



# Education Act 1996

## 1996 CHAPTER 56

### PART IX

#### ANCILLARY FUNCTIONS

#### CHAPTER II

#### ANCILLARY FUNCTIONS OF [F<sup>1</sup>LOCAL AUTHORITIES]

#### *Payment of fees*

#### **517 Payment of fees at schools not maintained by a [F<sup>1</sup>local authority].**

- (1) Where, in pursuance of arrangements made under section 18 [F<sup>2</sup>[F<sup>3</sup>, Part 4 (special educational needs)] or Part 3 of the Children and Families Act 2014 (children and young people in England with special educational needs or disabilities)], primary or secondary education is provided for a pupil at a school not maintained by them or another [F<sup>1</sup>local authority], the [F<sup>1</sup>local authority] by whom the arrangements are made shall—
  - (a) if subsection (2), (3) or (4) applies, pay the whole of the fees payable in respect of the education provided in pursuance of the arrangements; and
  - (b) if board and lodging are provided for the pupil at the school and subsection (5) applies, pay the whole of the fees payable in respect of the board and lodging.
- (2) This subsection applies where—
  - (a) the pupil fills a place in the school which the proprietor of the school has put at the disposal of the authority; and
  - (b) the school is one in respect of which grants are made by the Secretary of State under section 485.
- (3) This subsection applies where the authority are satisfied that, by reason of a shortage of places in every school maintained by them or another [F<sup>1</sup>local authority] to which the pupil could be sent with reasonable convenience, education suitable—

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- (a) to his age, ability and aptitude, and
  - (b) to any special educational needs he may have,
- cannot be provided by them for him except at a school not maintained by them or another <sup>[F1]</sup>local authority].
- (4) This subsection applies where (in a case in which neither subsection (2) nor subsection (3) applies) the authority are satisfied—
- (a) that the pupil has special educational needs, and
  - (b) that it is expedient in his interests that the required special educational provision should be made for him at a school not maintained by them or another <sup>[F1]</sup>local authority].
- (5) This subsection applies where the authority are satisfied that education suitable—
- (a) to the pupil’s age, ability and aptitude, and
  - (b) to any special educational needs he may have,
- cannot be provided by them for him at any school unless board and lodging are also provided for him (either at school or elsewhere)
- (6) As from such day as the Secretary of State may by order appoint this section shall have effect with the following modifications—
- (a) in subsections (1) and (3), for “not maintained by them or another <sup>[F1]</sup>local authority]” substitute “which is neither a maintained nor a grant-maintained school”;
  - (b) in subsection (3), for “every school maintained by them or another <sup>[F1]</sup>local authority]” substitute “every maintained or grant-maintained school”;
  - (c) in subsections (3) and (5), for “provided by them” substitute “provided”;
  - (d) omit subsection (4) and the reference to it in subsection (1); and
  - (e) <sup>[F4]</sup>at the end add—
- “(7) In this section “grant-maintained school” includes a grant-maintained special school, and subsection (5) does not apply where section 348(2) applies.”]
- (7) An order under subsection (6) may appoint different days for different provisions and for different purposes.
- <sup>[F5]</sup>(8) In this section as it applies where a local authority in Wales makes arrangements under section 18 for primary or secondary education to be provided for a pupil at a school not maintained by a local authority—
- (a) references to special educational needs are to be interpreted as references to additional learning needs, and
  - (b) references to special educational provision are to be interpreted as references to additional learning provision.
- (9) Subsection (5) does not apply where board and lodging is secured for a pupil under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.]

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**Subordinate Legislation Made**

