



# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

#### [<sup>F1</sup>CHAPTER III

#### CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS]

#### *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;
  - (b) full-time education suitable to the requirements of persons who have attained the age of 19; or
  - [<sup>F1</sup>(c) training for members of the school workforce.]

[<sup>F2</sup>(3) In subsection (2)(c), the reference to training for members of the school workforce is to be read in accordance with sections [<sup>F3</sup>96(1) and 100] of the Education Act 2005.]

#### **Textual Amendments**

- F1** S. 450(2)(c) substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), [Sch. 14 para. 17\(2\)](#)
- F2** S. 450(3) inserted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), [Sch. 14 para. 17\(3\)](#)
- F3** Words in s. 450(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 5 para. 12](#); S.I. 2012/924, art. 2

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**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. 450 modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), regs. 1(1), **9**

**451 Prohibition of charges for provision of education.**

- (1) <sup>F4</sup>... 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.
- [<sup>F5</sup>(2A) Regulations may, in relation to England, prescribe circumstances in which subsection (2) does not apply in relation to education which is early years provision (as defined by section 20 of the Childcare Act 2006) other than —
- (a) early years provision provided in pursuance of the duty imposed by section 7 of that Act, <sup>F6</sup>...
  - (b) early years provision for a pupil who is of compulsory school age.]]<sup>F7</sup>or
  - (c) early years provision provided under arrangements made by a local authority in pursuance of any duty imposed under section 2 of the Childcare Act 2016 (whether or not the local authority provides the early years provision).]
- (3) [<sup>F8</sup>Regulations may prescribe circumstances in which subsection (2) does not apply in relation to tuition in singing or in playing a musical instrument.]
- (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 [<sup>F10</sup>section 88 [<sup>F11</sup>or 109] of the Education Act 2002] or [<sup>F12</sup>section 69 of the School Standards and Framework Act 1998]]<sup>F13</sup>or
  - (c) provided in pursuance of the duty imposed by section 7 of the Childcare Act 2006]]<sup>F14</sup>, or
  - (d) provided in pursuance of a duty imposed by or under the Curriculum and Assessment (Wales) Act 2021.]
- <sup>F15</sup>(5) .....

**Textual Amendments**

- F4** 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**
- F5** S. 451(2A) inserted (1.10.2007) by [Childcare Act 2006 \(c. 21\)](#), **ss. 17(2)**, 109(2); S.I. 2007/2717, art. 2(a)
- F6** Word in s. 451(2A)(a) omitted (10.1.2017) by virtue of [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **40(2)(a)**
- F7** S. 451(2A)(c) and word inserted (10.1.2017) by [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **40(2)(b)**

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- F8** S. 451(3) substituted (25.5.2007 for E.) by Education and Inspections Act 2006 (c. 40), **ss. 56(1), 188(3)**; S.I. 2007/935, art. 6(b) (with transitional provisions and savings in S.I. 2007/1271, art. 5)
- F9** Words in s. 451(3)(b) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(8)(a)**
- F10** Words in s. 451(4)(b) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 48(3)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F11** Words in s. 451(4)(b) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(8)(b)(i)**
- F12** 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**
- F13** S. 451(4)(c) and word inserted (1.10.2007) by Childcare Act 2006 (c. 21), **ss. 17(3), 109(2)**; S.I. 2007/2717, art. 2(a)
- F14** S. 451(4)(d) and word inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(8)(b)(ii)**
- F15** 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**

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

- C3** S. 451(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)**
- C4** S. 451(2) excluded (E.) (1.9.2012) by The Education (Charges for Early Years Provision) Regulations 2012 (S.I. 2012/962), regs. 1(1), **2(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
  - (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

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- (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.

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

- C5** S. 452(6) modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), regs. 1(1), **6(1)(a)**

**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 [<sup>F16</sup>local 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.

**Textual Amendments**

- F16** 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)**

- C6** S. 453 modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), regs. 1(1), **6(1)(a)**

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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 <sup>F16</sup>local authority], from or to the school premises or any other such place.

#### Textual Amendments

**F16** 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)

**C7** S. 454(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)**

**C8** S. 454(3)(4) modified (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), regs. 1(1), **6(1)(a)**

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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](#)