drafting.
23	1993 s.8.
24	1993 s.9.
25	1993 s.6.
26	1993 s.5.
27	1993 s.12.
28	1993 s.20.
29(1)	1944 s.92.
(2)	1993 s.7(3).
(3), (4)	1993 s.21(2), (3).
(5)	1980 s.8(5B), (7); 1992(S) Sch.4 para.4.
(6)	1980 s.9(1).
30(1), (2)	1993 s.7(1), (2).
(3)	1993 s.7(4).
(4)	1993 s.21(1).
(5)	1993 s.21(3).
31(1), (2)	1944 s.9(2).
(3)	1944 s.9(2); 1993 s.298(5).
32(1)	1944 s.15(1).
(2)	1944 s.15(2); 1986 Sch.4 para.1.
(3), (4)	Drafting.
(5)	1944 s.114(1), Sch.3 para.11.
(6)	Drafting.
33	Drafting.
34(1)	1944 s.114(1) (“maintain”), (2); 1993 s.305(1) (“local education authority”); drafting.

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(2)	1944 s.114(2).
(3)	1944 s.114(2); 1946 Sch.1 para.1.
(4)	1944 s.114(2); 1946 Sch.1 para.1.
(5)	Rating and Valuation Act 1961 (c.45) s.12(6).
35(1)	1980 s.12(1); 1993 s.229(1).
(2)	1980 s.16(1A); 1993 Sch.19 para.78; Law Com. Rec. No. 3.
(3)	1980 s.12(2).
(4)	1980 s.12(2A); 1988 s.31(4).
(5)	1980 s.12(1A); 1993 s.229(1).
(6)	1992FHE s.59(3), (4).
(7)	1993 ss.272(6), 273(1).
(8)	1993 s.273(2).
36(1)	1980 s.12(3); 1993 s.229(2).
(2)	1980 s.12(3).
(3)	1993 s.229(3).
(4)	1980 s.12(3).
(5), (6)	1980 s.16(3A), (3B); 1988 Sch.12 para.81.
37(1)	1980 s.12(4), (5); 1993 s.273(4).
(2)	1980 s.12(4).
(3)	1980 s.12(5).
(4)	1993 s.273(3).
(5)	1980 s.12(6).
(6)	1980 s.12(4).
(7)	1993 s.273(4).
(8)	1993 s.273(5).
(9)	1993 s.273(6).
38(1), (2)	1980 s.12(7).
(3)	1980 s.12(8).
39(1), (2)	1980 s.14(1).
(3)	Drafting.
40(1)	1980 s.12(9).
(2)	1980 s.14(3).
(3)	1980 s.12(9).

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(4), (5)	1980 s.16(1).
41(1)	1980 s.13(1).
(2)	1980 s.13(1); 1993 s.230(1).
(3)	1980 s.16(1A); 1993 Sch.19 para.78; Law Com. Rec. No. 3.
(4)	1980 s.13(1A); 1992FHE s.12(2).
(5), (6)	1980 s.13(2); 1988 s.31(5).
(7)	1980 s.13(1B); 1993 s.230(1).
(8)	1992FHE s.59(3), (4).
(9)	1993 s.273(2).
42(1)	1980 s.13(3); 1993 s.230(2).
(2)	1980 s.13(3).
(3)	1980 s.13(3A); 1993 s.230(3).
(4)	1993 s.230(6).
(5), (6)	1980 s.16(3A), (3B); 1988 Sch.12 para.81.
43(1), (2)	1980 s.13(4).
(3) to (6)	1993 s.273(3) to (6).
(7)	Law Com. Rec. No. 4.
44(1)	1980 s.14(1); 1993 Sch.19 para.77.
(2)	1980 s.14(1).
(3), (4)	1980 s.14(2); Law Com. Rec. No. 4.
45(1)	1980 s.13(5); Law Com. Rec. No. 4.
(2)	1980 s.13(6); 1993 s.230(4).
(3)	1980 s.14(3).
(4)	1980 s.13(7).
(5), (6)	1980 s.16(1).
(7)	1980 s.13(8); 1993 s.230(5).
46(1)	1944 s.16(2); 1980 Sch.3 para.1.
(2)	1944 s.16(2).
(3)	1944 s.16(2).
(4)	1944 s.16(3).
(5)	1944 s.16(3).
47(1)	1944 s.16(1).
(2)	1946 Sch.1 para.2(1); Law Com. Rec. No. 5.

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(3), (4)	1944 s.16(3).
48(1)	1944 s.15(2); 1986 Sch.4 para.1.
(2)	1944 s.15(2); 1993 Sch.19 para.7.
(3)	1944 s.105(3).
(4)	1944 s.105(3); 1993 Sch.19 para.23(b).
49	1964 s.1(1); 1968 s.2; 1980 Sch.3 para.11.
50(1)	1946 s.2(1).
(2)	1946 s.2(1), (7).
(3)	1946 s.2(7).
(4)	1946 s.2(2); 1980 Sch.3 para.7.
(5)	1946 s.16(1) (“department”).
51(1)	1946 ss.2(1).
(2), (3)	1946 s.2(3), (4).
(4)	1946 s.2(1), (7).
(5)	1946 s.2(7).
(6)	1946 s.2(2); 1980 Sch.3 para.7.
(7)	1946 s.2(8).
(8)	1946 s.16(1) (“department”).
52(1)	1986 s.54(3).
(2)	1986 s.54(4).
(3)	1986 s.54(3).
53(1), (2)	1986 s.54(5).
(3), (4)	1986 s.54(13), (14); 1988 Sch.12 para.102.
54(1)	1986 s.54(1).
(2)	1986 s.54(2); Law Com. Rec. No. 6.
(3)	1986 s.54(7).
(4)	1986 s.54(6).
(5), (6)	1986 s.54(12).
55	1986 s.54(8) to (11).
56(1)	1986 s.55(1), (2).
(2)	1986 s.55(2).
(3)	1986 s.55(1).
(4), (5)	1986 s.55(3), (4).

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57(1)	1944 s.15(4); 1946 s.2(5), Sch.1 para.2(1).
(2)	1944 s.15(4); 1946 Sch.1 para.2(1).
(3)	1944 s.15(4A); 1946 Sch.1 para.2(2); 1993 s.282(2), (4).
(4)	1944 s.15(4); 1946 s.2(5), Sch.1 para.2(1); drafting.
58(1)	1944 s.15(5).
(2)	1944 s.15(5); 1993 Sch.19 para.7.
(3)	Drafting.
59(1)	1944 s.15(3).
(2)	1944 s.15(3); 1946 Sch.2 Pt.II.
(3)	1944 s.15(3); 1946 Sch.2 Pt.II.
(4)	1944 s.15(3); 1946 Sch.2 Pt.II.
(5)	1946 Sch.1 para.2(1).
60(1)	1946 Sch.1 para.1; 1980 Sch.3 para.8.
(2), (3)	1946 Sch.1 para.6.
(4) to (6)	1946 Sch.1 para.7.
(7)	Reverter of Sites Act 1987 (c.15) s.8(1).
61(1)	1946 Sch.1 para.1; 1980 Sch.3 para.8.
(2), (3)	1946 Sch.1 para.6.
(4)	1946 Sch.1 para.3.
(5)	1946 Sch.1 para.4.
(6)	1946 Sch.1 para.5.
62(1)	1946 s.16(1) (“site”).
(2), (3)	1946 Sch.1 para.8.
(4)	1946 Sch.1 para.9; 1992FHE Sch.8 para.14.
63(1)	1953 s.2; 1980 Sch.3 para.9.
(2)	1953 s.2.
(3)	1953 s.2; 1988 s.114, Sch.12 para.8.
64(1)	1946 s.1(1); 1953 s.3; 1968 Sch.1 para.6; 1980 Sch.3 para.6.
(2)	1946 s.1(1).
(3)	1946 s.1(1); 1953 s.3; 1967 s.2.
65	1993 s.281.
66	1988 s.212.

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67(1), (2)	1944 s.105(1).
(3)	1944 s.105(2); 1968 Sch.1 para.4(2); 1993 Sch.19 para.23(a).
(4)	1944 s.105(2); 1993 Sch.19 para.23(a).
68	1993 s.282(1).
69	1993 s.283.
70	1993 s.284.
71	1944 s.99(3).
72	1944 s.65.
73	1946 s.4(1).
74	1946 s.6.
75	1993 s.285.
76(1)	1986 s.1(1).
(2)	1986 s.1(2).
(3), (4)	1986 s.1(3), (5).
(5)	1986 s.1(6).
77(1) to (7)	1986 s.2.
(8)	Drafting.
78(1)	1986 s.65(1) (“co-opted governor”).
(2)	1944 s.114(1) (“foundation governors”); 1980 Sch.1 para.13(a).
(3)	1986 s.65(1) (“parent governor”).
(4)	1986 s.65(1) (“teacher governor”).
(5)	1986 s.65(1) (“parent governor”; “teacher governor”).
79(1), (2)	1986 s.3(1) to (5).
(3), (4)	1986 s.3(6), (7).
80(1)	1986 s.7(1).
(2)	1986 s.7(2); National Health Service and Community Care Act 1990 (c.19) Sch.9 para.31; 1995HA Sch.1 para.112.
(3) to (5)	1986 s.7(3) to (5).
(6)	1986 s.7(6).
(7)	1986 s.7(6).
(8)	1986 s.7(6).
(9)	1986 s.7(7).
81(1)	1986 s.5(1).

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(2)	1986 s.5(3).
(3)	1986 s.5(2).
(4), (5)	1986 s.5(4).
82(1)	1986 s.11(1).
(2)	1986 s.11(2).
(3)	1986 s.11(2); 1993 Sch.19 para.91(a); Law Com. Rec. No. 3.
(4)	1986 s.11(3); 1993 Sch.19 para.91(d); Law Com. Rec. No. 7.
(5), (6)	1986 s.11(4), (5).
(7)	1986 s.11(6); 1993 Sch.19 para.91(d); Law Com. Rec. No. 7.
83	1986 s.14.
84(1)	1986 s.4(1), (2).
(2)	1986 s.4(3).
(3)	1986 s.4(2).
(4) to (6)	1986 s.4(4) to (6).
85	1986 s.4A; 1993 s.271(1).
86	1986 s.13(1) to (3).
87(1)	1986 s.13(4).
(2)	1986 s.13(7), (9).
(3)	1986 s.13(8).
(4)	1986 s.13(5).
(5)	1986 s.13(6), (9).
88(1)	1993 s.238(1), (8); drafting.
(2)	Drafting.
89(1)	1986 s.9(1).
(2)	1986 s.9(1A); 1993 s.271(3)(a).
(3)	1986 s.9(2).
(4)	1986 s.9(3).
(5), (6)	1986 Sch.1 para.1(1), (2).
90(1), (2)	1986 s.10(1).
(3)	1986 s.10(3).
(4)	1986 s.10(2).
(5)	1986 s.10(4).
(6)	1986 s.10(7).

