



Education Act 2002

2002 CHAPTER 32

PART 8

TEACHERS

Health and fitness

141 Health and fitness

- (1) Regulations may provide that an activity to which this section applies may be carried out only by a person who satisfies specified conditions as to health or physical capacity.
- (2) This section applies to an activity of a prescribed kind performed in the course of the provision of education at—
 - (a) a school, or
 - (b) a further education institution.
- (3) This section also applies to an activity of a prescribed kind performed in the course of the provision of education by a person—
 - (a) otherwise than in a school or a further education institution, and
 - (b) under a contract of employment or for services where the other party is a [F1local authority] or a person exercising a function relating to the provision of education on behalf of a [F1local authority].
- (4) This section also applies to an activity of a prescribed kind (other than the provision of education) where—
 - (a) the activity is carried out by a person under a contract of employment or for services,
 - [F2(b) the other party to the contract is—
 - (i) a local authority which entered into the contract for purposes connected with any of their education functions,
 - (ii) the governing body of a school, or
 - (iii) a further education institution,]

Changes to legislation: Education Act 2002, Cross Heading: Health and fitness is up to date with all changes known to be in force on or before 21 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

(c) the activity regularly brings the person into contact with children.

(5) In this section—

“child” means a person who has not attained the age of 18 years,
“education” includes vocational, social, physical and recreational training,
“further education institution” has the meaning given by section 140, and
“school” means—

- (a) a school maintained by a [^{F1}local authority], or
- (b) a special school not so maintained.

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 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F2** S. 141(4)(b) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 11(9)**
-

Commencement Information

- I1** S. 141 partly in force; s. 141 not in force at Royal Assent, see s. 216; s. 141 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), art. 4, **Sch. Pt. I**
- I2** S. 141 in force at 1.8.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 3**

Changes to legislation:

Education Act 2002, Cross Heading: Health and fitness is up to date with all changes known to be in force on or before 21 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 :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (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)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)