**P1** S. 517(6) power fully exercised (30.6.1997): 1.9.1997 appointed day by [S.I. 1997/1623](#).

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### 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 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F2** Words in s. 517(1) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 51**; [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F3** Words in s. 517(1) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 4(24)(a)**<sup>6</sup>; [S.I. 2021/373](#), arts. 3, 4, 6, 7 (as amended by [S.I. 2021/938](#), art. 2); [S.I. 2021/1243](#), art. 3 (with arts. 4-23) (as amended by [S.I. 2021/1428](#), art. 2); [S.I. 2021/1244](#), art. 3 (with arts. 4-21) (as amended by [S.I. 2021/1428](#), art. 3); [S.I. 2021/1245](#), arts. 3, 4 (with art. 1(4)); [S.I. 2022/891](#), art. 3 (with arts. 4-25); [S.I. 2022/892](#), arts. 2, 3 (with arts. 4-18); [S.I. 2022/893](#), art. 4; [S.I. 2022/894](#), art. 3; [S.I. 2022/895](#), arts. 3, 4; [S.I. 2022/896](#), art. 3 (with arts. 1(7), 4-22); [S.I. 2022/897](#), art. 3 (with arts. 1(8), 4-21); [S.I. 2022/898](#), arts. 2, 3
- F4** S. 517(6)(e) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 4(24)(b)**<sup>6</sup>; [S.I. 2021/373](#), arts. 3, 4, 6, 7 (as amended by [S.I. 2021/938](#), art. 2); [S.I. 2021/1243](#), art. 3 (with arts. 4-23) (as amended by [S.I. 2021/1428](#), art. 2); [S.I. 2021/1244](#), art. 3 (with arts. 4-21) (as amended by [S.I. 2021/1428](#), art. 3); [S.I. 2021/1245](#), arts. 3, 4 (with art. 1(4)); [S.I. 2022/891](#), art. 3 (with arts. 4-25); [S.I. 2022/892](#), arts. 2, 3 (with arts. 4-18); [S.I. 2022/893](#), art. 4; [S.I. 2022/894](#), art. 3; [S.I. 2022/895](#), arts. 3, 4; [S.I. 2022/896](#), art. 3 (with arts. 1(7), 4-22); [S.I. 2022/897](#), art. 3 (with arts. 1(8), 4-21); [S.I. 2022/898](#), arts. 2, 3
- F5** S. 517(8)(9) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 4(24)(c)**<sup>6</sup>; [S.I. 2021/373](#), arts. 3, 4, 6, 7 (as amended by [S.I. 2021/938](#), art. 2); [S.I. 2021/1243](#), art. 3 (with arts. 4-23) (as amended by [S.I. 2021/1428](#), art. 2); [S.I. 2021/1244](#), art. 3 (with arts. 4-21) (as amended by [S.I. 2021/1428](#), art. 3); [S.I. 2021/1245](#), arts. 3, 4 (with art. 1(4)); [S.I. 2022/891](#), art. 3 (with arts. 4-25); [S.I. 2022/892](#), arts. 2, 3 (with arts. 4-18); [S.I. 2022/893](#), art. 4; [S.I. 2022/894](#), art. 3; [S.I. 2022/895](#), arts. 3, 4; [S.I. 2022/896](#), art. 3 (with arts. 1(7), 4-22); [S.I. 2022/897](#), art. 3 (with arts. 1(8), 4-21); [S.I. 2022/898](#), arts. 2, 3

### Modifications etc. (not altering text)

- C1** S. 517 modified (1.9.1999) (the modification as mentioned in s. 517(6) has effect from 1.9.1997 as mentioned in [S.I. 1997/1623](#)) by [S.I. 1999/2260](#), reg. 2(1)

## [<sup>F6</sup>518] Payment of school expenses; grant of scholarships, etc.

- (1) A [<sup>F1</sup>local authority], for the purpose of enabling persons to take advantage of any educational facilities available to them, may in such circumstances as may be specified in or determined in accordance with regulations—
- pay such expenses of children attending community, foundation, voluntary or special schools as may be necessary to enable them to take part in any school activities,
  - grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age.
- (2) Regulations may make provision—
- for requiring a [<sup>F1</sup>local authority] to make, in relation to each financial year, a determination relating to the extent to which they propose to exercise their power under subsection (1)(b) in that year; and

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- (b) for authorising an authority to determine not to exercise that power in a financial year—
- (i) generally,
  - (ii) in such cases as may be prescribed, or
  - (iii) in such cases as may be determined by the authority.]

#### 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 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F6** S. 518 substituted (1.2.1999) by 1998. c. 31, s. 129 (with ss. 138(9), 144(6)) (subject to savings indicated in [S.I. 1999/120, art. 3\(2\)](#)); [S.I. 1999/120, art. 2](#), **Sch. 1**

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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. 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](#)