



# Education Act 1997

## 1997 CHAPTER 44

### PART VIII

#### MISCELLANEOUS AND GENERAL

##### *General provisions*

#### 53 Stamp duty.

- (1) Subject to subsection (2), stamp duty shall not be chargeable in respect of any transfer effected by virtue of section 30 or 34.
- (2) No instrument (other than a statutory instrument) made or executed in pursuance of either of the provisions mentioned in subsection (1) shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the <sup>M1</sup>Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the <sup>M2</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

#### Marginal Citations

M1 1982 c. 39.

M2 1891 c. 39.

#### [<sup>F1</sup>53A. Stamp duty land tax

- (1) For the purposes of stamp duty land tax, a land transaction effected by virtue of section 30 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.

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(3) In this paragraph—

“land transaction” has the meaning given by section 43(1) of the Finance Act 2003;

“land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

**F1** S. 53A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 26**

## 54 Orders and regulations.

(1) Any power of the Secretary of State to make orders or regulations under this Act <sup>F2</sup>... shall be exercised by statutory instrument.

(2) A statutory instrument containing any order or regulations under this Act, except an order under section <sup>F3</sup>... 58, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F4</sup>[<sup>F5</sup>(2A)] .....

(3) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.

(4) Without prejudice to the generality of subsection (3), any order or regulations under this Act may make in relation to Wales provision different from that made in relation to England.

#### Subordinate Legislation Made

**P1** S. 54(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)  
s. 54(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)  
S. 54(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)

#### Textual Amendments

**F2** Words in s. 54(1) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 22**, **Sch. 16 Pt. 4**; [S.I. 2010/1151](#), art. 2, **Sch. 1**  
**F3** Words in s. 54(2) omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 2(4)(a)**; [S.I. 2015/1687](#), art. 2 (with arts. 3-12)  
**F4** S. 54(2A) omitted (21.9.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 2(4)(b)**; [S.I. 2015/1687](#), art. 2 (with arts. 3-12)  
**F5** S. 54(2A) inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 24(7)(b)**, 82(3); [S.I. 2012/924](#), **art. 3**

## 55 Financial provisions.

There shall be paid out of money provided by Parliament—

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- (a) any sums required for the payment by the Secretary of State of grants under this Act;
- (b) any administrative expenses incurred by the Secretary of State in consequence of this Act; and
- (c) any increase attributable to this Act in the sums so payable under any other Act.

## 56 Construction.

(1) In this Act—

“prescribed” means prescribed by regulations; and

“regulations” means regulations made by the Secretary of State under this Act [<sup>F6</sup>, except where otherwise stated or where the function of making regulations under this Act has been transferred to the Welsh Ministers in relation to Wales].

(2) This Act shall be construed as one with the <sup>M3</sup>Education Act 1996.

(3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.

### Textual Amendments

**F6** Words in s. 56(1) inserted (W.) (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 28** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

### Marginal Citations

**M3** 1996 c. 56.

## 57 Minor and consequential amendments, repeals etc.

(1) The minor and consequential amendments set out in Schedule 7 shall have effect.

<sup>F7</sup>(2) .....

<sup>F8</sup>(3) .....

(4) The enactments specified in Schedule 8 are repealed to the extent specified.

### Textual Amendments

**F7** S. 57(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

**F8** S. 57(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

### Commencement Information

**II** S. 57 partly in force; S. 57(1) partly in force at Royal Assent see s. 58(4); s. 57(4) in force for certain purposes at 4.4.1997 by S.I. 1997/1153, **art. 2**; s. 57(1)(4) in force for certain purposes at 14.6.1997,

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1.9.1997 and 1.10.1997 and s. 57(2)(3) in force at 1.9.1997 by [S.I. 1997/1468, art. 2, Sch. 1, Pts. I, II, III](#); s. 57(1)(4) in force for certain purposes at 1.9.2001 by [S.I. 2001/1215, art. 2](#)

## 58 Short title, commencement and extent etc.

- (1) This Act may be cited as the Education Act 1997.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the <sup>M4</sup>Education Act 1996.
- (3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—
 

F9  
.....  
section 54,  
paragraph 48(2) of Schedule 7 and section 57(1) so far as relating thereto, and  
this section.
- (5) Subject to subsections (6) and (7), this Act extends to England and Wales only.
- (6) The following provisions extend to Northern Ireland—
 

F10  
.....  
F11  
.....  
F12  
.....  
sections [F13]35],  
section 53,  
section 54,  
this section,  
F14  
.....
- (7) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

### Subordinate Legislation Made

- P2** S. 58(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
- S. 58(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)
- S. 58(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)
- P3** S. 58(3) power partly exercised (26.3.2001): 1.9.2001 appointed for specified provisions by [S.I. 2001/1215, art. 2](#)

### Textual Amendments

- F9** Words in s. 58(4) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\), Sch. 30 para.221, Sch. 31](#) (with ss. [138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#)
- F10** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 23\(a\)\(i\), Sch. 16 Pt. 4, S.I. 2010/1151, art. 2, Sch. 1](#)

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- F11** Words in s. 58(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(a)(ii), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- F12** Words in s. 58(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(a)(iii), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- F13** Words in s. 58(6) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 23(b)**; S.I. 2010/1151, art. 2, Sch. 1
- F14** Words in s. 58(6) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 23(a)(iv), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1

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**Marginal Citations**

- M4** 1996 c. 56.

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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. 24(2)(ga) inserted by [2008 c. 25 s. 161\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 24(2B)-(2D) inserted by [2008 c. 25 s. 9](#) (This amendment not applied to legislation.gov.uk. S. 9 repealed (31.5.2013) without ever being in force by 2009 c. 22 Sch. 16 Pt. 4; S.I. 2013/975, art. 2(c))
- s. 26A(1)(1A) substituted for s. 26A(1) by [2008 c. 25 s. 161\(11\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 26A(4)(5) inserted by [2008 c. 25 s. 161\(13\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 38(2B) inserted by [2022 asc 1 Sch. 4 para. 9\(3\)\(b\)](#)
- s. 39(1)(b)(c) substituted for s. 39(1)(b) by [2022 asc 1 Sch. 4 para. 9\(4\)\(b\)](#)
- s. 43(2ZA)(2ZB) inserted by [2009 c. 22 s. 250\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)