



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

### CHAPTER I

#### EDUCATIONAL PREMISES

##### *Required standards for educational premises*

#### **542 Prescribed standards for school premises.**

- (1) Regulations shall prescribe the standards to which the premises of schools maintained by [<sup>F1</sup>local authorities]<sup>F2</sup> . . . are to conform; and without prejudice to the generality of section 569(4) different standards may be prescribed for such descriptions of schools as are specified in the regulations.
- (2) Where a school is maintained by a [<sup>F3</sup>local authority] , the authority shall secure that the school premises conform to the prescribed standards.
- <sup>F4</sup>(3) . . . . .
- (4) [<sup>F5</sup>subsection (2) has] effect subject to section 543.

#### **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(3)** (with Sch. 2 para. 7(4)(5))
- F2** Words in s. 542(1) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), Sch. 30 para. 158(a), **Sch.31** (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**

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- F3** 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\(4\)\(5\)](#))
- F4** S. 542(3) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 158\(b\)](#), **Sch. 31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**
- F5** Words in s. 542(4) substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para. 158(c)** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

### 543 Relaxation of prescribed standards in special cases.

- (1) Where subsection (2), (3) [<sup>F6</sup>, (4) or (4A)] applies in relation to a school, the Secretary of State may direct that, despite the fact that the prescribed requirement referred to in that subsection is not satisfied, the school premises shall be taken, as respects the matters specified in the direction, to conform to the standards prescribed under section 542 so long as—
- (a) the direction remains in force, and
  - (b) any conditions specified in the direction as respects those matters are observed.
- (2) This subsection applies if the Secretary of State is satisfied, having regard—
- (a) to the nature of the school's existing site,
  - (b) to any existing buildings on the site, or
  - (c) to other special circumstances affecting the school premises,
- that it would be unreasonable to require conformity with any prescribed requirement as to any matter.
- (3) This subsection applies if—
- (a) the school is to have an additional or new site, and
  - (b) the Secretary of State is satisfied, having regard to the shortage of suitable sites, that it would be unreasonable to require conformity with any prescribed requirement relating to sites.
- (4) This subsection applies if—
- (a) the school is to have additional buildings, or is to be transferred to a new site,
  - (b) existing buildings not previously part of the school premises, or temporary buildings, are to be used for that purpose, and
  - (c) the Secretary of State is satisfied, having regard to the need to control public expenditure in the interests of the national economy, that it would be unreasonable to require conformity with any prescribed requirement relating to buildings.
- <sup>F7</sup>[(4A) This subsection applies, in relation to any playing fields used by the school for the purposes of the school, if the Secretary of State is satisfied that, having regard to other facilities for physical education available to the school, it would be unreasonable to require conformity with any prescribed requirement relating to playing fields.
- In this subsection “playing fields” has the same meaning as in section 77 of the School Standards and Framework Act 1998 (control of disposals or changing use of school playing fields).]
- (5) In this section “prescribed requirement” means a requirement of regulations under section 542.

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#### Textual Amendments

- F6** Words in s. 543(1) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 159(a)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch. 1 Pt.III**
- F7** S. 543(4A) inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 159(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch. 1 Pt.III**

### 544 Approval etc. of school premises and boarding hostels.

- (1) Regulations may make provision requiring the Secretary of State's approval<sup>F8</sup> . . . to be obtained for the provision of new premises for, or the alteration of the premises of—
- (a) any school to which this section applies, or
  - (b) any boarding hostel provided by a [<sup>F3</sup>local authority] for persons receiving education at any such school.
- (2) Regulations may make provision for the inspection of any such hostel.
- (3) The schools to which this section applies are—
- (a) any school maintained by a [<sup>F3</sup>local authority], [<sup>F9</sup>and]
  - <sup>F10</sup>(b) . . . . .
  - (c) any special school not maintained by a [<sup>F3</sup>local authority].

#### Textual Amendments

- F3** 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))
- F8** Words in s. 544(1) repealed (1.4.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 160(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F9** Word at the end of s. 544(3)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 160(b)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F10** S. 544(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 160(b)(ii), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### 545 Exemption from building byelaws of approved buildings.

- (1) Where plans for, or particulars in respect of, a building required for the purposes of any school or other educational institution are approved by the Secretary of State, he may by order direct that any provision of a local Act or of a byelaw made under such an Act—
- (a) shall not apply in relation to the building, or
  - (b) shall apply in relation to it with such modifications as may be specified in the order.
- (2) The reference in subsection (1) to plans or particulars approved by the Secretary of State includes a reference to—
- (a) particulars submitted to and approved by him under regulations under section 544<sup>F11</sup> . . . ,<sup>F12</sup> . . .
  - <sup>F12</sup>(b) . . . . .

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#### Textual Amendments

- F11** Words in s. 545(2)(a) repealed (6.11.2006 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 55](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2; S.I. 2007/3611, art. 4(1), [Sch. Pt. 1](#)
- F12** S. 545(2)(b) and preceding word repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para. 161](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)

### *Control of potentially harmful materials and apparatus*

#### **546 Control of potentially harmful materials and apparatus in schools.**

- (1) Regulations may make provision for requiring the Secretary of State's approval to be obtained for the use in schools to which this section applies of such materials or apparatus as may be specified in the regulations, being materials or apparatus which could or might involve a serious risk to health.
- (2) The schools to which this section applies are—
  - (a) any school maintained by a [<sup>F3</sup>local authority], [<sup>F13</sup>and]
  - <sup>F14</sup>(b) .....
  - (c) any special school not maintained by a [<sup>F3</sup>local authority].

#### Textual Amendments

- F3** 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\(4\)\(5\)](#))
- F13** Word at the end of s. 546(2)(a) inserted (1.9.1999) by [1998 c. 31](#), s. 140(1), [Sch. 30 para. 162\(a\)](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)
- F14** s. 546(2)(b) repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para. 162\(b\)](#), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)

### *Nuisance or disturbance on school premises*

#### **547 Nuisance or disturbance on school premises.**

- (1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation, of—
  - (a) any school maintained by a [<sup>F3</sup>local authority], <sup>F15</sup>...
  - <sup>F16</sup>(aa) any special school not so maintained, <sup>F17</sup>...
  - (ab) any independent school][<sup>F18</sup>, and
  - (ac) any alternative provision Academy that is not an independent school]
  - <sup>F15</sup>(b) .....

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[<sup>F19</sup>(2A) This section also applies to any premises which are—

- (a) provided by a [<sup>F3</sup>local authority] under [<sup>F20</sup>section 507A or 507B (if the authority are in England) or section 508 (if the authority are in Wales)], and
- (b) used wholly or mainly in connection with the provision of instruction or leadership in sporting, recreational or outdoor activities.]

(3) If—

- (a) a police constable, or
- (b) (subject to subsection (5)) a person whom [<sup>F21</sup>the appropriate authority has] authorised to exercise the power conferred by this subsection,

has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.

[<sup>F22</sup>(4) In subsection (3) “the appropriate authority” means—

- (a) in relation to premises of a foundation, voluntary aided or foundation special school, a [<sup>F3</sup>local authority] or the governing body,
- (b) in relation to—
  - (i) premises of any other school maintained by a [<sup>F3</sup>local authority], and
  - (ii) premises provided by a [<sup>F3</sup>local authority] as mentioned in subsection (2A),a [<sup>F3</sup>local authority], and
- (c) in relation to premises of a special school which is not so maintained or of an independent school [<sup>F23</sup>or an alternative provision Academy that is not an independent school], the proprietor of the school.]

(5) A [<sup>F3</sup>local authority] may not authorise a person to exercise the power conferred by subsection (3) in relation to premises of [<sup>F24</sup>a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.

[<sup>F25</sup>(6) No proceedings for an offence under this section shall be brought by any person other than—

- (a) a police constable, or
- (b) an authorised person.

(7) In subsection (6) “authorised person” means—

- (a) in relation to an offence committed on premises of a foundation, voluntary aided or foundation special school, a [<sup>F3</sup>local authority] or a person whom the governing body have authorised to bring such proceedings,
- (b) in relation to an offence committed—
  - (i) on premises of any other school maintained by a [<sup>F3</sup>local authority], or
  - (ii) on premises provided by a [<sup>F3</sup>local authority] as mentioned in subsection (2A),a [<sup>F3</sup>local authority], and
- (c) in relation to an offence committed on premises of a special school which is not so maintained or of an independent school [<sup>F26</sup>, or an alternative provision Academy that is not an independent school], a person whom the proprietor of the school has authorised to bring such proceedings.]

(8) A [<sup>F3</sup>local authority] may not bring proceedings for an offence under this section committed on premises of [<sup>F24</sup>a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.

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### Textual Amendments

- F3** 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\(4\)\(5\)](#))
- F15** S. 547(2)(b) and preceding word repealed (1.9.1999) by School Standards and Framework Act 1988 (c. 31), s. 140(1)(3), Sch. 30 para. 163(a), Sch. 31 (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**
- F16** S. 547(2)(aa)(ab) inserted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(2)** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 5, Sch. Pt. II
- F17** Word in s. 547(2) omitted (1.4.2012) by virtue of [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(a)** (with art. 3)
- F18** S. 547(2)(ac) and word inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(a)** (with art. 3)
- F19** S. 547(2A) inserted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(3)** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 5, Sch. Pt. II
- F20** Words in s. 547(2A)(a) substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 1 para. 6**
- F21** Words in s. 547(3)(b) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(4)** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 5, Sch. Pt. II
- F22** S. 547(4) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(5)** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 5, Sch. Pt. II
- F23** Words in s. 547(4)(c) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(b)** (with art. 3)
- F24** Words in s. 547(5)(8) substituted (1.9.1999) by School Standards and Framework Act 1988 (c. 31), s. 140(1), **Sch. 30 para. 163(c)** (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**
- F25** S. 547(6)(7) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 1(6)** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 5, Sch. Pt. II
- F26** Words in s. 547(7)(c) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 8(c)** (with art. 3)

## CHAPTER II

### [<sup>F27</sup> PUNISHMENT AND RESTRAINT OF PUPILS]

### Textual Amendments

- F27** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), **Sch. 7 para. 38**; [S.I. 1998/386](#), art. 2(4), **Sch. 1 Pt. IV**

### [<sup>F28</sup> Corporal punishment]

### Textual Amendments

- F28** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), **Sch. 7 para. 38**; [S.I. 1998/386](#), art. 2(4), **Sch. 1 Pt. IV**

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**[<sup>F29</sup>548 No right to give corporal punishment.**

- (1) Corporal punishment given by, or on the authority of, a member of staff to a child—
- (a) for whom education is provided at any school, or
  - (b) for whom education is provided, otherwise than at school, under any arrangements made by a [<sup>F3</sup>local authority], or
  - (c) for whom [<sup>F30</sup>specified early years education] is provided otherwise than at school,

cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

- (2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.
- (3) The following provisions have effect for the purposes of this section.
- (4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.
- (5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—
- (a) an immediate danger of personal injury to, or
  - (b) an immediate danger to the property of,
- any person (including the child himself).
- (6) “Member of staff”, in relation to the child concerned, means—
- (a) any person who works as a teacher at the school or other place at which education is provided for the child, or
  - (b) any other person who (whether in connection with the provision of education for the child or otherwise)—
    - (i) works at that school or place, or
    - (ii) otherwise provides his services there (whether or not for payment),and has lawful control or charge of the child.
- (7) “Child” (except in subsection (8)) means a person under the age of 18.

**[<sup>F31</sup>(8) “Specified early years education” means—**

- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is
  - (i) [<sup>F32</sup>provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);]<sup>F33</sup>or
  - (ii) provided under arrangements made by a local authority in pursuance of any duty imposed under section 2 of the Childcare Act 2016 (whether or not the local authority provides the early years provision),]
- (b) in relation to Wales, full-time or part-time education suitable for children who have not attained compulsory school age which is provided—
  - (i) by a [<sup>F3</sup>local authority] in Wales, or
  - (ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance

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of the duty imposed by section 118 of the School Standards and Framework Act 1998.]]

#### Textual Amendments

- F3** 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\(4\)\(5\)](#))
- F29** S. 548 substituted (1.9.1999) by [1998 c. 31, ss. 131\(1\)](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**
- F30** Words in s. 548(1)(c) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 27(2)**; [S.I. 2008/2261](#), art. 2 (with [Sch. 1](#))
- F31** S. 548(8) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 27(3)**; [S.I. 2008/2261](#), art. 2 (with [Sch. 1](#))
- F32** Words in s. 548(8)(a) renumbered as s. 548(8)(a)(i) (10.1.2017) by [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **40(4)(a)**
- F33** S. 548(8)(a)(ii) and word inserted (10.1.2017) by [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **40(4)(b)**

**F34** **549** .....

#### Textual Amendments

- F34** S. 549 repealed (1.9.1999) by [1998 c. 31, ss. 131\(2\), 140\(1\)\(3\)](#), [Sch. 30 para. 164](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**

**F35** **550** .....

#### Textual Amendments

- F35** S. 550 repealed (1.9.1999) by [1998 c. 31, ss. 131\(2\), 140\(1\)\(3\)](#), [Sch. 30 para. 164](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**

*[<sup>F36</sup> Power to restrain pupils]*

#### Textual Amendments

- F36** S. 550A and cross-heading inserted (1.9.1998) by [1997 c. 44, s. 4](#) (with [s. 57\(3\)](#)); [S.I. 1998/386](#), art. 2(4), **Sch. 1 Pt. IV**

**F37** <sup>F38</sup> **550A** Power of members of staff to restrain pupils.

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#### Textual Amendments

- F37** S. 550A repealed (1.4.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 96(a), 188(3), [Sch. 18 Sch. 6](#); S.I. 2007/935, art. 4(a)(d); S.I. 2010/2543, art. 2(f)(m)
- F38** S. 550A and cross-heading inserted (1.9.1998) by [1997 c. 44, s. 4](#) (with s. 57(3)); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

### *<sup>F39</sup>Powers to search pupils*

#### Textual Amendments

- F39** Ss. 550ZA-550ZD inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 242(1), 269(4); S.I. 2010/303, art. 6, [Sch. 5](#) (as amended (26.7.2010) by S.I. 2010/1891, art. 2(2) (with art. 3))

### **550ZA Power of members of staff to search pupils for prohibited items: England**

- (1) This section applies where a member of staff of a school in England—
  - (a) has reasonable grounds for suspecting that a pupil at the school may have a prohibited item with him or her or in his or her possessions; and
  - (b) falls within section 550ZB(1).
- (2) The member of staff may search the pupil (“P”) or P’s possessions for that item.
- (3) For the purposes of this section and section 550ZC each of the following is a “prohibited item”—
  - (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc);
  - (b) an offensive weapon, within the meaning of the Prevention of Crime Act 1953;
  - (c) alcohol, within the meaning of section 191 of the Licensing Act 2003;
  - (d) a controlled drug, within the meaning of section 2 of the Misuse of Drugs Act 1971, which section 5(1) of that Act makes it unlawful for P to have in P’s possession;
  - (e) a stolen article;
  - <sup>F40</sup>(ea) [ an article that the member of staff reasonably suspects has been, or is likely to be, used—
    - (i) to commit an offence, or
    - (ii) to cause personal injury to, or damage to the property of, any person (including P);]
    - (f) an article of a kind specified in regulations.
    - <sup>F41</sup>[ any other item which the school rules identify as an item for which a search may be made.]
  - (4) In subsection (3)(e) “stolen”, in relation to an article, has the same meaning as it has by virtue of section 24 of the Theft Act 1968 in the provisions of that Act relating to goods which have been stolen.

