



# Education Act 1996

## 1996 CHAPTER 56

### PART I

#### GENERAL

### CHAPTER I

#### THE STATUTORY SYSTEM OF EDUCATION

##### *Educational institutions*

#### 4 Schools: general.

[<sup>F1</sup>(1) In this Act “school” means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing—

- (a) primary education,
- (b) secondary education, or
- (c) both primary and secondary education,

whether or not the institution also provides [<sup>F2</sup>part-time education suitable to the requirements of junior pupils or] further education.]

(2) [<sup>F3</sup>Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for] the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) <sup>F4</sup>. . . .

(3) For the purposes of this Act an institution is outside the further education sector if it is not—

- (a) an institution conducted by a further education corporation established under section 15 or 16 of the <sup>M1</sup>Further and Higher Education Act 1992, or

---

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Education Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

---

- (b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act);  
 and references to institutions within that sector shall be construed accordingly.
- (4) For the purposes of this Act an institution is outside the higher education sector if it is not—
- (a) a university receiving financial support under section 65 of that Act,
  - (b) an institution conducted by a higher education corporation within the meaning of that Act, or
  - (c) a designated institution for the purposes of Part II of that Act (defined in section 72(3) of that Act);
- and references to institutions within that sector shall be construed accordingly.

**Annotations:**

**Amendments (Textual)**

- F1** S. 4(1) substituted (1.9.1997) by 1997 c. 44, s. 51; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F2** Words in s. 4(1) repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**
- F3** Words in s. 4(2) substituted (1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 10(a)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F4** Words in s. 4(2) repealed (1.9.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 10(b), **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

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

- C1** S. 4(1) restricted (1.9.2000 (E.) and 1.4.2001 (W.)) by 2000 c. 21, s. 110(3) (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

**Marginal Citations**

- M1** 1992 c. 13.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Education Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to :**

- s. 4(1) functions made exercisable concurrently by S.I. 2011/908 art. 10 Sch. 3 para. 8
- s. 4(1) text amended by 2006 c. 21 s. 95(2)
- s. 4(1) words substituted by 2011 c. 21 Sch. 13 para. 9(2)(a)
- s. 4(1A) inserted by 2006 c. 21 s. 95(3)
- s. 4(1B)(1C) inserted by 2011 c. 21 Sch. 13 para. 9(2)(b)
- s. 4(3)(c) and word inserted by S.I. 2010/1080 Sch. 1 para. 97
- s. 337 337A substituted for s. 337 by 2008 c. 25 s. 142(1)

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

- Act Education Acts modified by 2006 c. 40 Sch. 6 para. 3(3)
- Act amendment to earlier affecting provision 2009 nawm 5 by S.I. 2010/1148 art. 5(2)
- Act applied by S.I. 2005/397 reg. 2
- Act applied (with modifications) by S.I. 2010/1907 reg. 16 Sch. 2
- Act applied (with modifications) by S.I. 2010/875 reg. 16 Sch. 2 (This SI was revoked before it came into force by SI 2010/1906, reg. 2)
- Act construed with 1998 c. 38 s. 145B (as inserted) by 2004 c. 23 s. 4
- Act modified by 2005 c. 18 s. 96(2)
- Act modified by 2005 c. 18 s. 122
- Act modified by 2009 c. 22 s. 264(5)
- Act modified by 2010 c. 32 s. 4(6) 17(4)
- Act text amended by S.I. 2010/1158 Sch. 2 para. 7(2)-(5)

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

- s. 14A inserted by 2006 c. 40 s. 3
- s. 15ZA extended by S.I. 2011/908 art. 10 Sch. 3 para. 6
- s. 15ZA-15ZB inserted by 2009 c. 22 s. 41
- s. 15ZA(6)(7) applied by 2009 c. 22 s. 83(4)
- s. 15ZA(6)(7) applied by 2009 c. 22 s. 95(6)
- s. 15ZB extended by S.I. 2011/908 art. 10 Sch. 3 para. 6
- s. 15ZC extended by S.I. 2011/908 art. 10 Sch. 3 para. 6
- s. 15ZC inserted by 2009 c. 22 s. 42
- s. 15ZD inserted by 2011 c. 21 Sch. 16 para. 11
- s. 17A amendment to earlier affecting provision 2009 c. 22 s. 45 by 2011 c. 21 s. 30(3)
- s. 17A cross heading amendment to earlier affecting provision 2009 c. 22 s. 45 by 2011 c. 21 s. 30(2)
- s. 17A extended by S.I. 2011/908 art. 10 Sch. 3 para. 6
- s. 17A-17D inserted by 2009 c. 22 s. 45
- s. 17B amendment to earlier affecting provision 2009 c. 22 s. 45 by 2011 c. 21 s. 30(4)
- s. 17B-17D applied by 2009 c. 22 s. 86(8)
- s. 17C amendment to earlier affecting provision 2009 c. 22 s. 45 by 2011 c. 21 s. 30(5)
- s. 17C amendment to earlier affecting provision 2009 c. 22 s. 86(8) by 2011 c. 21 s. 30(8)(b)

