



Education Act 1996

1996 CHAPTER 56

PART IX

ANCILLARY FUNCTIONS

CHAPTER II

ANCILLARY FUNCTIONS OF [F9]LOCAL AUTHORITIES]

Provision of services

[F1]512A Transfer of functions under section 512 to governing bodies.

- (1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the [F2]local authority] which are mentioned in subsection (2).
- (2) Those duties are—
 - ^{F3}(a) the duty to provide school lunches in accordance with [F4]section 512(3) and (4)];
 - ^{F5}(b) the duty to provide school lunches free of charge in accordance with [F6]section 512ZB(1)]; and
 - ^{F7}(c) the duty to provide milk free of charge in accordance with [F8]section 512ZB(3)].
- (3) An order under this section may (subject to subsection (6)) apply to—
 - (a) all maintained schools; or
 - (b) any specified class of such schools; or
 - (c) all such schools, or any specified class of such schools, maintained by specified [F9]local authorities].
- (4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—

Changes to legislation: Education Act 1996, Section 512A is up to date with all changes known to be in force on or before 15 April 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

- (a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the [F2local authority] in relation to the school; and
- [F10](b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c)—
- (i) the order may provide that, notwithstanding the other provisions of the order, the function of determining whether pupils at the school fall within section 512ZB(4) is to be exercisable by the [F2local authority], and
 - (ii) section 533(3) shall not apply to school lunches or milk provided by the governing body in pursuance of the order.]
- (5) An order under this section may provide for section 513(2) not to apply—
- (a) to [F9local authorities] generally, or
 - (b) to any specified [F2local authority],
- either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.
- [F11](6) An order under this section shall not operate to—
- (a) impose any duty on the governing body of a school, or
 - (b) relieve a [F2local authority] of any duty in relation to a school,
- at any time when the school does not have a delegated budget; [F12and such an order may provide for [F13section 512ZA(2)] above to have effect, in relation to any provision made at any such time by the [F2local authority] for pupils at the school, with such modifications as may be specified].
- (7) In this section—
- [F14“delegated budget” has the same meaning as in the School Standards and Framework Act 1998;
- “maintained school” means a maintained school as defined by section 20(7) of the School Standards and Framework Act 1998 or a maintained nursery school;]
- “school lunch” has the same meaning as in section 512 above;
- “specified” means specified in an order under this section.]

Textual Amendments

- F1** S. 512A inserted (1.2.1999) by 1998 c. 31, s. 116 (with ss. 138(9), 144(6)); S.I. 1998/3198, art. 2(2), Sch.
- F2** 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))
- F3** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(i), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F4** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(i), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F5** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(ii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)

Changes to legislation: Education Act 1996, Section 512A is up to date with all changes known to be in force on or before 15 April 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

- F6** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 201(2)(a)(ii)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F7** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(iii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F8** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 201(2)(a)(iii)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F9** 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))
- F10** S. 512A(4)(b) substituted (7.6.2005) by Education Act 2005 (c. 18), **ss. 112**, 125(2)
- F11** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 201(2)(b)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F12** Words in s. 512A(6) omitted (4.5.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(3), **Sch. 5 para. 31(1)**
- F13** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), **ss. 201(2)(b)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F14** Words in s. 512A(7) substituted (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 52** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

Changes to legislation:

Education Act 1996, Section 512A is up to date with all changes known to be in force on or before 15 April 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.

[View outstanding changes](#)

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](#)