Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER I

THE STATUTORY SYSTEM OF EDUCATION

General

1 The stages of education.

(1) The statutory system of public education consists of three progressive stages: primary education, secondary education and further education.

(2) This Part—

(a) confers functions on the Secretary of State and [F1local authorities] with respect to primary, secondary and further education; F2...

F2(b) ...........................................

(3) Part I of the [M1Further and Higher Education Act 1992] [F3makes provision with respect to further education].

(4) Apart from section 10 (general duty of Secretary of State), nothing in this Act confers any functions with respect to higher education.

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))


Definition of primary, secondary and further education.

1 F4(1) In this Act “primary education” means—
(a) full-time or part-time education suitable to the requirements of children who have attained the age of two but are under compulsory school age;
(b) full-time education suitable to the requirements of junior pupils of compulsory school age who have not attained the age of 10 years and six months; and
(c) full-time education suitable to the requirements of junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with junior pupils within paragraph (b).

2 F5(2A) Education is also secondary education for the purposes of this Act (subject to subsection (5)) if it is provided by an institution which—
(a) is maintained by a local authority or is an Academy, and
(b) is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19.

2B Where—
(a) a person is in full-time education,
(b) he receives his education partly at a school and, by virtue of arrangements made by the school, partly at another institution or any other establishment, and
(c) the education which he receives at the school would be secondary education if it was full-time education at the school,
the person’s education, both at the school and at the other institution [F9 or establishment], is secondary education for the purposes of this Act (subject to subsection (5)).]

(3) Subject to subsection (5), in this Act “further education” means—
   (a) full-time and part-time education suitable to the requirements of persons who are over compulsory school age [F10 (including vocational, social, physical and recreational training)], and
   (b) organised leisure-time occupation provided in connection with the provision of such education,
except that it does not include secondary education or (in accordance with subsection (7)) higher education.

(4) Accordingly, unless it is education within subsection (2)(b) [F11 or (2A)], full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19 is further education for the purposes of this Act and not secondary education.

(5) For the purposes of this Act education provided for persons who have attained the age of 19 is further education not secondary education; but where a person—
   (a) has begun a particular course of secondary education before attaining the age of 18, and
   (b) continues to attend that course,
the education does not cease to be secondary education by reason of his having attained the age of 19.

(6) In subsection (3)(b) “organised leisure-time occupation” means leisure-time occupation, in such organised cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by facilities provided for that purpose.

[F12 (6A) In the context of the definitions of secondary education and further education, references in this section to education include vocational, social, physical and recreational training.]

(7) References in this section to education do not include references to higher education.
3 Definition of pupil etc.

(1) In this Act “pupil” means a person for whom education is being provided at a school, other than—

(a) a person who has attained the age of 19 for whom further education is being provided, or
(b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is being provided.

[F13 and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.]

[F14 (1A) A person is not for the purposes of this Act to be treated as a pupil at a school merely because any education is provided for him at the school in the exercise of the powers conferred by section 27 of the Education Act 2002 (power of governing body of maintained school to provide community facilities etc.).]

(2) In this Act—

“junior pupil” means a child who has not attained the age of 12; and
“senior pupil” means a person who has attained the age of 12 but not the age of 19.

(3) The definition of “pupil” in [F13 subsections (1) and (1A) also apply] (unless the context otherwise requires) for the purposes of any instrument made or having effect as if made under the Education Acts.

Textual Amendments

F10 Words in s. 2(3)(a) repealed (1.10.2002 for E., 1.8.2004 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. 2004/912, art. 5, Sch. Pt. 2

F11 Words in s. 2(4) 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. 33 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. 1

F12 S. 2(6A) inserted (1.10.2002 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), ss. 177(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2

Modifications etc. (not altering text)

C2 S. 3: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90)
4 Schools: general.

[F16(1) In this Act [F17(subject to [F18(subsections (1A) to (1C)])] “school” means an educational institution which is outside the further education sector and the [F19(wider)] higher education sector and is an institution for providing—
(a) primary education,
(b) secondary education, or
(c) both primary and secondary education,
whether or not the institution also provides [F20 part-time education suitable to the requirements of junior pupils or] further education.]

[F21(1A) An institution which—
(a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and
(b) is not a maintained nursery school,
is not a school.]

[F22(1B) A 16 to 19 Academy is not a school.

(1C) An alternative provision Academy is a school.]

(2) [F23Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) . . ..

(3) For the purposes of this Act an institution is outside the further education sector if it is not—
(a) an institution conducted by a further education corporation established under section 15 or 16 of the [F24 Further and Higher Education Act 1992, or
(b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act ) [F25, or
(c) a sixth form college
and references to institutions within that sector shall be construed accordingly.

[F26(4) For the purposes of this Act an institution is outside the wider higher education sector if—
(a) in relation to England, it is not a registered higher education provider within the meaning given by section 3(10) of the Higher Education and Research Act 2017, or
(b) in relation to Wales, it is not an institution within the higher education sector within the meaning given by section 91(5) of the Further and Higher Education Act 1992;
and references to institutions within the wider higher education sector are to be construed accordingly.]
5 Primary schools, secondary schools and middle schools.

(1) In this Act “primary school” means (subject to regulations under subsection (4)) a school for providing primary education, whether or not it also provides [F27 part-time education suitable to the requirements of junior pupils or] further education.

(2) In this Act “secondary school” means (subject to regulations under subsection (4)) a school for providing secondary education, whether or not it also provides further education.

[F28(3) In this Act “middle school” means a school which, in pursuance of proposals published under any of the enactments specified in subsection (3A), has been established as, or altered so as to become, a school for providing full-time education suitable to the requirements of pupils who—

(a) have attained a specified age below 10 years and six months, and
(b) are under a specified age above 12 years.

(3A) The enactments mentioned in subsection (3) are—

(a) in relation to England—
(i) section 28 or 28A of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998,
(ii) section 66 of, or paragraph 7 of Schedule 11 to, the Education Act 2005, and
(iii) section 7, 10, 11 or 19 of the Education and Inspections Act 2006;
(b) in relation to Wales,
   [(i)] section 28 of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998,
   [(ii)] section 48, 59 or 68 of the School Standards and Organisation (Wales) Act 2013]

(4) The Secretary of State shall make regulations for determining, or enabling him to determine, whether a middle school is to be treated for the purposes of this Act and the other enactments relating to education as a primary school or as a secondary school.

(5) The powers conferred by the enactments mentioned in subsection (3) (so far as relating to the establishment of middle schools) and the powers conferred by subsection (4) above are exercisable—
   (a) notwithstanding anything in this Act (and in particular section 1); but
   (b) without prejudice to the exercise of any other power conferred by this Act.

Textual Amendments

F27 Words in s. 5(1) repealed (1.10.2002 for E., 31.3.2004 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. 2004/912, art. 4, Sch. Pt. 1
F28 S. 5(3)(3A) substituted for s. 5(3) (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 7(2); S.I. 2007/935, art. 7(o)
F29 Words in s. 5(3A)(b) renumbered as s. 5(3A)(b)(i) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 17(2)(a); S.I. 2013/1800, art. 3(j)
F30 S. 5(3A)(b)(ii) and word inserted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 17(2)(b); S.I. 2013/1800, art. 3(j)
F31 Words in s. 5(5) substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 1(3); S.I. 2006/2129, art. 4

6 Nursery schools F32...

   (1) A primary school is a nursery school if it is used [wholly or] mainly for the purpose of providing education for children who have attained the age of two but are under [compulsory school age].

F35(2) ..................................................
Compulsory education

7 Duty of parents to secure education of children of compulsory school age.

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

(a) to his age, ability and aptitude, and

(b) to any special educational needs [in the case of a child who is in the area of a local authority in England] or additional learning needs (in the case of a child who is in the area of a local authority in Wales) he may have, either by regular attendance at school or otherwise.

Textual Amendments

F36 Words in s. 7(b) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(2); 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

8 Compulsory school age.

(1) Subsections (2) and (3) apply to determine for the purposes of any enactment whether a person is of compulsory school age.

[F37(2) A person begins to be of compulsory school age—

(a) when he attains the age of five, if he attains that age on a prescribed day, and

(b) otherwise at the beginning of the prescribed day next following his attaining that age.]

(3) A person ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year—

(a) if he attains the age of 16 after that day but before the beginning of the school year next following,

(b) if he attains that age on that day, or

(c) (unless paragraph (a) applies) if that day is the school leaving date next following his attaining that age.

[F38(4) The Secretary of State may by order—

(a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);

(b) determine the day in any calendar year which is to be the school leaving date for that year.]
Education in accordance with parental wishes

9 Pupils to be educated in accordance with parents’ wishes.

In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of State and local authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

CHAPTER II

FUNCTIONS OF THE SECRETARY OF STATE

10 General duty of Secretary of State.

The Secretary of State shall promote the education of the people of England and Wales.

11 Duty in the case of primary, secondary and further education.

(1) The Secretary of State shall exercise his powers in respect of those bodies in receipt of public funds which—

(a) carry responsibility for securing that the required provision for primary, secondary or further education is made—

(i) in schools,

(ii) in institutions within the further education sector,

(iii) in 16 to 19 Academies,

in or in any area of England or Wales, or
(b) conduct schools, institutions within the further education sector or 16 to 19 Academies in England and Wales,

for the purpose of promoting primary, secondary and further education in England and Wales.

(2) The Secretary of State shall, in the case of his powers to regulate the provision made in schools, institutions within the further education sector and 16 to 19 Academies in England and Wales, exercise his powers with a view to (among other things) improving standards, encouraging diversity and increasing opportunities for choice.

Textual Amendments

F40 Word in s. 11(1)(a) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(3)(a); S.I. 2012/924, art. 2

F41 S. 11(1)(a)(iii) and word inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(3)(a); S.I. 2012/924, art. 2

F42 Words in s. 11(1)(b) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(3)(b); S.I. 2012/924, art. 2

F43 Words in s. 11(2) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(3)(c); S.I. 2012/924, art. 2

Modifications etc. (not altering text)

C5 S. 11 amended (1.1.1996) by 1994 c. 30, s. 11A, as inserted by 1996 c. 56, ss. 582(1)(3), 583(2), Sch. 37 Pt. I para.126 (with ss. 1(4), 561, 562, Sch. 39)

CHAPTER III

[1] LOCAL AUTHORITIES]

The authorities

[1] Local authorities] and their areas.

General functions

13 General responsibility for education.

(1) A [1] local authority] shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, [1 and secondary education][1 and, in the case of a [1 local authority] in England, further education,] are available to meet the needs of the population of their area.
(2) The duty imposed by subsection (1) does not extend to matters in respect of which any duty is imposed on—
[F47(a) the Secretary of State under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009][F49…]
[F50(aa) the National Assembly for Wales under Part 2 of the Learning and Skills Act 2000, or]
[F51(b) the Higher Education Funding Council for Wales, or]
(c) the Office for Students.]

[F52(3) The reference in subsection (1) to further education is to further education for persons—
(none)
“(a) who are over compulsory school age but under 19, or
(b) who are aged 19 or over[F53and for whom an EHC plan is maintained].”

[F54(4) …………………………………………

[F55(5) …………………………………………

(6) For the purposes of subsection (1), persons who are subject to a detention order are to be regarded as part of the population of the area in which they are detained (and not any other area).]
Duty to promote high standards and fulfilment of potential

(1) A local education authority in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
   (a) promoting high standards,
   (b) ensuring fair access to opportunity for education and training, and
   (c) promoting the fulfilment of learning potential by every person to whom this subsection applies.

(2) Subsection (1) applies to the following—
   (a) persons under the age of 20;
   (b) persons aged 20 or over and for whom an EHC plan is maintained.

(3) A local education authority in Wales must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
   (a) promoting high standards, and
   (b) promoting the fulfilment of learning potential by every person to whom this subsection applies.

(4) Subsection (3) applies to persons under the age of 20.

(5) In this section—
   “education” and “training” have the same meanings as in section 15ZA;
   “relevant education function”, in relation to a local education authority in England, means a function relating to the provision of education for—
   (a) persons of compulsory school age (whether at school or otherwise);
   (b) persons (whether at school or otherwise) who are over compulsory school age and to whom subsection (1) applies;
   (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
   “relevant education function”, in relation to a local education authority in Wales, means a function relating to the provision of education for—
   (a) persons of compulsory school age (whether at school or otherwise);
   (b) persons (whether at school or otherwise) who are over compulsory school age but under the age of 20;
   (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
“relevant training function” means a function relating to the provision of training.]

Textual Amendments

**F56**  S. 13A substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 2 para. 3; S.I. 2010/303, art. 3, Sch. 2

**F57**  Words in s. 13A(2)(b) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 4; 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)

**C7**  S. 13A functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), 12(1)(b)(2)(3)

**C8**  S. 13A 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)

**C9**  S. 13A: functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, 5(1)(2)(b)(3)-(5)

**C10**  S. 13A: 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)

14  **Functions in respect of provision of primary and secondary schools.**

(1) A F6 local authority shall secure that sufficient schools for providing—

(a) primary education, and

(b) education that is secondary education by virtue of section 2(2)(a), are available for their area.

(2) The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

(3) In subsection (2) “appropriate education” means education which offers such variety of instruction and training as may be desirable in view of—

(a) the pupils’ different ages, abilities and aptitudes, and

(b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.

**F58** (3A) A F6 local authority in England shall exercise their functions under this section with a view to—

(a) securing diversity in the provision of schools, and

(b) increasing opportunities for parental choice.]

(4) A F6 local authority is not by virtue of subsection (1)(a) under any duty in respect of children under F59 compulsory school age.

**F59** (4A) A F6 local authority for an area in Wales may secure that regional schools for providing—

(a) primary education, and
(b) education that is secondary education by virtue of section 2(2)(a), are available for Wales or any part of Wales that includes the area of the authority.

(4B) For this purpose a “regional school”, in relation to a local authority, is a school maintained by that authority which provides education to meet both—

(a) the needs of pupils with particular additional learning needs in their area, and

(b) the needs of such pupils in the rest, or any other part, of Wales, whether or not the institution also provides education suitable to the requirements of other pupils.

(6) In exercising their functions under this section, a local authority shall in particular have regard to—

(a) the need for securing that primary and secondary education are provided in separate schools;

(b) the need for securing that special educational provision is made for pupils who have special educational needs (in the case of a local authority in England) or the need for securing that additional learning provision is made for pupils who have additional learning needs (in the case of a local authority in Wales); and

(c) the expediency of securing the provision of boarding accommodation (in boarding schools or otherwise) for pupils for whom education as boarders is considered by their parents and the authority to be desirable.

(7) The duty imposed by subsection (6)(a) does not apply in relation to middle schools or special schools.

Textual Amendments

**F6** 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))

**F58** S. 14(3A) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), ss. 2, 188(3); S.I. 2007/955, art. 7(a)

**F59** Words in s. 14(4) substituted (1.8.1998) by 1997 c. 44, s. 57(1), Sch. 7 para. 12; S.I. 1998/386, art. 2, Sch. 1 Pt. III

**F60** S. 14(4A)(4B) inserted (19.12.2002) by Education Act 2002 (c. 32), ss. 194(1), 216(3) (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1

**F61** Words in s. 14(4B) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(3)(a); 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

**F62** S. 14(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 62, Sch.31 (with 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

**F63** Words in s. 14(6)(b) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act...
14A Duty of [F6local authority] to consider parental representations

(1) Where a [F6local authority] in England receive any representation from a parent of a qualifying child as to the exercise by the authority of their functions under section 14, the authority shall—

(a) consider the representation and what action (if any) to take in response to it, and

(b) within a reasonable time provide the parent with a statement setting out—

(i) any action which the authority propose to take in response to the representation, or

(ii) where the authority are of the opinion that no such action is necessary, their reasons for being of that opinion.

(2) In subsection (1) “qualifying child”, in relation to a [F6local authority], means any child in the authority’s area who is of or under compulsory school age.

(3) Subsection (1) does not apply in relation to any representation which—

(a) appears to the [F6local authority] to be frivolous or vexatious, or

(b) is the same as, or similar to, a representation previously received by the authority from the same person.

(4) In exercising their functions under this section, a [F6local authority] must have regard to any guidance given from time to time by the Secretary of State.

Textual Amendments

F6 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))

F64 S. 14A inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), ss. 3, 188(3); S.I. 2007/935, art. 7(a)

F65 S. 15 repealed (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, 154, Sch. 9 para. 53, Sch. 11 (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3); S.I. 2001/1274, art. 2(1), Sch. Pt. I
Duty in respect of education and training for persons over compulsory school age: England

(1) A local authority in England must secure that enough suitable education and training is provided to meet the reasonable needs of—
   (a) persons in their area who are over compulsory school age but under 19, and
   (b) persons in their area who are aged 19 or over and for whom an EHC plan is maintained.

(2) A local authority may comply with subsection (1) by securing the provision of education or training outside as well as within their area.

(3) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons' reasonable needs, a local authority must (in particular) have regard to—
   (a) the persons' ages, abilities and aptitudes;
   (b) any learning difficulties or disabilities the persons may have;
   (c) the quality of the education or training;
   (d) the locations and times at which the education or training is provided.

(4) In performing the duty imposed by subsection (1) a local authority must—
   (a) act with a view to encouraging diversity in the education and training available to persons;
   (b) act with a view to increasing opportunities for persons to exercise choice;
   (c) act with a view to enabling persons to whom Part 1 of the Education and Skills Act 2008 applies to fulfil the duty imposed by section 2 of that Act;
   (d) take account of education and training whose provision the authority think might reasonably be secured by other persons.

(5) A local authority must, in—
   (a) making any determination as to the provision of apprenticeship training that should be secured under subsection (1), or
   (b) securing the provision of any apprenticeship training under that subsection, co-operate with the Secretary of State.

(6) For the purposes of this section a person has a learning difficulty or disability if—
   (a) the person has a significantly greater difficulty in learning than the majority of persons of the same age, or
   (b) the person has a disability which either prevents or hinders the person from making use of facilities of a kind generally provided by institutions providing education or training for persons who are over compulsory school age.

(7) But a person is not to be taken to have a learning difficulty or disability solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.

(8) In this section—
   “apprenticeship training” means training provided in connection with—
   (aa) an approved English apprenticeship agreement (within the meaning given in section A1(3) of that Act),
(a) an apprenticeship agreement (within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009),
(b) any other contract of employment, F73...
(c) any other kind of working in relation to which alternative English completion conditions apply under section 1(5) of that Act (meaning of “completing an English apprenticeship”);
(d) F74 an alternative English apprenticeship (within the meaning given in section A1(4) of that Act);

“education” includes full-time and part-time education;
“training” includes—
(a) full-time and part-time training;
(b) vocational, social, physical and recreational training;
(c) apprenticeship training.

[F74(9) The duty in subsection (1) does not apply in relation to persons in a local authority’s area who are subject to a detention order.]
C12  S. 15ZA 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

C13  S. 15ZA 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

C14  S. 15ZA 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))

C15  S. 15ZA functions made exercisable concurrently (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, 12(1), Sch. 2 para. 3

C16  S. 15ZA functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, Sch. 2 para. 3

C17  Ss. 15ZA-15ZC functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), Sch. 3 para. 3

C18  S. 15ZA 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 paras. 1, 3

C19  S. 15ZA 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)

C20  S. 15ZA 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)

C21  Ss. 15ZA-15ZC: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), ss. 87(1), Sch. 17 para. 5 (with ss. 88-90) (which affecting provision expires (9.12.2021) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 (S.I. 2021/1399), regs. 1(2), 5

15ZB  Co-operation in performance of section 15ZA duty

[F1 Local authorities] in England must co-operate with each other in performing their duties under section 15ZA(1).]
Encouragement of education and training for persons over compulsory school age: England

   (a) encourage participation in education and training by persons in their area who are within section 15ZA(1)(a) or (b);
   (b) encourage employers to participate in the provision of education and training for such persons.

(2) For the purposes of subsection (1)(b), participating in the provision of training includes participating by entering into—
   (a) an apprenticeship agreement (within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009), [F77...
[F78(aa)
   (aa) an approved English apprenticeship agreement (within the meaning given in section A1(3) of that Act), or]
   (b) any other contract of employment in connection with which training is provided.

(3) In this section “education” and “training” have the same meanings as in section 15ZA.

Textual Amendments

F6 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))

F76 S. 15ZC inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 42, 269(4); S.I. 2010/303, art. 3, Sch. 2

F77 Word in s. 15ZC(2)(a) omitted (24.11.2015) by virtue of The English Apprenticeships (Consequential Amendments to Primary Legislation) Order 2015 (S.I. 2015/1852), arts. 1, 2(3)

F78 S. 15ZC(2)(aa) inserted (24.11.2015) by The English Apprenticeships (Consequential Amendments to Primary Legislation) Order 2015 (S.I. 2015/1852), arts. 1, 2(3)

Modifications etc. (not altering text)

C17 Ss. 15ZA-15ZC functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), Sch. 3 para. 3

C21 Ss. 15ZA-15ZC: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90) (which affecting provision expires (9.12.2021) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 (S.I. 2021/1399), reg. 1(2), 5

C30 S. 15ZC 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
Sections 15ZA to 15ZC: duty to have regard to guidance

In performing the duties imposed by sections 15ZA(1), 15ZB and 15ZC(1)(b) (duties in relation to education and training for persons over compulsory school age), a local authority in England must have regard to any guidance issued by the Secretary of State.