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91(1)	1986 s.10(5).
(2)	1986 s.10(6).
92(1)	1986 Sch.1 para.2(1).
(2)	1986 Sch.1 para.2(1).
(3)	1986 Sch.1 para.2(2).
(4)	1986 Sch.1 para.2(3).
93	1986 Sch.1 para.3.
94(1)	1986 s.9(4).
(2)	1986 s.9(5); 1993 Sch.19 para.90; Law Com. Rec. No. 8.
(3)	1986 s.9(4).
95(1)	1986 s.9(6).
(2)	1986 s.9(7).
(3)	1986 s.9(7); 1993 s.271(3)(b).
(4)	1986 s.9(8).
96(1)	1986 s.12(1); 1993 Sch.19 para.92(a).
(2)	1986 s.12(2); 1993 Sch.19 para.92(b).
(3)	1986 s.12(4); 1993 Sch.19 para.92(d).
(4)	1986 Sch.2 para.5(2); 1993 Sch.19 para.109(c).
(5)	1986 Sch.2 para.5(1).
97(1)	1986 s.12(1), (2), (9).
(2)	1986 s.12(4).
(3)	1986 ss.12(5), (9), 65(1) (“promoters”); Law Com. Rec. No. 9.
(4)	1986 ss.12(6), (9), 65(1) (“promoters”); Law Com. Rec. No. 9.
(5)	1986 ss.12(7), 65(1) (“promoters”); Law Com. Rec. No. 9.
(6)	1986 s.12(8).
(7)	1986 Sch.2 para.5(2).
(8)	1986 Sch.2 para.5(1).
98	Drafting.
99(1)	1986 Sch.2 para.3(1).
(2)	1986 Sch.2 para.3(7).
(3)	Drafting.
100(1), (2)	Law Com. Rec. No. 10.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(3)	1986 Sch.2 para.3(6).
(4)	1986 Sch.2 para.3(6); drafting.
101(1)	1988 s.51(2)(a)(i); 1993 s.274(4).
(2)	1988 s.51(2)(a)(ii).
(3)	1988 s.33(2), (4); 1992FHE s.12(5).
(4)	1988 s.33(4); 1992FHE s.12(5).
(5)	1988 s.33(5).
(6)	1988 s.51(2)(b).
102	1988 s.33(3).
103	1988 s.33(1), (2).
104(1), (2)	1988 s.34(1), (2).
(3)	1988 s.34(4); 1993 s.274(1).
(4) to (6)	1988 s.34(5) to (7)
105(1)	1988 s.33(4).
(2)	1988 s.33(5).
(3)	1988 ss.33(4), 38(4), 51(1) (“expenditure of a capital nature”).
106(1)	1988 s.38(1).
(2)	1988 s.38(1), (2).
(3)	1988 s.38(2).
(4)	1988 s.38(3).
(5)	1988 s.38(3A); 1992FHE s.12(7).
(6)	1988 s.33(5).
107(1)	1988 s.39(1); S.I. 1991/1890; S.I. 1992/110.
(2)	1988 s.39(4); S.I. 1991/1890; S.I. 1992/110.
108	1988 s.39(10).
109(1)	1988 s.39(11).
(2)	1988 s.39(12).
(3)	1988 s.39(11).
110(1)	1988 s.40(1).
(2)	1988 s.40(2); 1993 s.274(3).
(3) to (5)	1988 s.40(3) to (5).
111	1988 s.35(1), (2); 1993 s.274(2).
112(1) to (3)	1988 s.35(3); 1993 s.274(2).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(4)	1988 s.35(4); 1993 s.274(2).
113(1), (2)	1988 s.35(5); 1993 s.274(2).
(3), (4)	1988 s.35(6); 1993 s.274(2).
(5)	1988 s.35(4); 1993 s.274(2).
114	1988 s.35(7), (8); 1993 s.274(2).
115	1988 s.33(6)(a), (b).
116(1) to (3)	1988 s.36(1) to (3).
(4)	1988 s.36(4); 1993 Sch.19 para.125(a).
(5)	1988 s.36(5).
(6)	1988 s.36(5A); 1992FHE s.12(6).
(7)	1988 s.36(5B); 1993 Sch.19 para.125(b).
(8)	1988 s.36(6).
117(1)	1988 s.37(1).
(2), (3)	1988 s.37(2).
(4), (5)	1988 s.37(3).
(6)	1988 s.37(4).
118(1) to (3)	1988 s.37(5).
(4), (5)	1988 s.37(6), (7).
119	1988 s.37(8), (9).
120	1988 s.43; 1993 s.276.
121	1988 s.42(1).
122(1), (2)	1988 s.42(2), (3).
(3)	Drafting.
(4)	1988 s.42(4); 1993 s.275(1)(c).
(5)	1988 s.42(7).
(6)	1988 s.42(8); 1993 s.275(1)(d).
(7)	1988 s.42(9).
123	1988 s.42A; 1993 s.275(2).
124(1)	1988 s.50(2), (5).
(2)	1988 s.50(3)
(3)	Drafting.
(4)	1988 s.50(6).
(5)	1988 s.50(10).
(6) to (8)	1988 s.50(7) to (9).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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125(1)	1988 s.49(1).
(2), (3)	1988 s.49(2).
(4)	1988 s.49(3).
126	Drafting.
127(1), (2)	1986 s.1(1), (2).
(3), (4)	1986 s.1(4), (5).
128(1) to (3)	1986 s.2(1) to (3).
(4) to (6)	1986 s.2(5) to (7).
(7)	Drafting.
129(1)	1988 s.51(3).
(2), (3)	1988 s.51(4), (5).
(4)	1988 s.51(4).
(5)	1988 s.51(6).
130	1986 s.16(1).
131	1986 s.16(2).
132	1986 s.16(3); Law Com. Rec. No. 11.
133(1) to (3)	1986 s.34.
(4)	Drafting.
(5)	1986 s.35(1).
(6)	Drafting.
134(1)	1944 s.24(2).
(2), (3)	1944 s.24(2), proviso (a).
(4)	1944 s.24(2), proviso (b).
(5)	1944 s.22(4); 1986 Sch.4 para.2; 1993 Sch.13 para.4(6).
(6)	1944 s.22(5); 1993 Sch.13 para.4(4).
(7)	Drafting.
135(1) to (4)	1986 s.40(1) to (4).
(5), (6)	1986 s.40(6), (7).
(7)	Drafting.
(8)	1986 s.40(5).
136(1), (2)	1988 s.44(1), (2); Law Com. Rec. No. 12.
(3)	1988 s.44(3), (5).
137(1), (2)	1988 s.45(1), (2).
(3), (4)	1988 s.45(3).

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(5)	1988 s.45(9).
(6)	1988 s.45(10).
138(1)	1988 s.45(1), (4).
(2)	1988 s.45(6).
(3)	1988 s.45(5).
(4)	1988 s.45(7).
(5)	1988 s.45(8).
139(1), (2)	1988 s.46(2).
(3) to (6)	1988 s.46(3) to (6).
(7)	1988 s.235(2)(f); 1996ER Sch.1 para.37(5).
140	1988 s.47.
141(1)	1988 ss.44(4), 45(11).
(2)	1988 s.44(4); Law Com. Rec. No. 12.
(3)	1988 s.45(11).
(4)	1988 s.51(6).
142	Drafting.
143(1), (2)	1944 s.27(2).
(3)	1944 s.27(2) proviso.
(4) to (6)	1944 s.27(3) to (5); 1988 Sch.1 para.2(1).
(7)	Drafting.
144(1), (2)	1944 s.28(3), Sch.3 para.7; 1988 Sch.1 para.3(2).
(3)	1944 s.28(4); 1988 Sch.1 para.3(2).
(4)	Drafting.
145	1944 s.28(2); 1988 Sch.1 para.3(2).
146(1)	1944 s.30.
(2) to (4)	1944 s.30; 1988 Sch.1 para.4(b).
147(1)	1986 s.21(1); 1988 s.115; S.I. 1996/951 art.3(1).
(2)	1986 s.21(4); 1988 s.115.
(3)	1986 s.21(4); 1988 s.115; S.I. 1996/951 art.3(1).
148(1) to (4)	S.I. 1996/951 art.3(2) to (5).
(5)	Drafting.
149(1), (2)	1986 s.42(1), (2); 1993 Sch.13 para.5.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(3), (4)	1986 s.42(3); 1993 Sch.13 para.5.
(5)	1986 s.42(4); 1993 Sch.13 para.5; S.I. 1996/951 art.5.
150(1)	1944 s.22(3); 1993 Sch.13 para.4(2), (6).
(2)	1944 s.22(1).
(3)	1944 s.22(5); 1993 Sch.13 para.4(4).
151(1) to (3)	1944 s.22(3A) to (3C); 1993 Sch.13 para.4(3).
(4), (5)	1944 s.22(3D); 1993 Sch.13 para.4(3).
(6)	1944 s.22(3E); 1993 Sch.13 para.4(3).
(7)	1944 s.22(6); 1978IA s.17(2)(a); 1993 Sch.13 para.4(5).
(8)	Drafting.
152(1), (2)	1944 s.22(1); 1993 Sch.13 para.4(6).
(3), (4)	1944 s.22(2); 1993 Sch.13 para.4(6).
(5)	Drafting.
153	1986 s.21(5); 1988 s.115.
154(1)	1986 s.22.
(2)	1986 s.22(d).
(3)	1986 s.22(a); 1993 Sch.19 para.95.
(4)	1986 s.22(b).
(5)	1986 s.22(c).
(6)	1986 s.22(e).
155	1986 s.28.
156(1)	1986 s.22(f).
(2), (3)	1993 s.261(1), (2).
157(1)	Law Com. Rec. No. 13.
(2)	1986 s.23(a); Law Com. Rec. No. 13.
(3)	1986 s.23(b).
(4)	1986 s.23(a), (b); Law Com. Rec. No. 13.
(5)	1986 s.23(a); Law Com. Rec. No. 13.
158	Drafting.
159(1) to (4)	1986 s.26(1) to (4).
(5), (6)	1986 s.26(5).
(7)	1986 s.26(1), (2).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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160	1986 s.27.
161(1)	1986 s.30(1).
(2)	Drafting.
(3)	1986 s.30(3).
(4)	1986 s.30(4).
162(1), (2)	1986 s.31(1), (2).
(3)	Drafting.
163	1986 s.31(7), (8).
164(1)	1986 Sch.1 paras.4, 5.
(2)	1986 Sch.1 para.4(1).
(3)	1986 Sch.1 para.4(2).
(4) to (7)	1986 Sch.1 para.5.
165	1986 s.32.
166	Drafting.
167(1)	1980 s.12(1).
(2)	1980 s.12(2).
(3)	1993 s.273(1).
(4)	1980 s.12(1A); 1993 s.229(1).
(5)	1992FHE s.59(3), (4).
(6)	1993 s.273(2).
168(1)	1980 s.12(3); 1993 s.229(2).
(2)	1980 s.12(3).
(3)	1993 s.229(3).
(4)	1980 s.12(3).
(5), (6)	1980 s.16(3A), (3B); 1988 Sch.12 para.81.
169(1)	1980 s.12(4), (5); 1993 s.273(4).
(2)	1980 s.12(4).
(3)	1980 s.12(5).
(4)	1993 s.273(3).
(5)	1980 s.12(6).
(6)	1993 s.273(4), (5)(a).
170(1), (2)	1980 s.12(7).
(3)	1980 s.12(8).
171	1980 s.12(9).