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[ In subsection (3)(ea)(i), “offence” includes anything that would be an offence but for  
 F42(4A) the operation of any presumption that a person under a particular age is incapable of committing an offence.

(4B) In subsection (3)(g), the “school rules” means—

- (a) in the case of a maintained school or a non-maintained special school, rules in force at the school that are made under measures determined and publicised by the head teacher under section 89 of the Education and Inspections Act 2006;
- (b) in the case of any other school, measures relating to discipline in the school that are determined and publicised in accordance with regulations.

(4C) In subsection (4B)(a)—

“maintained school” means—

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school,
- (c) a maintained nursery school, or
- (d) a pupil referral unit;

“non-maintained special school” means a school that is approved under section 342.]

(5) In this section and section 550ZB—

“member of staff”, in relation to a school, means—

- (a) any teacher who works at the school; and
- (b) any other person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is being provided at the school;

“possessions”, in relation to P, includes any goods over which P has or appears to have control.

(6) The powers conferred by this section and sections 550ZB and 550ZC are in addition to any powers exercisable by the member of staff in question apart from those sections and are not to be construed as restricting such powers.

#### Textual Amendments

- F40** S. 550ZA(3)(ea) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(2)(a), 82(3); S.I. 2012/924, art. 2
- F41** S. 550ZA(3)(g) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(2)(b), 82(3); S.I. 2012/924, art. 2
- F42** Ss. 550ZA(4A)-(4C) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(2)(c), 82(3); S.I. 2012/924, art. 2

#### 550ZB Power of search under section 550ZA: supplementary

(1) A person may carry out a search under section 550ZA only if that person—

- (a) is the head teacher of the school; or
- (b) has been authorised by the head teacher to carry out the search.

(2) An authorisation for the purposes of subsection (1)(b) may be given in relation to—

- (a) searches under section 550ZA generally;

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- (b) a particular search under that section;
  - (c) a particular description of searches under that section.
- (3) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school in England to require a person other than a member of the security staff of the school to carry out a search under section 550ZA.
- (4) A search under section 550ZA may be carried out only where—
- (a) the member of staff and P are on the premises of the school; or
  - (b) they are elsewhere and the member of staff has lawful control or charge of P.
- (5) A person exercising the power in section 550ZA [<sup>F43</sup>to search for an item within section 550ZA(3)(a) to (f)] may use such force as is reasonable in the circumstances for exercising that power.
- (6) A person carrying out a search of P under section 550ZA—
- (a) may not require P to remove any clothing other than outer clothing;
  - (b) must be of the same sex as P [<sup>F44</sup>, unless the condition in subsection (6A) is satisfied];
  - (c) may carry out the search only in the presence of another member of staff [<sup>F45</sup>, unless the condition in subsection (6A) is satisfied]; and
  - (d) must ensure that the other member of staff is of the same sex as P if it is reasonably practicable to do so.

[ The condition is satisfied if—

- <sup>F46</sup>(6A) (a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
- (b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as P or in the presence of another member of staff (as the case may be).]

- (7) P's possessions may not be searched under section 550ZA except in the presence of—
- (a) P; and
  - (b) another member of staff [<sup>F47</sup>, unless the condition in subsection (7A) is satisfied].

[ The condition is satisfied if—

- <sup>F48</sup>(7A) (a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
- (b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff.]

- (8) In this section—

“member of the security staff”, in relation to a school, means a member of staff whose work at the school consists wholly or mainly of security-related activities;

“outer clothing” means—

- (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
- (b) a hat, shoes, boots, gloves or a scarf.

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### Textual Amendments

- F43** Words in s. 550ZB(5) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(a)**, 82(3); S.I. 2012/924, art. 2
- F44** Words in s. 550ZB(6)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(b)(i)**, 82(3); S.I. 2012/924, art. 2
- F45** Words in s. 550ZB(6)(c) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(b)(ii)**, 82(3); S.I. 2012/924, art. 2
- F46** S. 550ZB(6A) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(c)**, 82(3); S.I. 2012/924, art. 2
- F47** Words in s. 550ZB(7)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(d)**, 82(3); S.I. 2012/924, art. 2
- F48** S. 550ZB(7A) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(e)**, 82(3); S.I. 2012/924, art. 2

### 550ZC Power to seize items found during search under section 550ZA

- (1) A person carrying out a search under section 550ZA may seize any of the following found in the course of the search—
    - (a) anything which that person has reasonable grounds for suspecting is a prohibited item;
    - (b) any other thing which that person has reasonable grounds for suspecting is evidence in relation to an offence.
  - (2) A person exercising the power in subsection (1) [<sup>F49</sup>to seize an item within section 550ZA(3)(a) to (f) or anything within subsection (1)(b)] may use such force as is reasonable in the circumstances for exercising that power.
  - (3) A person who seizes alcohol under subsection (1) may retain or dispose of the alcohol and its container.
  - (4) A person who seizes a controlled drug under subsection (1)—
    - (a) must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but
    - (b) may dispose of it if the person thinks that there is a good reason to do so.
  - (5) A person who seizes a stolen article under subsection (1)—
    - (a) must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but
    - (b) may return it to its owner (or, if returning it to its owner is not practicable, may retain it or dispose of it) if the person thinks that there is a good reason to do so.
  - (6) In determining, for the purposes of subsections (4) and (5), whether there is a good reason to dispose of a controlled drug or to return a stolen article to its owner, retain it or dispose of it, the person must have regard to any guidance issued by the Secretary of State.
- [ A person who seizes an item that is a prohibited item by virtue of section 550ZA(3) <sup>F50</sup>(6A) (ea) (article used in commission of offence or to cause personal injury or damage to property) under subsection (1) must—
- (a) deliver the item to a police constable as soon as reasonably practicable,

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- (b) return the item to its owner,
  - (c) retain the item, or
  - (d) dispose of the item.
- (6B) A person who seizes an item that is a prohibited item by virtue of section 550ZA(3)(g) (item for which search may be made under school rules) under subsection (1) must return it to its owner, retain it or dispose of it.
- (6C) In deciding what to do with an item under subsection (6A) or (6B), the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State.
- (6D) Subsections (6E) and (6F) apply to an item that—
  - (a) has been seized under subsection (1),
  - (b) is a prohibited item by virtue of section 550ZA(3)(ea) or (g), and
  - (c) is an electronic device.
- (6E) The person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so.
- (6F) Following an examination under subsection (6E), if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so.
- (6G) In determining whether there is a good reason for the purposes of subsection (6E) or (6F), the person must have regard to any guidance issued for the purposes of this section by the Secretary of State.]
- (7) Regulations may prescribe what must or may be done by a person who, under subsection (1), seizes an article of a kind specified in regulations under section 550ZA(3)(f) (or an article which the person has reasonable grounds for suspecting to be such an article).
- (8) A person who, under subsection (1), seizes—
  - (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc);
  - (b) an offensive weapon; or
  - (c) anything which that person has reasonable grounds for suspecting is evidence in relation to an offence;must deliver it to a police constable as soon as reasonably practicable.
- (9) Subsection (8)(c) is subject to subsections (3), (4)<sup>F51</sup>, (5) and (6A)] and regulations made under subsection (7).
- (10) In subsections (3) to (8), references to alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies and an offensive weapon include references to anything which the person has reasonable grounds for suspecting is alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies or an offensive weapon.

#### Textual Amendments

**F49** Words in s. 550ZC(2) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), ss. [2\(4\)\(a\)](#), 82(3); S.I. 2012/924, art. 2

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- F50** Ss. 550ZC(6A)-(6G) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(4)(b)**, 82(3); S.I. 2012/924, art. 2
- F51** Words in s. 550ZC(9) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(4)(c)**, 82(3); S.I. 2012/924, art. 2

## 550ZD Section 550ZC: supplementary

- (1) The Police (Property) Act 1897 (disposal of property in the possession of the police) applies to property which has come into the possession of a police constable under section 550ZC(4)(a), (5)(a)<sup>F52</sup>, (6A)(a)] or (8) as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (2) Subsection (3) applies where a person—
  - (a) seizes, retains or disposes of [<sup>F53</sup>an item within subsection (2A)] under section 550ZC; and
  - (b) proves that the seizure, retention or disposal was lawful.

[ The items referred to in subsection (2)(a) are—

<sup>F54</sup>(2A) 
  - (a) alcohol or its container;
  - (b) a controlled drug;
  - (c) a stolen article;
  - (d) an item that is a prohibited item by virtue of section 550ZA(3)(ea) or (g).

(2B) Subsection (3) also applies where a person—

  - (a) erases data or a file from an electronic device under section 550ZC(6F); and
  - (b) proves that the erasure was lawful.]
- (3) That person is not liable in any proceedings in respect of—
  - (a) the seizure, retention<sup>F55</sup>, disposal or erasure]; or
  - (b) any damage or loss which arises in consequence of it.
- (4) Subsections (2)<sup>F56</sup>, (2B)] and (3) do not prevent any person from relying on any defence on which the person is entitled to rely apart from those subsections.
- (5) Regulations under section 550ZC(7) may make provision corresponding to any provision of this section.]

### Textual Amendments

- F52** Words in s. 550ZD(1) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(5)(a)**, 82(3); S.I. 2012/924, art. 2
- F53** Words in s. 550ZD(2)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(5)(b)**, 82(3); S.I. 2012/924, art. 2
- F54** S. 550ZD(2A)(2B) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(5)(c)**, 82(3); S.I. 2012/924, art. 2
- F55** Words in s. 550ZD(3)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(5)(d)**, 82(3); S.I. 2012/924, art. 2
- F56** Word in s. 550ZD(4) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(5)(e)**, 82(3); S.I. 2012/924, art. 2

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**[<sup>F57</sup>550A Power of members of staff to search pupils for weapons [<sup>F58</sup>: Wales]**

- (1) A member of the staff of a school [<sup>F59</sup>in Wales] who has reasonable grounds for suspecting that a pupil at the school may have with him or in his possessions—
  - (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
  - (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),may search that pupil or his possessions for such articles and weapons.
- (2) A search under this section may be carried out only where—
  - (a) the member of the staff and the pupil are on the premises of the school; or
  - (b) they are elsewhere and the member of the staff has lawful control or charge of the pupil.
- (3) A person may carry out a search under this section only if—
  - (a) he is the head teacher of the school; or
  - (b) he has been authorised by the head teacher to carry out the search.
- (4) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school [<sup>F60</sup>in Wales] to require a person other than a member of the security staff of the school to carry out a search under this section.
- (5) A person who carries out a search of a pupil under this section—
  - (a) may not require the pupil to remove any clothing other than outer clothing;
  - (b) must be of the same sex as the pupil; and
  - (c) may carry out the search only in the presence of another member of the staff who is also of the same sex as the pupil.
- (6) A pupil's possessions may not be searched under this section except in his presence and in the presence of another member of the staff.
- (7) If, in the course of a search under this section, the person carrying out the search finds—
  - (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
  - (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,he may seize and retain it.
- (8) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.
- (9) A person who seizes anything under subsection (7) must deliver it to a police constable as soon as reasonably practicable.
- (10) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (11) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.

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- (12) In this section—
- “member of the staff”, in relation to a school, means—
    - (a) any teacher who works at the school; and
    - (b) any other person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is being provided at the school;
  - “member of the security staff” means a member of the staff whose work at the school consists wholly or mainly of security-related activities;
  - “outer clothing” means—
    - (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
    - (b) a hat, shoes, boots, gloves or a scarf;
  - “possessions”, in relation to a pupil of a school, includes any goods over which he has or appears to have control.
- (13) The powers conferred by this section are in addition to any powers exercisable by the member of the staff in question apart from this section and are not to be construed as restricting such powers.]

Textual Amendments

F57

S. 550AA inserted (31.5.2007 for E., 31.10.2010 for W.) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 45, 66(2); S.I. 2007/858, art. 3(a); S.I. 2010/2426, art. 2

F58

Word in s. 550AA title inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 243(2), 269(4); S.I. 2010/303, art. 6, Sch. 5 (as amended (26.7.2010) by S.I. 2010/1891, art. 2(2) (with art. 3))

F59

Words in s. 550AA(1) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 243(3), 269(4); S.I. 2010/303, art. 6, Sch. 5 (as amended (26.7.2010) by S.I. 2010/1891, art. 2(2) (with art. 3))

F60

Words in s. 550AA(4) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 243(3), 269(4); S.I. 2010/303, art. 6, Sch. 5 (as amended (26.7.2010) by S.I. 2010/1891, art. 2(2) (with art. 3))

[<sup>F61</sup> Detention]

Textual Amendments

F61

S. 550B and cross-heading inserted (1.9.1998) by [1997 c. 44](#), s. 5 (with s. 57(3)); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

<sup>F62</sup>**550B Detention outside school hours lawful despite absence of parental consent.**

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Textual Amendments

F62

S. 550B repealed (1.4.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 96(a), 188(3), [Sch. 18 Sch. 6](#); S.I. 2007/935, art. 4(a)(d); S.I. 2010/2543, art. 2(f)(m)



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## CHAPTER III

### OTHER PROVISIONS ABOUT SCHOOLS

#### *Duration of school day etc.*

#### **551 Regulations as to duration of school day etc.**

- (1) Regulations may make provision with respect to the duration of the school day and school year at, and the granting of leave of absence from, any schools to which this section applies.

<sup>F63</sup>[(1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year.]

- (2) The schools to which this section applies are—

- (a) any school maintained by a [<sup>F3</sup>local authority] ; [<sup>F64</sup>and]  
<sup>F65</sup>(b) . . .  
(c) any special school not maintained by a [<sup>F3</sup>local authority].

#### **Textual Amendments**

- F3** 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)**)
- F63** S. 551(1A) inserted (14.6.1997) by [1997 c. 44, s. 57\(1\)](#), **Sch. 7 para. 39**; [S.I. 1997/1468, art. 2\(1\)](#), **Sch. 1 Pt. 1**
- F64** Word at the end of s. 551(2)(a) inserted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para.166** (with **ss. 138(9), 144(6)**); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**
- F65** S. 551(2)(b) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), **Sch. 30 para. 166(b)**, **Sch.31** (with **ss. 138(9), 144(6)**); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

#### *<sup>F66</sup>Costs of school uniforms*

#### **Textual Amendments**

- F66** **S. 551A** and cross-heading inserted (29.6.2021) by [Education \(Guidance about Costs of School Uniforms\) Act 2021 \(c. 20\)](#), **ss. 1, 2(2)**

#### **551A Guidance about the costs of school uniforms: England**

- (1) The Secretary of State must issue guidance to the appropriate authorities of relevant schools in England about the costs aspects of school uniform policies.
- (2) In this section “costs aspects of school uniform policies” means any aspects of school uniform policies that the Secretary of State considers relevant to the costs of school uniforms.
- (3) The appropriate authority of a relevant school must have regard to guidance issued under this section when developing and implementing a school uniform policy for the school.

