



Education Act 2002

2002 CHAPTER 32

PART 11

MISCELLANEOUS AND GENERAL

Allowances in respect of education or training

181 Allowances in respect of education or training

- (1) Regulations may make provision authorising or requiring the Secretary of State (in relation to England) or the National Assembly for Wales (in relation to Wales) to pay an allowance to or in respect of any eligible person who is over compulsory school age, in connection with his undertaking education or training of a prescribed description.
- (2) The relevant education or training must not be higher education.
- (3) Regulations may, in particular, make provision—
 - (a) for determining whether a person is an eligible person in relation to any allowance,
 - (b) prescribing information that must be supplied by or on behalf of any person before any allowance can be paid or continue to be paid to or in respect of him,
 - (c) prescribing the period by reference to which any allowance of a periodic nature is to be paid,
 - (d) prescribing the maximum allowance payable to or in respect of any person in respect of any period,
 - (e) prescribing the maximum period during which an allowance may be payable to or in respect of any person,
 - (f) where the amount of an allowance may vary to any extent according to a person's circumstances, for determining, or providing for the determination by the Secretary of State or the National Assembly for Wales of, the amount required or authorised to be paid to or in respect of him,
 - (g) specifying whether any allowance in respect of any person is to be paid to him, to a parent of his or to any other person,

Status: Point in time view as at 01/09/2014.

Changes to legislation: Education Act 2002, Section 181 is up to date with all changes known to be in force on or before 30 May 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)

- (h) for any allowance under this section to be made available on such terms and conditions as may be prescribed, or determined under the regulations by the Secretary of State or the National Assembly for Wales, including terms and conditions requiring repayments to be made in circumstances so prescribed or determined,
 - (i) requiring the payment of an allowance to be suspended or terminated in any such circumstances,
 - (j) for appeals with respect to matters arising under the regulations (including provision for determining, or enabling the determination of, the procedure to be followed in connection with appeals),
 - (k) imposing obligations on the governing body of any maintained school or institution within the further education sector in relation to cases where the school or institution is providing the education or training referred to in subsection (1).
- (4) In this section and section 182—
- “governing body”—
- (a) in relation to a pupil referral unit, means the [^{F1}local authority] who maintain the unit, and
 - (b) in relation to an institution within the further education sector, has the meaning given by section 90 of the Further and Higher Education Act 1992 (c. 13);
- “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a pupil referral unit.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

Commencement Information

I1 S. 181 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), **art. 5, Sch. Pt. II**

I2 S. 181 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**

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