



Education Act 1996

1996 CHAPTER 56

PART VIII

GRANTS AND OTHER FINANCIAL MATTERS

Recoupment

F²492 Recoupment: adjustment between [F¹local authorities].

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Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F2** S. 492 repealed (1.4.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV

Modifications etc. (not altering text)

- C1** S. 492 savings for effects of 2002 c. 32, s. 215, Sch. 22 Pt. 3 (W.) (19.11.2003) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\)](#), regs. 1(1), **9**

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

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(b) one of the authorities is a ^{F3}local authority] and the other an education authority in Scotland.

^{F4}(2) Subsection (3) of section 207 of the Education Act 2002 (recoupment: adjustment between ^{F1}local authorities]) shall apply for the purposes of this section as it applies for the purposes of that section, but with the omission of the reference to the National Assembly for Wales.

(2A) The regulations may provide for the amounts payable by one authority to another, in such cases as may be specified by or under the regulations, to be such amounts as may be determined by the Secretary of State.]

(3) Any question concerning the connection of any person with the area of a particular ^{F3}local 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.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), Sch. 2 para. 7\(3\)](#) (with Sch. 2 para. 7(4)(5))
- F3** 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))
- F4** S. 493(2)(2A) substituted for s. 493(2) (1.4.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\), ss. 208\(1\), 216\(4\)](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV

Modifications etc. (not altering text)

- C2** Ss. 492-495: power to exercise functions modified (1.7.1999) by [S.I. 1999/120, art. 5, Sch. 2](#)

^{F5}494 Recoupment: excluded pupils.

(1) Subsection (2) applies where a pupil is permanently excluded from any school maintained by a ^{F3}local authority] (“the old authority”) and, in the ^{F6}funding period] in which the exclusion first takes effect, he is subsequently provided with education by another ^{F3}local 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 ^{F7}funding period] , such amount, if any, as is payable in accordance with regulations.

(3) Where a pupil is permanently excluded from any school maintained by a ^{F3}local authority] and, in the ^{F8}funding period] in which the exclusion first takes effect, the following events subsequently occur—

(a) he is first provided by another ^{F3}local 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 ^{F3}local 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 ^{F3}local 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.]
- ^{F9}(6) In this section “funding period” has the meaning given by section 45(1B) of the School Standards and Framework Act 1998.]

Textual Amendments

- F3** 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))
- F5** 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**.
- F6** Words in s. 494(1) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(2)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F7** Words in s. 494(2) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(2)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F8** Words in s. 494(3) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(2)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F9** S. 494(6) inserted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 5(3)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)

Modifications etc. (not altering text)

- C3** S. 494: transfer of functions (1.4.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. **208(2)(3)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV
- C4** Ss. 492-495: power to exercise functions modified (1.7.1999) by S.I. 1999/120, art. 5, **Sch. 2**
- C5** S. 494 modified (20.11.1998) by S.I. 1998/2670, **art.8**.
- C6** S. 494 modified (18.5.2012) by The Wiltshire Council (Arrangements for the Provision of Suitable Education) Order 2012 (S.I. 2012/1107), arts. 1(2)(a), **6(3)** (with art. 5)

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](#)