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(4) The Secretary of State may from time to time revise guidance issued under this section.

(5) In this section “relevant school” means—

- (a) an Academy school;
- (b) an alternative provision Academy;
- (c) a maintained school (within the meaning given by section 437(8));
- (d) a non-maintained special school (within the meaning given by section 337A);
- (e) a pupil referral unit not established in a hospital.

(6) In this section “the appropriate authority” means—

- (a) in relation to an Academy school, an alternative provision Academy or a non-maintained special school, the proprietor;
- (b) in relation to a maintained school, the governing body;
- (c) in relation to a pupil referral unit, the local authority.]

#### *Single-sex schools*

**552**

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#### *Educational trusts*

### **553 Schemes under the Endowed Schools Acts.**

- (1) Where under any provision (however expressed) of a scheme made under the Endowed Schools Acts 1869 to 1948 the power of the trustees under the scheme to apply any property to which the scheme relates for purposes authorised by the scheme is subject to the approval or order of any other person, the scheme shall have effect as if no such approval or order was required.
- (2) The Secretary of State may, on the application of any person whose approval or order would apart from this section be required under such a scheme, direct that the requirement shall continue to have effect despite subsection (1); but no liability shall be taken to have been incurred in respect of any failure before the making of such a direction to obtain any such approval or order.

#### *Religious educational trusts*

### **554 Power to make new provision as to use of endowments.**

[<sup>F67</sup>(1) This section applies where—

- (a) in relation to any time before the appointed day, the premises of a voluntary or grant-maintained school (within the meaning of this Act) have ceased to be used for such a voluntary or (as the case may be) grant-maintained school; or
- (b) in relation to any time on or after the appointed day—
  - (i) the premises of a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) have ceased to be used for such a foundation or (as the case may be) voluntary school; or

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- (ii) in the opinion of the Secretary of State it is likely such premises will cease to be so used;
- and in this subsection “the appointed day” has the meaning given by section 20(7) of the School Standards and Framework Act 1998.]
- (2) In such a case the Secretary of State may (subject to sections 555 and 556(1) and (2)) by order make new provision as to the use of any endowment if it is shown either—
- (a) that the endowment is or has been held wholly or partly for or in connection with the provision at the school of religious education in accordance with the tenets of a particular religion or religious denomination; or
  - (b) that the endowment is or has been used wholly or partly for or in connection with the provision at the school of such religious education and that (subject to subsection (4)) the requirements of subsection (3) are fulfilled.
- (3) The requirements of this subsection are—
- [<sup>F68</sup>(a) that the school was or has been maintained as a voluntary or grant-maintained school (within the meaning of this Act) or as a foundation or voluntary school (within the meaning of the <sup>M1</sup>School Standards and Framework Act 1998) since 1st April 1945 (the date when Part II of the Education Act 1944 came into force); and]
  - (b) that religious education [<sup>F69</sup>, or teaching and learning in Religion, Values and Ethics,] in accordance with the tenets of the religion or denomination concerned—
    - (i) is, and has been from that date, provided at the school, or
    - (ii) where the premises have ceased to be used for the purposes of the school, was provided at the school from that date until immediately before the premises ceased to be so used,in pursuance of section 377 or 378 or section 380 or 381 [<sup>F70</sup>of this Act (or any corresponding earlier enactment) or paragraph 3 or 4 of Schedule 19 to the School Standards and Framework Act 1998][<sup>F71</sup>, or in accordance with the Curriculum and Assessment (Wales) Act 2021].
- (4) For the purposes of this section—
- (a) where in the case of any school falling within subsection (3)(a) it is shown—
    - (i) that religious education [<sup>F72</sup>, or teaching and learning in Religion, Values and Ethics,] in accordance with the tenets of a particular religion or denomination is provided at the school, or
    - (ii) if the premises have ceased to be used for the purposes of the school, such religious education [<sup>F73</sup>or teaching and learning in Religion, Values and Ethics] was so provided immediately before the premises ceased to be so used,such religious education [<sup>F74</sup>or teaching and learning in Religion, Values and Ethics] shall be taken to have been provided at the school from 1st April 1945, unless the contrary is shown; and
  - [<sup>F75</sup>(b) where religious education [<sup>F76</sup>or teaching and learning in Religion, Values and Ethics] in accordance with such tenets is shown to have been given to any pupils at—
    - (i) a controlled school (within the meaning of this Act),
    - (ii) a grant-maintained school (within the meaning of this Act) which was a controlled school immediately before it became a grant-maintained school, or

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(iii) a foundation or voluntary controlled school with a religious character (within the meaning of Part II of the School Standards and Framework Act 1998),

the religious education [<sup>F77</sup>or teaching and learning in Religion, Values and Ethics] shall be taken to have been given to them at the request of their parents, unless the contrary is shown.]

(5) For the purposes of this section—

“endowment” includes property not subject to any restriction on the expenditure of capital; and

“shown” means shown to the satisfaction of the Secretary of State.

(6) This section applies where the premises of a non-provided public elementary school ceased before 1st April 1945 to be used for such a school as it applies where the premises of a voluntary school have ceased to be used for such a school.

[<sup>F78</sup>(6A) In this section, and sections 556 and 557, “Religion, Values and Ethics” has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.]

#### Textual Amendments

- F67** S. 554(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F68** S. 554(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(3)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F69** Words in s. 554(3)(b) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(a)(i)**
- F70** Words in s. 554(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(3)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F71** Words in s. 554(3)(b) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(a)(ii)**
- F72** Words in s. 554(4)(a)(i) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(b)(i)(aa)**
- F73** Words in s. 554(4)(a)(ii) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(b)(i)(bb)**
- F74** Words in s. 554(4)(a) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(b)(i)(cc)**
- F75** S. 554(4)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F76** Words in s. 554(4)(b) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(b)(ii)(aa)**
- F77** Words in s. 554(4)(b) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(b)(ii)(bb)**
- F78** S. 554(6A) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(10)(c)**

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#### Marginal Citations

M1 1944 c. 31.

### 555 Procedure applicable to orders under section 554.

- (1) No order shall be made under section 554 except on the application of the persons appearing to the Secretary of State to be the appropriate authority of the religion or denomination concerned.
- (2) The Secretary of State shall, not less than one month before making an order under section 554, give notice of the proposed order and of the right of persons interested to make representations on it.
- (3) Such notice shall be given—
  - (a) by giving to any persons appearing to the Secretary of State to be trustees of an endowment affected by the proposed order a notice of the proposal to make it, together with a draft or summary of the provisions proposed to be included; and
  - (b) by publishing, in such manner as the Secretary of State thinks sufficient for informing any other persons interested, a notice of the proposal to make the order and of the place where any person interested may (during a period of not less than a month) inspect such a draft or summary, and by keeping a draft or summary available for inspection in accordance with the notice.
- (4) The Secretary of State shall take into account any representations made to him by any person interested before the order is made.
- (5) In this section “endowment” has the same meaning as in section 554.

### 556 Content of orders under section 554.

- (1) An order under section 554—
  - (a) may require or authorise the disposal by sale or otherwise of any land or other property forming part of an endowment affected by the order, including the premises of the school and any teacher’s dwelling-house; and
  - (b) may consolidate any endowments to be dealt with by the scheme.
- (2) Subject to subsection (1), and to any provision affecting the endowments which is a provision of a public general Act of Parliament, an order under section 554 shall establish and give effect, with a view to enabling the religion or denomination concerned to participate more effectively in the administration of the statutory system of public education, to a scheme or schemes for the endowments dealt with by the order to be used for appropriate educational purposes either—
  - (a) in connection with schools which are [<sup>F79</sup>foundation schools or voluntary schools]; or
  - (b) partly in connection with such schools (or either description of such schools) and partly in other ways related to the locality served by the [<sup>F80</sup>school at the premises referred to in section 554(1)].
- (3) In subsection (2) “use for appropriate educational purposes” means use for educational purposes in connection with the provision of religious education [<sup>F81</sup>or teaching and learning in Religion, Values and Ethics] in accordance with the tenets of the religion

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or denomination concerned (including in particular, but without prejudice to the generality of the foregoing, use for any purpose specified in Schedule 36).

(4) A scheme given effect under section 554—

- (a) may provide for the retention of the capital of any endowment and application of the accruing income; or
- (b) may authorise the application or expenditure of capital to such extent and subject to such conditions as may be determined by or in accordance with the scheme;

and any such scheme may provide for the endowments dealt with by the scheme or any part of them to be added to any existing endowment applicable for any such purpose as is authorised for the scheme by subsection (2).

(5) Where a scheme given effect under section 554 provides for the endowments dealt with by the order or any part of them to be used for the purposes specified in Schedule 36, any such scheme may provide for the endowments thereby dealt with or any part of them to be added to any existing endowment applicable for those purposes (whether it is so applicable by virtue of a scheme given effect to under that section or otherwise).

(6) Section 568(5) does not apply to an order under section 554, but such an order may include such incidental or supplementary provisions as appear to the Secretary of State to be necessary or expedient either for the bringing into force or for the operation of any scheme established by it, including in particular provisions—

- (a) for the appointment and powers of trustees of the property comprised in the scheme or, if the property is not all applicable for the same purposes, of any part of that property; and
- (b) for the property or any part of it to vest by virtue of the scheme in the first trustees under the scheme or trustees of any endowment to which it is to be added or, if not so vested, to be transferred to them.

(7) Any order under section 554 shall have effect despite any Act of Parliament (other than a public general Act), letters patent or other instrument relating to, or trust affecting, the endowments dealt with by the order.

(8) In this section “endowment” has the same meaning as in section 554.

#### Textual Amendments

- F79** Words in s. 556(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 169(a)** (with ss. 138(9), 144(6))
- F80** Words in s. 556(2)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 169(b)** (with s. 138(9), 144(6))
- F81** Words in s. 556(3) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by **The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744)**, reg. 1(3), **Sch. 2 para. 2(11)**

## 557 Adoption of statutory trusts.

(1) This section applies to endowments which are—

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- (a) regulated by a qualifying scheme under the Endowed Schools Acts 1869 to 1948 as applied by section 86(1) of the <sup>M2</sup>Education Act 1944 or by an order under section 554 of this Act or section 2 of the <sup>M3</sup>Education Act 1973; and
  - (b) held under any such scheme or order on trusts which provide for capital or income or both to be applicable for or in connection with—
    - (i) the provision of religious education [<sup>F82</sup>or teaching and learning in Religion, Values and Ethics] at relevant schools, or relevant schools of any description (but not only at a particular school or schools) in a diocese or other geographical area; or
    - (ii) the provision of premises for relevant schools, or relevant schools of any description (but not only at a particular school or schools) at which religious education [<sup>F83</sup>or teaching and learning in Religion, Values and Ethics] is or is to be provided in a diocese or other geographical area;
- but this section does not apply to an endowment if or in so far as it constitutes a religious education fund.
- (2) The trustees of any endowments to which this section applies may, by resolution complying with subsection (6), adopt the uniform statutory trusts as the trusts on which those endowments are to be held.
  - (3) The uniform statutory trusts are those set out in Schedule 36.
  - (4) On the adoption by trustees of the uniform statutory trusts in respect of any endowments the scheme or order which regulates the endowments shall have effect as if the uniform statutory trusts are incorporated in the scheme or order to the exclusion of the corresponding provisions of the scheme or order.
  - (5) The trustees of two or more endowments which are held on the uniform statutory trusts may, by resolution complying with subsection (6), consolidate all or any of those endowments and, where they do so, the endowments shall be treated, for all purposes, as held for the purposes of a single charity.
  - (6) For a resolution to comply with this subsection—
    - (a) it must be passed by a simple majority of the trustees or, if the trustees are a body corporate or a company, by a simple majority of the members of the body corporate or an ordinary resolution of the company; and
    - (b) it must be recorded in the records of the decisions of the trustees affecting the endowments of the trust.
  - (7) Where trustees pass a resolution under subsection (2), it shall be their duty to send a copy of the resolution to the Secretary of State.
  - (8) The uniform statutory trusts applicable to endowments to which this section applies shall not affect—
    - (a) the rights of any person under the third proviso to section 2 of the <sup>M4</sup>School Sites Act 1841, under section 86(3) of the <sup>M5</sup>Education Act 1944 or under section 1 of the <sup>M6</sup>Reverter of Sites Act 1987 (rights replacing certain reversionary interests in land), or
    - (b) the rights of any [<sup>F3</sup>local authority] which have arisen under paragraph 7 or 8 of the First Schedule to the <sup>M7</sup>Education Act 1946 (rights in relation to school sites provided by such authorities) or which may arise under section 60(4) or 62(2),

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except in so far as any right falling within paragraph (a) above is or has been extinguished by an order under section 554 of this Act or section 2 of the <sup>M8</sup>Education Act 1973 made by virtue of section 5 of the Reverter of Sites Act 1987.

(9) In this section—

<sup>F84</sup>“company” means a company as defined in section 1(1) of the Companies Act 2006;]

<sup>F85</sup>...

“endowment” has the same meaning as in section 554;

“provision”, in relation to premises, means provision by the purchase of a site, the erection of premises or the maintenance, improvement or enlargement of premises;

“qualifying scheme” means a scheme in force on 1st January 1994 (the date when section 287 of the <sup>M9</sup>Education Act 1993 came into force);

“relevant school” means <sup>F86</sup>a foundation or voluntary school];

“religious education” means religious education in accordance with the tenets of a particular religion or religious denomination; and

“religious education fund” includes a Sunday school fund.

(10) In Schedule 36 as incorporated in any scheme or order—

“the area” means the diocese or other geographical area within which the trust assets may be applied under the scheme or order, as the case may be;

“relevant school” means a relevant school <sup>F87</sup>, <sup>F88</sup>Academy school, alternative provision Academy,] city technology college or city college for the technology of the arts,] at which the religious education provided for in the scheme or order, as the case may be, is or is to be provided; and

“the relevant trust assets” means the endowments in respect of which the trustees have adopted the uniform statutory trusts, including the income derived therefrom.

#### Textual Amendments

- F3** 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\(4\)\(5\)](#))
- F82** Words in s. 557(1)(b)(i) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(12)(a)**
- F83** Words in s. 557(1)(b)(ii) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(12)(b)**
- F84** Words in s. 557(9) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 163(a)** (with art. 10)
- F85** Words in s. 557(9) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 163(b)** (with art. 10)
- F86** Words in s. 557(9) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.170** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F87** S. 557(10): words in definition of “relevant school” inserted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), **ss. 69, 216(2)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**



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**F88** Words in s. 557(10) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 13 para. 9\(16\)](#); S.I. 2012/924, art. 2

#### Marginal Citations

**M2** 1944 c. 31.  
**M3** 1973 c. 16.  
**M4** 1841 c. 38.  
**M5** 1944 c. 31.  
**M6** 1987 c. 15.  
**M7** 1946 c. 50.  
**M8** 1973 c. 16.  
**M9** 1993 c. 35.