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172	1980 s.16(1).
173(1)	1944 s.14(1).
(2)	1944 s.14(1), 114(1) ("former authority"); 1946 Sch.2 Pt.II.
(3)	1944 s.14(1); 1946 Sch.2 Pt.II.
(4)	1992FHE s.59(3), (4).
(5)	1993 s.273(2).
(6)	1944 s.14(2).
(7)	1944 s.14(5).
(8)	Drafting.
174(1)	1944 s.14(3).
(2), (3)	1944 s.14(4).
175	1992FHE s.59(1), (2).
176	1986 s.16A; FHE 1992 s.12(3).
177	Drafting.
178	1988 s.222.
179(1)	1973 s.1(2); 1980 Sch.3 para.17; Law Com. Rec. No. 3.
(2)	1973 s.1(2).
180	1980 s.5.
181(1)	1986 Sch.2 para.1 ("new school"); 1988 s.48(2).
(2)	1986 Sch.2 para.1 ("relevant proposal"); 1988 s.48(2).
(3)	1988 s.48(2) ("temporary governing body"); drafting.
182	1986 s.65(2).
183	1993 s.22.
184	1993 s.23.
185	1993 s.24.
186	1993 s.25.
187	1993 s.26.
188	1993 s.27.
189	1993 s.28.
190(1)	1993 s.29(1).
(2)	1993 s.29(2); Law Com. Rec. No. 14.
(3)	1993 s.29(3).

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191	1993 s.30.
192	1993 s.31.
193	1993 s.32.
194	1993 s.33.
195	1993 s.34.
196	1993 s.35.
197	1993 s.36.
198(1) to (5)	1993 s.272(1) to (5).
(6)	1964 s.1(1); 1993 Sch.19 para.38.
199(1) to (3)	1993 s.273(3) to (5).
(4)	1993 s.273(7).
200	1993 s.37.
201(1) to (8)	1993 s.38(1) to (8).
(9)	1993 s.155(8).
(10)	1993 s.38(9).
202	1993 s.39.
203	1993 s.40.
204	1993 s.41.
205	1993 s.42.
206	1993 s.43.
207	1993 s.44.
208	1993 s.45.
209	1993 s.46.
210	1993 s.47(1) to (4).
211	1993 s.48.
212	1993 s.49(1) to (3).
213	1993 s.50.
214	1993 s.51.
215	1993 s.52.
216	1993 s.53.
217	1993 s.54.
218	1993 s.55.
219(1) to (3)	1993 s.56.
(4)	1993 s.301(5).
220	1993 s.57.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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221	1993 s.58.
222	1993 s.59.
223	1993 s.60.
224	1993 s.61.
225	1993 s.62.
226	1993 s.63.
227	1993 s.64.
228	1993 s.65.
229	1993 s.66.
230	1993 s.67.
231(1) to (4)	1993 s.68(1) to (4)
(5) to (7)	1993 s.68(5) to (7); 1996N s.7(2) to (4).
(8)	1993 s.68(8).
232	1993 s.69.
233	1993 s.70.
234	1993 s.71.
235	1993 s.72.
236	1993 s.73.
237	1993 s.74.
238	1993 s.75.
239	1993 s.76.
240	1993 s.77.
241	1993 s.78.
242	1993 s.79.
243	1993 s.80.
244	1993 s.81.
245	1993 s.82.
246	1993 s.83.
247	1993 s.84.
248	1993 s.85.
249	1993 s.86.
250	1993 s.87.
251	1993 s.88.
252	1993 s.89.
253	1993 s.90.

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254	1993 s.91.
255	1993 s.92.
256	1993 s.93(1) to (6).
257	1993 s.94.
258	1993 s.95.
259	1993 s.96; Law Com. Rec. No. 3.
260	1993 s.97; Law Com. Rec. No. 3.
261	1993 s.98.
262	1993 s.99.
263	1993 s.100; Law Com. Rec. No. 3.
264	1993 s.101.
265	1993 s.102.
266	1993 s.103(2), (3).
267	1993 s.104.
268	1993 s.105.
269	1993 s.106.
270	1993 s.107.
271	1993 s.108.
272	1993 s.109.
273	1993 s.110.
274	1993 s.111.
275	1993 s.112.
276	1993 s.113.
277	1993 s.114.
278	1993 s.115.
279	1993 s.116.
280	1993 s.117.
281	1993 s.118.
282	1993 s.119.
283	1993 s.120.
284	1993 s.121.
285	1993 s.122.
286	1993 s.123.
287	1993 s.124.
288	1993 s.125.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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289	1993 s.126.
290(1) to (7)	1993 s.127(1) to (7).
(8), (9)	1993 s.127(8).
(10), (11)	1993 s.127(9), (10).
(12)	1993 s.305(1).
(13)	1993 s.127(11).
291	1964 s.1(1); 1993 Sch.19 para.38.
292(1)	1993 s.231(1); drafting.
(2)	1993 s.232(2).
293	1993 s.128.
294	Drafting.
295	1993 s.129.
296(1)	1993 s.130(1).
(2)	1993 s.130(2); 1996N Sch.3 para.11.
297	1993 s.131.
298	1993 s.132.
299	1993 s.133.
300	1993 s.134.
301	1993 s.135.
302	1993 s.136.
303	1993 s.137.
304	1993 s.143.
305	1993 s.144.
306	1993 s.145.
307(1), (2)	1993 s.261(1), (2).
308(1)	1993 ss.267(1), 268(1).
(2)	1993 s.267(2).
(3)	1993 s.268(2).
309	1993 s.152.
310	1993 s.154.
311(1)	1993 ss.155(1) (“premises”), 305(1) (“Church in Wales school”; “Church of England school”; “Roman Catholic Church school”).
(2)	1993 s.305(4).
(3)	1993 s.155(2).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(4)	1993 s.155(3).
(5)	1993 s.155(6).
(6)	1993 s.155(7)
(7)	Drafting.
(8)	1993 s.155(11).
312(1) to (4)	1993 s.156(1) to (4).
(5)	1993 ss.156(5), 305(1) ("maintained school").
313(1) to (4)	1993 s.157.
(5)	Drafting.
314	1993 s.158.
315	1993 s.159.
316	1993 s.160.
317(1) to (5)	1993 s.161(1) to (5).
(6), (7)	1993 s.161(6), (7); Disability Discrimination Act 1995 (c.50) s.29(2).
318(1), (2)	1993 s.162(1), (2)
(3)	1993 s.162(2A); 1996N Sch.3 para.12.
(4)	1993 s.162(3).
319	1993 s.163.
320	1993 s.164.
321	1993 s.165.
322(1)	1993 s.166(1); 1995HA Sch.1 para.124(2).
(2)	1993 s.166(2)
(3)	1993 s.166(3); 1995HA Sch.1 para.124(2).
(4)	1993 s.166(4).
(5)	1993 s.166(5); 1994LG(W) Sch.16 para.105(1); Local Government Changes for England Regulations 1994 (S.I. 1994/867) reg.5(6); Local Government Changes for England (Amendment) Regulations 1996 (S.I. 1996/611) reg.2.
323	1993 s.167.
324	1993 s.168.
325	1993 s.169.

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326	1993 s.170.
327	1993 s.171.
328	1993 s.172.
329	1993 s.173.
330	1993 s.174.
331	1993 s.175.
332	1993 s.176; 1995HA Sch.1 para.124(3).
333	1993 s.177.
334	1993 s.178.
335	1993 s.179.
336	1993 s.180; Arbitration Act 1996 (c.23) Sch.3 para.59.
337(1)	1993 s.182(1).
(2)	Drafting.
(3), (4)	1993 s.182(2), (3).
338(1)	1993 s.183(1).
(2)	Drafting.
339	1993 s.183(2) to (10).
340	1993 s.184.
341	1993 s.185.
342	1993 s.188.
343	1993 s.231.
344(1)	Drafting.
(2)	1993 s.182(4).
345	1993 s.186.
346	1993 s.187.
347	1993 s.189.
348	1993 s.190
349	1993 s.191.
350(1)	1988 s.25(1) (“maintained school”); 1993 s.245(5).
(2)	1988 s.25(1) (“assess”).
351(1)	1988 s.1(2).
(2) to (5)	1988 s.1(1).
352(1)	1988 ss.2(1), 8(2); 1993 s.241(1), Sch.19 para.114.

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(2)	1988 s.2(3).
(3)	1944 s.114(1) (“sex education”); 1993 s.241(2).
353	1988 s.2(2); 1993 ss.240(1), 245(5).
354(1)	1988 s.3(1).
(2)	1988 s.3(2); S.I. 1992/1548 art.2; S.I. 1994/1814 art.2(2) to (4).
(3) to (5)	1988 s.3(2A), (2B); S.I. 1994/1814 art.2(5).
(6)	1988 s.3(4).
(7)	1988 s.3(6) (“school”).
(8)	1988 s.3(7).
355(1)	1988 s.3(3); 1993 Sch.19 para.113.
(2)	1988 s.3(4).
(3)	1988 s.3(5).
(4)	1988 s.3(5A); 1993 s.240(2).
(5)	1988 s.3(6) (“class”; “school year”); 1993 s.240(3).
356(1) to (4)	1988 s.4(1) to (4).
(5) to (8)	1988 s.4(5) to (8); 1993 s.240(4).
(9)	1993 s.241(4).
357(1)	1988 s.10(2).
(2)	1988 s.10(3).
358	1993 s.244.
359(1)	1993 s.245(1).
(2)	1993 s.245(4).
(3)	1993 s.245(3).
(4)	1993 s.245(2).
(5)	1993 s.245(5).
360(1)	1988 s.14(1); 1993 s.253(1).
(2) to (4)	1988 s.14(2); 1993 Sch.15 para.4(3), Sch.19 para.118(a).
(5)	1988 s.14(7).
361(1)	1988 s.14(3); 1993 Sch.15 para.4(3), Sch.19 para.118(b); Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1994 (S.I. 1994/645); Education (School Curriculum and Assessment Authority)

