



# Education Act 1996

## 1996 CHAPTER 56

### 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 <sup>F1</sup> . . . 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.
- <sup>F2</sup>(3) . . . . .
- (4) [<sup>F3</sup>subsection (2) has] effect subject to section 543.

#### **Textual Amendments**

- F1** Words in s. 542(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 158(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F2** S. 542(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 158(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F3** 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*Status: Point in time view as at 01/09/1999.*

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### 543 Relaxation of prescribed standards in special cases.

- (1) Where subsection (2), (3) [<sup>F4</sup>, (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.
- [<sup>F5</sup>(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

- F4** 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**
- F5** 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<sup>F6</sup> . . . 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, [<sup>F7</sup>and]
  - <sup>F8</sup>(b) . . . . .
  - (c) any special school not maintained by a local education authority.

##### **Textual Amendments**

- F6** 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
- F7** 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
- F8** 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<sup>M1</sup>Education Reform Act 1988,<sup>F9</sup> . . .
  - <sup>F9</sup>(b) . . . . .

##### **Textual Amendments**

- F9** 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**

- M1** 1988 c. 40.

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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, [<sup>F10</sup>and]
  - <sup>F11</sup>(b) .....
  - (c) any special school not maintained by a local education authority.

#### **Textual Amendments**

- F10** 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**
- F11** 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, <sup>F12</sup> . . .
  - <sup>F12</sup>(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 [<sup>F13</sup>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 [<sup>F14</sup>a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.

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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 [<sup>F13</sup>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 [<sup>F14</sup>a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.

#### Textual Amendments

- F12** 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**
- F13** 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**
- F14** 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**

**Status:**

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