## CHAPTER IV

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

#### **558 Meaning of “child” for purposes of enactments relating to employment of children or young persons.**

For the purposes of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not over compulsory school age shall be deemed to be a child within the meaning of that enactment.

#### **559 Power of <sup>F1</sup>local authorities] to prohibit or restrict employment of children.**

- (1) If it appears to a <sup>F3</sup>local authority] that a child who is a registered pupil at a <sup>F89</sup>community, foundation], voluntary or special school is being employed in such a manner as to be prejudicial to his health, or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority may serve a notice in writing on the employer—
  - (a) prohibiting him from employing the child, or
  - (b) imposing such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child.
- (2) A <sup>F3</sup>local authority] may serve a notice in writing on the parent or employer of a child who is a registered pupil at a <sup>F90</sup>community, foundation], voluntary or special school requiring the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.
- (3) A person who—
  - (a) employs a child in contravention of any prohibition or restriction imposed under subsection (1), or
  - (b) fails to comply with the requirements of a notice served under subsection (2),shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction—

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- (a) to a fine not exceeding level 1 on the standard scale, or
  - (b) to imprisonment for a term not exceeding one month,
- or both.

(5) Section 28(1) and (3) of the <sup>M10</sup>Children and Young Persons Act 1933 (powers of entry for the enforcement of the provisions of Part II of that Act as to the employment of children) shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of Part II of that Act.

<sup>F91</sup>(6) .....

#### 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(3)** (with Sch. 2 para. 7(4)(5))
- F3** 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))
- F89** Words in s. 559(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F90** Words in s. 559(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F91** S. 559(6) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), **Sch. 1 Pt. 11**

#### Modifications etc. (not altering text)

- C1** S. 559 applied (E.) (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), reg. 1(1), **Sch. 1 para. 3**
- C2** S. 559 applied (W.) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. 1(1), **Sch. 1 para. 3**
- C3** S. 559 applied (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 8**

#### Marginal Citations

**M10** 1933 c. 12.

### 560 Work experience in last year of compulsory schooling.

- <sup>F92</sup>[(1) The enactments relating to the prohibition or regulation of the employment of children shall not apply to the employment of a child in his last two years of compulsory schooling if the employment is in pursuance of arrangements made—
- (a) by a [<sup>F3</sup>local authority], or
  - (b) by the governing body of a school on behalf of such an authority,
- with a view to providing him with work experience as a part of his education.
- (2) For the purposes of subsection (1) a child shall be taken to be in his last two years of compulsory schooling as from the beginning of the last two school years at his school during the whole or part of which he is of compulsory school age.]
- (3) Subsection (1) shall not be taken to permit the employment of a person in any way contrary to—

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- (a) an enactment which in terms applies to persons of less than, or not over, a specified age expressed as a number of years, or
  - (b) section 1(2) of the <sup>M11</sup>Employment of Women, Young Persons and Children Act 1920 or section 55(1) of the <sup>M12</sup>Merchant Shipping Act 1995 (which prohibit the employment of children in ships).
- (4) No arrangements shall be made under subsection (1) for a child to be employed in any way which would be contrary to an enactment prohibiting or regulating the employment of young persons if he were a young person (within the meaning of the enactment) and not a child.
- (5) Where a child is employed in pursuance of arrangements made under subsection (1), so much of any enactment as—
  - (a) regulates the employment of young persons (whether by excluding them from any description of work, prescribing the conditions under which they may be permitted to do it or in any other way), and
  - (b) would apply in relation to him if he were of an age to be treated as a young person for the purposes of that enactment,shall apply in relation to him, in and in respect of the employment arranged for him, in all respects as if he were of an age to be so treated.
- (6) Nothing in section 495 or 496 [<sup>F93</sup>or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013] applies in relation to any power conferred on a [<sup>F3</sup>local authority]<sup>F94</sup>. . . by subsection (1).
- (7) In this section “enactment” includes any byelaw, regulation or other provision having effect under an enactment.

#### Textual Amendments

- F3** 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))
- F92** S. 560(1)(2) substituted (1.10.1998) by 1998 c. 31, **s. 112(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, **art. 2(1) Sch. 1 Pt. I**
- F93** Words in s. 560(6) inserted (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 2(7)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F94** Words in s. 560(6) repealed (1.9.1999) by 1998 c. 31, ss. 112(3), 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### Marginal Citations

- M11** 1920 c. 65.
- M12** 1995 c. 21.

#### [<sup>F95</sup>560A] Work experience for persons over compulsory school age: England

- (1) A [<sup>F3</sup>local authority] in England may secure the provision of work experience for persons in their area—
  - (a) who are over compulsory school age but under 19, or
  - (b) who are aged 19 or over [<sup>F96</sup>and for whom an EHC plan is maintained].
- (2) A [<sup>F3</sup>local authority] in England must—

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- (a) encourage participation in work experience by persons in their area who are within subsection (1)(a) or (b);
- (b) encourage employers to participate in the provision of work experience for such persons.]

#### Textual Amendments

- F3** 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))
- F95** S. 560A inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 47, 269(4)**; [S.I. 2010/303](#), art. 3, Sch. 2
- F96** Words in s. 560A(1)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 54**; [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](#)))

#### Modifications etc. (not altering text)

- C4** S. 560A functions made exercisable concurrently (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, 10, **Sch. 3 para. 6**
- C5** S. 560A functions made exercisable concurrently (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\)](#), art. 1, **Sch. 2 para. 3** (with art. 8(4))
- C6** S. 560A functions made exercisable concurrently (1.4.2014) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 \(S.I. 2014/863\)](#), art. 1, **Sch. 2 para. 4**
- C7** S. 560A functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), 25(1), **Sch. 5 para. 3**
- C8** S. 560A functions made exercisable (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\)](#), arts. 1(2)(b), **10(b)**
- C9** S. 560A functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, **18** (with art. 28)
- C10** S. 560A: functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **5(1)-(5)**

## CHAPTER V

### PERSONS NOT COVERED BY ACT

#### 561 Act not to apply to persons in service of the Crown.

No power or duty conferred or imposed by this Act on—

- (a) the Secretary of State,
- (b) [<sup>F1</sup>local authorities], or
- (c) parents,

shall be construed as relating to any person who is employed by or under the Crown in any service or capacity with respect to which the Secretary of State certifies that, by reason of the arrangements made for the education of children and young persons so employed, the exercise and performance of those powers and duties with respect to such children and young persons is unnecessary.

**Changes to legislation:** Education Act 1996, Part X is up to date with all changes known to be in force on or before 04 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

### 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(3)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

### Modifications etc. (not altering text)

- C11** S. 561 excluded (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 168(5), 173(1)(c)**

## 562 Act not to apply to <sup>F97</sup>certain persons detained under order of a court.

(1) No power or duty conferred or imposed by or under this Act on—

- (a) the Secretary of State,
- (b) <sup>F1</sup>local authorities], or
- (c) parents,

shall be construed as relating to any person who is <sup>F98</sup>detained in pursuance of an order made by a court or of an order of recall made by the Secretary of State<sup>F98</sup> subject to a detention order and is detained in accommodation that is not relevant youth accommodation], but a <sup>F3</sup>local authority] may make arrangements for <sup>F98</sup>a person who is detained in pursuance of such an order<sup>F98</sup> such a person] to receive the benefit of educational facilities provided by the authority.

<sup>F99</sup>(1A) For the purposes of this Act—

- (a) a person is subject to a detention order if detained in pursuance of—
  - (i) an order made by a court, or
  - (ii) an order of recall made by the Secretary of State, and
- (b) relevant youth accommodation is accommodation which—
  - (i) is youth detention accommodation (within the meaning given by <sup>F100</sup>section 248(1) of the Sentencing Code], and
  - (ii) is not in a young offender institution, or part of such an institution, that is used wholly or mainly for the detention of persons aged 18 and over.]

(2) A child or young person who is being educated as a boarder at a school shall not be regarded for the purposes of <sup>F101</sup>subsection (1)<sup>F101</sup>this section] as detained in pursuance of an order made by a court by reason of the fact that he is required to be at the school—

- (a) by virtue of an order made by a court under the <sup>M13</sup>Children and Young Persons Act 1933 or by virtue of anything done under such an order; or
- (b) by virtue of a requirement of a <sup>F102</sup>youth rehabilitation order under <sup>F103</sup>Chapter 1 of Part 9 of the Sentencing Code]] or by virtue of anything done under such a requirement.

<sup>F104</sup>(3) A child or young person who is being kept in accommodation provided for the purpose of restricting liberty is not to be regarded for the purposes of this section as detained in pursuance of an order made by a court by reason of the fact that a court has authorised the person to be kept in such accommodation under section 25(4) of the Children Act 1989 <sup>F105</sup>or section 119(4) of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty)] (use of accommodation for restricting liberty).]

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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(3)** (with Sch. 2 para. 7(4)(5))
- F3** 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))
- F97** Word in s. 562 heading inserted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 49(6)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F98** Words in s. 562(1) substituted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 49(2)(a)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F99** S. 562(1A) inserted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 49(3)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F100** Words in s. 562(1A)(b)(i) substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 142(2)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F101** Words in s. 562(2) substituted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 49(4)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F102** Words in s. 562(2)(b) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), **Sch. 4 para. 47** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(v)
- F103** Words in s. 562(2)(b) substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 142(3)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F104** S. 562(3) added (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 49(5)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F105** Words in s. 562(3) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016](#) (S.I. 2016/413), regs. 2(1), **157**

### Modifications etc. (not altering text)

- C12** S. 562 excluded (26.11.2008) by [Education and Skills Act 2008](#) (c. 25), **ss. 168(5)**, 173(1)(c)
- C13** S. 562 excluded (12.11.2009) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 264(4)**, 269(1)
- C14** S. 562 modified (temp.) (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), **ss. 44(5)–(7)**, 100(3); 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

### Marginal Citations

- M13** 1933 c. 12.



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## [<sup>F106</sup>CHAPTER 5A

### PERSONS DETAINED IN YOUTH ACCOMMODATION

#### Textual Amendments

**F106** Pt. 10 Ch. 5A inserted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 50, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(b)

#### *Provisions applying to detained persons*

#### **562A Application of Act to detained persons**

- (1) In its application in relation to detained persons, this Act has effect subject to modifications prescribed by regulations made by the appropriate national authority.
- (2) The power conferred by subsection (1) may not be exercised to modify the application of a provision of this Act if—
  - (a) the provision makes special provision in relation to detained persons, or a description of detained persons,
  - (b) the application of the provision in relation to detained persons, or a description of detained persons, is excluded by provision made by this Act, or
  - (c) the provision has effect in relation to detained persons, or a description of detained persons, subject to modifications made by this Act.
- (3) References in this Chapter to a detained person are to a child or young person who is—
  - (a) subject to a detention order, and
  - (b) detained in relevant youth accommodation;and, in provisions applying on a person's release, also include references to a person who, immediately before release, was a detained person.

#### **562B Duty to take steps to promote fulfilment of potential**

- (1) Subsection (2) applies in relation to a detained person who is not a looked after child.
- (2) The home authority must—
  - (a) during the period of detention in relevant youth accommodation, and
  - (b) on the person's release from detention in relevant youth accommodation,take such steps as they consider appropriate to promote the person's fulfilment of his or her learning potential.
- (3) Those steps must include, where it appears to the home authority appropriate for them to do so, making arrangements for the provision, on the person's release from detention—
  - (a) of education, or
  - (b) in the case of a person who is over compulsory school age, of education or training.
- (4) Where the host authority make any determination as to the education or training to be provided for a detained person, the authority must have regard to—

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- (a) any information provided under section 562F by a local authority as to the level of the person's literacy and numeracy skills;
- (b) any other information provided by the home authority under section 562F for the purpose of assisting any such determination.

### **562C Detained persons with [<sup>F107</sup>statement of] special educational needs**

- [<sup>F108</sup>(1) This section applies where, immediately before the beginning of the detention, a local authority [<sup>F109</sup>in Wales] were maintaining a statement under section 324 for a detained person.
- (2) The authority must keep the statement while the person is detained in relevant youth accommodation.
- (3) The host authority must use best endeavours to secure that appropriate special educational provision is made for the detained person while the person is detained in relevant youth accommodation.
- (4) For the purposes of subsection (3), appropriate special educational provision is—
- (a) the special educational provision that, immediately before the beginning of the detention, was specified in the statement,
  - (b) educational provision corresponding as closely as practicable to the special educational provision so specified, or
  - (c) if it appears to the host authority that the special educational provision so specified is no longer appropriate for the person, such special educational provision as reasonably appears to the host authority to be appropriate for the person.]

#### **Textual Amendments**

**F107** Words in s. 562C title inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 55\(3\)](#); S.I. 2015/375, art. 2(e)

**F108** S. 562C 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\(25\)](#); 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

**F109** Words in s. 562C(1) inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 55\(2\)](#); S.I. 2015/375, art. 2(e)

### **562D Appropriate special educational provision: arrangements between [local authorities]**

- [<sup>F110</sup>(1) This section applies where special educational provision is secured for a person in circumstances where section 562C applies.
- (2) A local authority [<sup>F111</sup>in Wales] may supply goods and services to—
- (a) the host authority, or
  - (b) any other person making the special educational provision in question.



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- (3) Goods and services may be supplied under subsection (2) only for the purpose of assisting the making or securing of that special educational provision.]

#### Textual Amendments

- F110** S. 562D 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\(26\)](#); 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
- F111** Words in s. 562D(2) inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 56](#); S.I. 2015/375, art. 2(e)

#### 562E Literacy and numeracy assessments

- (1) This section applies in relation to a detained person who is detained in particular relevant youth accommodation.
- (2) The host authority must arrange for the level of the detained person's literacy and numeracy skills to be assessed as soon as reasonably practicable after the beginning of the period during which the person is detained in that accommodation.
- (3) Subsection (2) does not apply if the authority are satisfied that they have evidence of the current level of the person's literacy and numeracy skills.
- (4) The “current level” of a detained person's literacy and numeracy skills is the level of those skills at the beginning of the period during which the person is detained in the relevant youth accommodation in question.

#### 562F Provision of information about detained persons

- (1) Any person who has provided education or training for a detained person (whether before or during the period of detention) may provide information relating to the detained person to—
  - (a) the home authority, or
  - (b) the host authority,for the purposes of, or in connection with, the provision of education or training for the detained person.
- (2) A local authority must, on a request under subsection (3), as soon as practicable provide to the person making the request such information that they hold relating to a detained person as is requested.
- (3) A request is made under this subsection if it—
  - (a) is made by a person within subsection (4), and
  - (b) asks only for information which the person requires for the purposes of, or in connection with, the provision of education or training for the detained person (including education or training to be provided after the detained person's release from detention).