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	(Transfer of Functions) Order 1995 (S.I. 1995/903).
(2)	1988 s.14(5); 1993 Sch.15 para.4(3), Sch.19 para.118(c).
(3), (4)	1988 s.14(6); 1993 Sch.15 para.4(3), Sch.19 para.118(d).
(5)	Drafting.
362(1), (2)	1988 s.16(1), (2).
(3), (4)	1988 s.16(3); 1993 Sch.19 para.119(a).
(5), (6)	1988 s.16(4), (5).
(7)	1988 s.16(6); 1993 Sch.15 para.4(4), Sch.19 para.119(b).
363	1988 s.17.
364	1988 s.18; 1993 Sch.19 para.120.
365(1)	1988 s.19(1).
(2) to (4)	1988 s.19(2).
(5)	1988 s.19(1).
(6)	1988 s.19(10).
366(1)	1988 s.19(3).
(2)	1988 s.19(4).
(3)	1988 s.19(4); 1993 Sch.19 para.121(a); Law Com. Rec. No. 15.
(4)	Law Com. Rec. No. 15.
(5)	1988 s.19(5); Law Com. Rec. No. 15.
(6)	1988 s.19(6); 1993 Sch.19 para.121(b); Law Com. Rec. No. 15.
(7)	Law Com. Rec. No. 15.
367(1)	1988 s.19(7).
(2), (3)	1988 s.19(8).
(4)	1988 s.19(9).
368(1)	1988 ss.20(1), 21(1).
(2)	1988 ss.20(2), 21(2); 1993 s.243.
(3)	1988 ss.20(3), 21(3); 1993 s.243.
(4), (5)	1988 ss.20(4), 21(3A); 1993 s.243.
(6), (7)	1988 ss.20(5), 21(3B); 1993 s.243.
(8)	1988 ss.20(6), 21(4).
(9)	1993 s.242(1), (3).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(10)	1988 ss.20(2), 21(2); 1993 Sch.15 para.4(5), Sch.19 para.122; drafting.
369	1988 s.227(1).
370(1)	1986 s.17(1)
(2), (3)	1986 s.17(2), (3).
371(1), (2)	1986 s.18(1).
(3)	1986 s.18(2).
(4)	1986 s.18(3).
(5)	1986 s.18(7); 1993 Sch.19 para.94.
(6)	1986 s.18(8).
(7)	1986 s.18(7); Law Com. Rec. No. 3.
(8)	Drafting.
372(1)	1986 s.18(5).
(2) to (4)	1986 s.18(6).
(5)	Drafting.
373(1), (2)	1986 s.19.
374	Drafting.
375(1)	Drafting.
(2)	1944 s.114(1) ("agreed syllabus"); 1988 Sch.1 para.6.
(3)	1988 s.8(3).
(4)	1944 s.114(1) ("agreed syllabus"), Sch.5 para.11; 1988 Sch.1 para.6.
(5)	1988 s.8(3).
376(1)	1944 s.26(1); 1988 Sch.1 para.1.
(2)	1944 s.26(2); 1988 Sch.1 para.1.
(3)	1944 s.26(3), (4); 1988 Sch.1 para.1; 1993 Sch.19 para.9.
377(1)	1944 s.27(6); 1988 Sch.1 para.2(2).
(2)	1944 s.27(1); 1988 Sch.1 para.2(1).
378(1)	1944 s.28(1); 1988 Sch.1 para.3(1).
(2), (3)	1944 s.28(1B); 1988 Sch.1 para.3(1).
(4)	1944 s.28(1C); 1988 Sch.1 para.3(1).
(5)	1944 s.28(1A); 1988 Sch.1 para.3(1).
379(1)	1993 s.138(1).
(2) to (4)	1993 s.138(9) to (11).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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380	1993 s.139.
381	1993 s.140.
382	1993 s.142.
383	1993 s.141.
384	1988 s.10(1).
385(1)	1988 s.6(1), (7).
(2)	1988 s.6(2).
(3)	1988 s.6(7).
(4)	1988 s.6(3); 1993 s.138(8); Law Com. Rec. No. 16.
(5)	1988 s.6(4).
(6)	1988 s.6(5); Law Com. Rec. No. 16.
(7)	1988 s.6(6).
386(1)	1988 s.7(1); 1993 s.138(1).
(2)	1988 s.7(1); 1993 s.138(2).
(3)	1988 s.7(2); 1993 s.138(3).
(4)	1988 s.7(3); 1993 s.138(4).
(5)	1988 s.7(4); 1993 s.138(5).
(6)	1988 s.7(5); 1993 s.138(6).
(7)	1993 s.138(12).
387	1988 s.7(6); 1993 s.138(7).
388	1988 s.10(1).
389(1)	1988 s.9(3).
(2)	1988 s.9(9).
(3)	1988 s.9(4).
(4)	1988 s.9(6).
(5)	1988 s.9(7); 1993 Sch.19 para.115.
(6)	1988 s.9(8).
(7)	1988 s.9(2), (5).
390(1)	1988 s.11(1).
(2)	1988 s.11(3), (4); 1993 s.147(1).
(3)	1988 ss.11(3), 13(4).
(4)	1988 s.11(4); 1993 Sch.19 para.116(a).
(5)	1988 s.11(5).
(6)	1988 s.11(5); 1993 s.255(2).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(7)	1988 s.11(6).
391(1)	1988 s.11(1).
(2)	1988 s.11(2).
(3)	1988 s.11(7).
(4)	1988 s.11(7).
(5)	1988 s.11(8).
(6)	1988 s.11(9).
(7)	1988 s.11(10).
(8), (9)	1988 s.11(11), (12); 1993 s.147(2).
(10)	1988 s.11(13); 1993 Sch.15 para.4(2), Sch.19 para.116(b).
392(1)	1988 s.11(1).
(2)	1988 s.13(1); 1993 Sch.19 para.117.
(3)	1988 s.13(2); 1993 Sch.19 para.117.
(4)	1988 s.13(3).
(5)	1988 s.13(4).
(6)	1988 s.13(5).
(7)	1988 s.13(6).
(8)	1988 s.13(7); 1993 Sch.19 para.117.
393	1993 s.16.
394(1)	1988 ss.11(1), 12(1); 1993 s.148(a).
(2), (3)	1988 s.12(2), (3).
(4)	1988 s.12(4); 1993 s.148(b).
(5)	1988 s.12(1).
(6)	1988 s.12(9); 1993 s.148(c).
(7)	1988 s.12(10).
(8)	1988 s.12(11); 1993 s.148(d).
395(1)	1988 s.12(5).
(2)	1988 s.12(6).
(3), (4)	1988 s.12(7).
(5)	1988 s.12(8).
(6)	1988 s.12(5), (6).
(7)	1988 s.12(9); 1993 s.148(c).
(8)	1988 s.12(10).
396(1)	1988 s.12A(1), (3); 1993 s.257.

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(2)	1988 s.12A(2); 1993 s.257.
397	1993 s.258.
398	1988 s.9(1), 9(1A); 1992FHE s.12(4); 1994 Sch.2 para.8(2).
399	1944 s.67(3); 1988 Sch.1 para.4, Sch.12 para.4.
400(1), (2)	1988 s.5(1).
(3)	1988 s.5(2).
(4)	1988 s.10(2).
(5)	1988 s.5(3).
401(1)	1988 s.24(1); 1992FHE Sch.8 para.28.
(2)	1988 s.24(2); 1993 Sch.19 para.124.
(3), (4)	1988 s.24(3), (4).
(5)	1988 s.235(2)(c).
402(1)	1988 s.117(1).
(2)	1988 s.117(2); 1993 s.240(5).
(3) to (5)	1988 s.117(3) to (5).
(6)	1988 s.118(7), (8).
403(1)	1986 ss.46, 46A; 1988 Sch.12 para.34.
(2)	1986 s.46.
404(1), (2)	1993 s.241(5)
(3)	1993 s.241(6)
405	1988 s.17A; 1993 s.241(3).
406(1), (2)	1986 ss.44(1), (2), 46A; 1988 Sch.12 para.34.
(3)	1986 s.44(1).
407(1)	1986 ss.45, 46A; 1988 Sch.12 para.34.
(2)	1986 s.45.
408(1)	1988 s.22(1).
(2)	1988 s.22(2); 1992(S) Sch.4 para.6(2).
(3)	1988 s.22(3); 1993 Sch.19 para.123.
(4)	1988 s.22(1); Law Com. Rec. No. 17.
(5)	1988 s.22(4).
(6)	1988 s.22(5); 1992(S) Sch.4 para.6(3), (4).
(7), (8)	1988 s.22(6), (7).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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409(1) to (3)	1988 s.23(1).
(4)	1988 s.23(2).
410	1988 s.25(2); Law Com. Rec. No. 17.
411(1), (2)	1980 s.6(1), (2).
(3)	1980 s.6(3); 1988 s.30(2).
(4)	1980 s.6(4).
(5)	1980 s.6(5); 1978IA s.17(2)(a).
(6)	1988 s.26(9).
(7)	1988 s.26(10).
(8)	1980 s.38(4).
412	1986 s.33.
413(1)	1980 s.6(6); 1988 s.30(3).
(2) to (4)	1980 s.6(7) to (9); 1993 s.270.
414(1), (2)	1980 s.8(1), (2).
(3), (4)	1980 s.8(3); 1988 s.31(2).
(5)	1980 s.8(4).
(6) to (8)	1980 s.8(5), (5A), (6); 1992(S) Sch.4 para.4(1).
(9)	1980 s.8(7).
415	Drafting.
416(1)	1988 s.26(1).
(2) to (7)	1988 s.26(3) to (8).
(8)	1988 s.26(1), (3), (4).
417(1)	1988 ss.27(1), (2), 32(4).
(2), (3)	1988 s.27(3).
(4), (5)	1988 s.27(9).
418(1)	1988 ss.27(1), (2), 32(4); Education Reform Act 1988 (Commencement No.9) Order 1991 (S.I. 1991/409).
(2)	1988 s.27(3).
(3)	1988 s.27(3), (9).
419(1)	1988 s.29(7).
(2) to (5)	1988 s.29(1) to (4).
420(1) to (3)	1988 s.27(4) to (6).
(4), (5)	1988 s.27(7).
421(1)	1988 s.27(8).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(2)	1988 s.32(1).
422(1) to (6)	1986 Sch.2 para.19.
(7)	1986 s.65(1) (“promoters”), Sch.2 para.1; drafting; Law Com. Rec. No. 9.
423(1)	1980 s.7(1); 1993 Sch.19 para.73.
(2), (3)	1980 s.7(2), (3).
(4)	1980 s.7(4).
(5)	1980 s.7(5).
(6)	1980 s.38(4).
424(1)	1980 s.9(1); 1988 s.31(3).
(2)	1980 s.9(1A); 1988 s.31(3).
(3)	1980 s.9(2); 1981 Sch.3 para.14; 1992(S) Sch.4 para.4(2); 1993 Sch.19 para.74.
425	Drafting.
426	1993 s.149(1) to (4).
427	1993 s.150.
428	1993 s.151.
429	Drafting.
430(1) to (8)	1993 s.260.
(9)	1993 s.305(1) (“maintained school”).
431(1) to (6)	1993 s.13(1) to (6).
(7), (8)	1993 ss.13(7), (8), 305(1) (“maintained school”).
432	1993 s.14.
433(1), (2)	1948 s.4(2).
(3)	1948 s.4(3).
(4)	1948 s.4(3A); 1996N Sch.3 para.2.
(5)	1948 s.4(2).
434(1)	1944 s.80(1).
(2)	1944 s.80(1A); 1988 Sch.12 para.58.
(3)	1948 s.4(6).
(4)	1944 s.80(1); 1993 Sch.19 para.21.
(5)	1944 s.114(1); 1993 s.155(1), Sch.19 para.24(a)(ii).
(6)	1944 s.80(2).
435	1948 s.4(1).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Education Act 1996 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

