



Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

[^{F1}CHAPTER III

CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS]

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,
 - [^{F1}(ba) travel arrangements provided under section 6 of the Learner Travel (Wales) Measure 2008 (“the Measure”) for a registered pupil at a maintained school in Wales, other than arrangements in respect of which, by virtue of section 454(3) of this Act or sections 3 or 4 of the Measure, no charge may be made,]
 - (c) transport provided for a registered pupil at a maintained school [^{F2} in England] other than transport in respect of which, by virtue of section 454(3) or [^{F3}508B(1), 508F(3) ^{F4}..., or section 508E(2)(d) and paragraph 5(2) of Schedule 35C,], 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—

Changes to legislation: Education Act 1996, Cross Heading: Permitted charges is up to date with all changes known to be in force on or before 06 April 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) View outstanding changes

- (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, ^{F5}...
 - [^{F6}(ba) by virtue of subsection (1)(ba) in respect of the provision for a pupil of travel arrangements, 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 [^{F7} travel arrangements,] 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”.

Textual Amendments

- F1** S. 455(1)(ba) inserted (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), ss. 22\(2\)\(a\), 28\(2\); S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)
- F2** Words in s. 455(1)(c) inserted (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), ss. 22\(2\)\(b\), 28\(2\); S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)
- F3** Words in s. 455(1)(c) substituted (1.9.2007 for specified purposes) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 10 para. 3; S.I. 2007/1801, art. 4\(l\)](#)
- F4** Words in s. 455(1)(c) repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), ss. 22\(2\)\(b\), 28\(2\), Sch. 2; S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)
- F5** Word in s. 455(2)(b) repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), ss. 22\(2\)\(c\), 28\(2\), Sch. 2; S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)
- F6** S. 455(2)(ba) inserted (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), ss. 22\(2\)\(d\), 28\(2\); S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)
- F7** Words in s. 455(3) inserted (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), ss. 22\(2\)\(e\), 28\(2\); S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)

Modifications etc. (not altering text)

- C1** Pt. 6 Ch. 3 modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\), regs. 1\(1\), 6\(3\)](#)
- C2** S. 455 applied (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), ss. 6\(3\), 28\(2\); S.I. 2009/371, art. 2\(1\), Sch. Pt. 1](#)
- C3** S. 455(1) modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\), regs. 1\(1\), 6\(1\)\(a\)](#)

456 Regulation of permitted charges.

- (1) This section applies in relation to any charge permitted under section 455 ^{F8}. . . ; 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 [^{F9}, except any charge permitted by virtue of section 455(1)(ba),] shall not exceed the cost of the provision of the optional extra or the board and lodging in question.

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- (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
 - ^{F10}(aa) attributable to the provision of the buildings and accommodation used 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 ^{F11}subsections (6) and (6A)] , 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 ^{F12} singing or 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.
- ^{F13}(6A) Where the optional extra in question consists of education which is early years provision (as defined by section 20 of the Childcare Act 2006), the cost of its provision includes the costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the education.]
- (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 ^{F14}local authority].
- (8) The whole or any part of the amount of any charge which the ^{F14}local 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
 - (b) to the extent that it is so met, shall not be payable by the parent of the pupil concerned.

Textual Amendments

- F8** 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**
- F9** Words in s. 456(3) inserted (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), **ss. 22(3), 28(2)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F10** S. 456(4)(aa) inserted (15.1.2012) by Education Act 2011 (c. 21), **ss. 48(2), 82(2)(d)**
- F11** Words in s. 456(5) substituted (15.1.2012) by Education Act 2011 (c. 21), **ss. 48(3), 82(2)(d)**
- F12** Words in s. 456(6) inserted (25.5.2007 for E.) by Education and Inspections Act 2006 (c. 40), **ss. 56(2), 188(3)**; S.I. 2007/935, art. 6(b)
- F13** S. 456(6A) inserted (15.1.2012) by Education Act 2011 (c. 21), **ss. 48(4), 82(2)(d)**

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F14 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

Modifications etc. (not altering text)

C4 S. 456 applied (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), **ss. 6(3), 28(2)**; S.I. 2009/371, art. 2(1), Sch. Pt. 1

457 Charges and remissions policies.

(1) Every governing body of a maintained school and every [^{F14}local 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.

^{F15} . . .

(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 ^{F16}. . . shall set out any circumstances in which the governing body propose to meet (in whole or in part) any charge payable to the [^{F14}local 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

[^{F17}(b) the pupil’s parent is—

[^{F18}(ai) in receipt of universal credit in such circumstances as may be prescribed for the purposes of this paragraph,]

(i) in receipt of income support,

(ii) in receipt of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995), or

[^{F19}(ia) in receipt of an income-related employment and support allowance,]

(iii) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed,

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 [^{F14}local authority] by whom it was determined.

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Textual Amendments

- F14** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F15** 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**.
- F16** 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**.
- F17** S. 457(4)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 200, 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5
- F18** S. 457(4)(b)(ai) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 38**; S.I. 2013/983, art. 3(1)(b)(i)
- F19** S. 457(4)(b)(ia) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 16(2)**; S.I. 2008/787, art. 2(4)(f)

Modifications etc. (not altering text)

- C5** S. 457(3) modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), regs. 1(1), **6(1)(a)**
- C6** S. 457(4) modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), regs. 1(1), **6(2)**

458 Charges for board and lodging at boarding schools.

- (1) Subject to subsections (2) to (5) ^{F20} and section 49 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018], 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 ^{F21}pupil concerned, to the ^{F14}local authority], charges] not exceeding the cost to the authority ^{F22}. . . of providing the board and lodging.
- (2) Where—
- ^{F23}(a)
- (b) the ^{F14}local authority][^{F24}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 ^{F14}local 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.
- ^{F25}(3)
- (4) Where the ^{F14}local 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 ^{F14}local authority]^{F26}. . . in respect of board and lodging, shall pay so much of those charges as falls in accordance with subsection (5) to be so paid.

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- (5) The amount that falls to be remitted or paid by a ^{F14}[local 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.

^{F27}(6) In its application to a local authority in Wales, references in this section to special educational needs are to be interpreted as references to additional learning needs.]

Textual Amendments

- F14** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F20** Words in s. 458(1) inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(19)(a)**; S.I. 2021/373, art. 8(j)(viii)
- F21** 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**
- F22** 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**.
- F23** 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**
- F24** 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**
- F25** 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**
- F26** 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**
- F27** S. 458(6) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(19)(b)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)