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- (4) Those persons are—
- (a) any other local authority;
  - (b) a youth offending team established under section 39 of the Crime and Disorder Act 1998;
  - (c) the person in charge of any place at which the detained person is detained or is expected to be detained;
  - (d) any person providing or proposing to provide education or training for the detained person.
- [<sup>F112</sup>(5) The Welsh Ministers must, on a request by the home authority or the host authority, provide a copy of any relevant assessment report for the purposes of the exercise of any function of that authority under section 18A or this Chapter.]
- [<sup>F112</sup>(6) In subsection (5), “relevant assessment report” means a report of an assessment of a detained person conducted (whether before or during the period of detention)—
- (a) under section 140 of the Learning and Skills Act 2000, and
  - (b) by virtue of arrangements made by the Welsh Ministers.]
- (7) Subsection (8) applies in relation to a detained person if it appears to the host authority that the person is to be released from detention in relevant youth accommodation.
- (8) The host authority must provide to the home authority any information they hold which—
- (a) relates to the detained person, and
  - (b) may be relevant for the purposes of, or in connection with, the provision of education or training for the detained person after the release.
- (9) The information required to be provided under subsection (8) must be provided at such time as the host authority think reasonable for the purpose of enabling education or training to be provided for the detained person after the release.
- (10) Nothing in subsections (7) to (9) requires the host authority to provide to the home authority information which it appears to the host authority that the home authority already have.
- (11) In this section any reference to the host authority, in relation to a detained person, includes a reference to any local authority in whose area the person is expected to be detained.

#### Textual Amendments

**F112** S. 562F(5)(6) 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\(27\)](#); 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

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## **562G Information to be provided where statement of special educational needs previously maintained**

- [<sup>F113</sup>(1) This section applies in relation to a detained person if, immediately before the beginning of the detention, a local authority [<sup>F114</sup>in Wales] were maintaining a statement under section 324 for the person.
- (2) Subsections (3) and (4) apply where the home authority [<sup>F115</sup>, where they are a local authority in Wales,] become aware (whether by notice under section 39A(2) of the Crime and Disorder Act 1998 (detention of child or young person: local authorities to be notified) or otherwise)—
- (a) that the person—
    - (i) has become subject to a detention order, and
    - (ii) is detained in relevant youth accommodation, or
  - (b) that the person has been transferred from one place of accommodation to another place of accommodation which is relevant youth accommodation.
- (3) If, immediately before the beginning of the detention, the home authority were maintaining the statement, they must send a copy of the statement to the host authority.
- (4) If the home authority are or become aware that, immediately before the beginning of the detention, another local authority [<sup>F116</sup>in Wales] were maintaining a statement for the person under section 324, they must notify the host authority—
- (a) of that fact, and
  - (b) of the identity of that other local authority.
- (5) The local authority [<sup>F117</sup>in Wales] who, immediately before the beginning of the detention, were maintaining the statement must, on a request by the host authority, send a copy of the statement to the host authority.
- (6) Subsections (7) and (8) apply where the person is released from detention in relevant youth accommodation.
- (7) The host authority must notify the following of the person's release—
- (a) the home authority [<sup>F118</sup>, where they are a local authority in Wales], and
  - (b) if different, the authority [<sup>F119</sup>in Wales] who, immediately before the beginning of the detention, were maintaining the statement under section 324.
- (8) If the home authority [<sup>F120</sup>, where they are a local authority in Wales] are not the authority who, immediately before the beginning of the detention, were maintaining the statement, the host authority must also notify the home authority—
- (a) of the fact that immediately before the beginning of the detention a statement was being maintained for the person by a local authority [<sup>F121</sup>in Wales] under section 324, and
  - (b) of the identity of that authority.
- (9) Nothing in this section requires any local authority to notify another authority of any matter of which the other authority are already aware, or to send a copy of any statement to another authority who already have a copy of it.]

### **Textual Amendments**

**F113** S. 562G 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](#)

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(anaw 2), s. 100(3), **Sch. 1 para. 4(28)**; 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

- F114** Words in s. 562G(1) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(2)**; S.I. 2015/375, art. 2(e)
- F115** Words in s. 562G(2) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(3)**; S.I. 2015/375, art. 2(e)
- F116** Words in s. 562G(4) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(4)**; S.I. 2015/375, art. 2(e)
- F117** Words in s. 562G(5) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(5)**; S.I. 2015/375, art. 2(e)
- F118** Words in s. 562G(7)(a) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(6)(a)**; S.I. 2015/375, art. 2(e)
- F119** Words in s. 562G(7)(b) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(6)(b)**; S.I. 2015/375, art. 2(e)
- F120** Words in s. 562G(8) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(7)(a)**; S.I. 2015/375, art. 2(e)
- F121** Words in s. 562G(8)(a) inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 57(7)(b)**; S.I. 2015/375, art. 2(e)

## 562H Release of detained person appearing to host authority to require assessment

- [<sup>F122</sup>(1) This section applies in relation to the release from detention in relevant youth accommodation of a detained person]<sup>F123</sup>—
- (a) in relation to whom section 562G does not apply]<sup>F124</sup>, and
- (b) for whom the home authority are a local authority in Wales.]
- (2) Subsection (3) applies where it appears to the host authority that the detained person will, on release, be a child within the meaning of Part 4.
- (3) If the host authority are of the opinion that the person has, or may have, special educational needs, they must, on the person's release, notify the home authority of their opinion.
- (4) [<sup>F125</sup>Subsection (6) applies] where, on release, the detained person—
- (a) will be over compulsory school age, or
- (b) will cease to be of compulsory school age within one year.
- <sup>F126</sup>(5) . . . . .
- (6) If—
- (a) the host authority are of the opinion that the person has, or may have, a learning difficulty (within the meaning of section 41 of the Learning and Skills Act 2000 (assessments relating to learning difficulties: Wales)) and
- <sup>F127</sup>(b) . . . . .
- the host authority must, on the person's release, notify the Welsh Ministers of their opinion.]

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### Textual Amendments

- F122** S. 562H 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(29)**; 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
- F123** Words in s. 562H(1) renumbered as s. 562H(1)(a) (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 58(2)(a)**; S.I. 2015/375, art. 2(e)
- F124** S. 562H(1)(b) and word inserted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 58(2)(b)**; S.I. 2015/375, art. 2(e)
- F125** Words in s. 562H(4) substituted (1.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 58(3)**; S.I. 2015/375, art. 2(e)
- F126** S. 562H(5) omitted (1.4.2015) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 58(4)**; S.I. 2015/375, art. 2(e)
- F127** S. 562H(6)(b) omitted (1.4.2015) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 58(5)**; S.I. 2015/375, art. 2(e)

## 562I Guidance

In performing their functions under this Chapter a local authority must have regard to any guidance issued by the appropriate national authority.

## 562J Interpretation of Chapter

(1) In this Chapter—

“the appropriate national authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;

“beginning of the detention”, in relation to a person detained in relevant youth accommodation, means—

- (a) the beginning of the period of detention in such accommodation, or
- (b) where that period is part of a continuous period, comprising periods of detention in relevant youth accommodation and in other accommodation, the beginning of that continuous period;

“detained person” has the meaning given by section 562A(3);

“the home authority”—

- (a) in relation to a child or young person who immediately before the beginning of the detention was, or at any time since then has been, a looked after child, means the local authority who are looking after, or who have most recently been looking after, the person;
- (b) in relation to any other child or young person, means the local authority in whose area the person is ordinarily resident;

“the host authority”, in relation to a child or young person detained in relevant youth accommodation, means the local authority in whose area the child or young person is detained;

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“looked after child” means a person who, for the purposes of the Children Act 1989 [<sup>F128</sup>or the Social Services and Well-being (Wales) Act 2014] is a child looked after by a local authority; and references to the local authority looking after the person are to be read accordingly;

“young person” includes a person aged 18.

- (2) For the purposes of the definition of “beginning of the detention” in subsection (1), it is immaterial whether or not a period of detention is pursuant to a single order.
- (3) In determining for the purpose of subsection (1) where a child or young person is ordinarily resident, any period when the person is subject to a detention order is to be disregarded.
- (4) Regulations made by the appropriate national authority may make further provision for determining where a person is ordinarily resident for the purpose of that subsection.]

#### Textual Amendments

**F128** Words in s. 562J(1) inserted (1.9.2010 for E., 1.4.2011 for W.) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(3), **158** (see S.I. 2010/303, art. 6, Sch. 5 and [S.I. 2011/829](#), art. 2(b))

#### Modifications etc. (not altering text)

- C15** S. 562J(1) power to apply in part (with modifications) conferred (1.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), ss. **70(7)**, 139(6); S.I. 2015/375, art. 2(b)
- C16** S. 562J(1) power to apply (with modifications) conferred (2.11.2020) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), ss. **39(2)(a)**, 100(3); S.I. 2020/1182, reg. 2(d)
- C17** S. 562J(4) power to apply regulations (with modifications) conferred (2.11.2020) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), ss. **39(2)(b)**, 100(3); S.I. 2020/1182, reg. 2(d)

## CHAPTER VI

### GENERAL

#### *Documents and evidence*

#### **563 Educational records.**

- (1) Regulations may make provision as to—
  - (a) the keeping, disclosure and transfer of educational records about persons receiving education at schools to which this section applies; and
  - (b) the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.
- (2) The regulations may authorise persons who supply copies of such records in pursuance of the regulations to charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.
- (3) The schools to which this section applies are—
  - (a) any school maintained by a [<sup>F3</sup>local authority] ; [<sup>F129</sup>and]



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- <sup>F130</sup>(b) .....  
(c) any special school not maintained by a [<sup>F3</sup>local authority].

#### Textual Amendments

- F3** 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))
- F129** Word at the end of s. 563(3)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 172(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F130** S. 563(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch 30 para. 172(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### 564 Certificates of birth and registrars' returns.

- (1) Where the age of any person is required to be proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar having the custody of the register of birth and deaths containing the entry relating to the birth of that person shall—
- (a) on being presented by any person (“the applicant”) with a written requisition in such form and containing such particulars as may be determined by regulations, and
- [<sup>F131</sup>(b) on payment of the appropriate fee,]  
supply the applicant with a copy of the entry certified under his hand.
- (2) A registrar shall, on being requested so to do, supply free of charge a form of requisition for the purposes of subsection (1).
- (3) A registrar shall supply to a [<sup>F3</sup>local authority] such particulars of the entries contained in any register of births and deaths in his custody, and in such form, as (subject to regulations) the authority may from time to time require [<sup>F132</sup>for the purpose of the exercise of their education functions].
- (4) In this section—
- [<sup>F133</sup>“the appropriate fee” means the fee payable to the registrar having custody of the register concerned for a certified copy of an entry in the register by virtue of section 38A of the Births and Deaths Registration Act 1953;]
- “register of births and deaths” means a register of births and deaths kept under [<sup>F134</sup>that Act], and
- “registrar” includes a registrar of births and deaths and a superintendent registrar.

#### Textual Amendments

- F3** 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))
- F131** S. 564(1)(b) substituted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 15 para. 37(2)**; S.I. 2016/603, reg. 3(w)
- F132** Words in s. 564(3) inserted (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. 7(12)**

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**F133** Words in s. 564(4) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 15 para. 37\(3\)\(a\)](#); S.I. 2016/603, reg. 3(w)

**F134** Words in s. 564(4) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 15 para. 37\(3\)\(b\)](#); S.I. 2016/603, reg. 3(w)

## **565 Evidence: presumption as to age.**

- (1) Where in any proceedings under this Act the person by whom the proceedings are brought—
  - (a) alleges that any person whose age is material to the proceedings is under, of, or over, any age, and
  - (b) satisfies the court that, having used all reasonable diligence to obtain evidence as to the age of that person, he has been unable to do so,
 the court may, unless the contrary is proved, presume that person to be under, of, or (as the case may be) over, the age alleged.
- (2) This section has effect subject to section 445(3).

## **566 Evidence: documents.**

- (1) In any legal proceedings, any of the following documents, namely—
  - (a) a document purporting to be a document issued by a [<sup>F135</sup>local authority in connection with the exercise of their education functions], and to be signed by the clerk of that authority or by the [<sup>F136</sup>director of children's services (in the case of an authority in England) or the chief education officer (in the case of an authority in Wales)] or by any other officer of the authority authorised to sign it,
  - (b) a document purporting to be an extract from the minutes of the proceedings of the governing body of [<sup>F137</sup>a maintained school], and to be signed by the chairman of the governing body or by their clerk,
  - (c) a document purporting to be a certificate giving particulars of the attendance of a child or young person at a school, and to be signed by the head teacher of the school, and
  - (d) a document purporting to be a certificate issued by a medical officer of a [<sup>F3</sup>local authority], and to be signed by such an officer,
 shall be received in evidence and shall be treated, without further proof, as the document which it purports to be and as having been signed by the person by whom it purports to have been signed, unless the contrary is proved.
- (2) In any legal proceedings, any such extract or certificate as is mentioned in subsection (1)(b), (c) or (d) shall be evidence of the matters stated in it.

[<sup>F138</sup>(3) Where a child of compulsory school age is required to attend at—

- (a) any place at which education is provided for him in the circumstances mentioned in subsection (1) [<sup>F139</sup>or (1A)] of section 444ZA, or
- (b) any place in the circumstances mentioned in subsection [<sup>F140</sup>(1B) or] (2) of that section,

subsection (1)(c) has effect as if the place in question were a school and the person in charge of the provision of education or training at that place were its head teacher (and subsection (2) has effect accordingly).]



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### Textual Amendments

- F3** 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))
- F135** Words in s. 566(1)(a) 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. 7(13)**
- F136** Words in s. 566(1)(a) substituted (1.1.2008) (with effect in accordance with s. 18(9) of the commencing S.I.) by [Children Act 2004 \(c. 31\)](#), s. 67(2), **Sch. 2 para. 4(3)**; S.I. 2007/1792, art. 2
- F137** Words in s. 566(1)(b) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 173** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F138** S. 566(3) inserted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 6** (with s. 119); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F139** Words in s. 566(3)(a) inserted (1.9.2012) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 51(a)**; S.I. 2012/2197, art. 2(c)
- F140** Words in s. 566(3)(b) inserted (1.9.2012) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 51(b)**; S.I. 2012/2197, art. 2(c)

### Stamp duty

**F141** **567** .....

### Textual Amendments

- F141** S. 567 repealed (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 174, **Sch. 31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, **art. 13**); S.I. 1999/2323, art. 2(1), **Sch. 1**

### Orders, regulations and directions

#### 568 Orders.

- (1) Any power of the Secretary of State to make orders under this Act (other than an order under any of the excepted provisions) shall be exercised by statutory instrument.

**F142** [(2) For the purposes of subsection (1) “the excepted provisions” are—

section 349;

**F143** ...

section 489(3);

section 497; and

section 545.]

- (3) A statutory instrument containing any order made by the Secretary of State under this Act, other than **F144** ... an order under—

[**F145** section 354(6), 355(2)(a), 356(2)(c) or 401,]

**F146** ...

section 554,

section 583(3) or (4), or

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#### Schedule 40,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F147</sup>(3A) .....

(4) [<sup>F148</sup>No order shall be made under section 354(6), 355(2)(a) or 401 unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.]

(5) Any order made—

(a) by the Secretary of State under this Act by statutory instrument, <sup>F149</sup> . . .

<sup>F149</sup>(b) .....

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.

(6) Without prejudice to the generality of subsection (5), an order made by the Secretary of State under this Act by statutory instrument may make in relation to Wales provision different from that made in relation to England.