- s. 17D amendment to earlier affecting provision 2009 c. 22 s. 45 by 2011 c. 21 s. 30(6)
- s. 18A amendment to earlier affecting provision 2009 c. 22 s. 48 by 2011 c. 21 s. 30(7)
- s. 18A inserted by 2009 c. 22 s. 48
- s. 312A inserted by 2009 c. 22 s. 52(2)
- s. 328A inserted by 2010 c. 26 s. 2
- s. 332C-332E inserted by 2008 c. 11 s. 1
- s. 332AA inserted by 2009 nawm 5 s. 4(3)
- s. 332BA inserted by 2009 nawm 5 s. 5(3)
- s. 332BB inserted by 2009 nawm 5 s. 6(2)
- s. 332ZA inserted by 2009 nawm 5 s. 1(2)
- s. 332ZB inserted by 2009 nawm 5 s. 2(2)
- s. 332ZC inserted by 2009 nawm 5 s. 3(2)
- s. 336ZB inserted by S.I. 2008/2833 Sch. 3 para. 135
- s. 342A inserted by 2008 c. 25 s. 144
- s. 342B 342C inserted by 2008 c. 25 s. 145
- s. 436A inserted by 2006 c. 40 s. 4(1)
- s. 444A 444B inserted by 2003 c. 38 s. 23(1)
- s. 444A power to amend conferred by 2003 c. 38 s. 23(9)
- s. 444A(1)(b) substituted by 2005 c. 18 s. 119 Sch. 18 para. 3
- s. 444A(1)(b)(iii)(iv) and word substituted for s. 444A(1)(b)(iii) and word by 2008 c. 25 Sch. 1 para. 50
- s. 444A(6) substituted by 2006 c. 40 s. 110
- s. 444B power to amend conferred by 2003 c. 38 s. 23(9)
- s. 444B(4) words substituted by 2011 c. 21 Sch. 13 para. 9(9)
- s. 444ZA inserted by 2005 c. 18 s. 116
- s. 444ZA(1A)-(1D) inserted by 2008 c. 25 s. 155(2)
- s. 444ZA(1D)(a) words substituted by 2011 c. 21 Sch. 1 para. 6
- s. 444ZA(2)(a) text amended by 2008 c. 25 s. 155(3)
- s. 444ZA(4) text amended by 2008 c. 25 s. 155(4)(c)
- s. 444ZA(4)(a) text amended by 2008 c. 25 s. 155(4)(a)
- s. 444ZA(4)(b) text amended by 2008 c. 25 s. 155(4)(b)
- s. 444ZA(5) text amended by 2008 c. 25 s. 155(5)
- s. 444ZA(6) text amended by 2006 c. 40 s. 109(9)
- s. 444ZA(6) text amended by 2008 c. 25 s. 155(6)
- s. 444ZA(7)(b) text amended by 2008 c. 25 s. 155(7)(b)
- s. 444ZA(7)(aa) inserted by 2008 c. 25 s. 155(7)(a)
- s. 444ZA(8)(a)(iii)(iia) substituted for s. 444ZA(8)(a)(ii) by 2011 c. 21 Sch. 13 para. 9(8)(a)
- s. 444ZA(8)(b) word inserted by 2011 c. 21 Sch. 13 para. 9(8)(b)
- s. 507A 507B inserted by 2006 c. 40 s. 6(1)
- s. 507B(2)(b) text amended by S.I. 2010/1080 Sch. 1 para. 28
- s. 508A inserted by 2006 c. 40 s. 76
- s. 508A(5)(b) words inserted by 2011 c. 21 Sch. 13 para. 9(10)(a)
- s. 508A(6)(b) words inserted by 2011 c. 21 Sch. 13 para. 9(10)(b)
- s. 508B-508D inserted by 2006 c. 40 s. 77(1)
- s. 508B(1)(2) modified by S.I. 2007/1367 reg. 2
- s. 508C(6)(b) words inserted by 2011 c. 21 Sch. 13 para. 9(11)
- s. 508E inserted by 2006 c. 40 s. 78(1)
- s. 508F inserted by 2006 c. 40 s. 81
- s. 508F-508I inserted by 2009 c. 22 s. 57(2)
- s. 508G(1)(ba) inserted by 2011 c. 21 Sch. 13 para. 9(12)
- s. 509AD inserted by 2006 c. 40 s. 84
- s. 509AD(1) text amended by 2008 c. 25 s. 84
- s. 509AD(2) words substituted by 2009 c. 22 s. 57(3)
- s. 509AE inserted by 2009 c. 22 s. 56(2)
- s. 512ZC inserted by 2009 nawm 3 s. 7