436(1)	1980 s.9(1A); 1988 ss.29(5), 31(3); 1993 s.155(6).
(2)	1988 s.29(5), (6); 1993 s.149(5).
437(1) to (7)	1993 s.192(1) to (7).
(8)	1993 ss.192(8), 197(6), 198(4), 305(1) (“maintained school”).
438	1993 s.193.
439	1993 s.194.
440	1993 s.195.
441	1993 s.196.
442	1993 s.197(1) to (5).
443(1) to (3)	1993 s.198(1) to (3).
(4)	1993 s.201(2).
444(1) to (4)	1993 s.199(1) to (4).
(5)	1993 s.199(5); Units of Measurement Regulations 1995 (S.I. 1995/1804) Reg.3.
(6), (7)	1993 s.199(6), (7).
(8)	1993 s.201(2).
(9)	1993 s.199(8).
445	1993 s.200.
446	1993 s.201(1).
447	1993 s.202.
448	1993 s.203.
449	1988 s.118(7).
450(1)	1988 s.106(1).
(2)	1988 s.106(1A); 1992FHE s.12(9); 1994 Sch.2 para.8(3).
451(1), (2)	1988 s.106(2).
(3)	1988 s.106(3), (4); 1993 s.280.
(4)	1988 s.106(4).
(5)	1988 s.106(3), (4); 1993 Sch.19 para.127.
452(1) to (4)	1988 s.107(1) to (4).
(5)	1988 s.107(5), (6).
(6)	1988 s.106(9).
453(1)	1988 s.106(5).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(2), (3)	1988 s.108.
454(1)	1988 s.106(6).
(2)	1988 s.118(3).
(3), (4)	1988 s.106(7), (8).
455(1)	1988 s.109(1).
(2)	1988 s.109(2).
(3)	1988 ss.109(2), 110(5).
456(1)	1988 s.109(3); 1978IA s.17(2)(a).
(2) to (8)	1988 s.109(4) to (10).
457(1)	1988 s.110(1); 1993 Sch.19 para.128.
(2), (3)	1988 s.110(2).
(4)	1988 s.110(3); Disability Living Allowance and Disability Working Allowance Act 1991 (c.21) Sch.3 para.12; Jobseekers Act 1995 (c.18) Sch.2 para.17.
(5)	1988 s.110(4).
458(1) to (4)	1988 s.111(1) to (3) and (5); 1993 Sch.19 para.129.
(5)	1988 s.111(6).
459	1988 s.118(5).
460(1), (2)	1988 s.118(1), (2).
(3)	1988 s.118(4).
461	1988 s.118(6).
462(1)	1988 s.118(7)(a), (e).
(2)	1988 s.106(10).
(3)	1988 s.106(11).
(4)	1988 s.118(7)(d).
(5)	1988 s.118(7)(d), (8).
463	1944 s.114(1) (“independent school”); 1980 s.34(1); 1988 Sch.12 para.7.
464(1) to (3)	1944 s.70(1); Transfer of Functions (Education and Employment) Order 1995 (S.I 1995/2986) art.11(2).
(4)	Drafting.
465(1)	1944 s.70(1).
(2)	1944 s.70(1) proviso (a).
(3)	1944 s.70(1) proviso (b).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(4)	1944 s.114(1) ("provisionally registered school"; "registered school").
466(1)	1944 s.70(3).
(2)	1944 s.70(3A); 1980 s.34(6).
(3)	1944 s.70(3).
467(1)	1944 s.70(4); 1980 s.34(7).
(2)	1944 s.70(4A); 1993 s.292(2).
(3)	1944 s.70(4); 1980 s.34 (7).
(4)	Drafting.
468	1944 s.71(4); 1993 s.290(1).
469(1)	1944 s.71(1); Children Act 1989 (c.41) Sch.13 para.9; 1993 s.290(2).
(2), (3)	1944 s.71(1).
(4)	1944 s.71(2); 1993 s.290(2).
(5)	1944 s.71(3).
(6)	1944 s.71(5); 1993 s.290(1).
470(1)	1944 s.72(1).
(2)	1944 s.72(2); 1993 s.290(2).
471(1)	1944 s.72(3).
(2)	1944 s.72(3) proviso; 1993 s.290(2).
472	1944 s.72(4); 1993 s.290(2).
473(1)	1944 s.73(2).
(2)	1944 s.73(3); 1993 s.290(2).
474	1944 s.74.
475	1944 s.73(1).
476(1)	Drafting.
(2), (3)	1944 s.75(1).
(4)	1944 s.75(2); Arbitration Act 1996 (c.23) Sch.3 para.4.
(5)	1944 s.75(3).
477	1944 s.73(5); 1946 Sch.2 Pt.I; 1978IA s.17(2)(a).
478(1)	1944 s.73(4).
(2)	1944 ss.70(3), 73(2), (3); Criminal Justice Act 1982 (c.48) Sch.3.
479(1) to (3)	1980 s.17(1) to (3).
(4)	1980 s.17(2).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(5)	1980 s.17(4), (5).
(6), (7)	1980 s.17(10).
480(1), (2)	1980 s.17(6), (7).
(3)	1980 s.17(9).
(4)	1980 s.17(8), (9).
481	1980 s.18.
482(1)	1988 s.105(1).
(2)	1988 s.105(2).
(3)	1988 s.105(1), (2).
(4)	1988 s.105(3).
(5)	1988 s.218(2B); 1993 s.291; 1994 Sch.2 para.8(4).
483(1), (2)	1988 s.105(4).
(3), (4)	1988 s.105(5), (6).
484(1)	1984 s.1(1), (2); 1993 s.278(2).
(2)	1984 s.1(2), (6).
(3), (4)	1984 s.1(3), (4); 1993 s.278(2).
(5)	1984 s.1(5).
(6)	1984 s.1(7).
(7)	Drafting.
485	1944 s.100(1)(b); 1988 s.213(3).
486	1988 s.213(1); Transfer of Functions (Science) Order 1995 (S.I. 1995/2985) Sch. para.5.
487	1980 s.21(1).
488	1988 s.210.
489(1)	1944 s.100(3); 1980 s.21(2); 1984 s.1(4); 1988 ss.210(3), 213(2).
(2)	1984 s.1(4A); 1993 s.278(4).
(3), (4)	1973 s.1(2).
490	1988 s.211; 1978IA s.17(2)(a).
491(1)	1944 s.100(1)(c).
(2)	1944 s.100(3).
492(1) to (4)	1986 s.51(1) to (4); 1993 s.279(1).
(5)	1986 s.51(11); 1993 Sch.19 para.103(d).

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(6)	1986 s.51(7), (8); 1993 Sch.19 para.103(a).
493(1)	1986 s.52(1); 1992FHE Sch.8 para.25.
(2)	1986 s.52(2); 1993 Sch.19 para.104.
(3)	1986 s.52(3); 1992FHE Sch.8 para.25.
(4)	1986 s.52(4).
494	1993 s.262.
495(1), (2)	1944 s.67(1).
(3)	1944 s.67(2).
496(1)	1944 s.68.
(2)	1944 s.68; 1988 s.219(2).
497(1)	1944 s.99(1).
(2)	1944 s.99(1); 1988 s.219(3).
(3)	1944 s.99(1).
498(1)	1944 s.99(2).
(2)	1944 s.99(2); 1988 s.219(3).
499	1993 s.297.
500	1993 s.232.
501	1993 s.233.
502	1993 s.234.
503(1) to (6)	1993 s.235(1) to (6).
(7)	1993 s.235(8).
504	1993 s.236.
505(1) to (7)	1993 s.237(1) to (7).
(8)	1993 ss.237(8), 305(1) (“maintained school”)
506	1944 s.69(2); Criminal Justice Act 1967 (c.80) Sch.3; 1978IA s.17(2)(a); Medical Act 1983 (c.54) Sch. 6 para.11.
507(1)	1944 s.93.
(2)	1944 s.93; 1972LG s.272(2); 1993 s.235(7).
508(1)	1944 s.53(1).
(2)	1944 s.53(1); 1948 Sch.1 Pt.I; 1988 Sch.12 para.54.
(3)	1944 s.53(2).
509(1), (2)	1944 s.55(1); 1992FHE Sch.8 para.5.

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(3)	1944 s.55(2); 1948 Sch.1 Pt.I; 1988 Sch.12 para.55; 1992FHE Sch.8 para.5.
(4)	1944 s.55(3); 1986 s.53; 1992FHE Sch.8 para.5; 1993 Sch.19 para.15.
(5)	1944 s.55(4); 1992FHE Sch.8 para.5.
(6)	1944 s.55(5); 1992FHE Sch.8 para.5.
510(1)	1948 s.5(1); 1988 s.100(4).
(2)	1948 s.5(1); 1953 Sch.1; 1981 Sch.3 para.7.
(3)	1948 s.5(2); 1988 s.100(4).
(4)	1948 s.5(3); 1980 s.29(1); 1988 s.100(4), Sch.12 para.61; 1992FHE Sch.8 para.16.
(5)	1948 s.5(4); 1988 s.100(4).
(6)	1948 s.5(4).
511(1)	1948 s.5(5).
(2), (3)	1948 s.5(6).
(4)	1948 s.5(6A); 1980 s.29(2).
512(1)	1980 s.22(1); Social Security Act 1986 (c.50) s.77(1).
(2)	1980 s.22(2); Social Security Act 1986 (c.50) s.77(2).
(3)	1980 s.22(3); Social Security Act 1986 (c.50) s.77(2); Jobseekers Act 1995 (c.18) Sch.2 para.3.
(4)	1980 s.22(1).
(5)	1980 s.22(3B); 1992FHE Sch.8 para.17.
513	1944 s.78(2).
514(1)	1944 s.50(1); 1946 Sch.2 Pt.I; 1981 Sch.3 para.3; 1988 s.100(2).
(2)	1944 s.50(1); 1948 Sch.1 Pt.I; 1981 Sch.3 para.3.
(3)	1944 s.50(2); 1946 Sch.2 Pt.I; 1993 Sch.19 para.12.
(4)	1944 s.52(1).
(5)	1944 s.52(1) proviso; 1981 Sch.3 para.4.
(6)	1944 s.52(2).
(7)	1944 s.52(3).