#### Textual Amendments

**F142** S. 568(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 175(a)**, (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) as amended (31.8.1999) by S.I. 1999/2484, **reg. 3**

**F143** Words in s. 568(2) repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F144** Words in s. 568(3) repealed (15.11.2015) by Education Act 2011 (c. 21), s. 75(3)

**F145** Words in s. 568(3) repealed (1.10.2002 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/2961, art. 6, Sch. Pt. III

**F146** Words in s. 568(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**))

**F147** S. 568(3A) repealed (15.11.2015) by Education Act 2011 (c. 21), s. 75(3)

**F148** S. 568(4) repealed (1.10.2002 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/2961, art. 6, Sch. Pt. III

**F149** S. 568(5)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**))

#### Modifications etc. (not altering text)

**C18** S. 568(1) excluded by 2010 c. 32, s. 5D(3) (as inserted (18.4.2016) by Education and Adoption Act 2016 (c. 6), ss. 12, 19(2); S.I. 2016/466, **reg. 2**)

#### 569 Regulations.

(1) Any power of the Secretary of State [<sup>F150</sup>or the Welsh Ministers] to make regulations under this Act shall be exercised by statutory instrument.

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- (2) A statutory instrument containing regulations under this Act [<sup>F151</sup>made by the Secretary of State], [<sup>F152</sup>other than one falling within subsection (2A)], [<sup>F153</sup>...], shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F154</sup>(2A) A statutory instrument which contains (whether alone or with other provision) regulations under section [<sup>F155</sup>550ZA(3)(f) or 550ZC(7)] may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]
- [<sup>F156</sup>(2B) A statutory instrument containing regulations under sections [<sup>F157</sup>29(6A)], 332ZC, 332AA, 332BA, 332BB [<sup>F158</sup>, 336, [<sup>F159</sup>397], 444A ] [<sup>F160</sup>, 444B or (unless subsection (2BA) applies) Chapter 5A] [<sup>F161</sup>, or under paragraph 6B or 6C of Schedule 1,] made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- [<sup>F162</sup>(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 39(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.
- (2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.]
- (2C) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.]
- [<sup>F163</sup>(3) .....]
- (4) 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 [<sup>F164</sup>or the Welsh Ministers think fit].
- (5) Without prejudice to the generality of subsection (4), regulations under this Act may make in relation to Wales provision different from that made in relation to England.
- (6) Subsection (5) does not apply to regulations under section 579(4).

#### Extent Information

**E1** S. 569 extends to Scotland so far as relating to regulations under s. 493 see s. 583(7).

#### Textual Amendments

**F150** Words in s. 569(1) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(2), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)

**F151** Words in s. 569(2) inserted (E.W.) (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 8(3), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 2(c)

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- F152** Words in s. 569(2) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 242(2)(a)**, 269(4); S.I. 2010/303, art. 6, Sch. 5 (as amended (26.7.2010) by S.I. 2010/1891, art. 2(2) (with art. 3))
- F153** Words in s. 569(2) repealed (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), **Sch. 18 Pt. 2**
- F154** S. 569(2A) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 242(2)(b)**, 269(4); S.I. 2010/303, art. 6, Sch. 5 (as amended (26.7.2010) by S.I. 2010/1891, art. 2(2) (with art. 3))
- F155** Words in s. 569(2A) substituted (1.4.2012) by Education Act 2011 (c. 21), **ss. 2(6)**, 82(3); S.I. 2012/924, art. 2
- F156** S. 569(2B)(2C) inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **ss. 8(4)**, 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 2(c)
- F157** Word in s. 569(2B) inserted (E.W.) (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(4)**, 25(3); S.I. 2015/1680, art. 2(d)
- F158** Words in s. 569(2B) substituted (3.7.2013) by The Anti-Social Behaviour Act 2003 (Amendment to the Education Act 1996) (Wales) Order 2013 (S.I. 2013/1657), arts. 1, **2(2)**
- F159** Word in s. 569(2B) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 22(a)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, **3**)
- F160** Words in s. 569(2B) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(30)(a)(ii)**; S.I. 2021/373, art. 8(j)(x)
- F161** Words in s. 569(2B) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 22(b)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, **3**)
- F162** S. 569(2BA)(2BB) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(30)(b)**; S.I. 2021/373, art. 8(j)(x)
- F163** S. 569(3) repealed (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), **Sch. 18 Pt. 2**
- F164** Words in s. 569(4) inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **ss. 8(5)**, 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 2(c)

#### Modifications etc. (not altering text)

- C19** S. 569 applied by 2010 c. 32, s. 2E(7) (as inserted (1.9.2018) by Children and Social Work Act 2017 (c. 16), **ss. 6(1)**, 70(2); S.I. 2018/497, reg. 4(a))

### <sup>F165</sup>569A Regulations made by Welsh Ministers under Chapter 5A

.....

#### Textual Amendments

- F165** S. 569A omitted (1.9.2021) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(31)**; S.I. 2021/373, art. 8(j)(xi)

### 570 Revocation and variation of certain orders and directions.

- (1) This section applies to any order or directions made or given under this Act by—
- (a) the Secretary of State, [<sup>F166</sup>or]
  - <sup>F167</sup>(b) .....
  - (c) a [<sup>F3</sup>local authority],
- other than an order to which section 568(1) applies.

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- (2) Subject to subsection (3), any such order or directions may be varied or revoked by a further order or directions made or given by the Secretary of State,<sup>F168</sup> . . . or the [F3]local authority], as the case may be.
- (3) Where the power to make or give any such order or directions is only exercisable—
- (a) on the application or with the consent of any person or body of persons, or
  - (b) after consultation with any person or body of persons, or
  - (c) subject to any other conditions,
- no order or directions made or given under that power may be varied or revoked under subsection (2) unless the same conditions are complied with.

#### Textual Amendments

- F3** 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))
- F166** Word at the end of s. 570(1)(a) inserted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 177(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F167** S. 570(1)(b) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 177(a)(ii), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F168** Words in s. 570(2) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 177(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

#### Modifications etc. (not altering text)

- C20** S. 570 applied by 1992 c. 13, s. 89(5) (as substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 8 para. 11(4)**; S.I. 2010/303, art. 3, Sch. 2)
- C21** S. 570(1)(2) modified (7.8.2013) by [The Transfer of Functions \(Youth Leisure-time Activities\) Order 2013 \(S.I. 2013/1721\)](#), arts. 1(2), **3(3)(f)** (with art. 4)

### Guidance

#### 571 Publication of guidance.

- (1) The Secretary of State shall publish any guidance given by him for the purposes of any [F169]provision of this Act] in such manner as he thinks fit.

<sup>F170</sup>(2) . . . . .

#### Textual Amendments

- F169** Words in s. 571(1) substituted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 41(a)**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt.I**
- F170** S. 571(2) repealed (14.6.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 41(b), **Sch.8**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt.I**

#### Modifications etc. (not altering text)

- C22** S. 571 modified (7.8.2013) by [The Transfer of Functions \(Youth Leisure-time Activities\) Order 2013 \(S.I. 2013/1721\)](#), arts. 1(2), **3(3)(g)** (with art. 4)
- C23** S. 571: transfer of functions (7.8.2013) by [The Transfer of Functions \(Youth Leisure-time Activities\) Order 2013 \(S.I. 2013/1721\)](#), arts. 1(2), **2(c)** (with art. 4)

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**C24** S. 571 functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), **10(2)(d)** (with arts. 10(3), 11, 12)

### *Service of documents*

#### **572 Service of notices and other documents.**

Any order, notice or other document required or authorised by this Act to be [<sup>F171</sup>served on, or given to, any person may be served or given] —

- (a) by delivering it to that person, or
- (b) by leaving it at his usual or last known place of residence, or
- (c) by sending it in a prepaid letter addressed to him at that place.

[<sup>F172</sup>(2) But such a document may not be served or given in an electronic communication to a person as a parent unless —

- (a) the person consents in writing to the receipt of documents of the kind in question from the sender in an electronic communication sent to a specified number or address, and
- (b) the communication is sent to the number or address in question.

(3) In subsection (2), “electronic communication” has the same meaning as in the Electronic Communications Act 2000.]

#### **Textual Amendments**

**F171** Words in s. 572 substituted (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 23(2)**, 93; S.I. 2003/3300, art. 3(a)(ii)

**F172** S. 572(2)(3) inserted (1.1.2005) by [The Education Act 1996 \(Electronic Communications\) Order 2004 \(S.I. 2004/2521\)](#), arts. 1, 3

#### **Modifications etc. (not altering text)**

**C25** S. 572 restricted (1.4.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 92(6)**, 188(3); S.I. 2007/935, art. 4(a); S.I. 2010/2543, art. 2(d)

**C26** S. 572 restricted (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 104(6)**, 188(3); S.I. 2007/1801, art. 4(h)

### *Construction*

#### **573 Meaning of expressions relating to alteration etc. of premises or character of schools.**

- (1) The following provisions apply for the purposes of this Act except where the context otherwise requires.
- (2) References to the alteration of school premises include making improvements, extensions or additions to the premises; <sup>F173</sup> . . .
- (3) References to the enlargement of any school premises include any modification of the school’s existing premises which has the effect of increasing the number of pupils for whom accommodation can be provided.



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F174(4) .....

F174(5) .....

F174(6) .....

#### Textual Amendments

**F173** Words in s. 573(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F174** S. 573(4)-(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(b), **Sch.31** (with ss. 138(9), 144(6) and subject to savings for s. 573(4)-(6) in S.I. 1999/2323, **art. 19**); S.I. 1999/2323, art. 2(1), **Sch. 1**

### 574 Changes to school not amounting to discontinuance etc.

(1) For the purposes of this Act and any other enactment relating to the duties of a [<sup>F3</sup>local authority] neither—

- (a) references in whatever terms to discontinuing a school (including those to a local authority ceasing to maintain a school), nor
- (b) references in whatever terms to establishing a new school,

shall be read as applying by reason only of a change such as is mentioned in subsection (2) being made to an existing school (so that, where such a change is made to an existing school, the school shall be regarded as continuing despite the change and as being the same school before and after it, unless for other reasons it is to be regarded as discontinued).

(2) The changes are—

- (a) education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as girls or for girls as well as boys;
- (b) an enlargement or alteration of the school premises; and
- (c) the transfer of the school to a new site.

#### Textual Amendments

**F3** 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))

575 .....

### 576 Meaning of “parent”.

(1) In this Act, unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person—

- (a) who is not a parent of his but who has parental responsibility for him, or
- (b) who has care of him,

except that in [<sup>F175</sup>section 499(8)] it only includes such a person if he is an individual.



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F176(2) .....

(3) In subsection (1) “parental responsibility” has the same meaning as in the M14Children Act 1989.

(4) In determining for the purposes of subsection (1) whether an individual has care of a child or young person, any absence of the child or young person at a hospital or boarding school and any other temporary absence shall be disregarded.

**Textual Amendments**

- F175 Words in s. 576(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 180(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F176 S. 576(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 180(b), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

**Modifications etc. (not altering text)**

- C27 S. 576 excluded (1.1.2014) by The Education (Information About Individual Pupils) (England) Regulations 2013 (S.I. 2013/2094), reg. 1(1), Sch. 1 para. 18(3)
- C28 S. 576 applied (24.7.1998) by 1998 c. 31, ss. 142(10), 145(4) (with ss. 138(9), 144(6))
- C29 S. 576 applied (1.9.2001) by S.I. 2001/600, reg. 30(10)

**Marginal Citations**

- M14 1989 c. 41.

F177577 .....

**Textual Amendments**

- F177 S. 577 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 181, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

**578 Meaning of “the Education Acts”.**

In this Act “the Education Acts” means this Act together with the following Acts—  
F178 . . .  
F179 ...  
the M15Education Act 1973;  
the M16Education Act 1980;  
the M17Education (Fees and Awards) Act 1983;  
the M18Further Education Act 1985 (except sections 4 and 5);  
the M19Education Act 1986;  
the M20Education (No. 2) Act 1986;  
the M21Education Reform Act 1988;  
F178 . . .  
F180 ...  
the M22Further and Higher Education Act 1992;

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the <sup>M23</sup>Education Act 1994;  
F178 . . .  
F179 ...  
F181 ...;  
[<sup>F182</sup>the <sup>M24</sup>Education Act 1997;]  
[<sup>F183</sup>the <sup>M25</sup>Education (Schools) Act 1997;]  
F184 . . .  
[<sup>F185</sup>the <sup>M26</sup>Teaching and Higher Education Act 1998;]  
[<sup>F186</sup>the School Standards and Framework Act 1998 (c. 31);]  
[<sup>F187</sup>the Education Act 2002 (c. 32)].  
[<sup>F188</sup>the Higher Education Act 2004 (c. 8)]  
[<sup>F189</sup>the Education Act 2005 (c. 18)]  
[<sup>F190</sup>the Education and Inspections Act 2006 (c. 40)]  
[<sup>F191</sup>the Education and Skills Act 2008 (c. 25)]  
[<sup>F192</sup>Learner Travel (Wales) Measure 2008 (nawm 2)]  
[<sup>F193</sup>Healthy Eating in Schools (Wales) Measure 2009 (nawm 3)]  
[<sup>F194</sup>Academies Act 2010 (c. 32)]  
[<sup>F195</sup>Education (Wales) Measure 2011]  
[<sup>F196</sup>Education Act 2011]  
[<sup>F197</sup>School Standards and Organisation (Wales) Act 2013]  
[<sup>F198</sup>Children and Families Act 2014, Pt. 3 and s. 100]  
[<sup>F199</sup>Education (Wales) Act 2014]  
[<sup>F200</sup>Higher Education (Wales) Act 2015]  
[<sup>F201</sup>Qualifications Wales Act 2015]  
[<sup>F202</sup>Additional Learning Needs and Education Tribunal (Wales) Act 2018]  
[<sup>F203</sup>Curriculum and Assessment (Wales) Act 2021]

### Textual Amendments

- F178** Entries in s. 578 repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, **art. 2(1)** (subject to arts. 3, 4)
- F179** Entries in s. 578 repealed (1.4.2003 for E.; 2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2007/3611, art. 4(1), Sch.
- F180** Words in s. 578 repealed (1.8.2003) by Education Act 2002 (c. 32), s. 216(2), Sch. 21 para. 56, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 2
- F181** Words in s. 578(1) omitted (1.9.2005 for E., 1.9.2006 for W.) by virtue of Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 9**; Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F182** Entry in s. 578 added (14.6.1997) by virtue of 1997 c. 44, ss. 57(1), 58(2), **Sch. 7 para. 42**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**
- F183** Entry in s. 578 inserted (31.7.1997) by 1997 c. 59, ss. 6(2), 7(2)(3)
- F184** Entry in s. 578 (as inserted (27.1.1998) by 1998 c. 1, ss. 6(1), 7(2)) repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, **art. 2(1)** (subject to arts. 3, 4)
- F185** Entry in s. 578 inserted (1.10.1998) by 1998 c. 30, ss. 44(1), 46(2), **Sch. 3 para. 15** (with s. 42(8)); S.I. 1998/2215, **art. 2**
- F186** Entry in s. 578 inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 182** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1**
- F187** Entry in s. 578 inserted (24.7.2002) by virtue of Education Act 2002 (c. 32), ss. 216(1), **217(2)** (with ss. 210(8), 214(4))