Textual Amendments
F79 S. 15ZD inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 16 para. 11; S.I. 2012/924, art. 2

Powers in respect of education and training] for 16 to 18 year olds.

(1) A [F6local authority] in Wales may secure the provision for their area of full-time [F8or part-time] education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, including provision for persons from other areas.

F84 (1ZA) A [F6local authority] in England may secure the provision for their area of full-time or part-time education suitable to the requirements of persons from other areas who are over compulsory school age but have not attained the age of 19.

F85 The power under [F86subsections (1) and (1ZA)] to secure the provision of education (1A) includes power to secure the provision—

(a) of training, including vocational, social, physical and recreational training, and

(b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).

(2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section [in respect of secondary education] as they apply in relation to functions under that section.
In exercising their functions under this section in respect of further education—

(a) a local authority in England must in particular have regard to the needs of persons with learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7));

(b) a local authority in Wales must in particular have regard to the needs of persons with additional learning needs.

(4) A local authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.

Textual Amendments

F6 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))

F80 Words in s. 15A title substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 2 para. 4(6); S.I. 2010/303, art. 3, Sch. 2

F81 S. 15A inserted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 63 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F82 Words in s. 15A(1) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 2 para. 4(2); S.I. 2010/303, art. 3, Sch. 2

F83 Words in s. 15A(1) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), Sch. 9 para. 54(2) (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3); S.I. 2001/1274, art. 2(1), Sch. Pt. I

F84 S. 15A(1ZA) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 2 para. 4(3); S.I. 2010/303, art. 3, Sch. 2

F85 S. 15A(1A) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), Sch. 9 para. 54(3) (with s. 150) S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3); S.I. 2001/1274, art. 2(1), Sch. Pt. I

F86 Words in s. 15A(1A) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 2 para. 4(4); S.I. 2010/303, art. 3, Sch. 2

F87 S. 15A(3)(d) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), Sch. 9 para. 54(5) (with s. 150) S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3); S.I. 2001/1274, art. 2(1), Sch. Pt. I

F88 S. 15A(3)(a)(b) substituted for words (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 6; 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)

F89 Words in s. 15A(3)(b) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(4); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4);) S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

Modifications etc. (not altering text)

C38 S. 15A restricted (1.4.2001 (W.) and 1.8.2002 (E.)) by 2000 c. 21, s. 110(4) (with s. 150); S.I. 2001/1274, art. 2(1), Sch. Pt. I; S.I. 2002/279, art. 2(3)(b)

Functions in respect of education for persons over 19.

(1) A local authority may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.

(2) The power under subsection (1) to secure the provision of education includes power to secure the provision—
   (a) of training, including vocational, social, physical and recreational training, and
   (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).

(3) In exercising their functions under this section—
   (a) a local authority in England must in particular have regard to the needs of persons with learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7));
   (b) a local authority in Wales must in particular have regard to the needs of persons with additional learning needs.

(4) A local authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.

(5) This section does not apply to higher education.

Textual Amendments

F6 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))

F90 S. 15B inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), Sch. 9 para. 54(4) (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3); S.I. 2001/1274, art. 2(1), Sch. Pt. I

F91 S. 15B(3)(a)(b) substituted for words (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 7; 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))

F92 Words in s. 15B(3)(b) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(5); 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.
16 **Power to establish, maintain and assist primary and secondary schools.**

(1) For the purpose of fulfilling their functions under this Act, a [F6*local authority*] may—
   (a) establish primary schools and secondary schools;
   (b) maintain primary and secondary schools, whether established by them or not; and
   (c) assist any primary or secondary school which is not maintained by them.

(2) A [F6*local authority*] may under subsection (1) establish, maintain and assist schools outside as well as inside their area.

(3) A [F6*local authority*] may not under subsection (1) establish a school to provide—
   (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
   (b) full-time education suitable to the requirements of persons who have attained the age of 19.

[F93(3A)] A local authority in England may not under subsection (1) establish a school which is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under 19.

17 **Powers in respect of [F94*nursery schools*.**

(1) A [F6*local authority*] may—
   (a) establish nursery schools;
   (b) maintain nursery schools established by them or by an authority which was a [F6*local authority*] within the meaning of any enactment repealed by the [M3*Education Act 1944*] or an earlier Act; and
   (c) assist any nursery school not so established.
(2) Section 14(4) does not affect a [F6local authority’s] power under section 16(1) to establish, maintain and assist schools at which education is provided both for children under [F95compulsory school age] and for older pupils (including schools at which there are nursery classes for children under [F95compulsory school age]).

**Textual Amendments**

F6 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))

F94 Words in s. 17 heading substituted (1.9.2008 for E.) by Childcare Act 2006 (c. 21), Sch. 2 para. 20; S.I. 2008/2261, art. 2 (with Sch. 1)

F95 Words in s. 17(2) substituted (1.8.1998) by 1997 c. 44, s. 57(1), Sch. 7 para.13; S.I. 1998/386, art. 2, Sch. 1 Pt.III

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

C44 S. 17 functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, Sch. 2 para. 3

C45 S. 17 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 paras. 1, 3

C46 S. 17 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)

**Marginal Citations**

M3 1944 c. 31.

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**Other arrangements for provision of education**

18 **Power to arrange provision of education at non-maintained schools.**

A [F6local authority] may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another [F6local authority].

**Textual Amendments**

F6 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))

[F9618A Provision of education for persons subject to youth detention**

(1) A local authority must secure that—

(a) enough suitable education is provided to meet the reasonable needs of children subject to youth detention in their area;

(b) enough suitable education and training is provided to meet the reasonable needs of persons who are—

(i) over compulsory school age but under 19, and

(ii) subject to youth detention in their area.
(2) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons’ reasonable needs, a local authority in England must (in particular) have regard to—

(a) the persons’ ages, abilities and aptitudes;
(b) any special educational needs the persons may have;
(c) the persons’ ages, abilities and aptitudes;  
(d) any relevant curriculum and the desirability that education received by persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;
(e) the desirability of the core entitlement being satisfied in relation to persons over compulsory school age but under 19.

(3) In subsection (2)(d), “relevant curriculum” means—

(a) the National Curriculum for England established under section 87 of the Education Act 2002 as subsisting for the time being;
(b) any local curriculum formed by the authority under section 116A of the Education Act 2002 (formation of local curricula for pupils in Key Stage 4) or for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).

(4) Section 17C (the core entitlement) applies for the purposes of subsection (2)(e).

In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons’ reasonable needs, a local authority in Wales must (in particular) have regard to—

(a) the persons’ ages, abilities and aptitudes;
(b) any additional learning needs the persons may have;
(c) the desirability of enabling persons to complete programmes of study or training which they have begun;
(d) the desirability that education received by young persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;
(e) the desirability that education received by children subject to youth detention should—

(i) enable them to develop in the ways described in the four purposes, 
(ii) offer them appropriate progression, 
(iii) be broad and balanced, so far as is appropriate for them, and
(iv) provide teaching and learning that encompasses the areas of learning and experience (including the mandatory elements within those areas) and develops the cross-curricular skills.

(4B) In subsection (4A)(d), “relevant curriculum”, in relation to a local authority in Wales, means any local curriculum formed by the authority for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).

(4C) In subsection (4A)(e), expressions that are defined in, or are given a meaning by, the Curriculum and Assessment (Wales) Act 2021 have the same meaning as in that Act.

(5) Any arrangements made by a local authority under subsection (1) for the provision by another person (the “learning provider”) of education or training must require the learning provider, in making any determination as to the education or training to be provided for a particular person ("P"), to have regard to any information within subsection (6).

(6) The information within this subsection is—
   (a) information provided under section 562F by a local authority as to the level of P's literacy and numeracy skills;
   (b) any other information provided under section 562F by P's home authority (within the meaning of Chapter 5A of Part 10) for the purpose of assisting a determination such as is mentioned in subsection (5).

(7) In performing the duty imposed by subsection (1), a local authority must have regard to any guidance issued—
   (a) in the case of a local authority in England, by the Secretary of State;
   (b) in the case of a local authority in Wales, by the Welsh Ministers.

(8) For the purposes of subsection (1), a person is subject to youth detention in the area of a local authority if—
   (a) subject to a detention order, and
   (b) detained in relevant youth accommodation in the area of the authority.

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**Textual Amendments**

F96  S. 18A inserted (1.9.2010 for E. for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 48, 269(3)(4) (as amended (15.1.2012) by 2011 c. 21, s. 30(7)); S.I. 2010/303, art. 6, Sch. 5

F97  Words in s. 18A(2) inserted (1.9.2022 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(2)(a)(i)

F98  Words in s. 18A(2)(b) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (amaw 2), s. 100(3), Sch. 1 para. 4(6)(a); 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
F99  Words in s. 18A(2)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 8(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)

F100 S. 18A(2)(ba)(bb) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 8(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)

F101 Words in s. 18A(2)(ba) omitted (1.9.2022 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(2)(a)(ii)

F102 S. 18A(2)(bb) omitted (1.9.2022 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(2)(a)(iii)

F103 Words in s. 18A(2)(bb) substituted (1.9.2021 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(6)(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

F104 Words in s. 18A(3)(a) omitted (1.9.2022 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(2)(b)(i)

F105 S. 18A(3)(b) omitted (1.9.2022 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(2)(b)(ii)

F106 S. 18A(4A)-(4C) inserted (1.9.2022 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(2)(c)

Modifications etc. (not altering text)

C47 S. 18A(1)(b) 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

C48 S. 18A(1)(b) 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

C49 S. 18A(1)(b) 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))

C50 S. 18A(1)(b) functions made exercisable concurrently (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, 12(1), Sch. 2 para. 3

C51 S. 18A(1)(b) functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, Sch. 2 para. 3

C52 S. 18A(1)(b) functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), Sch. 3 para. 3

C53 S. 18A(1)(b) 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 paras. 1, 3

C54 S. 18A(1)(b) 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)

C55 S. 18A(1)(b) 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)
19 Exceptional provision of education in pupil referral units or elsewhere [F107: England]

(1) Each [F6]local authority[F108] in England shall make arrangements for the provision of suitable [F109] education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

[F110](1A) ... Subsection (1) does not apply in the case of a child—
(a) who will cease to be of compulsory school age within the next six weeks, and
(b) does not have any relevant examinations to complete.
In paragraph (b) “relevant examinations” means any public examinations or other assessments for which the child has been entered.

[F112](2) ... .

[F112](2A) .

(2B) Any school established in England (whether before or after the commencement of this Act) and maintained by a [F6]local authority[F114] in England which—
(a) is specially organised to provide education for such children, and
(b) is not a community or foundation school, a community or foundation special school, or a maintained nursery school,
shall be known as a “pupil referral unit”.


[F116](3A) ... The education to be provided for a child in pursuance of arrangements made by a local authority under subsection (1) shall be—
(a) full-time education, or
(b) in the case of a child within subsection (3AA), education on such part-time basis as the authority consider to be in the child's best interests.

(3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child's best interests for full-time education to be provided for the child.

(3B) [F119]Regulations may provide that the education to be provided for a child in pursuance of arrangements made by a local authority in England under subsection (1) must be provided from a day that, in relation to the pupil concerned, is determined in accordance with [F120]the regulations .]

(4) A [F6]local authority[F113] in England may make arrangements for the provision of suitable [F109] education otherwise than at school for those young persons who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

[F122](4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a [F6]local authority[F123] shall have regard to any guidance given from time to time by the Secretary of State.]
(5) Any child for whom education is provided otherwise than at school in pursuance of this section, and any young person for whom full-time education is so provided in pursuance of this section, shall be treated for the purposes of this Act as a pupil.

[F125](6) In this section—

“relevant school” means—

(a) a maintained school,
(b) an Academy,
(c) a city technology college, or
(d) a city college for the technology of the arts;

“suitable education”, in relation to a child or young person [F124] in the area of a local authority in England, means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have [F123] and in relation to a child or young person in the area of a local authority in Wales, means efficient education suitable to the child's or young person's age, ability and aptitude and to any additional learning needs the child or young person may have [and “suitable full-time education” is to be read accordingly].

(7) Schedule 1 has effect in relation to pupil referral units [F126] maintained by a local authority in England.
F120 Words in s. 19(3B) substituted (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), ss. 3(4) (b), 29(5) (with s. 27); S.I. 2011/1100, art. 2
F121 Words in s. 19(4) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), Sch. 2 para. 3(9) (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
F122 S. 19(4A) inserted (1.9.1998) by 1997 c. 44, s. 47(4); S.I. 1998/386, art. 2, Sch. 1 Pt.IV
F123 S. 19(6) substituted (1.9.2007) by Education and Inspections Act 2006 (c. 40), ss. 101(3), 188(3); S.I. 2007/1801, art. 4(g)
F124 Words in s. 19(6) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(7)(a); 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
F125 Words in s. 19(6) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(7)(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
F126 Words in s. 19(7) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), Sch. 2 para. 3(10) (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

Modifications etc. (not altering text)

C56 S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 36(5)(c)(10), 162 (with s. 159)
C57 S. 19: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90)
C58 S. 19(3A) modified (18.5.2012) by The Wiltshire Council (Arrangements for the Provision of Suitable Education) Order 2012 (S.I. 2012/1107), arts. 1(2)(a), 6(2) (with art. 5)

[F127 19A Exceptional provision of education in pupil referral units or elsewhere: Wales

(1) Each local authority in Wales must make arrangements for the provision of suitable education at school or otherwise than at school for children within the authority's area who—

(a) are of compulsory school age, and

(b) by reason of illness, exclusion from school or otherwise, may not receive suitable education for a period unless such arrangements are made for them.

(2) A school established (whether before or after the commencement of this Act) and maintained by a local authority in Wales which—

(a) is specially organised to provide education for children falling within subsection (1), and

(b) is not a special school,

is to be known as a “pupil referral unit”.

(3) A local authority in Wales may secure the provision of boarding accommodation at any pupil referral unit.
(4) A local authority in Wales may make arrangements for the provision of suitable education otherwise than at a school for young persons within the authority's area who, by reason of illness, exclusion from school or otherwise, may not receive a suitable education for a period unless such arrangements are made for them.

(5) In this section, “suitable education”, in relation to a child or young person means efficient education suitable to the child’s or the young person's age, ability and aptitude and to any additional learning needs the child or young person may have.

(6) The following persons are to be treated as pupils for the purposes of this Act—
   (a) any child for whom education is provided otherwise than at school under this section, and
   (b) any young person for whom full-time education is provided otherwise than at school under this section.

(7) Schedule 1 has effect in relation to pupil referral units maintained by local authorities in Wales.

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**Textual Amendments**

F127 S. 19A inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), Sch. 2 para. 4 (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

F128 Words in s. 19A(5) inserted (1.9.2022 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(3)

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**CHAPTER IV**

**THE FUNDING AUTHORITIES**

**The Authorities**

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**Textual Amendments**

F129 S. 20 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F130 S. 21 repealed (1.4.1999) by 1998 c. 31, ss. 133, 140(1)(3), Sch. 30 para. 66, Sch.31; S.I. 1999/1016, art. 2(1), Sch. 1
Functions

F131 22

Textual Amendments
F131  S. 22 repealed (1.4.1999 in relation to s. 22 except s. 22(1)(a) and otherwise 1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F132 23

Textual Amendments
F132  S. 23 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F133 24

Textual Amendments
F133  S. 24 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Supplemental

F134 25

Textual Amendments
F134  S. 25 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F135 26

Textual Amendments
F135  S. 26 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
CHAPTER V

ALLOCATION OF RESPONSIBILITY FOR EDUCATION AT SCHOOL BETWEEN LEA AND FUNDING AUTHORITY

F136 27 ..............................

Textual Amendments

F136 S. 27 repealed (1.4.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 66, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1

CHAPTER VI

SUPPLEMENTAL

Allocation of functions

F137 28 ..............................

Textual Amendments

F137 S. 28 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Provision of information

29 Provision of information by [F1] local authorities.

(1) A [F6] local authority shall—
   (a) make such reports and returns to the Secretary of State, and
   (b) give to the Secretary of State such information, as he may require for the purpose of the exercise of his functions under this Act.

F138 (2) ..............................

(2) A [F6] local authority shall—
   (a) compile such information, and
   (b) make such provision for conducting, or assisting the conduct of, research, as may be required for the purpose of providing the Secretary of State \[F139\] . . . , in such form and at such times as may be prescribed, with such information relating to the provision of primary or secondary education in the area of the [F6] local authority as may be prescribed.
(4) The Secretary of State shall exercise his powers under subsection (3) so as to secure, in particular, the provision of information relating to the provision of education for children with special educational needs.

[F140](4A) In subsection (4) as it applies in relation to the Welsh Ministers, the reference to special educational needs is to be interpreted as a reference to additional learning needs.

(5) A [F141]local authority shall, at such time or times and in such manner as may be required by regulations, publish such information as may be so required with respect to their policy and arrangements in respect of any matter relating to primary or secondary education.

[F141](6) .................................................................

[F142](6A) The Welsh Ministers may, by regulations, require local authorities in Wales to publish prescribed information, at such times and in such manner as may be prescribed, for the purpose of providing information to the public about whether, and if so how, local authority education functions are being exercised to promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).]
PART II – SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

CHAPTER I – PRELIMINARY

Textual Amendments
F143 S. 30 repealed (1.11.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 68, Sch. 31; S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F144 Pt. II (ss. 31–182) repealed (1.10.1998, 10.3.1999, 1.4.1999 respectively in relation to specified provisions and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pts. I, IV; S.I. 1999/120, art. 2(2), Sch. 2; S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings as specified in those S.I.s and subject to savings in S.I. 1999/704, S.I. 1999/711, S.I. 1999/2243 and S.I. 1999/2262)

F145 S. 31 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F146 S. 32 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F147 S. 33 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
CHAPTER II

ESTABLISHMENT, ALTERATION ETC. OF COUNTY AND VOLUNTARY SCHOOLS

County schools: establishment, alteration or change of site

Textual Amendments
F148 S. 34 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F149 S. 35 repealed (1.4.1999 in respect of s. 35(8) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F150 S. 36 repealed (1.4.1999 in respect of s. 36(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, regs. 8(2)(a), 14(2)(a))

F151 S. 37 repealed (1.4.1999 in respect of s. 37(4)(7)-(9) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, regs. 8(2)(a), 14(2)(a))

F152 S. 38 ..............
Voluntary schools: establishment, alteration or change of site

F153 39  ..............................................

F154 40  ..............................................

Voluntary schools: establishment, alteration or change of site

F155 41  ..............................................

F156 42  ..............................................

F157 43  ..............................................
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
F157  S. 43 repealed (1.4.1999 in respect of s. 43(3)-(6) and words in s. 43(2) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, regs. 8(2)(b), 14(2)(b))

F158 44  

Textual Amendments
F158  S. 44 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, regs. 8(2)(b), 14(2)(b))

F159 45  

Textual Amendments
F159  S. 45 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F160 46  

Textual Amendments
F160  S. 46 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F161 47  

Textual Amendments
F161  S. 47 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Status of new voluntary school

F162 48  

<table>
<thead>
<tr>
<th>Textual Amendments</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposals for a middle school</strong></td>
<td>S. 49 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)</td>
</tr>
<tr>
<td><strong>Division of a single school into two or more schools</strong></td>
<td>S. 50 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)</td>
</tr>
<tr>
<td><strong>Change of status from controlled school to aided school</strong></td>
<td>S. 51 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)</td>
</tr>
</tbody>
</table>
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F167  S. 53 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F168 54  ........................................

Textual Amendments

F168  S. 54 repealed (10.3.1999 in respect of s. 54(6)(c) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(2), Sch. 2 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F169 55  ........................................

Textual Amendments

F169  S. 55 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F170 56  ........................................

Textual Amendments

F170  S. 56 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Change of status from aided or special agreement school to controlled or aided school

F171 57  ........................................

Textual Amendments

F171  S. 57 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F172 58  ........................................
CHAPTER III
FUNDING OF VOLUNTARY SCHOOLS

Obligations of governing bodies

F173 59 .................................

Textual Amendments
F172 S. 58 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Obligations of LEAs as regards new sites and buildings

F174 F175 60 .................................

Textual Amendments
F173 S. 59 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F174 F175

Textual Amendments
F174 S. 60 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 14, Sch. 7 paras. 2-4, 6, 7, 10, 12)
F175 Words in s. 60(4) substituted (to the extent that this provision continues in force by virtue of any saving made in connection with its repeal by 1998 c. 31 by an order made under s. 145(3) of that Act) (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. 4 para. 6

F176 F177 61 .................................