- s. 514A extended by S.I. 2011/908 art. 10 Sch. 3 para. 6
- s. 514A inserted by 2009 c. 22 s. 46
- s. 532A-532C inserted by 2011 c. 21 s. 75(1)
- s. 532A-532C repealed (15.11.2015) by 2011 c. 21 s. 75(3)
- s. 537B inserted by 2006 c. 40 s. 164
- s. 537C inserted by S.I. 2010/501 Sch. para. 2(2)
- s. 537C substituted by S.I. 2011/1726 reg. 8
- s. 537C(1)(a) words substituted by 2011 c. 25 Sch. 7 para. 74(a)
- s. 537C(2) words substituted by 2011 c. 25 Sch. 7 para. 74(b)
- s. 537AA inserted by 2008 c. 25 Sch. 1 para. 8
- s. 538A inserted by 2011 c. 21 s. 20
- s. 550AA inserted by 2006 c. 38 s. 45
- s. 550AA title word inserted by 2009 c. 22 s. 243(2)
- s. 550AA(1) words inserted by 2009 c. 22 s. 243(3)
- s. 550AA(4) words inserted by 2009 c. 22 s. 243(3)
- s. 550ZA-550ZD inserted by 2009 c. 22 s. 242(1)
- s. 550ZA(3)(g) inserted by 2011 c. 21 s. 2(2)(b)
- s. 550ZA(3)(ea) inserted by 2011 c. 21 s. 2(2)(a)
- s. 550ZA(4A)-(4C) inserted by 2011 c. 21 s. 2(2)(c)
- s. 550ZB(5) words inserted by 2011 c. 21 s. 2(3)(a)
- s. 550ZB(6)(b) words inserted by 2011 c. 21 s. 2(3)(b)(i)
- s. 550ZB(6)(c) words inserted by 2011 c. 21 s. 2(3)(b)(ii)
- s. 550ZB(6A) inserted by 2011 c. 21 s. 2(3)(c)
- s. 550ZB(7)(b) words inserted by 2011 c. 21 s. 2(3)(d)
- s. 550ZB(7A) inserted by 2011 c. 21 s. 2(3)(e)
- s. 550ZC(2) words inserted by 2011 c. 21 s. 2(4)(a)
- s. 550ZC(6A)-(6G) inserted by 2011 c. 21 s. 2(4)(b)
- s. 550ZC(9) words substituted by 2011 c. 21 s. 2(4)(c)
- s. 550ZD(1) words inserted by 2011 c. 21 s. 2(5)(a)
- s. 550ZD(2)(a) words substituted by 2011 c. 21 s. 2(5)(b)
- s. 550ZD(2A)(2B) inserted by 2011 c. 21 s. 2(5)(c)
- s. 550ZD(3)(a) words substituted by 2011 c. 21 s. 2(5)(d)
- s. 550ZD(4) words inserted by 2011 c. 21 s. 2(5)(e)
- s. 560A extended by S.I. 2011/908 art. 10 Sch. 3 para. 6
- s. 560A inserted by 2009 c. 22 s. 47
- s. 569A inserted by 2009 c. 22 Sch. 2 para. 11
- Sch. 35B inserted by 2006 c. 40 Sch. 8
- Sch. 35B para. 8(1)(c) substituted by 2008 c. 25 Sch. 1 para. 52(2)
- Sch. 35B para. 8(2)(b) substituted by 2008 c. 25 Sch. 1 para. 52(4)
- Sch. 35B para. 8(1) text amended by 2008 c. 25 Sch. 1 para. 52(3)
- Sch. 35B para. 15(4) text amended by 2010 c. 15 Sch. 26 Pt. 1 para. 40 (as inserted) by S.I. 2010/2279 Sch. 1 para. 5
- Sch. 35B para. 8(2)(b) words substituted by 2011 c. 21 Sch. 1 para. 7
- Sch. 35B para. 15(2)(f) words substituted by 2011 c. 21 Sch. 13 para. 9(20)
- Sch. 35C inserted by 2006 c. 40 Sch. 9
- Sch. 35C para. 3(1)(2) modified by S.I. 2007/1367 reg. 2
- Sch. 36A inserted by S.I. 2010/1158 art. 3(4) Sch. 1
- Sch. 36A Table text amended by 2010 c. 15 Sch. 26 Pt. 1 para. 42 Sch. 27 Pt. 1 (as inserted/substituted) by S.I. 2010/2279 Sch. 1 para. 5 Sch. 2

