



Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER I

THE STATUTORY SYSTEM OF EDUCATION

Educational institutions

4 Schools: general

- (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 any one or more of the following—
 - (a) primary education,
 - (b) education which is secondary education by virtue of section 2(2)(a), or
 - (c) full-time education suitable to the requirements of persons who are over compulsory school age but under the age of 19,whether or not the institution also provides part-time education suitable to the requirements of junior pupils, further education or secondary education not within paragraph (b).
- (2) 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) (pupil referral units).
- (3) For the purposes of this Act an institution is outside the further education sector if it is not—

Status: This is the original version (as it was originally enacted).

- (a) an institution conducted by a further education corporation established under section 15 or 16 of the 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.

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 section 49, 198(6) or 291 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 sections 49, 198(6) and 291 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.

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 the age of five.
- (2) A school is a special school if it is specially organised, and for the time being approved, as mentioned in section 337(1).