Textual Amendments
F176 Words in s. 61(4)(5) substituted (to the extent that this provision continues in force by virtue of any saving made in connection with its repeal by 1998 c. 31 by an order made under s. 145(3) of that Act) (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. 4 para. 6
F177 S. 61 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 15, Sch. 7 paras. 2-4, 6, 7, 10, 12) and subject to an amendment (1.9.1999) by S.I. 1999/2243, reg. 59
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

Financial assistance for controlled schools

Textual Amendments
F178  S. 62 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Financial assistance by Secretary of State for aided and special agreement schools

Textual Amendments
F180  S. 64 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 ((with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, regs. 8, 10)

Textual Amendments
F181  S. 65 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments
F182  S. 66 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
F183 67  

Textual Amendments

F183  S. 67 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Assistance by \textit{local authorities} for governing bodies of aided and special agreement schools

F184 68  

Textual Amendments

F184  S. 68 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Assistance by \textit{local authorities} for promoters of new voluntary schools

F185 69  

Textual Amendments

F185  S. 69 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Miscellaneous and supplemental

F186 70  

Textual Amendments

F186  S. 70 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F187 71  

Textual Amendments

F187  S. 71 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

CHAPTER IV

GOVERNMENT OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

Instruments of government

Textual Amendments
S. 72 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments
S. 73 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments
S. 74 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments
S. 75 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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)

Categories of governor

Governing bodies of county, controlled and maintained special schools
Governing bodies of aided and special agreement schools

F199

S. 83 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F200

S. 84 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F201

S. 85 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Governing bodies: general

F202

S. 86 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Grouping of schools under a single governing body
Education Act 1996 (c. 56)

Part II – Schools maintained by local education authorities

Chapter IV – Government of county, voluntary and maintained special schools

Document Generated: 2022-12-13

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F208 S. 92 repealed (10.3.1999 in respect of s. 92(1)(2)(4) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), Sch. 2 (with art. 5(2)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments

F209 S. 93 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments

F210 S. 94 repealed (10.3.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), Sch. 2 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments

F211 S. 95 repealed (10.3.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(2), Sch. 2 (with art. 5(3) and subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, 12)

Government of new schools

Textual Amendments

F212 S. 96 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/2243, reg. 8(2) and S.I. 1999/2262, reg. 8(2))

Textual Amendments

F213 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F213  S. 97 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/2243, reg. 8(2) and S.I. 1999/2262, reg. 8(2))

F214 98  .............................................

Textual Amendments

F214  S. 98 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F215 99  .............................................

Textual Amendments

F215  S. 99 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Grouping of new schools

F216 100  .............................................

Textual Amendments

F216  S. 100 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F217  CHAPTER V

Textual Amendments

F217  Part II Chapter V (ss. 101-126) repealed (1.4.1999 subject to savings) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, arts. 2, 4, Sch. 1 Pt.IV, Sch. 2 Pt. II para. 8 (subject to savings in S.I. 1999/711, reg. 5 and S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, 12)
CHAPTER VI

CONDUCT AND STAFFING OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

Articles of government

Textual Amendments

F218 127 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Textual Amendments

F218  S. 127 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F219 128 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Textual Amendments

F219  S. 128 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F220 129 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Textual Amendments

F220  S. 129 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Conduct of schools: general

Textual Amendments

F221 130 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Textual Amendments

F221  S. 130 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F222 131 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Textual Amendments

F222  S. 131 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Staffing of schools without delegated budgets

S. 132 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Staffing of schools with delegated budgets

S. 136 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 5, 6, 10, 12)
Education Act 1996 (c. 56)

Part II – Schools maintained by local education authorities

Chapter VI – Conduct and staffing of county, voluntary and maintained special schools

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Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F228 S. 137 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F229 S. 138 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F230 S. 139 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F231 S. 140 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F232 S. 141 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F233 S. 142 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Appointment and dismissal of teachers of religious education

Textual Amendments

F234 S. 143 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F235 S. 144 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F236 S. 145 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Religious opinions of staff etc.

Textual Amendments

F237 S. 146 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

School terms, holidays and sessions

Textual Amendments

F238 S. 147 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Textual Amendments

F239 S. 148 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Control of school premises

F240 S. 149 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F241 S. 150 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Instruction or training outside school premises

F242 S. 151 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F243 S. 152 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
### Textual Amendments

**F244**  
S. 153 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

**Discipline: general**

**F245**  
S. 154 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

**F246**  
S. 155 repealed (1.10.1998 in respect of s. 155(1)(4) and otherwise 1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I; S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2-4, 6, 7, 10, 12)

**F247**  
S. 156 repealed (1.9.1999) by 1998 c. 31, s. 140(1) (3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

**F248**  
S. 157 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

**F249**  
S. 158
### Textual Amendments

**F249** S. 158 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

**F250**

**F251**

**F252**

**F253**

**Reports, meetings and information**

**F254**
Chapter VII – Discontinuance of local education authority schools

Procedure for discontinuance of county, voluntary or maintained nursery school by local education authority
Textual Amendments
F258 S. 167 repealed (1.4.1999 in respect of s. 167(6) and words in s. 167(1) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 6 paras. 2-6, Sch. 7 paras. 2-4, 6, 7, 10, 12)

F259 168 ..................................................

Textual Amendments
F259 S. 168 repealed (1.4.1999 in respect of s. 168(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, reg. 14(2)(c))

F260 169 ..................................................

Textual Amendments
F260 S. 169 repealed (1.4.1999 in respect of s. 169(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, reg. 14(2)(c))

F261 170 ..................................................

Textual Amendments
F261 S. 170 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12 and subject to savings in S.I. 1999/704, reg. 14(2)(c))

F262 171 ..................................................

Textual Amendments
F262 S. 171 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Textual Amendments
F263 S. 172 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Discontinuance of voluntary school by governing body

Textual Amendments
F264 S. 173 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments
F265 S. 174 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Textual Amendments
F266 S. 175 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

CHAPTER VIII
MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Further education

Textual Amendments
F267 S. 176 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
Teacher training

S. 177 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Modification of employment law

S. 178 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Modification of trust deeds and other instruments

S. 179 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 11, 12)

Interpretation of Part II

S. 180 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 69, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 11, 12)
PART III
GRANT-MAINTAINED SCHOOLS

CHAPTER I
PRELIMINARY

CHAPTER II
PROCEDURE FOR ACQUISITION OF GRANT-MAINTAINED STATUS

Modifications etc. (not altering text)
C59 Pt. III Chapter II (ss. 184-200) modified (1.11.1996) by 1996 c. 57, ss. 37(3), 48(2)
Eligibility

Textual Amendments
F276 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

Initiation of procedure

Textual Amendments
F277 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

Information

Textual Amendments
F278 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)
Ballot of parents
Approval and implementation of proposals

Expenses in connection with proposals
Alteration of county school proposed for grant-maintained status

Textual Amendments
F290 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

F291 Supplementary

Textual Amendments
F291 Ss. 184-199 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER III
PROPERTY, STAFF AND CONTRACTS

Transfer of property and staff, etc.

Textual Amendments
F293 S. 201 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 8, Sch. 7 paras. 2, 5, 6, 10, 12)
Textual Amendments
F294 S. 202 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

Effect of pending procedure for acquisition of grant-maintained status on property disposals, etc.

Textual Amendments
F295 S. 203 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F296 S. 204 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 9, Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F297 S. 205 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 10, Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F298 S. 206 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F299 S. 207
CHAPTER IV

ESTABLISHING NEW GRANT-MAINTAINED SCHOOLS

Proposals for establishment of new grant-maintained school
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F304 S. 212 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. 1 (with Sch. 2 para. 4 and subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

F305 S. 213 repealed (1.10.1998 in respect of s. 213(2)(3) and otherwise 1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. 1; S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

Approval and implementation of proposals

Textual Amendments

F306 S. 214 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments

F307 S. 215 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1998/2323, Sch. 7 paras. 2, 5, 6, 10, 12 and in S.I. 1999/704, reg. 3)

Textual Amendments

F308 S. 216 repealed (1.4.1999 in respect of s. 216(2)-(9) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in S.I. 1998/2323, Sch. 7 paras. 2, 5, 6, 10, 12 and in S.I. 1999/704, reg. 3)


Supplementary

Textual Amendments

F309 S. 217 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1998/2323, Sch. 7 paras. 2, 5, 6, 10, 12 and in S.I. 1999/704, reg. 3)

CHAPTER V

GOVERNMENT, CONDUCT ETC. OF GRANT-MAINTAINED SCHOOLS

Modifications etc. (not altering text)

C60 Pt. III Chapter V (ss. 218-243) modified (1.11.1996) by 1996 c. 57, ss. 37(3), 48(2)

The governing instruments

Textual Amendments

F310 S. 218 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F311 S. 219 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F312 S. 220 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)
Governors

Textual Amendments

S. 221 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

S. 222 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

S. 223 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

S. 224 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

S. 225 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F318  S. 226 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F319  227 ........................................

Textual Amendments

F319  S. 227 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F320  228 ........................................

Textual Amendments

F320  S. 228 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F321  229 ........................................

Textual Amendments

F321  S. 229 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F322  230 ........................................

Textual Amendments

F322  S. 230 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Powers

F323  231 ........................................

Textual Amendments

F323  S. 231 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)
Textual Amendments

**F324**

Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F325**

Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

Schools acquiring grant-maintained status: determination etc. of initial governors

**F326**

Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F327**

Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**F328**

Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F329 237 ..............................................................

Textual Amendments
F329 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

F330 238 ..............................................................

Textual Amendments
F330 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

F331 239 ..............................................................

Textual Amendments
F331 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

F332 240 ..............................................................

Textual Amendments
F332 Ss. 232-240 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1, Pt. I (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

New grant-maintained schools: determination etc. of initial governors

F333 241 ..............................................................

Textual Amendments
F333 S. 241 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)
General and supplementary

F334 242 .................................................................

Textual Amendments
F334 S. 242 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F335 243 .................................................................

Textual Amendments
F335 S. 243 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER VI

FUNDING OF GRANT-MAINTAINED SCHOOLS

Grants: general

F336 244 .................................................................

Textual Amendments
F336 S. 244 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

[^F337 245] Special purpose grants.

(1) Grant regulations may provide for the payment by the funding authority to the governing bodies of grant-maintained schools of grants (known as special purpose grants) in respect of expenditure, of any class or description specified in the regulations, incurred or to be incurred by the governing bodies—

(a) for or in connection with educational purposes of any class or description so specified,

(b) in making any provision (whether of educational services or facilities or otherwise) of any class or description so specified which appears to the funding authority to be required for meeting any special needs of the population of the area served by the schools in question, or

(c) in respect of expenses of any class or description so specified, being expenses which it appears to the funding authority the governing bodies of such schools cannot reasonably be expected to meet from maintenance grant.
(2) Grant regulations may provide for special purpose grants to be payable—
   (a) on a regular basis in respect of expenditure of a recurrent kind, or
   (b) by reference to expenditure incurred or to be incurred on particular occasions or during any particular period.

### Textual Amendments

**F337**  
S. 245 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

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

**C61**  
S. 245 applied (with modifications) (1.3.1999) by S.I. 1999/274, reg. 2

### 246 Capital grants.

(1) Grant regulations may provide for the payment by the funding authority to the governing bodies of grant-maintained schools of grants (known as capital grants) in respect of expenditure of a capital nature, of any class or description specified in the regulations, incurred or to be incurred by the governing bodies.

(2) The descriptions of expenditure which are to be regarded for the purposes of capital grant as expenditure of a capital nature shall be such as may be determined by or in accordance with the regulations.

(3) Where the governing body of a grant-maintained school include sponsor governors, the funding authority shall, if directed to do so by the Secretary of State, pay capital grant of such amount as may be specified in the directions in respect of such expenditure falling within subsection (1) as is incurred, or to be incurred, by the governing body for such purposes as may be specified in the directions.

(4) Before giving a direction under subsection (3), the Secretary of State shall consult the funding authority.

(5) A direction under subsection (3) may not be given after the end of the period of twelve months beginning—
   (a) (in the case of a governing body incorporated in pursuance of proposals for acquisition of grant-maintained status which include sponsor governors on the incorporation date) with that date,
   (b) (in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school which include sponsor governors on the date of implementation of the proposals) with that date, and
   (c) (in any other case) with the date when the instrument of government naming a person as the sponsor of the school came into effect.

### Textual Amendments

**F338**  
S. 246 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)
S. 246 modified (20.11.1998) by S.I. 1998/2670, reg. 7(1)

247 Imposition of requirements on governing body in receipt of grant.

(1) A governing body to whom any payments in respect of maintenance grant, capital grant or special purpose grant are made shall comply with such requirements of a kind mentioned in subsection (2) as the funding authority may from time to time impose.

(2) The kinds of requirements which may be imposed under subsection (1) are—
   (a) requirements specified in grant regulations as requirements which may be imposed by the funding authority on governing bodies to whom such payments are made, and
   (b) requirements determined in accordance with grant regulations by the funding authority.

(3) Requirements imposed under subsection (1)—
   (a) may be imposed on or at any time after the making of any payment by reference to which they are imposed, and
   (b) subject to subsection (4), may at any time be varied by the funding authority.

(4) The power of the funding authority to vary such a requirement—
   (a) does not apply to a requirement of the kind mentioned in subsection (2)(a), or a requirement required to be imposed by the regulations (by virtue of subsection (9)) or by directions under section 24, unless the Secretary of State has consented to the variation, and
   (b) is subject, in the case of a requirement of the kind mentioned in subsection (2) (b), to the provisions of the regulations relating to the determination of the requirements that may be imposed in the case of payments in respect of the grant in question.

(5) Requirements imposed under subsection (1) may at any time be waived or removed by the funding authority with the consent of the Secretary of State.

(6) The requirements which may be specified in or authorised by grant regulations as requirements which may be imposed on governing bodies to whom payments are made in respect of special purpose grant or capital grant may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the funding authority of the whole or any part of the following amount.

(7) That amount is—
   (a) the amount of the payments made in respect of the grant, or
   (b) so much of the value of any premises or equipment in respect of which the grant was paid as is determined in accordance with the requirements to be properly attributable to the payment of such grant, whichever is the greater.

(8) No such requirement as is referred to in subsection (6) may be imposed where any payment is made in respect of capital grant if—
   (a) the grant is made in respect of the provision, alteration or repair of premises for a school, and
(b) any freehold interest in the premises in respect of which the grant is made is, or is to be, held on trust for the purposes of the school.

(9) Grant regulations may require the funding authority to impose any such requirements as may be imposed under the preceding provisions of this section.\[\]

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**Textual Amendments**

F339  S. 247 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

C63  S. 247 modified (20.11.1998) by S.I. 1998/2670, reg. 7(2)
S. 247 applied (with modifications) (1.3.1999) by S.I. 1999/274, regs. 3, 4
S. 247 modified (1.4.1999) by S.I. 1999/532, reg. 5(1)
S. 247: functions transferred (1.4.1999) by S.I. 1999/532, reg. 4

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\[248\] Grants: further provisions.

(1) The times at which, and the manner in which, payments are made in respect of—

(a) maintenance grant for a grant-maintained school in respect of any financial year,

(b) special purpose grant, and

(c) capital grant,

shall be such as may be determined from time to time by the funding authority.

(2) Payments in respect of maintenance grant for a school in respect of any financial year may be made, before any amount has been determined in accordance with grant regulations as the amount of such grant payable for that year in respect of the school, by reference to an estimate of the amount which will be so payable made by the funding authority.

(3) Where in respect of any financial year an over-payment of maintenance grant is made to the governing body of a school, a sum equal to the amount of that over-payment shall be recoverable from the governing body by the funding authority.

(4) Where a sum is payable by the governing body of a school to the funding authority—

(a) in respect of an over-payment of maintenance grant in respect of a financial year, or

(b) by way of repayment of special purpose grant or capital grant (whether by virtue of a requirement such as is mentioned in section 247(6) or otherwise),

the funding authority may (without prejudice to any other mode of recovery) recover the whole or any part of that sum by deducting it from any grant payable by them to the governing body.

(5) In this section references to an over-payment of maintenance grant in respect of a financial year are to any amount by which the aggregate amount of any payments in respect of maintenance grant made to the governing body of the school in question in respect of the year exceeds the amount finally determined in accordance with grant regulations as the amount of maintenance grant payable for that year in respect of the school.
(6) The funding authority shall exercise any power conferred on them by this section, by any of sections 216 and 244 to 247, or by paragraph 6 of Schedule 21 in such manner (if any) as may be specified in or determined in accordance with grant regulations.

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**Textual Amendments**

**F340** S. 248 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

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

**C64** S. 248 applied (with modifications) (1.3.1999) by S.I. 1999/274, reg. 5

**S. 248 modified (1.4.1999) by S.I. 1999/532, reg. 6**

**S. 248: functions transferred (1.4.1999) by S.I. 1999/532, reg. 4**

**C65** S. 248(1)-(4) modified (20.11.1998) by S.I. 1998/2670, reg. 7(3)

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**Grants: Wales (until establishment of the SFCW)**

[**F341249 Application of sections 250 to 254.**]

Before the Schools Funding Council for Wales begin to exercise their functions, sections 250 to 254 shall have effect in relation to grant-maintained schools in Wales in place of sections 244(1) and (3), 245(1), 246(1), 247 and 248.

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**Textual Amendments**

**F341** S. 249 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

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**F342250 .................................**

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**Textual Amendments**

**F342** S. 250 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

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**F343251 .................................**

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**Textual Amendments**

**F343** S. 251 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)
(1) A governing body to whom any payments in respect of maintenance grant or special purpose grants are made shall comply with such requirements of a kind mentioned in subsection (2) as the Secretary of State may from time to time impose.

(2) The kinds of requirements which may be imposed under subsection (1) are—
   (a) requirements specified in grant regulations as requirements which may be imposed by the Secretary of State on governing bodies to whom such payments are made, and
   (b) requirements determined in accordance with grant regulations by the Secretary of State.

(3) A governing body to whom any payments in respect of capital grant are made shall comply with such requirements determined by the Secretary of State as he may from time to time impose.

(4) Requirements imposed under subsection (1) or (3)—
   (a) may be imposed on or at any time after the making of any payment by reference to which they are imposed, and
   (b) may at any time be waived or removed or, subject to subsection (5), varied by the Secretary of State.

(5) The power of the Secretary of State to vary such a requirement—
   (a) does not apply to a requirement of the kind mentioned in subsection (2)(a), and
   (b) is subject, in the case of a requirement of the kind mentioned in subsection (2)(b), to the provisions of the regulations relating to the determination of the requirements that may be imposed in the case of payments in respect of the grants in question.

(6) The requirements—
   (a) which may be specified in or authorised by grant regulations as requirements which may be imposed on governing bodies to whom payments are made in respect of special purpose grant, or
   (b) which may be imposed by the Secretary of State on a governing body to whom payments in respect of capital grant are made,
   may, in particular, if any conditions specified in the requirements are satisfied, require the payment to the Secretary of State of the whole or any part of the following amount.

(7) That amount is—
   (a) the amount of the payments made in respect of the grant, or
   (b) so much of the value of any premises or equipment in respect of which the grant was paid as is determined in accordance with the requirements to be properly attributable to the payment of such grant.
(8) No such requirement as is referred to in subsection (6) may be imposed where any payment is made in respect of capital grant if—
   (a) the grant is made in respect of the provision, alteration or repair of premises for a school, and
   (b) any freehold interest in the premises in respect of which the grant is made is, or is to be, held on trust for the purposes of the school.

Textual Amendments

F345 S. 253 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

F346 254 Grants: further provisions.

(1) The times at which, and the manner in which, payments are made in respect of—
   (a) maintenance grant for a grant-maintained school in respect of any financial year,
   (b) special purpose grants, and
   (c) capital grants,
   shall be such as may be determined from time to time by the Secretary of State.

(2) Payments in respect of maintenance grant for a school in respect of any financial year may be made, before any amount has been determined in accordance with grant regulations as the amount of such grant payable for that year in respect of the school, by reference to an estimate of the amount which will be so payable made by the Secretary of State.

(3) Where in respect of any financial year an over-payment of maintenance grant is made to the governing body of a school, a sum equal to the amount of that over-payment shall be recoverable from the governing body by the Secretary of State.

(4) Where a sum is payable by the governing body of a school to the Secretary of State—
   (a) in respect of an over-payment of maintenance grant in respect of a financial year, or
   (b) by way of repayment of special purpose grant or capital grant (whether by virtue of a requirement such as is mentioned in section 253(6) or otherwise),
   the Secretary of State may (without prejudice to any other mode of recovery) recover the whole or any part of that sum by deducting it from any grant payable by him to the governing body.