**Commencement Orders yet to be applied to the Education Act 1996:**  
Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/124 art. 2-5 commences (2002 c. 32)
- S.I. 2003/1115 art. 2-4 commences (2002 c. 32)
- S.I. 2003/1667 art. 2-6 commences (2002 c. 32)
- S.I. 2003/1718 art. 4-6 Sch. commences (2002 c. 32)

- S.I. 2003/1725 art. 2 commences (2002 c. 9)
- S.I. 2003/2071 art. 2 commences (2002 c. 32)
- S.I. 2003/2532 art. 2 Sch. commences (2001 c. 10)
- S.I. 2003/2961 art. 4-7 commences (2002 c. 32)
- S.I. 2003/3300 art. 2-4 commences (2003 c. 38)
- S.I. 2004/571 Sch. amendment to earlier commencing SI 2003/1667 Sch. para. 1
- S.I. 2004/912 art. 4 5 commences (2002 c. 32)
- S.I. 2004/1728 art. 4 5 commences (2002 c. 32)
- S.I. 2005/394 art. 2 commences (2004 c. 31)
- S.I. 2005/950 art. 2-4 commences (2003 c. 44)
- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.I. 2005/2034 art. 2-9 commences (2005 c. 18)
- S.I. 2005/2122 art. 2 amendment to earlier commencing SI 2005/950 Sch. 2 para. 23
- S.I. 2005/2910 art. 4 commences (2002 c. 32)
- S.I. 2005/2925 art. 2 4-11 commences (2003 c. 43)
- S.I. 2006/172 art. 4 5 commences (2002 c. 32)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/885 art. 2 commences (2004 c. 31)
- S.I. 2006/1014 art. 2 Sch. 1 2 commences (2005 c. 4)
- S.I. 2006/1338 art. 3-5 Sch. 1 2 commences (2005 c. 18)
- S.I. 2006/2129 art. 3 4 commences (2005 c. 18)
- S.I. 2006/2895 art. 2 commences (2002 c. 32)
- S.I. 2006/3400 art. 2-7 commences (2006 c. 40)
- S.I. 2007/858 art. 2 3 commences (2006 c. 38)
- S.I. 2007/935 art. 2-7 commences (2006 c. 40)
- S.I. 2007/1019 art. 2-5 commences (2006 c. 21)
- S.I. 2007/1801 art. 2 commences (2006 c. 40)
- S.I. 2007/2717 art. 2 commences (2006 c. 21)
- S.I. 2007/3611 art. 4 commences (2002 c. 32)
- S.I. 2008/17 art. 2 3 commences (2006 c. 21)
- S.I. 2008/787 art. 2 commences (2007 c. 5)
- S.I. 2008/1429 art. 3 commences (2006 c. 40)
- S.I. 2008/1653 art. 2 commences (2007 c. 15)
- S.I. 2008/1728 art. 3 commences (2002 c. 32)
- S.I. 2008/1971 art. 2 commences (2006 c. 40)
- S.I. 2008/2261 art. 2 commences (2006 c. 21)
- S.I. 2008/2664 art. 2 commences (2008 c. 11)
- S.I. 2009/107 art. 2-5 Sch. 1-5 Commencement Order
- S.I. 2009/371 art. 2 Sch. commences (2008 nawm 2)
- S.I. 2009/387 art. 2 3 commences (2008 c. 25)
- S.I. 2009/1027 art. 3 commences (2006 c. 40)
- S.I. 2009/1513 art. 2 commences (2008 c. 25)
- S.I. 2009/3074 art. 2 3 commences (2008 c. 4)
- S.I. 2009/3317 art. 2 commences (2009 c. 22)
- S.I. 2010/303 art. 2-7 Sch. 1-6 commences (2009 c. 22)
- S.I. 2010/735 art. 2 commences (2005 c. 18)
- S.I. 2010/1093 art. 2 3 commences (2008 c. 25)
- S.I. 2010/1151 art. 2-4 commences (2009 c. 22)
- S.I. 2010/1817 art. 2-4 commences (2010 c. 26)
- S.I. 2010/1937 art. 2-5 commences (2010 c. 32)
- S.I. 2010/2317 art. 2 3 commences (2010 c. 15)
- S.I. 2010/2413 art. 2 commences (2009 c. 22)
- S.I. 2010/2426 art. 2 commences (2006 c. 38)
- S.I. 2010/2543 art. 2 3 commences (2006 c. 40)
- S.I. 2011/829 art. 2 commences (2009 c. 22)

– [S.I. 2011/1100 art. 2 commences \(2010 c. 26\)](#)