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515(1)	1980 s.26(1).
(2)	1980 s.26(3).
(3)	1980 s.26(4).
(4)	1980 s.26(5); 1978IA s.17(2)(a).
(5)	1980 s.26(6).
516	1993 s.295.
517(1)	1953 s.6(2); 1993 Sch.19 para.31(a).
(2)	1953 s.6(2)(a)(i).
(3)	1953 s.6(2)(a)(ii); 1981 Sch.3 para.8.
(4)	1953 s.6(2)(a)(iii).
(5)	1953 s.6(2)(b); 1981 Sch.3 para.8.
(6)	1993 Sch.19 para.31(b) to (f).
(7)	1993 s.308(3).
518	1944 s.81; 1988 Sch.12 para.6; 1992FHE Sch.8 para.11.
519(1)	1986 s.58(1); 1988 Sch.12 para.103; 1993 Sch.19 para.106.
(2)	1986 s.58(2).
(3)	1986 s.58(5); 1988 Sch.12 para.103.
(4), (5)	1986 s.58(6).
(6)	1986 s.58(7).
520(1), (2)	1944 s.48(4); 1973NHSR Sch.4 para.7; National Health Service Act 1977 (c.49) Sch.15 para.2; 1978IA s.17(2)(a).
(3)	Drafting.
521(1), (2)	1944 s.54(1).
(3)	1944 s.54(2), (8); Medical Act 1983 (c.54) Sch.6 para.11.
(4)	1944 s.54(1); 1993 Sch.19 para.14(a).
522(1)	1944 s.54(2).
(2) to (4)	1944 s.54(3).
(5)	1944 s.54(5).
523(1), (2)	1944 s.54(4); S.I. 1968/1699 art.5; 1972LG s.179(3).
(3)	1944 s.54(9); 1994LG(W) Sch.16 para.8.
(4)	1944 s.54(8); Medical Act 1983 (c.54) Sch.6 para.11.

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524(1), (2)	1944 s.54(7).
(3)	1944 s.54(7); 1993 Sch.19 para.14(c).
525(1)	1944 s.54(6).
(2)	1944 s.54(6).
(3)	1944 s.54(6); 1993 Sch.19 para.14(b).
526	1944 s.82.
527	1944 s.83.
528	1944 s.41(2A), (2B); Disability Discrimination Act 1995 (c.50) s.30(8).
529(1)	1944 s.85(1).
(2), (3)	1944 s.85(2), (3); 1980 Sch.3 para.3.
530(1)	1944 s.90(1); Acquisition of Land (Authorisation Procedure) Act 1946 (c.49) Sch.4; 1948 s.10(1); 1988 Sch.12 para.59.
(2)	1944 s.90(1) proviso; Acquisition of Land (Authorisation Procedure) Act 1946 (c.49) Sch.4.
(3)	1944 s.90(1A); 1993 s.282(3).
531(1)	1948 s.10(2); 1972LG s.272(2); 1988 Sch.12 para.62.
(2)	1948 s.10(3).
532	1944 s.88; 1978IA s.17(2)(a).
533(1), (2)	1980 s.22(4).
(3)	1980 s.22(4A); 1993 Sch.19 para.79.
534(1) to (4)	1980 s.22(3A); 1988 Sch.12 para.24.
(5)	1980 s.22(3B); 1992FHE Sch.8 para.17.
535(1)	1980 s.26(2).
(2)	1980 s.26(3).
(3)	1980 s.26(4).
(4)	1980 s.26(5); 1978IA s.17(2)(a).
(5)	1980 s.26(6).
536(1), (2)	1944 s.48(4); 1973NHSR Sch.4 para.7; National Health Service Act 1977 (c.49) Sch.15 para.2; 1978IA s.17(2)(a); 1988 Sch.12 para.2.
537(1) to (6)	1992(S) s.16(1) to (6).
(7)	1992(S) s.16(7); 1993 s.263.

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(8) to (10)	1992(S) s.16(8) to (10).
(11)	1992(S) s.19(2)
(12), (13)	1992(S) s.16(11), (12).
538	1986 s.56, Sch.2 para.13(2).
539	1993 s.153.
540(1)	1993 s.264(1).
(2)	1993 ss.264(2), 305(1) ("maintained school").
541(1) to (3)	1993 s.265.
(4)	1993 ss. 265(1), 305(1) ("maintained school").
542(1)	1944 s.10(1); 1988 Sch.12 para.1.
(2) to (4)	1944 s.10(2); 1988 Sch.12 para.1.
543	1944 s.10(2) proviso; 1948 s.7(1); 1968 s.3(3).
544(1)	1988 s.218(7); 1992FHE Sch.8 para.49; 1993 Sch.19 para.136.
(2)	1988 s.218(7).
(3)	1988 s.218(12).
545(1)	1944 s.63(2); 1993 Sch.19 para.18.
(2)	1988 s.218(8); 1993 Sch.19 para.19.
546(1)	1988 s.218(1)(e).
(2)	1988 s.218(12).
547(1)	1982LG(MP) s.40(1).
(2)	1982LG(MP) s.40(2); 1988 Sch.12 para.29.
(3)	1982LG(MP) s.40(3).
(4), (5)	1982LG(MP) s.40(4), (5); 1988 Sch.12 para.29.
(6)	1982LG(MP) s.40(6).
(7), (8)	1982LG(MP) s.40(7), (8); 1988 Sch.12 para.29.
548(1)	1986 s.47(1); 1993 s.293(2).
(2)	1986 s.47(1A); 1993 s.293(2).
(3)	1986 s.47(5); 1988 Sch.12 para.35; 1993 s.293(3), Sch.19 para.101(a).
(4)	1986 s.47(6); 1993 Sch.19 para.101(b).
(5)	1986 s.47(7).

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(6)	1986 s.47(4).
549(1), (2)	1986 s.47(2), (3).
(3)	1986 s.47(1B); 1993 s.293(2).
(4)	1986 s.47(10).
(5)	1986 s.47(5); 1993 s.293(3).
550	1986 s.47(8).
551(1).	1988 s.218(1)(g).
(2)	1988 s.218(12).
552(1)	1993 Sch.19 para.62(5).
(2), (3)	1993 Sch.19 para.62(2), (3).
(4)	1993 Sch.19 para.62(1).
(5)	1993 Sch.19 para.62(4)
(6)	1993 Sch.19 para.62(6).
553	1988 s.113.
554(1)	1973 s.2(1); 1988 s.112(2).
(2)	1973 s.2(1); 1988 s.112(2); 1993 Sch.19 para.52(a).
(3)	1973 s.2(1A); 1988 s.112(2); 1993 Sch.19 para.52(b).
(4)	1973 s.2(1C); 1988 s.112(2); 1993 Sch.19 para.52(c).
(5)	1973 s.2(1B); 1988 s.112(2).
(6)	1973 s.2(8).
555(1)	1973 s.2(2); 1993 Sch.19 para.52(c).
(2) to (4)	1973 s.2(2).
(5)	1973 s.2(1B); 1988 s.112(2).
556(1)	1973 s.2(3); 1993 s.288(3)
(2)	1973 s.2(4); 1988 s.112(3); 1993 Sch.19 para.52(c).
(3)	1973 s.2(4); 1993 s.288(2), Sch.19 para.52(c).
(4)	1973 s.2(5).
(5)	1973 s.2(5A); 1993 s.288(4).
(6), (7)	1973 s.2(6), (7).
(8)	1973 s.2(1B); 1988 s.112(2).
557	1993 s.287.
558	1944 s.58.

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559(1), (2)	1944 s.59(1), (2).
(3), (4)	1944 s.59(3).
(5)	1944 s.59(4).
(6)	Employment of Children Act 1973 (c.24) s.3(4).
560(1)	1973EWE s.1(1); 1988 Sch.12 para.14.
(2)	1973EWE s.1(4); Employment Act 1990 (c.38) s.14.
(3)	1973EWE s.1(2); Merchant Shipping Act 1995 (c.21) Sch.13 para.48.
(4), (5)	1973EWE s.1(3).
(6)	Drafting.
(7)	1973EWE s.1(4).
561	1944 s.115.
562	1944 s.116; 1948 Sch.1 Pt.I; 1993 Sch.19 para.25.
563(1)	1988 s.218(1)(f); 1992FHE Sch.8 para.49.
(2)	1988 s.218(4).
(3)	1988 s.218(12).
564(1)	1944 s.94(1); S.I. 1968/1699 art.5; Registration of Births, Deaths and Marriages (Fees) Order 1995 (S.I. 1995/3162) Sch.
(2)	1944 s.94(1).
(3)	1944 s.94(2); S.I. 1968/1699 art.5.
(4)	1944 s.94(3); 1978IA s.17(2)(a).
565(1)	1944 s.95(1).
(2)	1993 s.200(3).
566	1944 s.95(2).
567(1), (2)	1993 s.299(1), (2).
(3)	1993 ss.299(3), 305(1) (“maintained school”)
(4), (5)	1993 s.299(4), (5).
568(1)	1973 s.2(1); 1986 s.63(1); 1988 s.232(1); 1993 s.301(1); Law Com. Rec. No. 19.
(2)	1986 ss.4A(8), 63(1); 1988 s.232(2); 1993 ss.271(1), 301(2).

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(3)	1986 s.63(2); 1988 s.232(4); 1993 s.301(3).
(4)	1988 s.232(3).
(5)	1986 s.63(3); 1988 s.232(5); 1993 s.301(6); Law Com. Rec. No. 18.
(6)	1988 s.232(6); Law Com. Rec. No. 18.
569(1)	Statutory Instruments Act 1946 (c.36) s.1(2); 1948 s.12; 1980 s.35(1); 1984 s.3(1); 1986 s.63(1); 1988 s.232(1); 1992(S) s.19(1); 1993 s.301(1); Law Com. Rec. No. 18.
(2)	1944 s.112; Statutory Instruments Act 1946 (c.36) s.5(2); 1948 s.12; 1980 s.35(3); 1984 s.3(3); 1986 s.63(2); 1988 s.232(4); 1992(S) s.19(2); 1993 ss.279(2)(a), 301(3).
(3)	1980 s.35(2); 1986 s.63(2A); 1993 ss.279(2)(b), 301(4).
(4)	1980 s.35(4); 1984 s.3(4); 1986 s.63(3); 1988 s.232(5); 1992(S) s.19(3); 1993 s.301(6), Sch.19 para.107(a); Law Com. Rec. No. 18.
(5)	1944 s.111A; 1980 s.35(5); 1988 ss.229(1), 232(6); Law Com. Rec. No. 18.
(6)	1980 s.35(5).
570(1), (2)	1944 s.111; S.I. 1968/1699 art.5; 1993 s.301(7).
(3)	1944 s.111 proviso.
571	1980 ss.12(1B), 13(1C); 1988 s.34(3); 1993 ss.229(1), 230(1), 300.
572	1944 s.113; 1946 Sch.2 Pt.I.
573(1)	Drafting.
(2)	1944 s.114(1) (“alterations”); 1968 Sch.1 para.5(a); 1993 s.305(1).
(3)	1944 s.114(1) (“enlargement”); 1968 Sch.1 para.5(b).
(4)	1980 s.16(2); 1993 s.103(1).
(5)	1944 s.114(1) (“significant”); 1968 Sch.1 para.5(c).
(6)	1944 s.67(4); 1968 Sch.1 para.3; 1988 Sch.12 para.4.