(5) In this section references to an over-payment of maintenance grant in respect of a financial year are to any amount by which the aggregate amount of any payments in respect of maintenance grant made to the governing body of the school in question in respect of the year exceeds the amount finally determined in accordance with grant regulations as the amount of maintenance grant payable for that year in respect of the school.]
### Textual Amendments

**F346**  S. 254 repealed (1.4.1999 for specified purposes and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

### Loans

**F347**  255 .................................

### Recovery from local funds

**F348**  256 .................................

**F349**  257 .................................

**F350**  258 .................................
CHAPTER VII

ALTERATION ETC. OF GRANT-MAINTAINED SCHOOLS

F351 259

Textual Amendments
F351 S. 259 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings by S.I. 1999/704, reg. 14(2)(d))

F352 260

Textual Amendments
F352 S. 260 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12 and in S.I. 1999/704, reg. 4(1))

F353 261

Textual Amendments
F353 S. 261 repealed (1.4.1999 in respect of s. 261(2)(4)(5) and in respect of words in s. 261(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings in S.I. 1999/704, regs. 4(1), 14(2)(d))

F354 262

Textual Amendments
F354 S. 262 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings in S.I. 1999/704, reg. 14(2)(d)(e))

F355 263
CHAPTER VIII

DISCONTINUANCE OF GRANT-MAINTAINED SCHOOLS

Proposals for discontinuance

F359 267 ..........................
### Textual Amendments

**F360 S. 268**
S. 268 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12 and in S.I. 1999/704, reg. 6)

**F361 S. 269**
S. 269 repealed (1.4.1999 in respect of s. 269(2)(5)(6) and in respect of words in s. 269(3) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12 and subject to savings in S.I. 1999/704, reg. 14(2)(f))

**F362 S. 270**
S. 270 repealed (1.4.1999 in respect of s. 270(2)(b)(ii) and otherwise 1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

**F363 S. 271**
S. 271 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)

**Withdrawal of grant**

**F364 S. 272**
S. 272 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (subject to savings in S.I. 1999/2323, Sch. 7 paras. 2, 5, 6, 10, 12)
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

### Winding up and disposal of property

Textual Amendments

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<td>F365 273</td>
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Textual Amendments
F370 S. 278 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

CHAPTER IX
GROUPS OF GRANT-MAINTAINED SCHOOLS

Textual Amendments
F371 S. 279 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in art. 16, Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F372 S. 280 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F373 S. 281 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F374 S. 282 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F375 S. 283
Textual Amendments

F375 S. 283 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F376 S. 284 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F377 S. 285 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F378 S. 286 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F379 S. 287 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F380 S. 288 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)
Chapter X

General and Miscellaneous

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S. 291 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Nursery education

S. 292 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Further education

S. 293
Teacher training

Provision of benefits and services by local education authority

Transfer and disposal of premises
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F390  S. 298 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F391  S. 299

F392  S. 300

F393  S. 301 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F394  S. 302

F395  S. 303
Religious opinions etc. of staff

Textual Amendments
F396  S. 304 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F397  S. 305 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Textual Amendments
F398  S. 306 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Discipline

Textual Amendments
F399  S. 306A (and the heading immediately preceding it) inserted (1.4.1998) by 1997 c. 44, s. 3(1) (with s. 57(3)); S.I. 1998/386, art. 2, Sch. 1 Pt.II

Exclusion of pupils

Textual Amendments
F400  S. 306A (and the heading immediately preceding it) inserted (1.4.1998) by 1997 c. 44, s. 3(1) (with s. 57(3)); S.I. 1998/386, art. 2, Sch. 1 Pt.II and repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
F401 S. 307 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F402 307A

Textual Amendments
F402 S. 307A inserted (1.9.1998) by 1997 c. 44, s. 8(1) (with s. 57(3)); S.I. 1998/386, art. 2, Sch. 1 Pt. IV and repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Appeal committees

F403 308

Textual Amendments
F403 S. 308 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

Supplementary

F404 309

Textual Amendments
F404 S. 309 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

F405 310

Textual Amendments
F405 S. 310 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30, para. 70, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1 (with art. 5 and subject to savings in S.I. 1999/2323, art. 20, Sch. 7 paras. 2, 5, 6, 10, 12)
Interpretation

Textual Amendments

S. 311 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 70, Sch. 31 (with ss. 138(9), 144); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2, 5, 6, 10, 12)

PART IV

SPECIAL EDUCATIONAL NEEDS

Modifications etc. (not altering text)

Pt. 4 power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), ss. 18, 26(3); S.I. 2012/320, art. 2(g)

CHAPTER I

CHILDREN IN WALES WITH SPECIAL EDUCATIONAL NEEDS

Textual Amendments

Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(9); 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

Words in Pt. 4 Ch. 1 title inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 9; 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)

Pt. 4 Ch. 1 excluded (1.9.2014) by Children and Families Act 2014 (c. 6), ss. 81, 139(6); 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)
Introductory

Application of this Chapter: children in Wales

This Chapter applies only in relation to children in the area of a local authority in Wales.

Textual Amendments

S. 311A inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 10; 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)

312 Meaning of “special educational needs” and “special educational provision” etc.

(1) A child in the area of a local authority in Wales has “special educational needs” for the purposes of this Act if he has a learning difficulty which calls for special educational provision to be made for him.

(2) Subject to subsections (3) and (3A) a child in the area of a local authority in Wales has a “learning difficulty” for the purposes of this Act if—

(a) he has a significantly greater difficulty in learning than the majority of children of his age,

(b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in schools within the area of the local authority, or

(c) he is under compulsory school age and is, or would be if special educational provision were not made for him, likely to fall within paragraph (a) or (b) when of that age.

(3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.

(3A) Subsection (2) does not apply—

(a) for the purposes of sections 15A and 15B, or

(b) for the purposes of sections 18A and 562H (except for the purpose of a local authority in Wales determining, for the purposes of those sections, whether a child has special educational needs).

(4) In this Act “special educational provision” means—

(a) in relation to a child who has attained the age of two, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of his age in schools maintained by the local authority (other than special schools), and

(b) in relation to a child under that age, educational provision of any kind.

(5) In this Part—

“child” includes any person who has not attained the age of 19 and is a registered pupil at a school;
Part IV – Special educational needs

Chapter I – Children in Wales with special educational needs

[94]312. Children subject to detention

(1) No provision of, or made under, this Part applies in relation to a child who is subject to a detention order and detained in relevant youth accommodation.

(2) The following provisions of this section apply where a child who has been subject to a detention order is released having, immediately before release, been detained in relevant youth accommodation.

(3) Subject to subsection (6), a statement which was maintained for the child by a local authority under section 324 immediately before the beginning of the detention is, from the child’s release, to be treated as being maintained by that authority under section 324.

(4) In subsection (3) “the beginning of the detention” means—
(a) the beginning of the period of detention in relevant youth 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.

(5) For the purposes of subsection (4), it is immaterial whether or not a period of detention is pursuant to a single order.

(6) Where, on the child's release, a local authority (“the new authority”) other than the authority mentioned in subsection (3) (“the old authority”) becomes responsible for the child for the purposes of this Part—

(a) the old authority must transfer the statement to the new authority, and

(b) from the child's release, the statement is to be treated as being maintained by the new authority under section 324.]

Textual Amendments
F421 S. 312A inserted (1.9.2010 for E., 1.4.2011 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 52(2), 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(d)

Code of Practice

313 Code of Practice.

(1) The [Welsh Ministers] shall issue, and may from time to time revise, a code of practice giving practical guidance in respect of the discharge by [local authorities] and the governing bodies of [maintained schools and maintained nursery schools] of their functions under this Part.

(2) It shall be the duty of—

(a) [local authorities], and such governing bodies, exercising functions under this Part, and

(b) any other person exercising any function for the purpose of the discharge by [local authorities], and such governing bodies, of functions under this Part, to have regard to the provisions of the code.

(3) On any appeal under this Part to the Tribunal, the Tribunal shall have regard to any provision of the code which appears to the Tribunal to be relevant to any question arising on the appeal.

(4) The [Welsh Ministers] shall publish the code as for the time being in force.

[In this Part ..., “the Tribunal”, in relation to an appeal, means the Special Educational Needs Tribunal for Wales.]
314 Making and approval of code.

(1) Where the [F431Welsh Ministers propose] to issue or revise a code of practice, [F432they] shall prepare a draft of the code (or revised code).

(2) The [F433Welsh Ministers] shall consult such persons about the draft as [F434they think] fit and shall consider any representations made by [F435those persons].

[F436(3) If the Welsh Ministers determine to proceed with the draft (either in its original form or with such modifications as they think fit) they shall lay it before the National Assembly for Wales.]

(4) If the draft is approved by resolution of [F437the National Assembly for Wales, the Welsh Ministers] shall issue the code in the form of the draft, and the code shall come into effect on such day as [F438the Welsh Ministers may] by order appoint.
315  Review of arrangements.

(1) A local authority shall keep under review the arrangements made by them for special educational provision.

(2) In doing so the authority shall, to the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs, consult the governing bodies of community, foundation and voluntary and community and foundation special schools and maintained nursery schools in their area.
316 Duty to educate children with special educational needs in mainstream schools

(1) This section applies to a child with special educational needs who should be educated in a school.

(2) If no statement is maintained under section 324 for the child, he must be educated in a mainstream school.

(3) If a statement is maintained under section 324 for the child, he must be educated in a mainstream school unless that is incompatible with—

(a) the wishes of his parent, or

(b) the provision of efficient education for other children.

(4) In this section and section 316A “mainstream school” means any school other than—

(a) a special school, or

(b) an independent school which is not—

(i) a city technology college,

(ii) a city college for the technology of the arts, or

(iii) [an Academy].

Textual Amendments

F441 Ss. 316, 316A substituted (15.6.2001 for certain purposes and otherwise 1.1.2002 for E., 21.1.2002 for certain purposes and otherwise 1.4.2002 for W.) for s. 316 by 2001 c. 10, s. 1 (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, Sch.Pts. I, II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, arts. 4, 5, Sch. Pts. I, II

F442 Words s. 316(4)(b)(iii) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), Sch. 7 para. 6(3) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2

Modifications etc. (not altering text)

C69 S. 316 modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), 5

C70 S. 316(2)(3) excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 36(5)(d) (10), 162 (with s. 159)

316 Education otherwise than in mainstream schools

(1) Section 316 does not prevent a child from being educated in—

(a) an independent school which is not a mainstream school, or

(b) a school approved under section 342,

if the cost is met otherwise than by a [local authority].

(2) Section 316(2) does not require a child to be educated in a mainstream school during any period in which—

(a) he is admitted to a special school for the purposes of an assessment under section 323 of his educational needs and his admission to that school is with the agreement of—

(i) the [local authority],

(ii) the governing body of the school or, if the school is in England, its head teacher,

(iii) his parent, and
(iv) any person whose advice is to be sought in accordance with regulations made under paragraph 2 of Schedule 26;

(b) he remains admitted to a special school, in prescribed circumstances, following an assessment under section 323 at that school;

(c) he is admitted to a special school, following a change in his circumstances, with the agreement of—

(i) the \( F6 \) local authority,

(ii) the governing body of the school or, if the school is in England, its head teacher,

(iii) his parent;

(d) he is admitted to a community or foundation special school which is established in a hospital.

(3) Section 316 does not affect the operation of—

(a) section 348, or

(b) paragraph 3 of Schedule 27.

(4) If a \( F6 \) local authority decide—

(a) to make a statement for a child under section 324, but

(b) not to name in the statement the school for which a parent has expressed a preference under paragraph 3 of Schedule 27,

they shall, in making the statement, comply with section 316(3).

(5) A \( F6 \) local authority may, in relation to their mainstream schools taken as a whole, rely on the exception in section 316(3)(b) only if they show that there are no reasonable steps that they could take to prevent the incompatibility.

(6) An authority in relation to a particular mainstream school may rely on the exception in section 316(3)(b) only if it shows that there are no reasonable steps that it or another authority in relation to the school could take to prevent the incompatibility.

(7) The exception in section 316(3)(b) does not permit a governing body to fail to comply with the duty imposed by section 324(5)(b).

(8) An authority must have regard to guidance about section 316 and this section issued by the \( F446 \) Welsh Ministers—

(a) .................................................................

(b) .................................................................

(9) That guidance shall, in particular, relate to steps which may, or may not, be regarded as reasonable for the purposes of subsections (5) and (6).

(10) “Prescribed” \( F449 \) means prescribed in regulations made by the \( F450 \) Welsh Ministers.

(11) “Authority”—

(a) in relation to a maintained school \( F451 \) or maintained nursery school, means each of the following—

(i) the \( F6 \) local authority,

(ii) the school’s governing body, and

(b) in relation to \( F482 \) a pupil referral unit, means the \( F6 \) local authority.]
317  **Duties of governing body or [F3local authority] in relation to pupils with special educational needs.**

1. [F2The governing body of a community, foundation or voluntary school or a maintained nursery school shall] —
(a) use their best endeavours, in exercising their functions in relation to the school, to secure that, if any registered pupil has special educational needs, the special educational provision which his learning difficulty calls for is made,

(b) secure that, where the responsible person has been informed by the local authority that a registered pupil has special educational needs, those needs are made known to all who are likely to teach him, and

(c) secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have special educational needs.

[^F454](2) In subsection (1)(b) “the responsible person” means the head teacher or the appropriate governor (that is, the chairman of the governing body or, where the governing body have designated another governor for the purposes of this subsection, that other governor).]

(3) To the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs—

(a) the governing bodies of community, foundation and voluntary schools and maintained nursery schools shall, in exercising functions relating to the provision for such children, consult the local authority and the governing bodies of other such schools,

[^F458](b) ........................................

[^F459](3A) The governing body of a community, foundation or voluntary school or a maintained nursery school shall designate a member of the staff at the school (to be known as the “special educational needs co-ordinator”) as having responsibility for co-ordinating the provision for pupils with special educational needs.

(3B) Regulations may—

(a) require the governing bodies of schools falling within subsection (3A) to ensure that special educational needs co-ordinators have prescribed qualifications or prescribed experience (or both), and

(b) confer on the governing bodies of those schools other functions relating to special educational needs co-ordinators.]

(4) Where a child who has special educational needs is being educated in a community, foundation or voluntary school or a maintained nursery school, those concerned with making special educational provision for the child shall secure, so far as is reasonably practicable and is compatible with—

(a) the child receiving the special educational provision which his learning difficulty calls for,

(b) the provision of efficient education for the children with whom he will be educated, and

(c) the efficient use of resources,

that the child engages in the activities of the school together with children who do not have special educational needs.

[^F460](5) The governing body of a community, foundation or voluntary school, a maintained nursery school, or a community or foundation special school shall include special needs information in the report prepared under section 30(1) of the Education Act 2002 (governors' report).]
(6) In subsection (5) “special needs information” means—

(a) such information as may be prescribed about the implementation of the governing body’s policy for pupils with special educational needs, and

(b) information as to—

(i) the arrangements for the admission of disabled persons as pupils at the school,
(ii) the steps taken to prevent disabled pupils from being treated less favourably than other pupils,
(iii) the facilities provided to assist access to the school by disabled pupils, and
(iv) the plan prepared by the governing body under [F465 paragraph 3 of Schedule 10 to the Equality Act 2010 (“the 2010 Act”)].

(6A) [F466 In subsection (6)(b) “disabled person” means a person who is a disabled person for the purposes of the 2010 Act; and section 89 (interpretation of Part 6) of, and paragraph 6 of Schedule 10 (supplementary provisions for Schedule 10) to, the 2010 Act apply for the purposes of subsection (6)(b) as they apply for the purposes of Part 6 of and Schedule 10 to that Act.]

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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))

F6 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))

F453 Words in s. 317(1) substituted (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 39(2) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F454 S. 317(2) substituted (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 39(3) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F455 Words in s. 317(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 74(4)(a)(i) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F456 Words in s. 317(3)(a) inserted (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 39(4)(a) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F457 Words in s. 317(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 74(4)(a)(ii), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F458 S. 317(3)(b) and word repealed (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 39(4)(b), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F459 S. 317(3A)(3B) inserted (8.1.2007 for E.) by Education and Inspections Act 2006 (c. 40), ss. 173, 188(3); S.I. 2006/3400, art. 2(c)

F460 Words in s. 317(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 74(5) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F461 S. 317(5)-(6A) substituted for s. 317(5)-(7A) (1.9.2005) by Education Act 2005 (c. 18), s. 125(4), Sch. 18 para. 2 (with s. 119); S.I. 2005/2034, art. 5 (with Sch. para. 2)

F462 Words in s. 317(5) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 15(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))
Duty to inform parent where special educational provision made

(1) This section applies if—

(a) a child for whom no statement is maintained under section 324 is a registered pupil at—

(i) a community, foundation or voluntary school [Footnote 368 or a maintained nursery school], or

(ii) a pupil referral unit,

(b) special educational provision is made for him at the school because it is considered that he has special educational needs, and

(c) his parent has not previously been informed under this section of special educational provision made for him at the school.

(2) If the school is a pupil referral unit, the [Footnote local authority] must secure that the head teacher informs the child’s parent that special educational provision is being made for him at the school because it is considered that he has special educational needs.
(3) In any other case, the governing body must inform the child’s parent that special educational provision is being made for him there because it is considered that he has special educational needs.

318 Provision of goods and services in connection with special educational needs.

(1) A [\[F6\]] local authority may, for the purpose only of assisting—
   (a) the governing bodies of [\[F469\]] community, foundation or voluntary schools[\[F470\]] or maintained nursery schools (in their or any other area) in the performance of the governing bodies’ duties under section 317(1)(a), or
   (b) the governing bodies of [\[F469\]] community or foundation special schools (in their or any other area) in the performance of the governing bodies’ duties, supply goods or services to those bodies.

(2) The terms on which goods or services are supplied by [\[F1\]] local authorities under [\[F471\]] this section to the governing bodies of community, foundation or voluntary schools [\[F472\]] maintained nursery schools or community or foundation special schools in any other area may, in such circumstances as may be prescribed, include such terms as to payment as may be prescribed.

F472(3) ...................................................

F472(3A) ..............................................

\[F475\] (3B) A [\[F6\]] local authority[\[F476\]] may supply goods and services to any authority in Wales or other person (other than a governing body within subsection(1)) for the purpose of assisting them in making for a child any special educational provision which any learning difficulty of the child calls for.

(4) This section is without prejudice to the generality of any other power of [\[F1\]] local authorities to supply goods or services.
F6 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))

F469 Words in s. 318(1)(a)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 75(2)(a)(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F470 Words in s. 318(1) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 41(2) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F471 Words in s. 318(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 75(3) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F472 Words in s. 318(2) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 41(3) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F473 S. 318(3) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 16(2); 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)

F474 S. 318(3A) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 16(2); 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)

F475 S. 318(3B) inserted (19.12.2002) by Education Act 2002 (c. 32), ss. 194(2)(b), 216(3) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1

F476 Words in s. 318(3B) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 16(3); 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)

319 Special educational provision otherwise than in schools.

(1) Where a [F6 local authority] are satisfied that it would be inappropriate for—
   (a) the special educational provision which a learning difficulty of a child in their area calls for, or
   (b) any part of any such provision,
   to be made in a school, they may arrange for the provision (or, as the case may be, for that part of it) to be made otherwise than in a school.

(2) Before making an arrangement under this section, a [F6 local authority] shall consult the child’s parent.

Textual Amendments

F6 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))

320 Provision outside England and Wales for certain children.

(1) A [F6 local authority] may make such arrangements as they think fit to enable a child for whom they maintain a statement under section 324 to attend an institution outside England and Wales which specialises in providing for children with special needs.
(2) In subsection (1) “children with special needs” means children who have particular needs which would be special educational needs if those children were in England and Wales.

(3) Where a local authority make arrangements under this section in respect of a child, those arrangements may in particular include contributing to or paying—
   (a) fees charged by the institution,
   (b) expenses reasonably incurred in maintaining him while he is at the institution or travelling to or from it,
   (c) his travelling expenses, and
   (d) expenses reasonably incurred by any person accompanying him while he is travelling or staying at the institution.

(4) This section is without prejudice to any other powers of a local authority.

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Textual Amendments

F6 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))

Identification and assessment of children with special educational needs

321 General duty of local authority towards children for whom they are responsible.

(1) A local authority shall exercise their powers with a view to securing that, of the children for whom they are responsible, they identify those to whom subsection (2) below applies.

(2) This subsection applies to a child if—
   (a) he has special educational needs, and
   (b) it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.

(3) For the purposes of this Part a local authority are responsible for a child if he is in their area and—
   (a) he is a registered pupil at a maintained school or maintained nursery school,
   (b) education is provided for him at a school which is not a maintained school but is so provided at the expense of the authority,
   (c) he does not come within paragraph (a) or (b) above but is a registered pupil at a school and has been brought to the authority's attention as having (or probably having) special educational needs, or
   (d) he is not a registered pupil at a school but is not under the age of two or over compulsory school age and has been brought to their attention as having (or probably having) special educational needs.
322  

Duty of certain bodies to help local authority.

(1) Where it appears to a local authority that another local authority, an integrated care board or a Local Health Board could, by taking any specified action, help in the exercise of any of their functions under this Part, they may request the help of that body, specifying the action in question.

(2) A body whose help is so requested shall comply with the request unless—

(a) they consider that the help requested is not necessary for the purpose of the exercise of those functions by the local authority that made the request, or

(b) subsection (3) applies.

(3) This subsection applies—

(a) in a case where the request is made of an integrated care board or a Local Health Board, if that body consider that, having regard to the resources available to them for the purpose of the exercise of their functions under the National Health Service Act 2006 or the National Health Service (Wales) Act 2006, it is not reasonable for them to comply with the request, or

(b) in a case where the request is made of a local authority, if that authority consider that the request is not compatible with their own statutory or other duties and obligations or unduly prejudices the discharge of any of their functions.

(4) Regulations may provide that, where a local authority, an integrated care board or a Local Health Board are under a duty by virtue of subsection (2) to comply with a request to help a local authority in the making of an assessment under section 323 or a statement under section 324 of this Act, they must, subject to prescribed exceptions, comply with the request within the prescribed period.
323 Assessment of educational needs.

(1) Where a [198]local authority [198]are of the opinion that a child for whom they are responsible falls, or probably falls, within subsection (2), they shall serve a notice on the child’s parent informing him—

(a) that they [198]are considering whether] to make an assessment of the child’s educational needs,

(b) of the procedure to be followed in making the assessment,
(c) of the name of the officer of the authority from whom further information may be obtained, and

(d) of the parent’s right to make representations, and submit written evidence, to the authority within such period (which must not be less than 29 days beginning with the date on which the notice is served) as may be specified in the notice.