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- F188** S. 578 entry added (1.7.2004) by [Higher Education Act 2004 \(c. 8\)](#), ss. 52(1), **54(2)**
- F189** S. 578 entry added (7.4.2005) by [Education Act 2005 \(c. 18\)](#), ss. 125(1)(c), **128(2)**
- F190** S. 578 entry added (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 188(1), **191(2)**
- F191** S. 578 entry added (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 173(1)(f), **174(2)**
- F192** S. 578 entry added (10.2.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), ss. 28(1), **29(2)**
- F193** S. 578 entry added (15.10.2009) by [Healthy Eating in Schools \(Wales\) Measure 2009 \(nawm 3\)](#), s. **12(2)(4)**
- F194** S. 578 entry added (27.7.2010) by [Academies Act 2010 \(c. 32\)](#), ss. 19(1), **20(2)**
- F195** S. 578 entry added (10.7.2011) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), ss. 33(1)(c), **34(2)**
- F196** S. 578 entry added (15.11.2011) by [Education Act 2011 \(c. 21\)](#), ss. 82(1)(h), **83(2)**
- F197** S. 578 entry added (4.3.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), ss. **100(1)**, **101(2)**
- F198** S. 578 entry added (13.3.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 139(1), **140(2)**
- F199** S. 578 entry added (12.5.2014) by [Education \(Wales\) Act 2014 \(anaw 5\)](#), ss. **45**, 50(1)(b)
- F200** S. 578 entry added (12.3.2015) by [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), ss. 59(1)(g), **60(2)**
- F201** S. 578 entry added (5.8.2015) by virtue of [Qualifications Wales Act 2015 \(anaw 5\)](#), ss. 60(1)(f), 61(2)
- F202** S. 578 entry added (25.1.2018) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), ss. **100(1)**, **101**
- F203** S. 578 entry added (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), ss. **72**, 84(1)

#### Marginal Citations

- M15** 1973 c. 16.  
**M16** 1980 c. 20.  
**M17** 1983 c. 40.  
**M18** 1985 c. 47.  
**M19** 1986 c. 40.  
**M20** 1986 c. 61.  
**M21** 1988 c. 40.  
**M22** 1992 c. 13.  
**M23** 1994 c. 30.  
**M24** 1997 c. 44.  
**M25** 1997 c. 59.  
**M26** 1998 c. 30

## 579 General interpretation.

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

**F204** ...

[**F205**“Academy” means [**F206**an educational institution] to which Academy arrangements relate;]

[**F205**“Academy arrangements” has the meaning given by section 1 of the Academies Act 2010;]

[**F205**“Academy order” means an order under section 4 of that Act;]

[**F207** “Academy school”, “Academy order” and “alternative provision Academy” have the meanings have the meanings given by sections 1A, 1B and 1C respectively of that Act; ]

[**F208**“additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;]

[**F208**“additional learning provision” has the meaning given by section 3 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018; ]

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[<sup>F209</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>F210</sup>“education functions” means the functions specified in Schedule 36A;]

[<sup>F211</sup>“EHC plan” means a plan within section 37(2) of the Children and Families Act 2014;]

<sup>F204</sup> ...

“financial year” means a period of twelve months ending with 31st March;

“functions” includes powers and duties;

<sup>F204</sup> ...

“head teacher” includes acting head teacher;

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

[<sup>F212</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);]

[<sup>F208</sup>“individual development plan” means a plan within Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;]

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

“liability” includes obligation;

[<sup>F213</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>F204</sup> ...

“local government elector” has the meaning given by section 270(1) of the <sup>M27</sup>Local Government Act 1972;

[<sup>F214</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>F3</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;

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

[<sup>F215</sup>“the National Curriculum”(without more) means—

- (a) [<sup>F216</sup>in relation to England], the National Curriculum for England,  
 [<sup>F217</sup>and]
- (b) [<sup>F217</sup>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>F218</sup>(except in Chapter 5A)] means prescribed by regulations;

“proprietor”, in relation to a school [<sup>F219</sup>or a 16 to 19 Academy] , means the person or body of persons responsible for the management of the school [<sup>F220</sup>or Academy] (so that, in relation to [<sup>F221</sup>a community, foundation or voluntary or community or foundation special school [<sup>F222</sup>or a maintained nursery school,]  
 ,)[<sup>F223</sup>or a maintained nursery school,] it means the governing body);

<sup>F204</sup> ...

“regulations” <sup>F224</sup>... means regulations made by the Secretary of State [<sup>F225</sup>, except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales];

<sup>F204</sup> ...

[<sup>F226</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 [<sup>F227</sup>for the carrying out of functions] under [<sup>F228</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;

[<sup>F229</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>F230</sup>“special educational needs”—

- (a) in relation to a child or person over compulsory school age but under 25 in the area of a local authority in England, has the meaning given by section 20(1) of the Children and Families Act 2014;
- (b) [<sup>F231</sup>in relation to a child in the area of a local authority in Wales, has the meaning given by section 312;]

“special educational provision”—

- (a) in relation to a person in the area of a local authority in England, has the meaning given by section 21(1) and (2) of the Children and Families Act 2014;
- (b) [<sup>F232</sup>in relation to a child in the area of a local authority in Wales, has the meaning given by section 312(4);]

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

[<sup>F233</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.

[<sup>F234</sup>(1A) For the purposes of this Act a person is subject to learning difficulty assessment if—

- (a) an assessment under section 140 of the Learning and Skills Act 2000 (learning difficulty assessments: Wales) has been conducted in respect of the person, or
- (b) arrangements for such an assessment to be conducted in respect of the person have been made or are required to be made.]

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

<sup>F235</sup>(3) .....

[<sup>F236</sup>(3A) References in this Act to a person who is “in the area” of a local authority in England do not include a person who is wholly or mainly resident in the area of a local authority in Wales [<sup>F237</sup>or who would be wholly or mainly resident in the area of a local authority in Wales were it not for provision secured for the person under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018].

(3B) References in this Act to a person who is “in the area” of a local authority in Wales do not include a person who is wholly or mainly resident in the area of a local authority in England [<sup>F238</sup>or who would be wholly or mainly resident in the area of a local authority in England were it not for provision secured for the person under Part 3 of the Children and Families Act 2014].]

[<sup>F239</sup>(3C) The Welsh Ministers may make further provision by regulations about the meaning of references in this Act to a person who is “in the area” of a local authority in Wales.]

(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>F3</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>F240</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>F3</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>F3</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>F3</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

- F3** 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))
- F204** 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**
- F205** 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
- F206** Words in s. 579(1) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(17)(a)**; S.I. 2012/924, art. 2
- F207** Words in s. 579(1) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(17)(b)**; S.I. 2012/924, art. 2
- F208** Words in s. 579(1) inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 4(32)(a)(iii)**; S.I. 2021/373, art. 8(j)(xii)
- F209** 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**
- F210** 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)**
- F211** Words in s. 579(1) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 59(a)**; 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))
- F212** 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)
- F213** 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)**
- F214** 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.
- F215** 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. I
- F216** Words in s. 579(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(13)(a)**
- F217** Words in s. 579(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(13)(b)**
- F218** 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
- F219** Words in s. 579(1) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(17)(c)(i)**; S.I. 2012/924, art. 2



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- F220** Words in s. 579(1) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(17)(c)(ii)**; S.I. 2012/924, art. 2
- F221** 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**
- F222** 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
- F223** 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)
- F224** Words in s. 579(1) omitted (30.4.2021) by virtue of Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 23(a)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F225** Words in s. 579(1) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 23(b)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F226** 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
- F227** Words in s. 579(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 80**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F228** 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)
- F229** 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**
- F230** Words in s. 579(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 59(b)**; 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)
- F231** Words in s. 579(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(32)(a)(i)**; 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
- F232** Words in s. 579(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(32)(a)(ii)**; 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
- F233** 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**
- F234** S. 579(1A) 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(32)(b)**; 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
- F235** 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**

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- F236** S. 579(3A)(3B) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 59(d)**; 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)
- F237** Words in s. 579(3A) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 95(a)**, 100(3); S.I. 2020/1182, reg. 3(1)(m); S.I. 2021/373, art. 8(h)
- F238** Words in s. 579(3B) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 95(b)**, 100(3); S.I. 2020/1182, reg. 3(1)(m); S.I. 2021/373, art. 8(h)
- F239** S. 579(3C) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 95(c)**, 100(3); S.I. 2020/1182, reg. 3(1)(m); S.I. 2021/373, art. 8(h)
- F240** 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)**

### Marginal Citations

**M27** 1972 c. 70.

### <sup>F241</sup>**580 Index.**

The expressions listed in the left-hand column below are defined by, or (as the case may be) are to be interpreted in accordance with, the provisions of this Act listed in the right-hand column in relation to those expressions.

<i>Expression</i>	<i>Relevant provision</i>
[ <sup>F242</sup> Academy]	[ <sup>F243</sup> section 579(1)]
[ <sup>F244</sup> Academy arrangements]	[ <sup>F244</sup> Section 579(1)]
[ <sup>F244</sup> Academy order]	[ <sup>F244</sup> Section 579(1)]
[ <sup>F245</sup> Academy school]	Section 579(1)]
[ <sup>F245</sup> 16 to 19 Academy]	Section 579(1)]
[ <sup>F246</sup> additional learning needs]	section 579(1)]
[ <sup>F246</sup> additional learning provision]	section 579(1)]
admission authority (in Chapter I of Part VI)	section 415
admitted to a school for nursery education	section 579(3)
aggregated budget (in Part II)	sections 101(3) and 105
[ <sup>F247</sup> agreed syllabus (in relation to England) (in relation to Wales)	Section 375(2) and (4) Section 375A(7)]
aided school	section 32(1) and (3)
allocation formula (in Part II)	section 106(2)
alteration (of school premises) and alterations (in relation to such premises)	section 573(2)

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[ <sup>F245</sup> alternative provision Academy	Section 579(1)]
annual parents' meeting (in Chapter VI of Part II)	section 162(1)
appropriate diocesan authority (in Part III in relation to a Church of England, Church in Wales or Roman Catholic Church school)	section 311(1)
appropriate further education funding council	section 579(1)
<sup>F248</sup>	<sup>F248</sup>
...	...
articles of government	
(in relation to a county, voluntary or maintained special school)	section 127(1)
(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28
(in relation to a group of grant-maintained schools)	section 280(2)
assess (in Part V)	section 350(2)
assessment arrangements (in Part V)	section 353
assisted (in relation to a school or other institution)	section 579(5) to (7)
<sup>F249</sup>	...
...	
attainment targets (in Part V)	section 353
authority responsible for election arrangements (in Chapter V of Part III)	section 243(2)
belonging to the area of a [ <sup>F3</sup> local authority] (in relation to a person)	section 579(4)
boarder	section 579(1)
budget share (in Part II)	section 101(3) and (6)
capital grant (in relation to grant-maintained schools)	section 246(1) (or section 252)
cease to maintain (in relation to a school)	section 574
<sup>F250</sup>	<sup>F250</sup>
...	...
change in character (in relation to a school)	section 573(4)
character (of a school) (in Part III)	section 311(4)

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child	
(generally)	section 579(1)
(in Part IV)	section 312(5)
[F <sup>251</sup> (in Chapter I of Part VI except sections 431 to 433)	section 411(8)]
child for whom a [F <sup>3</sup> local authority] are responsible (in Part IV)	section 321(3)
Church in Wales school	section 311(1)
Church of England school	section 311(1)
[F <sup>252</sup> city academy]	[F <sup>252</sup> section 482]
[F <sup>252</sup> city college for the technology of the arts]	[F <sup>252</sup> section 482(3)]
[F <sup>252</sup> city technology college]	[F <sup>252</sup> section 482(3)]
clothing	section 579(1)
commencement of this Act	section 583(2)
compulsory school age	section 8 (or paragraph 1 of Schedule 40)
contract of employment (in relation to provisions specified in section 575(2))	section 575(1)
controlled school	section 32(1) and (2)
co-opted governor (in relation to a county, voluntary or maintained special school)	section 78(1)
core governor	section 285 and Schedule 25
county school	section 31(1)
date of implementation	
(in Part III in relation to proposals for acquisition of grant-maintained status)	section 200(2)
(in Part III in relation to a new grant-maintained school)	section 217
date of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
delegation requirement (in Part II)	section 107(2)
discontinue (in relation to a school)	section 574
disposal of premises (in sections 297 to 300)	section 301(3)
dissolution date (in sections 274 to 279)	section 274(6)
the Education Acts	section 578
[F <sup>253</sup> education functions]	[F <sup>253</sup> section 579(1)]

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[ <sup>F254</sup> EHC plan	section 579(1)]
eligible for grant-maintained status (in Part III)	section 184
eligible governor (in Part III)	paragraph 4 of Schedule 24
eligible to vote in a ballot held in accordance with section 189 (in Chapter II of Part III)	section 190(1)
employed, employee, employer (in relation to provisions specified in section 575(2))	section 575(1)
employed to work, or to work solely, at a school (in relation to provisions specified in section 575(2))	section 575(3)
employee (in sections 469 to 473)	section 469(6)
enlargement (in relation to school premises)	section 573(3)
establish (in relation to a new school)	section 574
examination requirement (in Chapter III of Part VI)	section 462(1)
exclude, exclusion (except in section 524)	section 579(1)
financial year	section 579(1)
first governor (in relation to a grant-maintained school)	paragraphs 7 and 12 of Schedule 24
foundation governor	
(in relation to a voluntary school)	section 78(2)
(in relation to a grant-maintained school)	paragraphs 8 and 13 of Schedule 24
foundation subjects	section 354 <sup>F255</sup>
	. . .
functions	section 579(1)
funding authority	section 26
further education	section 2(3) to (5)
general schools budget (in Part II)	section 101(3)
governing body, governor	
(in Chapters IV to VI of Part II)	section 182
(in relation to a school grouped for purposes of Chapter IV of Part II)	section 89(6)

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(in relation to a voluntary school and functions of foundation governors)	section 579(1)
governing body in liquidation (in sections 274 to 279)	section 274(3)
governor of an elected category (in Part III)	paragraph 3 of Schedule 24
governors' report (in Chapter VI of Part II)	section 161(1)
grant-maintained school	
(generally)	section 183(1)
(in sections 500 to 504)	section 505(8)
grant-maintained school formerly conducted by a governing body in liquidation (in sections 274 to 279)	section 274(5)
grant-maintained special school	[ <sup>F256</sup> section] 346(3)
grant regulations (in Chapter VI of Part III)	section 244(2)
grants for education support and training group (of schools)	section 484(1)
(in Part II)	section 89(5)
(in Chapter IX of Part III)	section 280(7)
head teacher	
(generally)	section 579(1)
(in relation to a county, voluntary or maintained special school organised into separate departments)	section 132
higher education	section 579(1)
incorporation date	
(in Chapter II of Part III)	section 200(5)
(in Chapter IV of Part III)	section 217
<sup>F257</sup>	<sup>F257</sup>
...	...
independent school	section 463
[ <sup>F246</sup> individual development plan	section 579(1)]
initial governor (in Part III)	paragraph 2 of Schedule 24
institution outside (or within) the further education sector	section 4(3)