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574	1968 s.1(1); 1980 Sch.3 para.15; 1993 Sch.19 para.41.
575(1), (2)	1988 s.235(1); 1993 s.305(1); 1996ER Sch.1 paras.37(5), 59.
(3)	1988 s.235(3); 1933 s.155(9), (10).
(4)	1988 s.235(1); 1993 s.305(1) 1996ER Sch.1 paras.37(5), 59.
576(1)	1944 s.114(1D); Children Act 1989 (c.41) Sch.13 para.10.
(2)	1944 s.114(1E); Children Act 1989 (c.41) Sch.13 para.10; 1993 Sch.19 para.24(b).
(3), (4)	1944 s.114(1F); Children Act 1989 (c.41) Sch.13 para.10.
577	1944 s.114 ("minor authority"); 1972LG s.192(4); Local Government Changes for England (Education) (Miscellaneous Provisions) Regulations 1996 (S.I. 1996/710) reg.19.
578	1992FHE s.90(1) ("the Education Acts"); 1993 s.305(1)("the Education Acts"); 1996N Sch.3 para.8.
579(1)	"boarder": 1986 s.65(1). "child": 1944 s.114(1). "clothing": 1944 s.114(1). "exclude": 1986 s.65(1). "financial year": 1984 s.1(6); 1988 s.235(1), Sch.2 para.18; 1993 s.305(1), Sch.14 para.20. "functions": 1988 s.235(1); 1993 s.305(1). "governing body"; "governor": 1944 s.114(1); 1980 Sch.1 para.13. "higher education": 1944 s.114(1); 1988 s.120(9). "land": 1988 s.235(1); 1993 s.306(1). "liability": 1988 s.235(1); 1993 s.305(1). "local authority": 1988 s.235; 1993 s.305(1); 1994LG(W) Sch.16 paras.83, 105(2). "the local education authority": 1944 s.114(1); 1988 s.118(7)(b); 1993 s.305(1). "local government elector": 1944 s.114(1); 1972LG s.272(2). "medical officer": 1944 s.114(1); 1973NHSR Sch.4 para.8; Medical Act 1983 (c.54) Sch.6 para.11. "modifications": 1988 s.235(1); 1993 s.305(1). "premises": 1944 s.114(1). "prescribed": 1944 s.114(1); 1993 s.305(1). "proprietor": 1944 ss.80(1), 114(1); 1988 Sch.12 para.5. "reception

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	class": 1980 s.38(5A)(b); 1988 ss.31(6), 119(1)(b); 1993 s.155(1). "relevant age group": 1980 s.16(3); 1988 s.32(2); 1993 s.155(4). "school buildings": 1946 s.4(2); 1973NHSR Sch.4 para.9; National Health Service Act 1977 (c.49) Sch.15 para.3; 1978IA s.17(2)(a). "school day": 1986 s.65(1). "trust deed": 1944 s.114(1). "young person": 1944 s.114(1).
(2)	1988 s.235(3)(g); 1993 s.305(2).
(3)	1980 s.38(5A); 1988 ss.31(6), 119(1)(a); 1993 s.155(5).
(4)	1980 s.38(5); 1986 s.51(10); 1993 Sch.19 para.103.
(5)	1944 s.114(2)(b).
(6)	1944 s.114(2)(b); 1988 s.234(2)(a), (3)(a).
(7)	1944 s.114(2A); 1988 s.234(2)(b); 1992FHE Sch.8 para.13(4).
580	
581	1944 s.118; S.I. 1977/293 art.4; Law Com. Rec. No. 19.
582	
583	
Sch. 1	1993 Sch.18.
Sch. 2	
para.1	1993 Sch.1 para.16
paras.2 to 8	1993 Sch.1 paras.1 to 7.
para.9	1993 Sch.19 paras.46 to 48.
paras.10 to 14	1993 Sch.1 paras.8 to 12.
para.15	1993 Sch.1 para.15.
paras.16, 17	1993 Sch.1 paras.13, 14.
Sch. 3	
para.1	1993 s.17; 1996N Sch.3 para.10.
para.2	1993 s.18.
para.3	1993 s.19.
Sch. 4	
para.1	1993 Sch.2 para.1, s.305(1) ("maintained school")

Status: *Point in time view as at 28/07/2000. This version of this Act contains provisions that are not valid for this point in time.*
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paras.2 to 23	1993 Sch.2 paras.2 to 23.
Sch. 5	
para.1	
para.2	1944 Sch.3 para.8.
para.3	1944 Sch.3 paras.4, 5; 1948 Sch.1,Pt.I; 1980 Sch.3 para.5.
para.4	1944 Sch.3 para.7; drafting.
para.5	1944 Sch.3 para.9.
para.6	1944 Sch.3 para.10.
Sch. 6	1944 Sch.2.
Sch. 7	
para.1	1993 s.238(5) to (7).
para.2	1993 s.239.
para.3	1993 Sch.13 para.2
para.4	1993 Sch.13 para.1
para.5	1993 Sch.13 para.3
paras.6 to 10	1993 Sch.3 paras.8 to 12.
paras.11, 12	1993 Sch.13 paras.14, 15
Sch. 8	
para.1	Drafting.
para.2	1986 ss.6, 15(12), (13); drafting.
para.3	1986 s.15(11).
para.4	1986 s.15(7).
para.5	1986 s.15(1).
para.6	1986 s.15(8).
para.7	Drafting; 1986 s.15(2) to (6), (15).
para.8	1986 s.15(14).
para.9	1986 s.15(10).
para.10	1986 ss.8(6), (9), 15(9).
para.11	1986 s.8(2), (3); 1993 s.271(2).
para.12	1986 s.8(4).
para.13	1986 s.8(5).
para.14	1986 s.8(1).
para.15	1986 s.8(6), (7), (9); 1988 s.116; drafting.

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para.16	1986 s.8(11), (12); Law Com. Rec. Nos. 3, 20.
para.17	1986 s.8(8).
para.18	1986 s.62.
para.19	Drafting.
para.20	1986 s.57.
para.21	1986 s.8(10).
Sch. 9	
para.1	1986 s.65(1) (“promoters”), Sch.2 para.1; Law Com. Rec. No. 9.
para.2	1986 Sch.2 para.2(1), (2); 1993 Sch.19 para.109(a), (b)(i).
para.3	1986 Sch.2 para.6.
para.4	1986 Sch.2 para.7(1).
para.5	1986 Sch.2 para.8(1).
para.6	1986 Sch.2 para.7(2) to (5).
para.7	1986 Sch.2 paras.7(6), (7), 8(2).
para.8	1986 Sch.2 para.9(1), (2); 1993 Sch.19 para.109(e).
para.9	1986 Sch.2 paras.2(3), 11(4), (5).
para.10	1986 Sch.2 para.11(3).
para.11	1986 Sch.2 para.11(6).
para.12	1986 Sch.2 para.11(1), (2).
para.13	1986 Sch.2 para.10(4).
para.14	1986 Sch.2 para.10(2).
para.15	1986 Sch.2 paras.10(1), 26(3).
para.16	1986 Sch.2 para.10(4).
para.17	1986 Sch.2 para.2(4).
para.18	1986 Sch.2 para.10(3).
para.19	1986 Sch.2 para.27.
para.20	1986 Sch.2 para.28.
para.21	1986 Sch.2 para.30(1).
para.22	1986 Sch.2 para.29.
Sch. 10	
para.1	1986 Sch.2 para.3(4).
para.2	1986 Sch.2 para.3(5).

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para.3	1986 Sch.2 para.4.
para.4	1986 Sch.2 para.13(3), (4).
para.5	1986 Sch.2 paras.2(2), 3(2), (3); 1993 Sch.19 para.109(b)(i).
para.6	1986 Sch.2 para.13(3), (5).
Sch. 11	
para.1	Drafting.
para.2	1988 ss.33(6), 42(4)(a) to (d).
para.3	1988 s.42(4)(e), (5)(a).
para.4	1988 s.42(4)(j).
paras.5 to 7	1988 s.50(5); 51(1) ("expenditure of a capital nature").
para.8	1988 s.50(10).
Sch. 12	
para.1	1988 s.48(2) ("temporary governing body").
para.2	1988 Sch.4 para.1(2)(a), (b).
para.3	1988 Sch.4 paras.1(1), 2(1).
para.4	1988 Sch.4 para.2(2) to (5).
para.5	1988 Sch.4 para.2(6); S.I. 1991/1890; S.I. 1992/110.
para.6	1988 Sch.4 para.2(8).
para.7	1988 Sch.4 para.2(9).
para.8	1988 Sch.4 para.3.
para.9	1988 Sch.4 para.6.
para.10	1988 Sch.4 para.5.
Sch. 13	
para.1	1986 s.36(1).
para.2	1986 s.36(2).
para.3	1986 s.37.
para.4	1986 s.39.
para.5	1986 s.38(1), (2).
para.6	1986 s.38(3).
para.7	1986 s.38(4).
para.8	1986 s.38(6).
para.9	1986 s.38(5).

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para.10	1986 s.35(2).
para.11(1), (2)	1986 s.41(1)(a).
(3)	1986 s.41(3).
(4) to (7)	1986 s.41(1)(b) to (e).
(8)	1986 s.41(3).
Sch. 14	
para.1	1988 Sch.3 paras.1(1), (2), (6), 2(1), 4(1), 5(1), 6(1), 7(1), 8(1), 10(1), 11(3); 1978IA s.17(2)(a).
para.2	1988 Sch.3 para.1(1).
para.3	1988 Sch.3 para.1(3).
para.4	1988 Sch.3 para.1(4), (5), (12).
para.5	1988 Sch.3 para.1(7).
para.6	1988 Sch.3 para.1(8) to (10).
para.7	1988 Sch.3 para.1(11), (13).
para.8	1988 Sch.3 para.2(1).
para.9	1988 Sch.3 para.2(2), (3).
para.10	1988 Sch.3 para.2(4).
para.11	1988 Sch.3 para.2(5).
para.12	1988 Sch.3 para.2(6), (7).
para.13	1988 Sch.3 para.2(8), (9).
para.14	1988 Sch.3 para.2(10), (11).
para.15	1988 Sch.3 para.2(12).
para.16	1988 Sch.3 para.3(1) to (3).
para.17	1988 Sch.3 para.3(4).
para.18	1988 Sch.3 para.4(1) to (3), (5).
para.19	1988 Sch.3 para.4(4).
para.20	1988 Sch.3 para.5.
para.21	1988 Sch.3 para.6.
para.22	1988 Sch.3 para.7.
para.23	1988 Sch.3 para.8(1) to (3), (6).
para.24	1988 Sch.3 para.8(4), (5).
para.25	1988 Sch.3 para.8(7), (8).
para.26	1988 Sch.3 para.8(9).
para.27	1988 Sch.3 para.9; 1978IA s.17(2)(a).