(2) A child falls within this subsection if—

(a) he has special educational needs, and

(b) it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.

(3) Where—

(a) a [F6 local authority] have served a notice under subsection (1) and the period specified in the notice in accordance with subsection (1)(d) has expired, and

(b) the authority remain of the opinion, after taking into account any representations made and any evidence submitted to them in response to the notice, that the child falls, or probably falls, within subsection (2),

they shall make an assessment of his educational needs.

(4) Where a [F6 local authority] decide to make an assessment under this section, they shall give notice in writing to the child’s parent of that decision and of their reasons for making it.

(5) Schedule 26 has effect in relation to the making of assessments under this section.

(6) Where, at any time after serving a notice under subsection (1), a [F6 local authority] decide not to assess the educational needs of the child concerned they shall give notice in writing to the child’s parent of their decision.

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324 Statement of special educational needs.

(1) If, in the light of an assessment under section 323 of any child’s educational needs and of any representations made by the child’s parent in pursuance of Schedule 27, it is necessary for the [F6 local authority] to determine the special educational provision which any learning difficulty he may have calls for, the authority shall make and maintain a statement of his special educational needs.

(2) The statement shall be in such form and contain such information as may be prescribed.

(3) In particular, the statement shall—

(a) give details of the authority’s assessment of the child’s special educational needs, and
(b) specify the special educational provision to be made for the purpose of meeting those needs, including the particulars required by subsection (4).

(4) The statement shall—
   (a) specify the type of school or other institution which the local authority consider would be appropriate for the child,
   (b) if they are not required under Schedule 27 to specify the name of any school in the statement, specify the name of any school or institution (whether in the United Kingdom or elsewhere) which they consider would be appropriate for the child and should be specified in the statement, and
   (c) specify any provision for the child for which they make arrangements under section 319 and which they consider should be specified in the statement.

[F501] (4A) Subsection (4)(b) does not require the name of a school or institution to be specified if the child’s parent has made suitable arrangements for the special educational provision specified in the statement to be made for the child.

(5) Where a local authority maintain a statement under this section, then—
   (a) unless the child’s parent has made suitable arrangements, the authority—
      (i) shall arrange that the special educational provision specified in the statement is made for the child, and
      (ii) may arrange that any non-educational provision specified in the statement is made for him in such manner as they consider appropriate, and
   (b) if the name of a maintained school or maintained nursery school is specified in the statement, the governing body of the school shall admit the child to the school.

[F504] (5A) Subsection (5)(b) has effect regardless of any duty imposed on the governing body of a school by section 1(6) of the School Standards and Framework Act 1998.

(6) Subsection (5)(b) does not affect any power to exclude from a school a pupil who is already a registered pupil there.

(7) Schedule 27 has effect in relation to the making and maintenance of statements under this section.
325 Appeal against decision not to make statement.

(1) If, after making an assessment under section 323 of the educational needs of any child for whom no statement is maintained under section 324, the local authority do not propose to make such a statement, they shall give notice in writing of their decision, ... to the child’s parent.

(2) In such a case, the child’s parent may appeal to the Tribunal against the decision.

(2A) A notice under subsection (1) must inform the parent of the right of appeal under subsection (2) and contain such other information as may be prescribed.

(2B) Regulations may provide that where a local authority are under a duty under this section to serve any notice, the duty must be performed within the prescribed period.

(3) On an appeal under this section, the Tribunal may—
(a) dismiss the appeal,
(b) order the local authority to make and maintain such a statement, or
(c) remit the case to the authority for them to reconsider whether, having regard to any observations made by the Tribunal, it is necessary for the authority to determine the special educational provision which any learning difficulty the child may have calls for.

Textual Amendments

F6 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))

F505 Words in s. 325(1) repealed (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1)(6), 43(4)(e), Sch. 8 para. 6(1), Sch. 9 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614 art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

F506 Ss. 325(2A)(2B) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, s. 42(1), 43(4)(e), Sch. 8 para. 6(2) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt II (as amended by 2001/2614 art. 4); S.I. 2002/74, art. 5, Sch. Pt. II
326  Appeal against contents of statement.

(1) The parent of a child for whom a local authority maintain a statement under section 324 may appeal to the Tribunal—

(a) when the statement is first made,
(b) if an amendment is made to the statement, or
(c) if, after conducting an assessment under section 323, the local authority determine not to amend the statement.

(1A) An appeal under this section may be against any of the following—

(a) the description in the statement of the local authority’s assessment of the child’s special educational needs,
(b) the special educational provision specified in the statement (including the name of a school so specified),
(c) if no school is specified in the statement, that fact.

(2) Subsection (1)(b) does not apply where the amendment is made in pursuance of—

(a) paragraph 8 (change of named school) or 11(3)(b) (amendment ordered by Tribunal) of Schedule 27, or
(b) directions under section 442 (revocation of school attendance order);
and subsection (1)(c) does not apply to a determination made following the service of notice under paragraph 2A (amendment by local authority) of Schedule 27 of a proposal to amend the statement.

(3) On an appeal under this section, the Tribunal may—

(a) dismiss the appeal,
(b) order the authority to amend the statement, so far as it describes the authority’s assessment of the child’s special educational needs or specifies the special educational provision, and make such other consequential amendments to the statement as the Tribunal think fit, or
(c) order the authority to cease to maintain the statement.

(4) On an appeal under this section the Tribunal shall not order the local authority to specify the name of any school in the statement (either in substitution for an existing name or in a case where no school is named) unless—

(a) the parent has expressed a preference for the school in pursuance of arrangements under paragraph 3 (choice of school) of Schedule 27, or
(b) in the proceedings the parent, the local authority, or both have proposed the school...

(5) Before determining any appeal under this section the Tribunal may, with the agreement of the parties, correct any deficiency in the statement.

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))
**326A Unopposed appeals**

(1) This section applies if—

(a) the parent of a child, or a child, has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local authority, and

(b) the authority notifies the Tribunal that they have determined that they will not, or will no longer, oppose the appeal.

(2) The appeal is to be treated as having been determined in favour of the appellant.

(3) If an appeal is treated as determined in favour of the appellant as a result of subsection (2), the Tribunal is not required to make any order.

(4) Before the end of the prescribed period, the authority must—

(a) in the case of an appeal under section 325, make a statement under section 324 of the child’s educational needs,

(b) in the case of an appeal under section 328, 329 or 329A, make an assessment of the child’s educational needs,

(c) in the case of an appeal under paragraph 8(3) of Schedule 27 against a determination of the authority not to comply with the parent’s request, comply with the request.

(5) An authority required by subsection (4)(a) to make a statement under section 324 must maintain the statement under that section.

<table>
<thead>
<tr>
<th>Modifications etc. (not altering text)</th>
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<tr>
<td>C87 S. 326(3) restricted (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 36(6), 162 (with s. 159)</td>
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</table>
Textual Amendments

F513 S. 326A inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 5, 43(4)(b) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

F514 S. 326A(1)(a) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 18(2); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended by S.I. 2015/505))

F515 S. 326A(6) substituted (1.9.2003) by Education Act 2002 (c. 32), Sch. 18 para. 3 (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 6, Sch. Pt. III

F516 Words in s. 326A(6) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 18(3)(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))

F517 S. 326A(6)(a) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 18(3)(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))

F518 S. 326A(6)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 18(3)(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))

327 Access for [F6 local authority] to certain schools.

(1) This section applies where—

(a) a [F6 local authority] maintain a statement for a child under section 324, and

[F519] (b) in pursuance of the statement education is provided for the child at a school maintained by another [F6 local authority]|F520 or at an independent school]|F521 or an alternative provision Academy that is not an independent school].

(2) Any person authorised by the [F6 local authority] shall be entitled to have access at any reasonable time to the premises of any such school for the purpose of monitoring the special educational provision made in pursuance of the statement for the child at the school.

Textual Amendments

F6 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))

F519 S. 327(1)(b) substituted (1.9.1999) for s. 327(1)(b)(i)-(iii) by 1998 c. 31, s. 140(1), Sch. 30 para.78 (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), Sch. 1

F520 Words in s. 327(1)(b) inserted (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), ss. 173, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

F521 Words in s. 327(1)(b) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, Sch. para. 5 (with art. 3)
328 **Reviews of educational needs.**

(1) Regulations may prescribe the frequency with which assessments under section 323 are to be repeated in respect of children for whom statements are maintained under section 324.

(2) Where—

(a) the parent of a child for whom a statement is maintained under section 324 asks the [F6 local authority] to arrange for an assessment to be made in respect of the child under section 323,

(b) no such assessment has been made within the period of six months ending with the date on which the request is made, and

(c) it is necessary for the authority to make a further assessment under section 323, the authority shall comply with the request.

(3) If in any case where subsection (2)(a) and (b) applies the authority determine not to comply with the request—

(a) they shall give [F522 notice in writing of that fact] to the child’s parent, and

(b) the parent may appeal to the Tribunal against the determination.

(3A) A notice under subsection (3)(a) must inform the parent of the right of appeal under subsection (3)(b) and contain such other information as may be prescribed.

(3B) Regulations may provide that where a [F6 local authority] are under a duty under this section to serve any notice, the duty must be performed within the prescribed period.

(4) On an appeal under subsection (3) the Tribunal may—

(a) dismiss the appeal, or

(b) order the authority to arrange for an assessment to be made in respect of the child under section 323.

(5) A statement under section 324 shall be reviewed by the [F6 local authority]—

(a) on the making of an assessment in respect of the child concerned under section 323, and

[F524(aa) where the child concerned—

(i) has been subject to a detention order, and

(ii) immediately before release was detained in relevant youth accommodation,

on the child's release from detention.]

(b) in any event, within the period of 12 months beginning with the making of the statement or, as the case may be, with the previous review.

(6) Regulations may make provision—

(a) as to the manner in which reviews of such statements are to be conducted,

(b) as to the participation in such reviews of such persons as may be prescribed, and

(c) in connection with such other matters relating to such reviews as the Secretary of State considers appropriate.
Education Act 1996 (c. 56)
Part IV – Special educational needs
Chapter I – Children in Wales with special educational needs

Document Generated: 2022-12-13

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F6 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))

F522 Words in s. 328(3)(a) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para 7(1) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

F523 S. 328(3A)(3B) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para 7(2) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

F524 S. 328(5)(aa) inserted (1.9.2010 for E., 1.4.2011 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 52(3), 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(d)

F525 S. 328A repealed (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 19(1); 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)

328 Appeal against determination of local authority in England not to amend statement following review

329 Assessment of educational needs at request of child’s parent.

(1) Where—

(a) the parent of a child for whom a local authority are responsible but for whom no statement is maintained under section 324 asks the authority to arrange for an assessment to be made in respect of the child under section 323,

(b) no such assessment has been made within the period of six months ending with the date on which the request is made, and

(c) it is necessary for the authority to make an assessment under that section, the authority shall comply with the request.

(2) If in any case where subsection (1)(a) and (b) applies the authority determine not to comply with the request—

(a) they shall give notice in writing of that fact to the child’s parent, and

(b) the parent may appeal to the Tribunal against the determination.

[ F527(2A) A notice under subsection (2)(a) must inform the parent of the right of appeal under subsection (2)(b) and contain such other information as may be prescribed.]

(3) On an appeal under subsection (2) the Tribunal may—

(a) dismiss the appeal, or

(b) order the authority to arrange for an assessment to be made in respect of the child under section 323.
**Review or assessment of educational needs at request of responsible body**

(1) This section applies if—

(a) a child is a registered pupil at a relevant school (whether or not he is a child in respect of whom a statement is maintained under section 324),

(b) the responsible body asks the local authority to arrange for an assessment to be made in respect of him under section 323, and

(c) no such assessment has been made within the period of six months ending with the date on which the request is made.

(2) If it is necessary for the authority to make an assessment or further assessment under section 323, they must comply with the request.

(3) Before deciding whether to comply with the request, the authority must serve on the child’s parent a notice informing him—

(a) that they are considering whether to make an assessment of the child’s educational needs,

(b) of the procedure to be followed in making the assessment,

(c) of the name of their officer from whom further information may be obtained, and

(d) of the parent’s right to make representations, and submit written evidence, to them before the end of the period specified in the notice (“the specified period”).

(4) The specified period must not be less than 29 days beginning with the date on which the notice is served.

(5) The authority may not decide whether to comply with the request until the specified period has expired.

(6) The authority must take into account any representations made, and any evidence submitted, to them in response to the notice.

(7) If, as a result of this section, a local authority decide to make an assessment under section 323, they must give written notice to the child’s parent and to the responsible body which made the request, of the decision and of their reasons for making it.

(8) If, after serving a notice under subsection (3), the authority decide not to assess the educational needs of the child—
(a) they must give written notice of the decision and of their reasons for making it to his parent and to the responsible body which made the request, and
(b) the parent may appeal to the Tribunal against the decision.

(9) A notice given under subsection (8)(a) to the child’s parent must—
(a) inform the parent of his right to appeal, and
(b) contain such other information (if any) as may be prescribed.

(10) On an appeal under subsection (8) the Tribunal may—
(a) dismiss it, or
(b) order the authority to arrange for an assessment to be made in respect of the child under section 323.

(11) This section applies to a child for whom relevant early years education is provided as it applies to a child who is a registered pupil at a relevant school.

(12) “Relevant school” means—
(a) a maintained school,
(b) a maintained nursery school,
(c) a pupil referral unit,
(d) an independent school,
[ an alternative provision Academy that is not an independent school,]
(da)
(e) a school approved under section 342.

(13) “The responsible body” means—
(a) in relation to a pupil referral unit, the head teacher,
(b) in relation to any other relevant school, the proprietor or head teacher, and
(c) in relation to a provider of relevant early years education, the person or body of persons responsible for the management of the provision of that early years education.

(14) “Relevant early years education” has the same meaning as it has (in relation to Wales) in section 123 of the School Standards and Framework Act 1998 except that it does not include early years education provided by a local authority at a maintained nursery school.

(15) “Prescribed...” means prescribed in regulations made by the Welsh Ministers.
Assessment of educational needs of children under two.

(1) Where a local authority are of the opinion that a child in their area who is under the age of two falls, or probably falls, within subsection (2)—
   (a) they may, with the consent of his parent, make an assessment of the child’s educational needs, and
   (b) they shall make such an assessment if requested to do so by his parent.

(2) A child falls within this subsection if—
(a) he has special educational needs, and
(b) it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.

(3) An assessment under this section shall be made in such manner as the authority consider appropriate.

(4) After making an assessment under this section, the authority—
(a) may make a statement of the child’s special educational needs, and
(b) may maintain that statement, in such manner as they consider appropriate.

332  Duty of [F540]Local Health Board] or National Health Service trust to notify parent etc.

(1) This section applies where [F541]an integrated care board[,] a [F542]Local Health Board[F543], a National Health Service trust or an NHS foundation trust, in the course of exercising any of their functions in relation to a child who is under [F545]compulsory school age, form the opinion that he has (or probably has) special educational needs.

(2) The [F546]Board] or [F547]other body]—
(a) shall inform the child’s parent of their opinion and of their duty under paragraph (b), and
(b) after giving the parent an opportunity to discuss that opinion with an officer of the [F546]Board] or [F547]other body], shall bring it to the attention of the appropriate [F6]local authority].

(3) If the [F548]Board] or [F549]other body] are of the opinion that a particular voluntary organisation is likely to be able to give the parent advice or assistance in connection with any special educational needs that the child may have, they shall inform the parent accordingly.

Textual Amendments
F6  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))
F540  Words in s. 332 heading substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), Sch. para. 26(3)(a)
F541  Words in s. 332(1) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 45; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
F542  Words in s. 332(1) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), Sch. para. 26(3)(a)
F543  Words in s. 332(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 79(2)(b); S.I. 2013/160, art. 2(2) (with arts. 7-9)
332ZA Right of a child to appeal to the ... Tribunal

(1) This section applies to the rights of a parent of a child to appeal to the ... Tribunal under any of the following provisions—

(a) section 325(2) (appeal against decision not to make statement);
(b) section 326(1) (appeal against contents of statement);
(c) section 328(3)(b) (reviews of educational needs);
(d) section 329(2)(b) (assessment of educational needs at request of child's parent);
(e) section 329A(8)(b) (review of assessment of educational needs at request of responsible body);
(f) paragraph 8(3)(b) of Schedule 27 (change of named school);
(g) paragraph 11(2)(b) of Schedule 27 (ceasing to maintain a statement).

(2) The child may exercise the rights conferred on the parent in respect of that child.

(3) The child's rights are exercisable concurrently with the parent's rights.

(4) The exercise of rights under this section is subject to provision made by regulations under sections 332ZC and 336(1).]
Notice and service of documents on a child

(1) This section applies if a local authority \(^{F553}\)... is required to give notice to or serve a document on a parent of a child under any of the following provisions—

(a) section 325 (appeal against decision not to make statement);  
(b) section 328 (reviews of educational needs);  
(c) section 329 (assessment of educational needs at request of child's parent);  
(d) section 329A(8) (review or assessment of educational needs at request of responsible body);  
(e) paragraph 3 of Schedule 26 (manner and timing of assessments);  
(f) paragraph 2A of Schedule 27 (amendments to a statement);  
(g) paragraph 2B(2) of Schedule 27 (provision of additional information);  
(h) paragraph 6 of Schedule 27 (service of statement);  
(i) paragraph 8 of Schedule 27 (change of named school);  
(j) paragraph 11 of Schedule 27 (ceasing to maintain a statement).

(2) The local authority must give notice to, or serve the document on, the child as well as on the parent.

(3) Any provision applicable to notices given to or documents served on a parent applies equally to notices given to or documents served on a child.

Textual Amendments

\(^{F553}\) S. 332ZB inserted (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), ss. 2(2), 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 3(b)

\(^{F554}\) Words in s. 332ZB(1) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 22; 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)

Use friends \(^{F555}\)...

(1) The Welsh Ministers may provide by regulations for a child to have a person (referred to in this Part as a “case friend”)—

\(^{F557}\)... of functions under this Part, and

(a) to make representations on behalf of a child with a view to avoiding or resolving disagreements about the exercise by local education authorities... of functions under this Part, and

(b) to exercise the rights of a child under section 332ZA on the child's behalf.

(2) A child's case friend must—

\(^{F558}\)... of functions under this Part, and

(a) make representations and exercise rights fairly and competently,

(b) have no interest adverse to that of the child;

(c) ensure that all steps and decisions taken by the case friend are for the benefit of the child and take account of the child's views.

(3) Regulations made under this section may (among other things)—

\(^{F559}\)... Tribunal;

(a) confer functions on the... Tribunal;

(b) make provision about procedures in relation to case friends;

(c) make provision about the appointment and removal of case friends;
(d) specify the circumstances in which a person may or may not act as a case friend;
(e) specify the circumstances in which a child must have a case friend;
(f) specify further requirements in respect of the conduct of case friends.

Textual Amendments

**F555** S. 332ZC inserted (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), ss. 3(2), 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 2(a)

**F556** Word in s. 332ZC title omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 23(4); 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)

**F557** Words in s. 332Z(1)(a) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 23(2); 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)

**F558** Word in s. 332ZC(3)(a) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 23(3); 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)

[F559 General duties of local authorities]

Textual Amendments

**F559** S. 332A and preceding cross-heading inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 2 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II

**F560** S. 332A repealed (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 24(1) (with s. 24(3)); 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)

[F561 Advice and information for parents — England]

(1) A local authority ... must arrange for any child in their area with special educational needs, for a parent of any such child and for a case friend for any such child, to be provided with advice and information about matters relating to those needs.

(2) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.

(3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
(4) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
   (a) children in their area,
   (b) parents of children in their area,
   (c) head teachers and proprietors of schools in their area, and
   (d) such other persons as they consider appropriate.

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Textual Amendments

**F561**  S. 332AA inserted (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), ss. 4(3), 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2); S.I. 2012/320, art. 3(c) (with art. 4(a))

**F562**  Word in s. 332AA title omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 25(3); 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)

**F563**  Words in s. 332AA(1) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 25(2); 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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**F564** 332B Resolution of disputes — England

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Textual Amendments

**F564**  S. 332B repealed (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 26(1) (with s. 26(3)); 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)

[**F565**] 332B Resolution of disputes  **F565**

(1) A local authority ... must make arrangements with a view to avoiding or resolving disagreements between—
   (a) authorities and children in their area about the exercise by authorities of functions under this Part, and
   (b) authorities and parents of children in their area about the exercise by authorities of functions under this Part.

(2) A local authority ... must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between—
   (a) a relevant child and the proprietor of the school about the special educational provision made for that child, and
   (b) the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.

(3) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.

(4) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.
(5) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(6) The authority must take such steps as they consider appropriate for making the arrangements under subsections (1) and (2) known to—
   (a) children in their area,
   (b) parents of children in their area,
   (c) head teachers and proprietors of schools in their area, and
   (d) such other persons as they consider appropriate.

(7) The arrangements cannot affect the entitlement of a child or a parent of a child to appeal to the Tribunal, and the authority must take such steps as they consider appropriate to make that fact known to children, to parents of children and to case friends for children in their area.

(8) In this section—
   “authorities” means the governing bodies of maintained schools and the local authority;
   “relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.