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institution outside (or within) the [ <sup>F258</sup> wider] higher education sector	section 4(4)
instrument of government	
(in relation to a county, voluntary or maintained special school)	section 76(1)
(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28
(in relation to a group of grant- maintained schools)	section 280(2)
interest in land	section 579(2)
[ <sup>F259</sup> in the area of a local authority in England	section 579(3A)
in the area of a local authority in Wales	section 579(3B)]
junior pupil	section 3(2)
key stage	section 355(1)
land	section 579(1)
<sup>F250</sup>	<sup>F250</sup>
. . .	. . .
[ <sup>F260</sup> learning difficulty (in relation to a child in the area of a local authority in Wales)	section 312(2) and (3) (subject to subsection (3A))]
liability	section 579(1)
local authority	section 579(1)
[ <sup>F253</sup> local authority in England]	[ <sup>F253</sup> section 579(1)]
[ <sup>F253</sup> local authority in Wales]	[ <sup>F253</sup> section 579(1)]
<sup>F261</sup>	<sup>F261</sup>
. . .	. . .
<sup>F262</sup>	
. . .	
(generally)	section 579(1)
(in relation to a scheme under Part II)	section 101(2)
local government elector	
(generally)	section 579(1)
(in Part III in relation to an area)	section 311(7)
maintain (in relation to a school maintained by a [ <sup>F3</sup> local authority])	section 34
maintained school	



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(in Part IV)	section 312(5)
(in Part V)	section 350(1)
(in Chapter II of Part VI)	section 437(8)
(in Chapter III of Part VI)	section 449
(in sections 500 to 504)	section 505(8)
maintained nursery school	sections 6(1) and 33(1)
maintained special school	sections 6(2) [ <sup>F263</sup> and 33(1)]
maintenance grant (in relation to grant-maintained schools)	section 244(1) (or section 250(1))
medical officer (in relation to a [ <sup>F3</sup> local authority])	section 579(1)
minor authority	section 577
middle school	section 5(3)
modifications, modify	section 579(1)
the National Curriculum	sections 352(1) and 353
new governing body (in Part III)	section 195(2)
new school (in Part II)	section 181(1)
nursery school	section 6(1)
optional extra (in Chapter III of Part VI)	section 455(3)
parent	section 576
parent governor	
(in relation to a county, voluntary or maintained special school)	section 78(3)
(in relation to a grant-maintained school)	paragraphs 5 and 10 of Schedule 24
<sup>F249</sup>	...
...	
<sup>F249</sup>	...
...	
pending	
(in Part III in relation to proposals published under section 193)	section 193(4)
(in Chapter III of Part III in relation to the procedure for acquisition of grant-maintained status)	section 203(1)
powers to make proposals for the alteration of their school (in sections 500 to 504 in relation to the governing body of a voluntary school)	section 505(7)

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powers to make proposals for the establishment, alteration or discontinuance of schools (in sections 500 to 504)	section 505(8)
premises	
(in relation to a school)	section 579(1)
(in Part III)	section 311(1)
prescribed	section 579(1)
<b>F250</b>	<b>F250</b>
...	...
primary education	section 2(1)
primary school	section 5(1)
programmes of study (in Part V)	section 353
proceeds of disposal (in sections 297 to 300)	section 301(3)
procedure applicable under Chapter IV of Part II (in Chapter V of Part III)	section 243(3)
promoters (in Part III)	section 212(1)
proposals (in Chapter VII of Part III)	section 266(2)
proposals for acquisition of grant-maintained status (in Part III)	section 183(2)
proposals for the establishment of a new grant-maintained school (in Part III)	section 183(2)
proprietor (in relation to a school)	section 579(1)
prospectively disqualified (in Chapter V of Part III)	section 243(4)
provisionally registered school (in Part VII)	section 465(4)
pupil	sections 3(1) and 19(5)
reception class	section 579(1)
register, registration (in Part VII in relation to independent schools)	section 464(4)
registered (in relation to parents or pupils)	section 434(5)
registered school (in Part VII)	section 465(4)
Registrar of Independent Schools (or the Registrar in Part VII)	section 464(4)
regulations	section 579(1)
relevant age group	section 579(1)

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relevant education (in relation to an order under section 27(1))	section 27(7)
relevant particulars (in relation to a proposed initial governor of a grant-maintained school)	section 200(4)
relevant proposals (in Part II)	section 181(2)
relevant standard number (in Chapter I of Part VI)	section 411(7)
[ <sup>F264</sup> relevant upper age (in relation to a middle school)]	section 5(3)(b)]
[ <sup>F265</sup> relevant young adult (in sections 508F, 508G and 508I)]	section 508F(9)
relevant youth accommodation	section 562(1A)]
required to be covered by a scheme (in Part II in relation to a school)	section 102
reserved teacher (in Chapter VI of Part II in relation to a controlled school)	section 143(2)
reserved teacher (in Chapter VI of Part II in relation to a special agreement school)	section 144(1)
residential trip (in Chapter III of Part VI)	section 462(2)
responsible for a child (in Part IV in relation to a [ <sup>F3</sup> local authority])	section 321(3)
right to a delegated budget (in Part II)	section 115(a)
Roman Catholic Church school	section 311(1)
scheme (in Part II)	section 101(1)
school	section 4(1) and (2)
school in respect of which financial delegation is required (in Part II)	section 115
school which has a delegated budget (in Part II)	section 115
school attendance order	section 437(3)
school buildings	section 579(1)
school day	section 579(1)
school property (in sections 274 to 279)	section 274(4)
[ <sup>F266</sup> school year]	section 579(1)]
secondary education	section 2(2) and (5)
secondary school	section 5(2)
section 67 loan liabilities (in sections 274 to 279)	section 274(7)

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senior pupil	section 3(2)
sex education	[ <sup>F267</sup> section 579(1)]
significant (in relation to a change in character or enlargement of premises of a school)	section 573(5)
special agreement	section 32(5)
special agreement school	section 32(1) and (4)
special educational needs	[ <sup>F268</sup> section 579(1)]
special educational provision	[ <sup>F269</sup> section 579(1)]
special purpose grant (in relation to grant-maintained schools)	section 245(1) (or section 251)
special school	[ <sup>F270</sup> section] 337
sponsor governor (in Part III)	paragraphs 9 and 14 of Schedule 24
[ <sup>F265</sup> subject to a detention order	section 562(1A)
subject to learning difficulty assessment	[ <sup>F271</sup> section 579(1A)]]
suitable education (in Chapter II of Part VI)	[ <sup>F272</sup> section 436A(3)]
teacher governor	
(in relation to a county, voluntary or maintained special school)	section 78(4)
(in relation to a grant-maintained school)	paragraphs 6 and 11 of Schedule 24
temporary governing body, temporary governor (in Part II)	section 181(3)
time of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
<sup>F250</sup>	<sup>F250</sup>
...	...
trust deed (in relation to a voluntary school)	section 579(1)
trustees of the school (in sections 296 to 300)	section 301(2)
voluntary school	sections 31(2) and 32
[ <sup>F251</sup> wholly based on selection by reference to ability or aptitude (in Chapter I of Part VI)	section 411(9)]
young person	section 579(1)

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### Textual Amendments

- F3** 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))
- F241** Words in s. 580 repealed (26.7.2002 for E. for specified purposes, 1.8.2003 for W. for specified purposes, 1.1.2004 for W. In so far as not already in force) by [Education Act 2002](#) (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I; S.I. 2003/2961, art. 6, Sch. Pt. III
- F242** S. 580 table: entry inserted (26.7.2002) by [Education Act 2002](#) (c. 32), ss. 215(1), 216(4), **Sch. 7 para. 6(8)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F243** Words in s. 580 substituted (29.7.2010) by [Academies Act 2010](#) (c. 32), s. 19(2), **Sch. 2 para. 7(a)**; S.I. 2010/1937, art. 2, Sch. 1
- F244** Words in s. 580 inserted (29.7.2010) by [Academies Act 2010](#) (c. 32), s. 19(2), **Sch. 2 para. 7(b)**; S.I. 2010/1937, art. 2, Sch. 1
- F245** Words in s. 580 inserted (1.4.2012) by [Education Act 2011](#) (c. 21), s. 82(3), **Sch. 13 para. 9(18)**; S.I. 2012/924, art. 2
- F246** Words in s. 580 inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(33)(a)**; S.I. 2021/373, art. 8(j)(xiii)
- F247** Words in s. 580 substituted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021](#) (asc 4), s. 84(1), **Sch. 2 para. 24** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F248** S. 580 entry repealed (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. 7(14)(a)(i), **Sch. 3 Pt. 1**
- F249** S. 580 table: entry repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), **Sch. Pt. I**
- F250** Words in s. 580 omitted (1.9.2021 for specified entries) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(33)(b)**; S.I. 2021/373, art. 8(j)(xiv)
- F251** S. 580 table: entry inserted (1.9.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 44**; S.I. 1997/1468, art. 2(2), **Sch. 1 Pt. II**
- F252** Words in s. 580 repealed (26.7.2002 for E. for specified purposes, 1.8.2003 for W. for specified purposes) by [Education Act 2002](#) (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F253** S. 580 entries inserted (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. 7(14)(b)**
- F254** Words in s. 580 inserted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 60(a)**; 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)
- F255** S. 580 table: words in the entry relating to "foundation subjects" omitted (2.5.2000 for E. and 20.7.2000 for W.) by virtue of S.I. 2000/1146, **art. 3** and S.I. 2000/1882, **art. 2**
- F256** Word in s. 580 substituted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(33)(d)**; S.I. 2021/373, art. 8(j)(xv)
- F257** Words in s. 580 omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(33)(e)**; S.I. 2021/373, art. 8(j)(xv)
- F258** Word in s. 580 inserted (1.8.2019) by [The Higher Education and Research Act 2017](#) (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **7(4)**
- F259** Words in s. 580 inserted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 60(b)**; 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)
- F260** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 60(c)**; 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)

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- F261** S. 580 entry repealed (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. 7(14)(a)(ii), [Sch. 3 Pt. 1](#)
- F262** S. 580 entry repealed (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. 7(14)(a)(iii), [Sch. 3 Pt. 1](#)
- F263** Words in s. 580 substituted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 4\(33\)\(g\)](#); S.I. 2021/373, art. 8(j)(xv)
- F264** Words in s. 580 inserted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 12 para. 4](#); S.I. 2006/2129, art. 4
- F265** Words in s. 580 inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 2 para. 13](#); S.I. 2010/303, art. 6, Sch. 5
- F266** S. 580 table: entry inserted (14.6.1997) by 1997 c. 44, s. 57(1), [Sch. 7 para. 44](#); S.I. 1997/1468, art. 2(1), [Sch. 1 Pt. 1](#)
- F267** Words in s. 580 substituted (19.7.2010) by [Children, Schools and Families Act 2010 \(c. 26\)](#), s. 29(4)(b), [Sch. 3 para. 2\(2\)](#) (with s. 27); S.I. 2010/1817, art. 2
- F268** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 60\(d\)](#); 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)
- F269** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 60\(e\)](#); 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)
- F270** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 60\(f\)](#); 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)
- F271** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 60\(g\)](#); 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)
- F272** Words in s. 580 substituted (27.2.2007 for E., 1.9.2009 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 4\(3\)](#), 188(3); S.I. 2006/3400, art. 6(a); S.I. 2009/1027, art. 3(a)

### *Final provisions*

#### **581 Application to Isles of Scilly.**

This Act shall apply to the Isles of Scilly—

- (a) as if the Isles were a separate non-metropolitan county (and the Council of the Isles of Scilly were accordingly a county council), and
- (b) subject to such other modifications as are specified in an order made by the Secretary of State.

#### **582 Consequential amendments, repeals, transitional provisions etc.**

- (1) The enactments specified in Schedule 37 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.
- (2) The enactments and instruments specified in Schedule 38 are repealed or revoked to the extent specified.
- (3) The transitional and saving provisions contained in Schedule 39 shall have effect.
- (4) The transitory provisions contained in Schedule 40 shall have effect.

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### Commencement Information

- II** S. 582 wholly in force at 1.9.1997; s. 582(1) in force at 1.11.1996 so far as relating to Sch. 37 Pt. I; s. 582(2) in force at 1.11.1996 so far as relating to Sch. 38 Pts. I, III; s. 582(3)(4) in force at 1.11.1996 see s. 583(2); S. 582(1) in force at 1.9.1997 so far as relating to Sch. 37 Pt. II and s. 583(2) in force at 1.9.1997 so far as relating to Sch. 38 Pt. II by [S.I. 1997/1623](#), [art. 2\(2\)](#)

## 583 Short title, commencement and extent.

- (1) This Act may be cited as the Education Act 1996.
- (2) Subject to subsection (3), this Act shall come into force on 1st November 1996 (and references to the commencement of this Act are to its coming into force on that date).
- (3) The following provisions—
  - section 8,
  - section 317(6),
  - section 348,
  - section 528,
  - Part II of Schedule 37 and section 582(1) so far as relating thereto, and
  - Part II of Schedule 38 and section 582(2) so far as relating thereto,
 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 Secretary of State may by order make such incidental, supplemental, saving or transitional provision as he thinks fit in connection with the coming into force in accordance with subsection (2) of any provision of this Act reproducing the effect of a provision of the <sup>M28</sup>Education Act 1993 which has not previously been brought into force by an order under section 308(3) of that Act (commencement).
- (5) [<sup>F273</sup>Where an order under subsection (3) brings into force any provision of section 317(6) or 528, then in relation to the coming into force of that provision—
  - (a) section 568(5) and (6) shall not apply to the order, but
  - (b) the order may make such provision as is authorised to be made, by virtue of section 67(2) and (3) of the <sup>M29</sup>Disability Discrimination Act 1995 (regulations and orders), by an order under section 70(3) of that Act (commencement).]
  - (6) Subject to subsections (7) and (8), this Act extends to England and Wales only.
  - (7) This section, section 493 and section 569 so far as relating to regulations under section 493 extend also to Scotland; and this section extends also to Northern Ireland.
  - (8) Section 582 and Schedules 37 to 40 have the same extent as the enactments to which they relate.

### Subordinate Legislation Made

- P1** S. 583(3) power partly exercised (19.11.1996); 1.1.1997 appointed for specified provisions by [S.I. 1996/2904](#), [art. 2](#)  
 S. 583(3) power partly exercised (30.6.1997); 1.9.1997 appointed for specified provisions by [S.I. 1997/1623](#), [arts. 2, 3](#)



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S. 583(3) power partly exercised (20.10.1997); 30.9.1997 appointed for specified provisions by [S.I. 1997/2352](#), [art. 2](#)

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**Textual Amendments**

**F273** S. 583(5) omitted (E.W.S.) by 2010 c. 15, Sch. 26 Pt. 1 para. 39 (as inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010](#) (S.I. 2010/2279), [art. 1\(2\)](#), [Sch. 1 para. 5](#)) (see S.I. 2010/2317, [art. 2](#))

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**Marginal Citations**

**M28** [1993 c. 35](#).

**M29** [1995 c. 50](#).

**Changes to legislation:**

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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](#)