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para.28	1988 Sch.3 para.10; 1993 Sch.19 para.142.
Sch. 15	
para.1	1986 s.24.
para.2	1986 s.24(a), (h); 1993 Sch.13 para.97.
para.3	1986 s.24(b), (f), (g).
para.4	1986 s.24(h).
para.5	1986 s.24(b), (g).
para.6	1986 s.24(d), (h).
para.7	1986 s.24(h).
para.8	1986 s.25.
para.9	1986 s.25(a), (h).
para.10	1986 s.25(b).
para.11	1986 s.25(b), (g).
para.12	1986 s.25(c), (h); 1993 Sch.19 para.98.
para.13	1986 s.25(h).
para.14	1993 Sch.19 para.99.
para.15	Drafting.
Sch. 16	
para.1	1986 Sch.3 paras.1, 2; S.I. 1994/2092.
para.2	1986 Sch.3 para.3; S.I. 1994/2092.
para.3	1986 Sch.3 para.3A; S.I. 1994/2092.
para.4	1986 Sch.3 para.4; drafting.
para.5	1986 Sch.3 para.16.
para.6	1986 Sch.3 para.6.
para.7	1986 Sch.3 para.6A; S.I. 1994/2092.
para.8	1986 Sch.3 para.7; Education (No.2) Act 1986 (Amendment) (No.2) Order 1993 (S.I. 1993/2827) art.2.
para.9	1986 Sch.3 para.8; Education (No.2) Act 1986 (Amendment) Order 1993 (S.I. 1993/2709) art.2.
para.10	1986 Sch.3 para.9; S.I. 1994/2092 art.8.
para.11	1986 Sch.3 para.13.
para.12	1986 Sch.3 para.14.
para.13	1986 Sch.3 para.11.

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para.14	1986 Sch.3 para.12; S.I. 1994/2092 art.9.
para.15	1986 Sch.3 para.15.
para.16	1986 Sch.3 para.17; S.I. 1994/2092 art.10.
para.17	Drafting.
para.18	1986 Sch.3 para.5.
Sch. 17	
para.1	1986 s.30(2).
para.2	1986 s.30(2)(a).
para.3	1986 s.30(2)(b).
para.4	1986 s.30(2)(c) to (e).
para.5	1986 s.30(2)(g).
para.6	1986 s.30(2)(h); 1988 s.51(9); Education (No.2) Act 1986 (Amendment) Order 1994 (S.I. 1994/692) art.2.
para.7	1986 s.30(2)(i); Education (No.2) Act 1986 (Amendment) (No.3) Order 1994 (S.I. 1994/2732).
para.8	1986 s.30(2)(j).
para.9	1986 s.30(2)(k); 1978IA s.17(2)(a).
para.10	1986 s.30(5); 1992(S) Sch.4 para.5.
Sch. 18	
para.1	1986 s.31(4)(a).
para.2	1986 s.31(4)(b), (9).
para.3	1986 s.31(3).
para.4	1986 s.31(4)(c), (d).
para.5	1986 s.31(5), (6).
Sch. 19	
para.1	1986 Sch.2 paras.4, 12(1).
para.2	1988 Sch.4 para.7.
para.3	1986 Sch.2 para.12(2).
para.4	1986 Sch.2 para.12(3).
para.5	1986 Sch.2 para.20(5).
para.6	1986 Sch.2 para.21.
para.7	1986 Sch.2 para.22.

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para.8	1986 Sch.2 para.23.
para.9	1986 Sch.2 para.25.
para.10	1986 Sch.2 para.24.
para.11	1986 Sch.2 para.26(1), (2).
para.12	1986 Sch.2 para.30(2).
para.13	Drafting.
para.14	1986 Sch.2 para.20(1).
para.15	1986 Sch.2 para.20(2), (3); Law Com. Rec. No. 9.
para.16	1986 Sch.2 paras.20(4), 30(3).
para.17	1986 Sch.2 para.28.
para.18	1988 Sch.4 para.1.
para.19	1988 Sch.4 para.4(1), (4), (5).
para.20	1988 Sch.4 para.4(2).
para.21	1988 Sch.4 para.4(3); Education (Application of Financing Schemes to Special Schools) Regulations 1992 (S.I. 1992/164).
para.22	1988 Sch.4 para.4(7).
para.23	1988 Sch.4 para.4(8).
para.24	1988 Sch.4 para.4(6).
para.25	1986 Sch.2 para.15.
para.26	1986 Sch.2 para.16; 1988 Sch.12 para.106.
para.27	1986 Sch.2 para.17.
para.28	1986 Sch.2 paras.13(1), 14.
para.29	1986 Sch.2 para.18; 1988 Sch.4 para.2(10).
Sch. 20	
para.1	1993 Sch.3 para.1(1) to (4); drafting.
paras.2 to 12	1993 Sch.3 paras.2 to 12.
Sch. 21	1993 Sch.4.
Sch. 22	
paras.1 to 13	1993 Sch.5 paras.1 to 13.
para.14	1986 s.62; 1988 Sch.12 para.37.
paras.15, 16	1993 Sch.5 paras.14, 15.
Sch. 23	

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paras.1 to 3	1993 Sch.6 paras.1 to 3.
para.4	1993 Sch.6 para.7
para.5	1993 Sch.6 paras.4, 6.
para.6	1993 Sch.6 paras.5, 6.
paras.7, 8	1993 Sch.6 paras.8, 9.
Sch. 24	1993 Sch.7.
Sch. 25	1993 Sch.8.
Sch. 26	1993 Sch.9.
Sch. 27	1993 Sch.10.
Sch. 28	
paras.1 to 14	1993 Sch.11, paras.1 to 14.
para.15	1993 s.261(1), (2), (5).
Sch. 29	
paras.1 to 16	1993 Sch.14 paras.1 to 16.
para.17	1993 Sch.14 para.17; 1993 Sch.15 para.6(2).
paras.18 to 22	1993 Sch.14 paras.18 to 22.
Sch. 30	
paras.1 to 5	1988 Sch.2 paras.2 to 6; 1993 Sch.15 para.4(6).
paras.6, 7	1988 Sch.2 para.7; 1993 Sch.15 para.4(6).
para.8	1988 Sch.2 para.8; 1993 Sch.15 para.4(6), Sch.19 para.141.
paras.9, 10	1988 Sch.2 para.10; 1993 Sch.15 para.4(6).
para.11	1988 Sch.2 para.11; 1993 s.249, Sch.15 para.4(6).
paras.12, 13	1988 Sch.2 paras.12, 13; 1993 Sch.15 para.4(6).
para.14	1988 Sch.2 para.13A; 1993 s.250, Sch.15 para.4(6).
paras.15, 16	1988 Sch.2 paras.14, 15; 1993 Sch.15 para.4(6).
para.17	1988 Sch.2 para.18; 1993 s.251(3), Sch.15 para.4(6).
paras.18, 19	1988 Sch.2 paras.16, 17; 1993 Sch.15 para.4(6).
Sch. 31	

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para.1	1944 Sch.5 para.12(1), (3); 1993 s.256(1).
para.2	1944 Sch.5 para.12(4); 1993 s.256(1).
para.3	1988 s.11(8).
para.4	1944 Sch.5 paras.2, 5; 1988 Sch.1 para.7; 1993 s.254(3), Sch.19 para.27.
paras.5, 6	1944 Sch.5 paras.7, 8.
para.7	1944 Sch.5 para.3; 1988 Sch.1 para.7; 1993 Sch.19 para.27.
paras.8, 9	1944 Sch.5 para.4; 1993 Sch.19 para.27.
para.10	1944 Sch.5 para.13; 1988 Sch.1 para.7; 1993 s.256(2).
para.11	1993 s.146.
para.12	1944 Sch.5 paras.10, 13(4); 1988 Sch.1 para.7.
para.13	1944 Sch.5 para.11; 1988 Sch.1 para.7.
para.14	1944 Sch.5 para.11.
para.15	1993 s.15.
Sch. 32	
para.1	1988 s.28(1).
para.2	1988 s.28(2).
para.3	1988 s.28(3), (4).
para.4	1988 s.28(5).
para.5	1988 ss.28(6), (7), 32(1).
para.6	1988 s.28(8).
para.7	1988 s.119(2), (3).
Sch. 33	
para.1	1980 Sch.2 para.1; 1993 Sch.16 para.2.
para.2	1980 Sch.2 para.2; 1993 Sch.16 para.3.
para.3	1980 Sch.2 para.3.
para.4	1980 Sch.2 para.4; Local Government and Housing Act 1989 (Commencement No.11 and Savings) Order 1991 (S.I. 1991/344) Sch. para.1.
para.5	1980 Sch.2 para.4A; 1993 Sch.16 para.4.
para.6	1993 s.267.

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para.7	1993 s.268.
para.8	Drafting.
paras.9 to 11	1980 Sch.2 paras.5 to 7.
para.12	1980 Sch.2 para.10.
para.13	1980 Sch.2 para.8.
para.14	1980 Sch.2 para.9
para.15	1980 Sch.2 para.11.
Sch. 34	
para.1	1944 Sch.6 para.1.
para.2	1944 Sch.6 para.2.
para.3	1944 Sch.6 paras.3, 3A; Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.51.
para.4	1944 Sch.6 para.4.
para.5	1976 s.6(1).
Sch. 35	
paras.1 to 3	1980 Sch.4 paras.1 to 3.
para.4	1980 Sch.4 para.4; 1986 s.47(9).
paras.5, 6	1980 Sch.4 paras.5, 6.
Sch. 36	1993 Sch.17.
Schs. 37, 38	
Sch. 39	
para.1	
para.2	1993 s.303.
para.3	1944 s.2(1).
para.4	1944 s.120(1).
paras.5 to 9	
para.10(1)	
(2)	1980 s.1(4).
para.11	1986 Sch.5 para.1.
paras.12 to 16	
para.17(1)	
(2)	1993 s.274(3).
(3)	1993 s.274(5).
para.18	Law Com. Rec. No.12.
para.19	S.I. 1996/951 art.4.

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paras.20 to 23	
para.24	1993 Sch.20 para.1; S.I. 1993/3106 Sch.2 paras.8, 9.
para.25	1993 Sch.20 para.1; S.I. 1993/3106 Sch.2 para.10.
para.26	S.I. 1993/3106 para.11.
para.27	S.I. 1993/3106 Sch.2 para.14.
para.28	1993 Sch.20 para.5.
para.29	1993 Sch.20 para.6.
para.30	S.I. 1993/1975 Sch.2 para.4(2).
para.31	1993 Sch.20 para.2; S.I. 1994/507 Sch.3 para.10.
para.32	S.I. 1994/507 Sch.3 para.11.
para.33	S.I. 1994/507 Sch.3 para.12.
para.34	S.I. 1994/2038 Sch.4 paras.2(7), 4(3).
para.35	S.I. 1994/507 Sch.3 para.5.
paras.36 to 42	
para.43	S.I. 1993/507 Sch.3 para.7.
para.44	1993 Sch.20 para.4.
para.45	1946 s.13(1).
para.46	
para.47	1944 s.120(5).
para.48	
para.49	1973 Sch.1 para.3.
para.50	
Sch. 40	

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