(9) For the purposes of this section a school is a relevant school in relation to a child if it is—
   (a) a maintained school or a maintained nursery school,
   (b) a pupil referral unit,
   (c) an independent school named in the statement maintained for the child under section 324, or
   (d) a school approved under section 342.

Textual Amendments

F565  S. 332BA inserted (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), ss. 5(3), 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2); S.I. 2012/320, art. 3(d) (with art. 4(b))

F566  Word in s. 332BA title omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 27(3); 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)

F567  Words in s. 332BA(1) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 27(2); 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)

F568  Words in s. 332BA(2) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 27(2); 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)

Independent advocacy services

(1) Every local authority must—
   (a) make arrangements for the provision of independent advocacy services in their area;
   (b) refer any child in their area who requests independent advocacy services to a service provider;
(c) refer any person who is a case friend for a child in their area and who requests independent advocacy services to a service provider.

(2) In this section “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a child—
   (a) making, or intending to make an appeal to the Tribunal under section 332ZA, or
   (b) considering whether to appeal to the Tribunal under that section, or
   (c) taking part in or intending to take part in dispute resolution arrangements made under section 332BA.

(3) In making arrangements under this section, every local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
   (a) the subject of an appeal to the Tribunal, or
   (b) involved in investigating or adjudicating on such an appeal.

(4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(5) Every local authority ... must take such steps as they consider appropriate for making the arrangements under this section known to—
   (a) children in their area,
   (b) parents of children in their area,
   (c) head teachers and proprietors of schools in their area, and
   (d) such other persons as they consider appropriate.

(6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.

(7) A local authority must have regard to any guidance given from time to time by the Welsh Ministers.]
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F573  S. 332C cross-heading omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 29(1); 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)

F574  Ss. 332C-332E repealed (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 29(1); 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)

F574  Interpreted of sections 332C and 332D

Special Educational Needs Tribunal for Wales
Constitution of Tribunal.

(1Z) The Tribunal shall exercise the jurisdiction conferred on it by this Part.

(1ZA) ........................................

(1ZB) ........................................

(1) The Tribunal shall exercise the jurisdiction conferred on it by this Part.

(2) ........................................

(3) ........................................

(4) ........................................

(4A) ........................................

(5) ........................................

(6) ...........................................

Textual Amendments

S. 333 title omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 31(4); 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))

S. 333(1Z) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 130(b)

S. 333(1ZB) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), Sch. 3 para. 31(2); 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))

S. 333(1) substituted (1.9.2002) by 2001 c. 10, ss. 42(1), 43(3), Sch. 8 para. 3 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

S. 333(1) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), Sch. 3 para. 31(3)(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))

Modifications etc. (not altering text)

S. 333: transfer of functions (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(1), 3(1), 4, 5, Sch. 1 Table 1 (with Sch. 4)

The President and members of the panels.

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Remuneration and expenses.

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Tribunal procedure.

(1) Regulations made by the Welsh Ministers may make provision about the proceedings of the Tribunal on an appeal under this Part and the initiation of such an appeal.
(2) The regulations may, in particular, include provision—

(a) as to the period within which, and the manner in which, appeals are to be instituted,

(b) where the jurisdiction of the Tribunal is being exercised by more than one tribunal—
   (i) for determining by which tribunal any appeal is to be heard, and
   (ii) for the transfer of proceedings from one tribunal to another,

(c) for enabling any functions which relate to matters preliminary or incidental to an appeal to be performed by the President, or by the chairman,

(d) for hearings to be conducted in the absence of any member other than the chairman,

(e) as to the persons who may appear on behalf of the parties,

(f) for granting any person such disclosure or inspection of documents or right to further particulars as might be granted by the county court,

(g) requiring persons to attend to give evidence and produce documents,

(h) for authorising the administration of oaths to witnesses,

(i) for the determination of appeals without a hearing in circumstances prescribed in the regulations,

(k) as to the withdrawal of appeals,

(l) for the award of costs or expenses,

(m) for taxing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be taxed in the county court),

(n) for the registration and proof of decisions and orders,

(o) for enabling the Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations.

(2A) Proceeding before the Tribunal shall be held in private, except in circumstances prescribed in the regulations.

(3) The Welsh Ministers may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as the Welsh Ministers may determine.

(4) Part I of the Arbitration Act 1996 shall not apply to any proceedings before the Tribunal but regulations made by the Welsh Ministers may make provision corresponding to any provision of that Part.

(4A) Regulations made under subsection (1) may make provision for an appeal under this Part to be heard, in circumstances prescribed in the regulations, with a claim in relation to a contravention of Chapter I of Part 6 of the Equality Act 2010 so far as relating to disability.

(5) Any person who without reasonable excuse fails to comply with—

(a) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of subsection (2)(g), or

(b) any requirement imposed by the regulations by virtue of subsection (2)(h), is guilty of an offence.
(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Textual Amendments**

**F581** Words in s. 336(1) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 133(a)(i)

**F582** Word in s. 336(1) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(1)(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)

**F583** Word in s. 336(2)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(1)(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)

**F584** Section 336(2)(d) repealed (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1)(6), 43(4)(e), Sch. 8 para. 13(2)(a), Sch. 9 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt II

**F585** Word in s. 336(2)(g) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 13(2)(b) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt II

**F586** Words in s. 336(2)(g) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F587** Words in s. 336(2)(j) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 133(b)(ii)

**F588** Word in s. 336(2)(m) omitted (10.2.2012) by virtue of Education (Wales) Measure 2009 (nawm 5), ss. 7(2), 26(3); S.I. 2012/320, art. 2(b)

**F589** Word in s. 336(2)(o) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(1)(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)

**F590** S. 336(2)(p)(q) inserted (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), ss. 7(3), 26(3) (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 2(b)

**F591** Word in s. 336(2)(p) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(1)(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)

**F592** S. 336(2A) inserted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 13(3) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt II

**F593** Word in s. 336(2A) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(1)(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)

**F594** Words in s. 336(2A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 133(c)(ii)

**F595** S. 336(3) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 133(d)

**F596** Word in s. 336(3) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(1)(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)
Education Act 1996 (c. 56)  
Part IV – Special educational needs  
Chapter I – Children in Wales with special educational needs  

## Changes to Legislation

Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

### F597
Word in s. 336(4) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(1)(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)

### F598
Words in s. 336(4) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 133(e)(ii)

### F599
Words in s. 336(4) substituted (11.5.2001 for certain purposes, 1.1.2002 otherwise for E. and 1.4.2002 otherwise for W.) by 2001 c. 10, ss. 42(1), 43(4)(e), Sch. 8 para. 13(4) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

### F600
S. 336(4A) inserted (1.7.2002) by 2001 c. 10, s. 42(1), Sch. 8 para. 13(5) (with s. 43(13)); S.I. 2002/1721, art. 4, Sch. Pt. I

### F601
Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 133(f)(i)

### F602
Words in s. 336(4A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 133(f)(ii)

### F603
Words in s. 336(4A) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 37 (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)

### F604
S. 336(5A) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(2); 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)

### F605
Words in s. 336(6) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 33(3); 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)

C92 S. 336 applied (with modifications) (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

### Marginal Citations

M5 1996 c. 23.

### Special Educational Needs Tribunal for Wales

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#### Textual Amendments

F606 S. 336ZA inserted (31.3.2003) by Education Act 2002 (c. 32), ss. 195, 216(3), Sch. 18 para. 5 (with ss. 210(8), 214(4), Sch. 18 para. 17); S.I. 2002/3185, art. 5, Sch. Pt. II

F607 S. 336ZA omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 134

### Appeals from the ... Tribunal to the Upper Tribunal

(1) A party to any proceedings under this Part before the ... Tribunal may appeal to the Upper Tribunal on any point of law arising from a decision made by the ... Tribunal in those proceedings.

(2) An appeal may be brought under subsection (1) only if, on an application made by the party concerned, the ... Tribunal or the Upper Tribunal has given its permission for the appeal to be brought.
(3) Section 12 of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this section as it applies in relation to appeals to it under section 11 of that Act, but as if references to the First-tier Tribunal were references to the Tribunal.

Textual Amendments

F608 S. 336ZB inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 135

F609 Word in s. 336ZB omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 34(3); 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))

F610 Word in s. 336ZB(1) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 34(2)(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))

F611 Word in s. 336ZB(2) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 34(2)(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))

F612 Word in s. 336ZB(3) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 34(2)(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))
CHAPTER II
SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

F617 S. 336A(2)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 35(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)

Textual Amendments

F618 S. 337, 337A and cross-heading substituted for s. 337 and cross-heading (30.3.2010) by Education and Skills Act 2008 (c. 25), ss. 142(1), 173(4); S.I. 2010/1093, art. 2(a)

337 Special schools

F619(1) A school in England is a special school if it is specially organised to make special educational provision for pupils with special educational needs, and it is—

(a) maintained by a local authority,
(b) an Academy school, or
(c) a non-maintained special school.

F621(2) A school in Wales is a special school if it is specially organised to make additional learning provision for pupils with additional learning needs and it is maintained by a local authority.

Textual Amendments

F619 S. 337(1): s. 337 renumbered as s. 337(1) (1.9.2021 for specified purposes, 1.1.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(10)(a); 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

F620 Words in s. 337(1) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(10)(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

F621 S. 337(2) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(10)(c); 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

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
337A Interpretation of Chapter

In this Chapter—

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

Textual Amendments

F622 Words in s. 337A omitted (1.9.2021) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), ss. 57(2), 100(3); S.I. 2021/373, art. 8(e)

Establishment etc. of special schools

F623 338 ...........................................

Textual Amendments

F623 S. 338 omitted (1.4.1999) by virtue of 1998 c. 31, s. 140(1), Sch. 30 para. 81 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; ss. 338-341 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 81, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F624 339 ...........................................

Textual Amendments

F624 S. 339 repealed (1.4.1999 so far as relating to the omission of s. 339(2) and certain words in s. 339(4) (a) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 81, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1

F625 340 ...........................................

Textual Amendments

F625 S. 340 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 81, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/704, regs. 7, 8, 14(2)(g)); S.I. 1999/2323, art. 2(1), Sch. 1

F626 341 ...........................................
342 Approval of non-maintained special schools.

(1) The [F628 Secretary of State] may approve under this section any school [F630 in England] which—

(a) is specially organised to make special educational provision for pupils with special educational needs, and

(b) is not a community or foundation special school [F631 or an Academy school], and may give [F632] approval before or after the school is established.

(2) Regulations may make provision as to the requirements which are to be complied with as a condition of approval under subsection (1) above.

(3) Any school which was a special school immediately before 1st April 1994 shall be treated, subject to subsection (4) below, as approved under this section.

(4) Regulations may make provision as to—

(a) the requirements which are to be complied with by a school while approved under this section, and

(b) the withdrawal of approval from a school (including approval treated as given under subsection (3)) at the request of the proprietor or on the ground that there has been a failure to comply with any prescribed requirement.

(5) Without prejudice to the generality of subsections (2) and (4), the requirements which may be imposed by the regulations include requirements—

(a) which call for arrangements to be approved by the [F633 Secretary of State], or

(b) as to the organisation of any special school as a primary school or as a secondary school.

[ Regulations shall make provision for securing that, so far as practicable, every pupil attending a school in England that is approved under this section—

(a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of the pupil's parent, and

(b) attends religious worship unless withdrawn from attendance at such worship—

(i) in the case of a sixth-form pupil, in accordance with the pupil's own wishes, and

(ii) in any other case, in accordance with the wishes of the pupil’s parent.
(5B) In subsection (5A) “a sixth-form pupil” means a pupil who—
(a) has ceased to be of compulsory school age, and
(b) is receiving education suitable to the requirements of pupils over compulsory school age.]

Editorial Information
X1 S. 342: With effect from 1.9.1999 s. 342 became subsumed by new cross-heading "Approval of non-maintained special schools". Versions of this provision as it stood at any time before that date cannot be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 1.9.1999 or navigate via the Chapter II heading.

Textual Amendments
F628 S. 342 and cross-heading substituted for s. 342 (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 82 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
F629 Words in s. 342(1) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), ss. 57(3)(a)(i), 100(3); S.I. 2021/373, art. 8(e)
F630 Words in s. 342(1) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), ss. 57(3)(a)(ii), 100(3); S.I. 2021/373, art. 8(e)
F631 Words in s. 342(1)(b) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 37; 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)
F632 Word in s. 342(1) repealed (30.3.2010) by Education and Skills Act 2008 (c. 25), ss. 142(3)(b), 173(4), Sch. 2; S.I. 2010/1093, art. 2(a)(c)
F633 Words in s. 342(5)(a) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), ss. 57(3)(b), 100(3); S.I. 2021/373, art. 8(e)
F634 S. 342(5A)(5B) inserted (30.3.2010) by Education and Skills Act 2008 (c. 25), ss. 143(2), 173(4); S.I. 2010/1093, art. 2(a)
F635 S. 342(6) omitted (1.9.2021) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), ss. 57(3)(c), 100(3); S.I. 2021/373, art. 8(e)

Modifications etc. (not altering text)
C93 S. 342: power to amend conferred (1.4.2018) by Children and Social Work Act 2017 (c. 16), ss. 34(6)(a), 70(2); S.I. 2018/346, reg. 4(e)
C94 S. 342: power to amend conferred (1.4.2018) by Children and Social Work Act 2017 (c. 16), ss. 35(4)(a), 70(2); S.I. 2018/346, reg. 4(f)

Non-maintained special schools in England: protection of pupils in an emergency

Textual Amendments
F636 S. 342A and cross-heading inserted (30.3.2010) by Education and Skills Act 2008 (c. 25), ss. 144, 173(4); S.I. 2010/1093, art. 2(a)
342A Application to justice of the peace: power to make regulations

(1) Regulations may make provision conferring power on a justice of the peace, on the application of the Secretary of State, to make an order in an urgent case that a non-maintained special school in England should cease to be approved under section 342.

(2) Regulations under this section may in particular make provision corresponding, with or without modifications, to that made in—
   (a) section 120(2) to (7) of the Education and Skills Act 2008 (emergency orders in relation to registered independent educational institutions), or
   (b) section 122 of that Act (notification).

342B Appeal against decision of Secretary of State

(1) Regulations may make provision for an appeal against a decision of the Secretary of State—
   (a) to withdraw approval from a non-maintained special school in England by virtue of section 342(4)(b) (failure to comply with prescribed requirement) otherwise than at the request of the proprietor;
   (b) not to approve, not to approve a change to, or to withdraw approval from, relevant arrangements in relation to such a school.

(2) In subsection (1)(b) “relevant arrangements” means arrangements that require the approval of the Secretary of State by virtue of section 342(5)(a).

(3) Regulations under this section must provide that an appeal brought by virtue of this section—
   (a) lies to the First-tier Tribunal, and
   (b) must be brought by the proprietor of the school in question.

(4) The regulations may in particular make provision, in the case of an appeal brought by virtue of subsection (1)(a), prohibiting the Secretary of State from acting on a decision to withdraw approval during the period in which—
   (a) an appeal against the decision could be brought, or
   (b) where an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

342C Appeal against order of justice of peace

(1) Regulations may make provision for an appeal against the making of an order by virtue of section 342A (order by justice of peace in an emergency).

(2) The regulations must provide that an appeal brought by virtue of this section—
   (a) lies to the First-tier Tribunal, and
(b) must be brought by the proprietor of the school in question.]

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**Editorial Information**

X2 S. 343: With effect from 1.9.1999, a new cross-heading "Approval of non-maintained special schools" was inserted before s. 342. Versions of s. 343 as it stood at any time before that date cannot now be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 1.9.1999 or navigate via the Chapter II heading.

**Textual Amendments**

F638 S. 343 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

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**Government etc. of special schools**

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**Textual Amendments**

F639 S. 344 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, art. 5, Sch. 7 paras. 2, 10); S.I. 1999/2323, art. 2(1), Sch. 1

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**Maintained special school becoming grant-maintained**

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**Textual Amendments**

F640 S. 345 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1

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**Grouping of grant-maintained special schools**

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**Textual Amendments**

F641 S. 346 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 83, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I
Independent schools providing special education

347 Approval of independent schools.

[Textual Amendments]

348 Provision of special education at non-maintained schools.[F643—Wales].

(1) This section applies where—

(a) special educational provision in respect of a child with special educational needs is made at a school which is not a maintained school,

(b) the child is in the area of a local authority in Wales[,] and

(c) either the name of the school is specified in a statement in respect of the child under section 324 or the [F6 local authority] are satisfied—

(i) that his interests require the necessary special educational provision to be made for him at a school which is not a maintained school, and

(ii) that it is appropriate for the child to be provided with education at the particular school.

(2) Where this section applies, the [F6 local authority] shall pay the whole of the fees payable in respect of the education provided for the child at the school, and if—

(a) board and lodging are provided for him at the school, and

(b) the authority are satisfied that the necessary special educational provision cannot be provided for him at the school unless the board and lodging are also provided,

the authority shall pay the whole of the fees payable in respect of the board and lodging.

[F645] (3) In this section “maintained school” means a school maintained by a [F6 local authority].]
Variation of deeds

349 Variation of trust deeds etc. by order.

(1) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to a school as, after consultation with the governing body or other proprietor of the school, appear to the Secretary of State to be necessary to enable the governing body or proprietor to meet any requirement imposed by—

(a) regulations under section 342, or
(b) Academy arrangements.

(2) Any modification made by an order under this section may be made to have permanent effect or to have effect for such period as may be specified in the order.

Textual Amendments

F646 Words in s. 349(1) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(12)(a)(i); S.I. 2021/373, art. 8(j)(vii)

F647 Words in s. 349(1) substituted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(12)(a)(ii); S.I. 2021/373, art. 8(j)(vii)

F648 Words in s. 349(1) inserted (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), Sch. 2 para. 3; S.I. 2010/1937, art. 2, Sch. 1

F649 Words in s. 349(1) repealed (1.9.2009) by Education and Skills Act 2008 (c. 25), ss. 147(2)(c), 173(4), Sch. 2; S.I. 2009/1513, art. 3

F650 S. 349(1A) 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(12)(b); S.I. 2021/373, art. 8(j)(vii)

PART V

THE CURRICULUM

Modifications etc. (not altering text)

C95 Pt. V (ss. 350–410) modified (1.9.1999) by S.I. 1999/2262, reg. 57

CHAPTER I

PRELIMINARY

350 Meaning of “maintained school” etc. in Part V.
CHAPTER II

SECULAR EDUCATION

The National Curriculum: general

353 The National Curriculum.

354 The core subjects and other foundation subjects.
The key stages.

Establishment of the National Curriculum by order.

Implementation of the National Curriculum in schools.

The School Curriculum and Assessment Authority

Textual Amendments
F656 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

Textual Amendments
F657 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

Textual Amendments
F658 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

Textual Amendments
F659 S. 358 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, Sch. 8; S.I. 1998/386, art. 2(1), Sch. 1 Pt. 1

Textual Amendments
F660 S. 359 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, Sch. 8; S.I. 1998/386, art. 2(1), Sch. 1 Pt. 1
The Curriculum and Assessment Authority for Wales

F661 360 ........................................

Textual Amendments
F661  S. 360 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, Sch. 8; S.I. 1997/1468, art. 2, Sch. 1 Pt. 1

F662 361 ........................................

Textual Amendments
F662  S. 361 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, Sch. 8; S.I. 1997/1468, art. 2, Sch. 1 Pt. 1

The National Curriculum: special cases

362  Development work and experiments.
F663 ........................................

Textual Amendments
F663  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

363  Exceptions by regulations.
F664 ........................................

Textual Amendments
F664  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

364  Pupils with statements of special educational needs.
F665 ........................................

Textual Amendments
F665  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3
365  Temporary exceptions for individual pupils.

\[\text{F666} \]

Textual Amendments

F666  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

366  Information concerning directions under section 365.

\[\text{F667} \]

Textual Amendments

F667  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

367  Appeals against directions under section 365 etc.

\[\text{F668} \]

Textual Amendments

F668  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

The National Curriculum: supplementary provisions

368  Procedure for making certain orders and regulations.

\[\text{F669} \]

Textual Amendments

F669  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

369  Programmes of research etc. in relation to Wales.

\[\text{F670} \]

Textual Amendments

F670  Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3
General functions of LEA, governing body and head teacher in relation to curriculum

Textual Amendments

F671  S. 370 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, Sch. 3 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I

F672  S. 371 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, Sch. 3 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I

F673  S. 372 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, Sch. 3 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I

F674  S. 373 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, Sch. 3 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I

F675  S. 374 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, Sch. 3 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
CHAPTER III

RELIGIOUS EDUCATION AND WORSHIP

Agreed syllabuses

375 Agreed syllabuses of religious education.

(1) Subject to the provisions of Schedule 31, any agreed syllabus in force immediately before the commencement of this Act shall continue to have effect.

(2) In this Act “agreed syllabus” means a syllabus of religious education—

(a) prepared before the commencement of this Act in accordance with Schedule 5 to the Education Act 1944 or after commencement in accordance with Schedule 31, and

(b) adopted by a [F6 local authority] under that Schedule, whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.

(3) Every agreed syllabus shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.

(4) Any reference in this Act to an agreed syllabus adopted by a [F6 local authority] includes a reference to an agreed syllabus deemed to be adopted by such an authority by virtue of paragraph 11 of Schedule 5 to the Education Act 1944 or paragraph 14 of Schedule 31; and accordingly, in relation to an agreed syllabus deemed to be so adopted, any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Secretary of State in a direction under that paragraph.

