



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER VI

#### GENERAL

#### *Construction*

#### **579 General interpretation.**

(1) In this Act, unless the context otherwise requires—

- <sup>F1</sup> .....
- [<sup>F2</sup>“Academy” means a school to which Academy arrangements relate;]
- [<sup>F2</sup>“Academy arrangements” has the meaning given by section 1 of the Academies Act 2010;]
- [<sup>F2</sup>“Academy order” means an order under section 4 of that Act;]
- [<sup>F3</sup>“assist”, in relation to any school, institution or university, shall be construed in accordance with subsections (5) to (7) below;]
- “boarder” includes a pupil who boards during the week but not at weekends;
- “child” means a person who is not over compulsory school age;
- “clothing” includes footwear;
- <sup>F1</sup> .....
- [<sup>F4</sup>“education functions” means the functions specified in Schedule 36A;]
- “financial year” means a period of twelve months ending with 31st March;
- “functions” includes powers and duties;
- <sup>F1</sup> .....
- “head teacher” includes acting head teacher;

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“higher education” means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;

[<sup>F5</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

“land” includes buildings and other structures, land covered with water, and any interest in land;

“liability” includes obligation;

[<sup>F6</sup>“local authority” means—

- (a) a local authority in England;
- (b) a local authority in Wales;

“local authority in England” means—

- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council; and
- (e) the Common Council of the City of London (in their capacity as a local authority);

“local authority in Wales” means—

- (a) a county council in Wales; and
- (b) a county borough council;]

<sup>F1</sup>

“local government elector” has the meaning given by section 270(1) of the <sup>M1</sup>Local Government Act 1972;

[<sup>F7</sup>“maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998;]

“medical officer”, in relation to a [<sup>F8</sup>local authority], means a registered medical practitioner who is employed or engaged (whether regularly or for the purposes of any particular case) by the authority or whose services are made available to the authority by the Secretary of State;

“modifications” includes additions, alterations and omissions and “modify” shall be construed accordingly;

[<sup>F9</sup>“the National Curriculum”(without more) means—

- (a) in relation to England, the National Curriculum for England, and
- (b) in relation to Wales, the National Curriculum for Wales;]

“premises”, in relation to a school, includes any detached playing fields but, except where otherwise expressly provided, does not include a teacher’s dwelling-house;

“prescribed” [<sup>F10</sup>(except in Chapter 5A)] means prescribed by regulations;

“proprietor”, in relation to a school, means the person or body of persons responsible for the management of the school (so that, in relation to [<sup>F11</sup>a community, foundation or voluntary or community or foundation special school [<sup>F12</sup>or a maintained nursery school,] ,][<sup>F13</sup>or a maintained nursery school,] it means the governing body);

<sup>F1</sup>

“regulations” [<sup>F14</sup>(except in Chapter 5A)] means regulations made by the Secretary of State;

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<sup>F1</sup> .....

[<sup>F15</sup>“sex education” includes education about—

- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease;]

“school buildings”, in relation to a school, means any building or part of a building forming part of the school premises, other than a building or part required only—

- (a) as a caretaker’s dwelling,
- (b) for use in connection with playing fields,
- (c) to afford facilities for enabling the Secretary of State facilities to carry out his functions under [<sup>F16</sup>paragraph 1 or 8 of Schedule 1 to the National Health Service Act 2006 (which relate to the provision of medical services for pupils), or]
- (d) to afford facilities for providing milk, meals or other refreshment for pupils in attendance at the school;

“school day”, in relation to a school, means any day on which at that school there is a school session;

[<sup>F17</sup>“school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;]

[<sup>F18</sup>“trust deed” includes any instrument (other than an instrument of government) regulating the constitution of the school’s governing body or the maintenance, management or conduct of the school;]

“young person” means a person over compulsory school age but under the age of 18.

- (2) References in this Act to an interest in land include any easement, right or charge in, to or over land.

<sup>F19</sup>(3) .....

- (4) For the purposes of this Act a person shall be treated as belonging, or as not belonging, to the area of a particular [<sup>F8</sup>local authority] in accordance with regulations; and any question under the regulations shall, in the case of a dispute, be determined by the Secretary of State.

[<sup>F20</sup>(4A) For the purposes of this Act the area of the Common Council of the City of London shall be treated as including the Inner Temple and the Middle Temple.]

- (5) For the purposes of this Act a school shall be regarded as “assisted” by a [<sup>F8</sup>local authority] who do not maintain it if the authority make to its proprietor any grant in respect of the school or any payment in consideration of the provision of educational facilities there.
- (6) Subject to subsection (7), an institution other than a school shall be regarded for the purposes of this Act as “assisted” by a [<sup>F8</sup>local authority] if the authority make to the persons responsible for its maintenance any grant in respect of the institution or any payment in consideration of the provision of educational facilities there.
- (7) Neither—
  - (a) a university, nor

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(b) any institution within the further education sector or within the higher education sector other than a university,  
 shall be regarded for the purposes of this Act as “assisted” by a [<sup>F8</sup>local authority] by virtue of the making by the authority to the persons responsible for the maintenance of the university or institution of any grant or payment such as is mentioned in subsection (6).

### Textual Amendments

- F1** S. 579(1): definitions of "the appropriate further education funding council", "exclude", "governing body" (and "governors"), "the local education authority", "reception class" and "relevant age group" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(a)(ii), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F2** Words in s. 579(1) inserted (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 2 para. 6**; S.I. 2010/1937, art. 2, **Sch. 1**
- F3** Definition in s. 579(1) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in s. 579(1) inserted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, **3(2)(a)**
- F5** Words in s. 579(1) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 16(4)**; S.I. 2008/787, art. 2(4)(f)
- F6** Words in s. 579(1) substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, **3(2)(b)**
- F7** Words in s. 579(1) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 57(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F8** 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))
- F9** S. 579(1): definition of "the National Curriculum" inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 57(b)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F10** Words in s. 579(1) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 12(a)**; S.I. 2010/303, art. 6, Sch. 5
- F11** Words in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F12** Words in s. 579(1) inserted (W.) (31.10.2005) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), regs. 1(1), **4**
- F13** Words in s. 579(1) inserted (E.) (1.9.2003) by The Education Act 2002 (Modification and Transitional Provisions) (England) Regulations 2003 (S.I. 2003/2045), regs. 1(1), **3** (with reg. 6)
- F14** Words in s. 579(1) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 12(b)**; S.I. 2010/303, art. 6, Sch. 5
- F15** S. 579(1): definition of "sex education" inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 57(c)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F16** Words in s. 579 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 185** (with Sch. 3 Pt. 1)
- F17** Definition in s. 579(1) inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 43**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. 1**
- F18** Definition in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iv)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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- F19** S. 579(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F20** S. 579(4A) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, **3(3)**

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**Marginal Citations**

- M1** 1972 c. 70.

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