



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 [^{F1}local authorities]^{F2} . . . 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 [^{F3}local authority] , the authority shall secure that the school premises conform to the prescribed standards.
- ^{F4}(3)
- (4) [^{F5}subsection (2) has] effect subject to section 543.

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- F2** Words in s. 542(1) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), Sch. 30 para. 158(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Changes to legislation: Education Act 1996, Chapter I is up to date with all changes known to be in force on or before 29 February 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

- 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- F4** S. 542(3) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 158\(b\)](#), **Sch. 31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\)](#),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**
- F5** 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**

543 Relaxation of prescribed standards in special cases.

- (1) Where subsection (2), (3) [^{F6}, (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.
- ^{F7}[(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.

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Textual Amendments

- F6** 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**
- F7** 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**

544 Approval etc. of school premises and boarding hostels.

- (1) Regulations may make provision requiring the Secretary of State's approval^{F8} . . . 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 [^{F3}local 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 [^{F3}local authority], [^{F9}and]
 - ^{F10}(b)
 - (c) any special school not maintained by a [^{F3}local authority].

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))
- F8** 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**
- F9** 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**
- F10** 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^{F11} . . . ,^{F12} . . .
 - ^{F12}(b)

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Textual Amendments

- F11** Words in s. 545(2)(a) repealed (6.11.2006 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 55](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2; S.I. 2007/3611, art. 4(1), [Sch. Pt. 1](#)
- F12** 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](#)

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 [^{F3}local authority], [^{F13}and]
 - ^{F14}(b)
 - (c) any special school not maintained by a [^{F3}local authority].

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\(4\)\(5\)](#))
- F13** 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](#)
- F14** 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 [^{F3}local authority], ^{F15}. . .
 - ^{F16}(aa) any special school not so maintained, ^{F17}...
 - (ab) any independent school][^{F18}, and
 - (ac) any alternative provision Academy that is not an independent school]
 - ^{F15}(b)

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[^{F19}(2A) This section also applies to any premises which are—

- (a) provided by a [^{F3}local authority] under [^{F20}section 507A or 507B (if the authority are in England) or section 508 (if the authority are in Wales)], and
- (b) used wholly or mainly in connection with the provision of instruction or leadership in sporting, recreational or outdoor activities.]

(3) If—

- (a) a police constable, or
- (b) (subject to subsection (5)) a person whom [^{F21}the appropriate authority has] 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.

[^{F22}(4) In subsection (3) “the appropriate authority” means—

- (a) in relation to premises of a foundation, voluntary aided or foundation special school, a [^{F3}local authority] or the governing body,
- (b) in relation to—
 - (i) premises of any other school maintained by a [^{F3}local authority], and
 - (ii) premises provided by a [^{F3}local authority] as mentioned in subsection (2A),

a [^{F3}local authority], and

- (c) in relation to premises of a special school which is not so maintained or of an independent school [^{F23}or an alternative provision Academy that is not an independent school], the proprietor of the school.]

(5) A [^{F3}local authority] may not authorise a person to exercise the power conferred by subsection (3) in relation to premises of [^{F24}a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.

[^{F25}(6) No proceedings for an offence under this section shall be brought by any person other than—

- (a) a police constable, or
- (b) an authorised person.

(7) In subsection (6) “authorised person” means—

- (a) in relation to an offence committed on premises of a foundation, voluntary aided or foundation special school, a [^{F3}local authority] or a person whom the governing body have authorised to bring such proceedings,
- (b) in relation to an offence committed—

- (i) on premises of any other school maintained by a [^{F3}local authority], or
 - (ii) on premises provided by a [^{F3}local authority] as mentioned in subsection (2A),

a [^{F3}local authority], and

- (c) in relation to an offence committed on premises of a special school which is not so maintained or of an independent school [^{F26}, or an alternative provision Academy that is not an independent school], a person whom the proprietor of the school has authorised to bring such proceedings.]

(8) A [^{F3}local authority] may not bring proceedings for an offence under this section committed on premises of [^{F24}a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.

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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\(4\)\(5\)](#))
- F15** 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**
- F16** S. 547(2)(aa)(ab) inserted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(2)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F17** Word in s. 547(2) omitted (1.4.2012) by virtue of [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(a)** (with art. 3)
- F18** S. 547(2)(ac) and word inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(a)** (with art. 3)
- F19** S. 547(2A) inserted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(3)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F20** Words in s. 547(2A)(a) substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 1 para. 6**
- F21** Words in s. 547(3)(b) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(4)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F22** S. 547(4) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(5)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F23** Words in s. 547(4)(c) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(b)** (with art. 3)
- F24** 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**
- F25** S. 547(6)(7) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(6)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F26** Words in s. 547(7)(c) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(c)** (with art. 3)

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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](#)