(5) Subsection (3) does not apply to any agreed syllabus adopted before 29th September 1988.

Textual Amendments

F6 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))

Marginal Citations

M6 1944 c. 31.
M7 1944 c. 31.

Required provision for religious education

F676 ...........................
Textual Amendments

F676  S. 376 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F677  ...........................................

Textual Amendments

F677  S. 377 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F678  ...........................................

Textual Amendments

F678  S. 378 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F679  ...........................................

Textual Amendments

F679  S. 379 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F680  ...........................................

Textual Amendments

F680  S. 380 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F681  ...........................................
Textual Amendments
F682 S. 382 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Textual Amendments
F683 S. 383 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Textual Amendments
F684 S. 384 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Religious worship

Textual Amendments
F685 S. 385 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Textual Amendments
F686 S. 386 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Textual Amendments
F687 S. 387
Constitution of standing advisory councils on religious education

390 Constitution of advisory councils.

(1) A \[F6\] local authority\] shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).

(2) The council shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).

(3) The council may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).

(4) The representative groups required by this subsection are—

(a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

(b) except in the case of an area in Wales, a group of persons to represent the Church of England;

(c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and

(d) a group of persons to represent the authority.
(5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.

(6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group’s functions, reflect broadly the proportionate strength of that denomination or religion in the area.

(7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

391 Functions of advisory councils.

(1) The purposes referred to in section 390(1) are—

(a) to advise the [F6local authority] on such matters connected with—

(i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and

(ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act, as the authority may refer to the council or as the council may see fit, and] as the authority may refer to the council or as the council may see fit, and

(b) to carry out the functions conferred on them by section 394.

(2) The matters referred to in subsection (1)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.

(3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.

(4) Each representative group concerned shall have a single vote on the question of whether to require such a review.

(5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

(6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.

(7) The council’s report shall in particular—
(a) specify any matters in respect of which the council have given advice to the authority;
(b) broadly describe the nature of the advice given, and
(c) where any such matter was not referred to the council by the authority, give the council’s reasons for offering advice on that matter.

(8) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(9) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

[393] (10) A council for an area in Wales must send a copy of each report published by them under subsection (6) to the Welsh Ministers.

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Textual Amendments

F6 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))

F691 S. 391(1)(a)(i)(ii) substituted (1.9.1999) for s. 391(1)(a) by 1998 c. 31, s. 140(1), Sch. 30 para. 94(2) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F692 S. 391(8)(9) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 94(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F693 S. 391(10) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 8 para. 6; S.I. 2012/924, art. 2

392 Advisory councils: supplementary provisions.

(1) In this section “the council” means the standing advisory council on religious education constituted by a [F6 local authority] under section 390.

(2) Before appointing a person to represent any religion, denomination or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.

(3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

(4) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.

(6) A member of the council may at any time resign his office.

(7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.

(8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—
(a) by a vacancy in the office of any member of the council required by section 390(2), or

(b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

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Textual Amendments

F6 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))

F694 S. 392(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 95, Sch.31 (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), Sch. 1

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F695393 ........................

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Textual Amendments

F695 S. 393 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 96, Sch.31 (with ss. 138(9), 144(6); S.I. 1999/1016, art. 2(1), Sch. 1

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Determinations by standing advisory councils

394 Determination of cases in which requirement for Christian collective worship is not to apply.

(1) The council constituted by a local authority under section 390 shall, on an application made by the head teacher of—

(a) any community school maintained by the authority, or

(b) any foundation school which has not been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character,

consider whether it is appropriate for the requirement imposed by paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship) to apply in the case of the school or in the case of any class or description of pupils at the school.

(2) In determining whether it is appropriate for that requirement to apply as mentioned in subsection (1), the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school, or of the pupils of the particular class or description in question, which are relevant for determining the character of the collective worship appropriate in their case.

(3) The council shall give the head teacher written notification of their decision on the application.

(4) Where the council determine that it is not appropriate for the requirement to apply as mentioned in subsection (1), the determination shall take effect for the purposes of paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998
(disapplication of requirement for Christian collective worship) on such date as may be specified in the notification of the council’s decision under subsection (3).

(5) Before making an application under subsection (1), the head teacher of a school shall consult the governing body.

(6) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.

(7) An application under subsection (1) shall be made in such manner and form as the council may require.

(8) Where an application is made under subsection (1)(a) in respect of a community school which becomes a foundation school (by virtue of the relevant enactments) before the application is determined, it shall, unless withdrawn by the head teacher, continue as if made under subsection (1)(b).

(9) In subsection (8) “the relevant enactments” means—

(a) in relation to England, sections 18 to 24 of the Education and Inspections Act 2006;

(b) in relation to Wales, section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998.

Textual Amendments

F6 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))

F696 Words in s. 394(1)(a) substituted (1.9.1999) by 1998 c. 31, Sch. 30 para. 97(2)(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F697 S. 394(1)(b) substituted (1.9.1999) by 1998 c. 31, Sch. 30 para. 97(2)(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F698 Words in s. 394(1) substituted (1.9.1999) by 1998 c. 31, Sch. 30 para. 97(2)(c) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F699 Words in s. 394(4) substituted (1.9.1999) by 1998 c. 31, Sch. 30 para. 97(3) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F700 Words in s. 394(8) substituted (1.9.1999) by 1998 c. 31, Sch. 30 para. 97(4) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F701 Words in s. 394(8) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), Sch. 3 para. 9(2); S.I. 2007/935, art. 7(o)

F702 S. 394(9) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), Sch. 3 para. 9(3); S.I. 2007/935, art. 7(o)

F703 S. 394(9)(b) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), Sch. 5 para. 17(3); S.I. 2013/1800, art. 3(j)

395 Review of determinations under section 394.

(1) Any determination by a council under section 394 by virtue of which the requirement imposed by paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 does not for the time being apply in the case of a school or a class or description of pupils at a school shall be reviewed by the council—

(a) at any time on an application made by the head teacher, and
(b) in any event not later than the end of the period of five years beginning with
the date on which the determination first took effect or (where it has since
been reviewed under this section) with the effective date of the decision on
the last review.

(2) On any review under subsection (1)(b) the council shall give the head teacher an
opportunity of making representations as to the determination under review.

(3) On a review under this section, the council may—
(a) confirm the determination, with or without variation, or
(b) revoke it (without prejudice to any further determination under section 394).

(4) The council shall give the head teacher written notification of their decision, specifying
the effective date of that decision for the purposes of subsection (1)(b).

(5) Any determination which is required to be reviewed under subsection (1)(b) shall
cease to have effect, if not confirmed on such a review, at the end of the period there
mentioned.

(6) The head teacher of a school shall consult the governing body before making an
application under subsection (1)(a) or any representations under subsection (2).

(7) On being consulted by the head teacher, the governing body may if they think fit take
such steps as they consider appropriate for consulting all persons appearing to them
to be parents of registered pupils at the school.

(8) An application under subsection (1)(a) shall be made in such manner and form as the
council may require.

Textual Amendments
F704 Words in s. 395(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.98 (with ss. 138(9),
144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

396 Power of Secretary of State to direct advisory council to revoke determination or
discharge duty.

(1) Where the Secretary of State is satisfied, either on complaint by any person or
otherwise, that any standing advisory council on religious education constituted by a
\[\text{local authority}\] under section 390—
(a) have acted, or are proposing to act, unreasonably in determining for the
purposes of section 394 or 395 whether it is appropriate for the requirement
imposed by \[\text{paragraph } 3(2)\] of Schedule 20 to the School Standards and
Framework Act 1998\] to apply in the case of any school or any class or
description of pupils at a school, or
(b) have failed to discharge any duty imposed under section 394 or 395,
he may give the council such directions as to the revocation of the determination, or
the withdrawal of the proposed determination or (as the case may be) the discharge
of the duty as appear to him to be expedient; and the council shall comply with the
directions.
(2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.
398  No requirement of attendance at Sunday school etc.

[F706(1)] It shall not be required, as a condition of—

(a) a pupil attending a maintained school, or

(b) a person attending such a school to receive further education or [F707 any training for members of the school workforce],

that he must attend or abstain from attending a Sunday school or a place of religious worship.

[F708(2)] In subsection (1)(b), the reference to training for members of the school workforce is to be read in accordance with sections [F709 96(1) and 100] of the Education Act 2005.

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399  Determination of question whether religious education in accordance with trust deed.

Where any trust deed relating to [F710 a foundation or voluntary school] makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

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**Textual Amendments**

- **F706** S. 398(1): s. 398 renumbered as s. 398(1) (1.9.2005) by Education Act 2005 (c. 18), s. 125(3)(a), Sch. 14 para. 16(3)
- **F707** Words in s. 398(b) substituted (1.9.2005) by Education Act 2005 (c. 18), s. 125(3)(a), Sch. 14 para. 16(2)
- **F708** S. 398(2) inserted (1.9.2005) by Education Act 2005 (c. 18), s. 125(3)(a), Sch. 14 para. 16(3)
- **F709** Words in s. 398(2) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 5 para. 11; S.I. 2012/924, art. 2

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**CHAPTER IV**

**MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS**

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

- **C96** Pt. V Ch. IV: power to amend conferred (1.4.2018) by Children and Social Work Act 2017 (c. 16), ss. 346(b), 70(2); S.I. 2018/346, reg. 4(e)
- **C97** Pt. V Ch. IV: power to amend conferred (1.4.2018) by Children and Social Work Act 2017 (c. 16), ss. 354(b), 70(2); S.I. 2018/346, reg. 4(f)
Courses leading to external qualifications

F711 400 .................................

Textual Amendments
F711  S. 400 repealed (1.9.2001) by 1997 c. 44, ss. 57(1)(4), Sch.8; S.I. 2001/1215, art. 2

F712 401 .................................

Textual Amendments
F712  S. 401 repealed (1.9.2001) by 1997 c. 44, ss. 57(1)(4), 58(3), Sch.8; S.I. 2001/1215, art. 2

Obligation to enter pupils for public examinations

402  Obligation to enter pupils for public examinations.

(1) Subject to subsections (2) and (3), the governing body of a maintained school shall secure that each registered pupil at the school is entered, at such time as they consider appropriate, for each prescribed public examination for which he is being prepared at the school at the time in question in each syllabus for that examination for which he is being so prepared.

(2) The governing body are not required to secure that a pupil is entered for any examination, or for an examination in any syllabus for that examination, if either—
   (a) they consider that there are educational reasons in the case of that particular pupil for not entering him for that examination or (as the case may be) for not entering him for that examination in that syllabus, or
   (b) the parent of the pupil requests in writing that the pupil should not be entered for that examination or (as the case may be) for that examination in that syllabus;

   [F713 but this subsection does not apply to an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil.]

   [F714(2A) But subsection (2) does not apply to—
      (a) an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil (if the pupil is registered at a school maintained by a local authority in England), or
      (b) an examination which is part of the assessment arrangements for pupils of compulsory school age who have completed the school year in which the majority of the pupils in their class attained the age of 14 and applies in the case of that pupil (if the pupil is registered at a school maintained by a local authority in Wales).]

(3) The governing body are not required to secure that a pupil is entered for any examination in any syllabus for that examination if they have secured his entry for another prescribed public examination in a corresponding syllabus.
(4) For the purposes of subsection (3) a syllabus for a prescribed public examination shall be regarded as corresponding to a syllabus for another prescribed public examination if the same course of study is provided at the school in preparation for both syllabuses.

(5) As soon as practicable after determining whether or not to secure the entry of any pupil for a prescribed public examination in any syllabus for which he is being prepared at the school, the governing body shall notify the pupil’s parent in writing of their determination in relation to each such syllabus.

(6) In this section—

(a) “maintained school” includes [F715 a community or foundation special school] established in a hospital;

[F716(aa) “assessment arrangements” and “fourth key stage”—

(i) in relation to a school maintained by a [F6 local authority] in England, have the same meaning as in Part 6 of the Education Act 2002 (the curriculum in England), [F717 and]

(ii) [F718 in relation to a school maintained by a [F6 local authority] in Wales, have the same meaning as in Part 7 of that Act (the curriculum in Wales); and]]

[F719(ab) “assessment arrangements”, in relation to a school maintained by a local authority in Wales, has the same meaning as in Part 4 of the Curriculum and Assessment (Wales) Act 2021 (assessment and progression);]

(b) references to a prescribed public examination shall be construed in accordance with section 462.
Sex education

403 Sex education: manner of provision.

(1) The governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school (whether or not as part of statutory relationships and sex education), it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.

†(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools—

(a) they learn the nature of marriage and its importance for family life and the bringing up of children, and

(b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.

† In subsection (1A) the reference to sex education does not include sex education given as part of statutory relationships and sex education.]

(1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State’s guidance.

(1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.

(1D) The Secretary of State may at any time revise his guidance under subsection (1A).]

(2) In this section “maintained school” includes a community or foundation special school established in a hospital and “NHS body” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act).]

†(2A) In this section “statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.]

Textual Amendments

†F720 Words in s. 403(1) repealed (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, ss. 148(3), 153, Sch. II (with s. 150); S.I. 2000/2559, art. 2(2), Sch. Pt. II; S.I. 2001/1274, art. 2(2), Sch. Pt. II

†F721 Words in s. 403(1) inserted (E.) (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), Sch. para. 2(2)

†F722 S. 403(1A)-(1D) inserted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(4) (with s. 150); S.I. 2000/2559, art. 2(2), Sch. Pt. II; S.I. 2001/1274, art. 2(2), Sch. Pt. II

†F723 S. 403(1ZB) inserted (E.) (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), Sch. para. 2(3)

†F724 Words in s. 403(2) substituted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(5)(a) (with s. 150); S.I. 2000/2559, art. 2(2), Sch. Pt. II; S.I. 2001/1274, art. 2(2), Sch. Pt. II

†F725 Words in s. 403(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 102 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

†F726 Words in s. 403(2) inserted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(5)(b) (with s. 150); S.I. 2000/2559, art. 2(2), Sch. Pt. II; S.I. 2001/1274, art. 2(2), Sch. Pt. II
404 Sex education: statements of policy.

(1) The governing body of a maintained school shall—
   (a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and
   (b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.

[F729] (1A) A statement under subsection (1) must include a statement of the effect of section 405.]

[F730] (1B) In subsection (1) the reference to sex education does not include sex education given as part of statutory relationships and sex education (and accordingly subsection (1) does not apply at all in relation to a school at which sex education is only given as part of statutory relationships and sex education).]

(2) [F731] In this section—

   “maintained school” includes, in relation to pupils who are provided with secondary education, a community or foundation special school established in a hospital;

   “statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.]

F733  (3) ..........................  

**Textual Amendments**

F729  S. 404(1A) inserted (1.11.2000 (E.), 1.9.2001 (W.)) by 2000 c. 21, ss. 148(6), 154 (with s. 150)); S.I. 2000/2559, art. 2(2), Sch. Pt. II; S.I. 2001/1274 art. 2(2) Sch. Pt. II

F730  S. 404(1B) inserted (E.) (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), Sch. para. 3(2)

F731  S. 404(2) substituted (E.) (1.9.2020) by The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 (S.I. 2019/924), reg. 1(2), Sch. para. 3(3)

F732  Words in s. 404(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 103(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F733  S. 404(3) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 103(b), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I

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

C98  S. 404 applied (with modifications) (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. 1

C99  S. 404 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. 1

C100 S. 404 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. 3
405 Exemption from sex education.

(1) If the parent of any pupil in attendance at a maintained school requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.

(2) In subsection (1) the reference to sex education does not include sex education provided at a maintained school in England as part of statutory relationships and sex education.

(3) If the parent of any pupil in attendance at a maintained school in England requests that the pupil may be wholly or partly excused from sex education provided as part of statutory relationships and sex education, the pupil must be so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.

(4) In this section “statutory relationships and sex education” means education required to be provided at a school in England under section 80(1)(d) of the Education Act 2002.

Politics

406 Political indoctrination.

(1) The local authority, governing body and head teacher shall forbid—

(a) the pursuit of partisan political activities by any of those registered pupils at a maintained school who are junior pupils, and

(b) the promotion of partisan political views—

[F734(i)] in the teaching of any subject in the school [F737(i) (in the case of a school in England), or]

[F738(ii) in the teaching of any aspect of a curriculum provided in the school under the Curriculum and Assessment (Wales) Act 2021 (in the case of a school in Wales)]
(2) In the case of activities which take place otherwise than on the school premises, subsection (1)(a) applies only where arrangements for junior pupils to take part in the activities are made by—
   (a) any member of the school’s staff (in his capacity as such), or
   (b) anyone acting on behalf of the school or of a member of the school’s staff (in his capacity as such).

(3) In this section “maintained school” includes a community or foundation special school established in a hospital.

Textual Amendments

F6  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))

F736 Words in s. 406(1)(b) renumbered as s. 406(1)(b)(i) (1.9.2022 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(5)(a)

F737 Words in s. 406(1)(b)(i) inserted (1.9.2022 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(5)(b)

F738 S. 406(1)(b)(ii) inserted (1.9.2022 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(5)(c)

F739 Words in s. 406(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.104 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

407  Duty to secure balanced treatment of political issues.

        (1) The local authority, governing body and head teacher shall take such steps as are reasonably practicable to secure that where political issues are brought to the attention of pupils while they are—
            (a) in attendance at a maintained school, or
            (b) taking part in extra-curricular activities which are provided or organised for registered pupils at the school by or on behalf of the school,
        they are offered a balanced presentation of opposing views.

        (2) In this section “maintained school” includes a community or foundation special school established in a hospital.

Textual Amendments

F6  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))

F740 Words in s. 407(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.105 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
Provision of information.

(1) Regulations may require, in relation to every maintained school, the [local authority], the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—

(a) such information (including information as to the matters mentioned in subsection (2)) relevant for the purposes of any of the relevant provisions of this Part [or Part V of the Education Act 1997] or section 96 of the Learning and Skills Act 2000 or the relevant provisions of the Education Act 2002 or the provisions of [Part 7] of the Apprenticeships, Skills, Children and Learning Act 2009 or the provisions of the Qualifications Wales Act 2015 or the provisions of the Curriculum and Assessment (Wales) Act 2021, and

(b) such copies of the documents mentioned in subsection (3), as may be prescribed.

(2) The matters referred to in subsection (1)(a) are—

(a) the curriculum for maintained schools,

(b) the educational provision made by the school for pupils at the school and any syllabuses to be followed by those pupils,

(c) the educational achievements of pupils at the school (including the results of any assessments of those pupils, whether under this Part or otherwise, for the purpose of ascertaining those achievements), and

(d) the educational achievements of such classes or descriptions of pupils as may be prescribed (including results of the kind mentioned in paragraph (c)).

(3) The documents referred to in subsection (1)(b) are—

(a) any written statement made by the local authority under section 370,

(b) any written statement made by the governing body in pursuance of provision made under section 371,

(c) any written statement made by the governing body of their policy as to the curriculum for the school, and

(d) any report prepared by the governing body under section 161 or paragraph 7 of Schedule 23 (governors’ annual reports).

(4) For the purposes of subsection (1) the relevant provisions of this Part are—

(a) sections 375(3) and 384;

(b) sections 385 and 388 and, so far as relating to county schools, sections 386 and 387;

(c) sections [390 to 392;]
(e) sections 394 to [F759396A];
(f) sections 398 [F760... and 405; [F761...
(g) [F762]section 409[F763; [F764]
[F766(h) [F764]in so far as subsection (1) applies in relation to Wales, sections 403 and 404.]]

[F766(4A) For the purposes of subsection (1) the relevant provisions of the Education Act 2002 are—
(a) Part 6 (the curriculum in England), [F767and]
(b) [F767sections 97 to 117 (the curriculum in Wales).]]

(5) Before making any regulations under this section, the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.

(6) Regulations under this section shall not require information as to the results of an individual pupil’s assessment (whether under [F768Part 6 [F769or 7] of the Education Act 2002][F770or Part 4 of the Curriculum and Assessment (Wales) Act 2021] or otherwise) to be made available to any persons other than—
(a) the parents of the pupil concerned,
(b) the pupil concerned,
(c) in the case of a pupil who has transferred to a different school, the head teacher of that school,
(d) the governing body of the school, or
(e) the [F6local authority];

[F771...

[F772(6A) Regulations under this section shall not require information as is mentioned in subsection (6) to be made available—
(a) to a governing body except where relevant for the purposes of the performance of any of their functions;
(b) to a head teacher except where relevant for the purposes of the performance of any of the head teacher’s functions;
(c) to a local authority except where relevant for the purposes of the performance of any of their education functions.]

(7) Regulations under this section may authorise [F6local authorities], governing bodies and head teachers to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.

(8) In relation to any maintained school, the [F6local authority] and the governing body shall exercise their functions with a view to securing that the head teacher complies with any regulations made under this section.

[F773(8A) In exercising their functions under subsection (1), the Welsh Ministers must have regard to the desirability of information being available to parents and others about whether, and if so how, any parts of the curriculum and any educational provision at maintained schools (other than maintained nursery schools) promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).]

[F774(9) In this section “maintained school” includes a maintained nursery school.]
<table>
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<th>Textual Amendments</th>
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Complaints and enforcement

409  [F775] Complaints and enforcement: maintained schools [F776 in Wales] .]

