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STATUTORY INSTRUMENTS

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**1996 No. 360**

**The Education (School Premises) Regulations 1996**

**PART I  
GENERAL**

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Education (School Premises) Regulations 1996 and shall come into force on 1st September 1996.

(2) The Regulations, and the provisions in Regulations, listed in Schedule 1 are hereby revoked.

**Interpretation**

2.—(1) Except where the context otherwise requires, in these Regulations—

“the 1993 Act” means the Education Act 1993;

“boarding school” means a school with boarding pupils whether or not it also has day pupils;

“circulation space” means any passageway, corridor, entrance hall, stairs or upstairs landing;

“glare index” has the same meaning as in, and shall be calculated in accordance with, the Chartered Institution of Building Services Engineers Technical Memoranda, “TM10: The Calculation of Glare Indices 1985”(1);

“maintained illuminance” has the same meaning as in the Chartered Institution of Building Services Engineers Code for Interior Lighting 1994(2);

“physical education” includes the playing of games;

“playing fields” means so much of an outdoor area provided for physical education as, having regard to its configuration, is suitable for the playing of team games and is laid out for that purpose;

“relevant facility” means any facility referred to in paragraphs (2) to (7) of regulation 3;

“sanitary fitting” means a water closet or urinal;

“school” means a grant-maintained school(3), a grant-maintained special school(4) or a school maintained by a local education authority, but a department of a school which has a separate head teacher shall be treated as a separate school;

“school building” means any building or part of a building forming part of a school;

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(1) Copies may be obtained from the CIBSE Publications Department, Delta House, 222 Balham High Road, London SW12 9BS.

(2) ISBN 0 900953 64 0. Copies may be obtained from the CIBSE Publications Department, Delta House, 222 Balham High Road, London SW12 9BS.

(3) By virtue of section 221(4) of the Education Act 1993 references in any enactment to grant-maintained schools include schools conducted by education associations.

(4) By virtue of section 221(4) of the Education Act 1993, as modified by regulation 2 of *S.I. 1994/1084*, references in any enactment to grant-maintained special schools include special schools conducted by education associations.

“special school” means a special school maintained by a local education authority or a grant-maintained special school<sup>(5)</sup>;

“staff”, in relation to a school, means both teachers and other persons employed at the school;

“teaching accommodation” means accommodation provided for teaching purposes including nursery playroom accommodation;

“washroom” means a room containing at least one sanitary fitting and at least one washbasin;

“a wholesome supply of water for domestic purposes” shall be construed in accordance with regulations made under section 67 of the Water Industry Act 1991<sup>(6)</sup>;

“working plane” means the horizontal, vertical or inclined surface on which any task is carried out.

(2) For the purposes of these Regulations a pupil has “special requirements” if he has any needs arising from physical, medical, sensory, learning, emotional or behavioural difficulties which require provision in terms of any of the facilities referred to in regulation 3 or regulation 9 which is additional to or different from that generally required by children of his age in schools other than special schools.

(3) In these Regulations, the abbreviations “m”, “m<sup>2</sup>”, and “°C” are used to denote the expressions “metre”, “square metre” and “degree Celsius” respectively.

(4) In relation to a school any reference in these Regulations to the number of pupils, number of pupils of a specified age, or the number of boarding pupils is a reference to the number from time to time determined—

- (a) in the case of a county school or a nursery or special school established by a local education authority or a former authority, by the local education authority by whom the school is maintained;
- (b) in the case of a voluntary school or a special school not so established (not including a grant-maintained special school), by the governing body of the school in agreement with the local education authority by whom it is maintained;
- (c) in the case of a grant-maintained school or a grant-maintained special school, by the governing body of the school;

as that which they are satisfied is the normal number of registered pupils at the school, of the specified age, or who are boarding pupils, taking one year with another; and, if at the beginning of the autumn term at a school the actual number significantly exceeds the number so determined, the question whether that number remains the normal number shall be considered by that local education authority or the governing body, as the case may be:

Provided that when a school is first established the local education authority or the governing body referred to in sub-paragraph (a), (b) or (c) above, as appropriate, shall determine the said numbers having regard to the numbers specified in, or to be inferred from, the proposals published in pursuance of (as the case may be):

- (i) (4) (i) section 12 of the Education Act 1980;
- (ii) section 13 of the Education Act 1980;
- (iii) section 48 of the 1993 Act;
- (iv) section 49 of the 1993 Act; or
- (v) section 183 of the 1993 Act.

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<sup>(5)</sup> These expressions are defined in section 182 of the Education Act 1993.

<sup>(6)</sup> The Regulations currently in force are the Water Supply (Water Quality) Regulations 1989 (S.I. 1989/1147; amended by S.I. 1989/1384, 1991/1837, 2790) and the Private Water Supplies Regulations 1991 (S.I. 1991/2790).

(5) In calculating the number of pupils or number of pupils of a specified age, where one registered pupil attends only the morning sessions and another registered pupil attends only the afternoon sessions those two pupils shall count only as a single registered pupil.

(6) For the purposes of these Regulations, a pupil shall, throughout any period of a year beginning on the first day of the autumn term, be treated as being of the age which was his age immediately before the beginning of that year:

Provided that—

- (a) where in the course of any such year a child attains the age of five years and is admitted to a school, he shall be treated as if he were of that age immediately before the beginning of that year;
- (b) where the admission arrangements for a school provide for the admission otherwise than to nursery classes of children who will attain the age of five years within six months after their admission, children so admitted shall be treated as being five years of age notwithstanding that they have not attained that age.

(7) Where the number of pupils at a school who have, or have not, attained a specified age is no more than 2% of the total number of pupils at the school, or two, whichever is greater, those pupils shall be disregarded in determining for the purposes of these Regulations whether the school has pupils who have not, or have, attained that age.

(8) Except where the context otherwise requires, in these Regulations any reference to a regulation or Schedule is a reference to a regulation of, or Schedule to, these Regulations, any reference in a regulation or Schedule to a paragraph is a reference to a paragraph of that regulation or Schedule and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.