[F777(1) A local education authority [F778 in Wales] shall, [F779 . . . after consultation with governing bodies [F780 of foundation and voluntary aided schools [F778 in Wales],] make arrangements for the consideration and disposal of any complaint to which subsection (2) applies.

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
(2) This subsection applies to any complaint which is to the effect that the authority, or
the governing body of any community, foundation or voluntary school maintained
by the authority, any maintained nursery school so maintained or any community
foundation special school so maintained which is not established in a hospital—
(a) have acted or are proposing to act unreasonably in relation to the exercise of
a power conferred on them by or under a relevant enactment, or
(b) have acted or are proposing to act unreasonably in relation to the performance
of, or have failed to discharge, a duty imposed on them by or under a relevant
enactment.

(3) In subsection (2) “relevant enactment” means—
(a) any provision which by virtue of section 408(4) is a relevant provision of this
Part for the purposes of section 408(1),
(b) any provision which by virtue of section 408(4A) is a relevant provision of
the Education Act 2002 for the purposes of section 408(1),] and
(b) any other enactment (whether contained in this Part or the Curriculum
and Assessment (Wales) Act 2021 or otherwise) so far as relating to the
curriculum for, or religious worship in, maintained schools . . .

(4) The Welsh Ministers shall not entertain under Chapter 1 or 2 of Part 2 of
the School Standards and Organisation (Wales) Act 2013 (intervention in conduct
of maintained schools and local authorities) any complaint to which subsection (2)
applies, unless a complaint concerning the same matter has been made and disposed
of in accordance with arrangements made under subsection (1).]

Textual Amendments

S. 409 sidenote substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 107(d) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
S. 409(3)(aa) inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215, 216(4), Sch. 21 para. 47(2), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. 1
S. 409(3)(aa) 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. 47(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. 1
F785 S. 409(3)(aa) omitted (1.9.2022 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(7)(a)

F786 Words in s. 409(3)(b) inserted (1.9.2022 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(7)(b)

F787 Words in s. 409(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107(c), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F788 Words in s. 409(4) substituted (1.8.2012) by Education Act 2011 (c. 21), ss. 45(2)(a)(ii), 82(3); S.I. 2012/1087, art. 2 (with art. 6)

F789 Words in s. 409(4) substituted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 2(2); S.I. 2014/178, art. 2(f) (with art. 3)

Nursery education

410 Application of Part V in relation to nursery education.

[Textual Amendment: Nothing in this Part applies in relation to a nursery school or in relation to a nursery class in a primary school.]

Textual Amendments

F790 S. 410 repealed (1.10.2002 for E., 1.8.2008 for W.) by Education Act 2002 (c. 32), ss. 205, 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2008/1728, art. 3, Sch. Pt. 2

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER I

[Textual Amendment: ADMISSION, REGISTRATION AND WITHDRAWAL OF PUPILS]

Textual Amendments

F791 Words in cross-heading substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.108 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch. 2

Parental preferences

F792 Parental preferences.

..........................................................
Textual Amendments

F792 S. 411 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, 12 (as added (31.8.1999) by S.I. 1999/2484, art. 2(4)) and in S.I. 1999/2800, reg. 8(3)(4)); S.I. 1999/1016, art. 2(3), Sch. 3

F793 411A  ........................................

Textual Amendments

F793 S. 411A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 2, 12 (as added (31.8.1999) by S.I. 1999/2484, art. 2(4)), and in S.I. 1999/2800, reg. 8(3)); S.I. 1999/1016, art. 2(3), Sch. 3

Admission arrangements for county and voluntary schools

F794 412  ........................................

Textual Amendments

F794 S. 412 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6); S.I. 1999/1016, art. 2(3), Sch. 3

F795 413  ........................................

Textual Amendments

F795 S. 413 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 11, 12 (as added (31.8.1999) by S.I. 1999/2484, art. 2(4)) and in S.I. 1999/2800, reg. 8(3)); S.I. 1999/1016, art. 2(3), Sch. 3

F796 413A  ........................................

Textual Amendments

F796 S. 413A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.1999) by S.I. 1999/2484, art. 2(4)) and in S.I. 1999/2800, reg. 8(3)); S.I. 1999/1016, art. 2(3), Sch. 3

F797 413B  ........................................
Admission numbers for county and voluntary schools

Textual Amendments
F797 S. 413B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.1999) by S.I. 1999/2484, art. 2(4)) and in S.I. 1999/2800, reg. 8(3)); S.I. 1999/1016, art. 2(3), Sch. 3

F798 414 ............................................

Textual Amendments
F798 S. 414 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 12 (as added (31.8.1999) by S.I. 1999/2484, art. 2(4)) and in S.I. 1999/2800, reg. 8(3)); S.I. 1999/1016, art. 2(3), Sch. 3

F799 415 ............................................

Textual Amendments
F799 S. 415 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 11); S.S.I. 1999/1016, art. 2(3), Sch. 3

F800 416 ............................................

Textual Amendments
F800 S. 416 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6)); S.S.I. 1999/1016, art. 2(3), Sch. 3

F801 417 ............................................

Textual Amendments
F801 S. 417 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6)); S.S.I. 1999/1016, art. 2(3), Sch. 3

F802 418 ............................................

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
F802  S. 418 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch. 3

Textual Amendments
F803  S. 419 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch. 3.

Textual Amendments
F804  S. 420 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 6); S.I. 1999/1016, art. 2(3), Sch. 3.

Textual Amendments
F805  S. 421 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch. 3.

Textual Amendments
F806  S. 421A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch. 3

New county and voluntary schools

Textual Amendments
F807  422 ..........................
Admissions appeals relating to county and voluntary schools

Nursery and special schools, etc.

Admission arrangements for grant-maintained schools
Part VI – School admissions, attendance and charges
Chapter I – Admission, registration and withdrawal of pupils

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F812 425A

Textual Amendments
F812 S. 425A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 paras. 8, 11); S.I. 1999/1016, art. 2(3), Sch. 3

F813 425B

Textual Amendments
F813 S. 425B repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 2); S.I. 1999/1016, art. 2(3), Sch. 3

Admission numbers for grant-maintained schools

F814 426

Textual Amendments
F814 S. 426 repealed (1.4.1999 to the extent of the repeal of s. 426(6) and 1.9.1999 to the extent of the repeal of s. 426(1)-(5)) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 7); S.I. 1999/1016, art. 2(1)(3), Sch. 1, Sch. 3

F815 426A

Textual Amendments
F815 S. 426A repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch. 31 (with ss. 138(9),144(6); S.I. 1999/1016, art. 2(3), Sch. 3

F816 427

Textual Amendments
F816 S. 427 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 109, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), Sch. 3.

F817 428
Admissions appeals relating to grant-maintained schools

429

Co-ordinated arrangements for admissions

430

Power to direct admission of child to school

431
433 Time for admission of pupils.

(1) Section 14 (which requires a [F6 local authority] to secure that sufficient schools for providing primary and secondary education are available for their area) shall not be construed as imposing any obligation on the proprietor of a school to admit children as pupils otherwise than at the beginning of a school term.

(2) Where, however, a child was prevented from entering a school at the beginning of a term—

(a) by his being ill or by other circumstances beyond his parent’s control, or

(b) by his parent’s having been then resident at a place from which the school was not accessible with reasonable facility,

the school’s proprietor is not entitled by virtue of subsection (1) to refuse to admit him as a pupil during the currency of the term.

(3) In cases where subsection (2) does not apply, the governing body of a school maintained by a [F6 local authority] shall comply with any general directions given by the authority as to the time of admission of children as pupils.

(4) . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(5) Despite section 7 (duty of parent of child of compulsory school age to cause him to receive full-time education), a parent is not under a duty to cause a child to receive full-time education during any period during which, having regard to subsections (1) and (2), it is not practicable for the parent to arrange for him to be admitted as a pupil at a school.

Textual Amendments

[F6 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))]

[F822 S. 433(4) repealed (1.10.1998) by 1998 c. 31, s. 140(1), Sch. 30 para. 110, Sch.31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch.1 Pt. I.]

434 Registration of pupils.

(1) The proprietor of a school shall cause to be kept, in accordance with regulations, a register containing the prescribed particulars in respect of all persons who are pupils at the school.

(2) Without prejudice to the generality of subsection (1), the prescribed particulars shall include particulars of the name and address of every person known to the proprietor to be a parent of a pupil at the school.

(3) The regulations shall prescribe the grounds on which names are to be deleted from a register kept under this section; and the name of a person entered in such a register as a pupil at a school—
(a) shall, when any of the prescribed grounds is applicable, be deleted from the register on that ground; and
(b) shall not be deleted from the register otherwise than on any such ground.

(4) The regulations may make provision—
(a) for enabling registers kept under this section to be inspected;
(b) for enabling extracts from such registers to be taken for the purposes of this Act by persons authorised to do so under the regulations; and
(c) for requiring the person by whom any such register is required to be kept to make to—
   (i) the Secretary of State, [F823 and]

[F824]  (ii) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (iii) [F1 local authorities],

   such periodical or other returns as to the contents of the register as may be prescribed.

(5) In this Act—

“registered pupil”, in relation to a school, means a person registered as a pupil at the school in the register kept under this section; and

“registered”, in relation to the parents of pupils at a school or in relation to the names or addresses of such parents or pupils, means shown in that register.

(6) A person who contravenes or fails to comply with any requirement imposed on him by regulations under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
provision of both primary and secondary education) under which any registered pupils who are under the age of 12 but have attained the age of 10 years and six months may be required to be withdrawn from the school for the purpose of receiving secondary education.

### Textual Amendments

**F6**

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))

### Supplementary

**F825** 436

### Textual Amendments

**F825** S. 436 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 112, Sch.31 (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/1016, Sch. 4 para. 11); S.I. 1999/2323, art. 2(1), Sch. 1.

### CHAPTER II

**SCHOOL ATTENDANCE**

**F826** *Children not receiving suitable education*

### Textual Amendments

**F826** S. 436A and cross-heading inserted (27.2.2007 for E., 1.9.2009 for W.) by *Education and Inspections Act 2006* (c. 40), ss. 4(1), 188(3); S.I. 2006/3400, art. 6(a); S.I. 2009/1027, art. 3(a)

**436A** *Duty to make arrangements to identify children not receiving education*

(1) A [*F6*local authority] must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—

(a) are not registered pupils at a school, and

(b) are not receiving suitable education otherwise than at a school.

(2) In exercising their functions under this section a [*F6*local authority] must have regard to any guidance given from time to time by the Secretary of State.

(3) In this Chapter, “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have [*F387*(in the case of a local authority in England) or suitable to the child's age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales)].
School attendance orders

(1) If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.

(2) That period shall not be less than 15 days beginning with the day on which the notice is served.

(3) If—

(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, and

(b) in the opinion of the authority it is expedient that the child should attend school,

the authority shall serve on the parent an order (referred to in this Act as a “school attendance order”), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.

(4) A school attendance order shall (subject to any amendment made by the local authority) continue in force for so long as the child is of compulsory school age, unless—

(a) it is revoked by the authority, or

(b) a direction is made in respect of it under section 443(2) or 447(5).

(5) Where a maintained school is named in a school attendance order, the local authority shall inform the governing body and the head teacher.

(6) Where a maintained school is named in a school attendance order, the governing body (and, in the case of a maintained school, the local authority) shall admit the child to the school.

(7) Subsection (6) does not affect any power to exclude from a school a pupil who is already a registered pupil there.
(8) In this Chapter—

[F829]“maintained school” means any community, foundation or voluntary school or any community or foundation special school not established in a hospital; and

[F830]

Textual Amendments

F6 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))

F828 Words in s. 437(5)(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 113(a), Sch.31 (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), Sch. 1

F829 Definition substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 113(b) (with ss. 138(9), 144(6); S.I. 1999/2323, art. 2(1), Sch. 1

F830 Words in s. 437(8) repealed (27.2.2007 for E., 1.9.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 4(2), 188(3), Sch. 18 Pt. 6; S.I. 2006/3400, art. 6(a)(g); S.I. 2009/1027, art. 3(a)(d)

Modifications etc. (not altering text)

C107 S. 437: power to disapply conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90)

438 Choice of school: child without [F831]EHC plan [F832], or an individual development plan which names a school.

(1) This section applies where a [F6]local authority are required by virtue of section 437(3) to serve a school attendance order in respect of a child, other than a child for whom they maintain [F833]an EHC plan (in the case of a local authority in England) or [F834]a child for whom an individual development plan is maintained in which a particular school is named [F835] (in the case of a local authority in Wales).

(2) Before serving the order, the authority shall serve on the parent a notice in writing—

(a) informing him of their intention to serve the order,

(b) specifying the school which the authority intend to name in the order and, if they think fit, one or more other schools which they regard as suitable alternatives, and

(c) stating the effect of subsections (3) to (6).

(3) If the notice specifies one or more alternative schools and the parent selects one of them within the period of 15 days beginning with the day on which the notice is served, the school selected by him shall be named in the order.

(4) If—

[F836](a) within the period mentioned in subsection (3) the parent applies for the child to be admitted to a school maintained by a [F6]local authority and, where that authority are not the authority by whom the notice was served, notifies the latter authority of the application, and]]

(b) the child is offered a place at the school as a result of the application, that school shall be named in the order.

[F837](5) If—
(a) within the period mentioned in subsection (3), the parent applies to the [F84]local authority\(^\text{1838}\) by whom the notice was served for education to be provided at a school which is not a school maintained by a [F84]local authority\(^\text{1838}\), and

(b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school, that school shall be named in the order.

(6) If, within the period mentioned in subsection (3)—

(a) the parent—

(i) applies for the child to be admitted to a school which is not maintained by a [F84]local authority\(^\text{1838}\) . . , and in respect of which no application is made under subsection (5), and

(ii) notifies the [F84]local authority\(^\text{1838}\) by whom the notice was served of the application,

(b) the child is offered a place at the school as a result of the application, and

(c) the school is suitable to his age, ability and aptitude and [F839]

(i) (in the case of a local authority in England) any special educational needs the child may have, or

(ii) (in the case of a local authority in Wales) any additional learning needs the child may have,

that school shall be named in the order.

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**Textual Amendments**

F6 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))

F831 Words in s. 438 title inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 39(3); 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))

F832 Words in s. 438 heading substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(14)(c); 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

F833 Words in s. 438(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 39(2)(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))

F834 Words in s. 438(1) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(14)(a); 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
 Specification of schools in notices under section 438(2).

(1) Subject to subsection (3), a [86]local authority[ shall not, if it appears to them that subsection (2) applies in relation to any school, specify the school in a notice under section 438(2) unless they are responsible for determining the arrangements for the admission of pupils to the school.

(2) This subsection applies where, if the child concerned were admitted to the school in accordance with a school attendance order resulting from the notice, the number of pupils at the school in the child’s age group would exceed the number determined in accordance with section 89 of the School Standards and Framework Act 1998 (determination of admission numbers) as the number of pupils in that age group which it is intended to admit to the school in the school year in which he would be admitted.

(3) Subsection (1) does not prevent a [86]local authority[ specifying in a notice under section 438(2) any maintained school if—  
(a) there is no maintained school in their area which—  
(i) the authority are not (apart from this subsection) prevented by subsection (1) from specifying, and  
(ii) is, in the opinion of the authority, a reasonable distance from the home of the child concerned, and  
(b) in the opinion of the authority, the school in question is a reasonable distance from the home of the child concerned.

(4) A [86]local authority[ shall not specify in a notice under section 438(2) a school from which the child concerned is permanently excluded.

(4A) A [86]local authority[ shall not specify a school in a notice under section 438(2) if the admission of the child concerned would result in prejudice of the kind referred to in section 86(3)(a) of the School Standards and Framework Act 1998 (parental preferences) by reason of measures required to be taken as mentioned in subsection (4) of that section.]
(5) Before deciding to specify a particular maintained school in a notice under section 438(2) a local authority shall consult—
   (a) the governing body, and
   (b) if another local authority are responsible for determining the arrangements for the admission of pupils to the school, that authority.

(6) Where a local authority decide to specify a particular maintained school in a notice under section 438(2) they shall, before serving the notice, serve notice in writing of their decision on—
   (a) the governing body and head teacher of the school, and
   (b) if another local authority are responsible for determining the arrangements for the admission of pupils to the school, that authority.

(7) A governing body or local authority on whom notice is served under subsection (6) may, within the period of 15 days beginning with the day on which the notice was received, apply to the Secretary of State for a direction under this section and, if they do so, shall inform the local authority which served the notice.

(8) Where the Secretary of State gives a direction under this section, the school or schools to be specified in the notice under section 438(2) shall be determined in accordance with the direction.

Textual Amendments

F6 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))

F840 Words in s. 439(2) substituted (1.9.1999) by 1998 c. 31, Sch. 30 para. 115(2) (with ss. 138(9), 144(6)); S.I. 1999/2323, ar. 2(1), Sch. 1

F841 Words in s. 439(2) substituted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 4 para. 14 (with ss. 210(8), 214(4)); S.I. 2002/2439, ar. 3 (with art. 4, Sch. paras. 310); S.I. 2006/172, art. 4, Sch.

F842 Words in s. 439(3)(5)(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 115(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

F843 S. 439(4A) inserted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 115(4) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

Modifications etc. (not altering text)


C109 S. 439 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(a), 2-8


C111 S. 439 applied (with modifications) (W.) (1.2.2006) by The New School (Admissions) (Wales) Regulations 2006 (S.I. 2006/175), regs. 1(1), 9, Sch. (with reg. 2(2))

Amendment of order at request of parent: child without EHC plan, or an individual development plan which names a school.

(1) This section applies where a school attendance order is in force in respect of a child, other than a child for whom the local authority maintain an EHC plan (in the case of a local authority in England) or a child for whom an individual development plan is maintained in which a particular school is named (in the case of a local authority in Wales).

(2) If at any time—
   (a) the parent applies for the child to be admitted to a school maintained by a local authority . . . which is different from the school named in the order,
   (b) the child is offered a place at the school as a result of the application, and
   (c) the parent requests the local authority by whom the order was served to amend it by substituting that school for the one currently named,

the authority shall comply with the request.

(3) If at any time—
   (a) the parent applies to the authority for education to be provided for the child at a school which is not a school maintained by a local authority and which is different from the school named in the order,
   (b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school, and
   (c) the parent requests the authority to amend the order by substituting that school for the one currently named,

the authority shall comply with the request.

(4) If at any time—
   (a) the parent applies for the child to be admitted to a school which is not maintained by a local authority . . . , which is different from the school named in the order and in respect of which no application is made under subsection (3),
   (b) as a result of the application, the child is offered a place at the school, being a school which is suitable to his age, ability and aptitude and—
      (i) (in the case of a local authority in England) any special educational needs the child may have, or
      (ii) (in the case of a local authority in Wales) any additional learning needs the child may have], and
   (c) the parent requests the authority to amend the order by substituting that school for the one currently named,

the authority shall comply with the request.

Textual Amendments

F6 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))

F844 Words in s. 440 title inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 40(3); 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)
441 Choice of school: child with [F853 EHC plan] [F854 or statement of special educational needs].

(1) Subsections (2) and (3) apply where a [F855 local authority][F855 in England] are required by virtue of section 437(3) to serve a school attendance order in respect of a child for whom they maintain [F856 an EHC plan][F857 (in the case of a local authority in England) or a statement under section 324 [F858 (in the case of a local authority in Wales)].

(2) Where the [F859 EHC plan][F860 or statement] specifies the name of a school, that school shall be named in the order.

(3) Where the [F861 EHC plan][F862 or statement] does not specify the name of a school—

(a) the authority shall, [F863 . . . , amend the [F864 EHC plan][F865 or statement] so that it specifies the name of a school, and

(b) that school shall then be named in the order.
An amendment to a statement required to be made under subsection (3)(a) shall be treated for the purposes of Schedule 27 as if it were an amendment proposed following a periodic review (within the meaning of that Schedule).]

An amendment to an EHC plan required to be made under subsection (3)(a) shall be treated as if it were an amendment made following a review under section 44 of the Children and Families Act 2014, and that section and regulations made under it apply accordingly.

(4) Where—

(a) a school attendance order is in force in respect of a child for whom the local authority maintain an EHC plan or a statement under section 324, and

(b) the name of the school specified in the plan or statement is changed, the local authority shall amend the order accordingly.

Textual Amendments

F6 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))

F853 Words in s. 441 title inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 41(7); 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)

F854 Words in s. 441 heading 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(16)(f); 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

F855 Words in s. 441(1) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes); by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(16)(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

F856 Words in s. 441(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 41(2)(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)

F857 Words in s. 441(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(16)(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
F858 Words in s. 441(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 41(2)(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)

F859 Words in s. 441(2) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 41(3); 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)

F860 Words in s. 441(2) 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(16)(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. 2021/1425, 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

F861 Words in s. 441(3) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 41(4)(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)

F862 Words in s. 441(3) 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(16)(c)(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. 2021/1425, 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

F863 Words in s. 441(3)(a) repealed (1.1.2002 (E.) and 1.1.2002 (W.)) by 2001 c. 10, s. 42(1)(6), Sch. 8 para. 15(2), Sch. 9 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

F864 Words in s. 441(3) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 41(4)(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)

F865 Words in s. 441(3)(a) 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(16)(c)(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. 2021/1425, 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

F866 S. 441(3A) inserted (1.1.2002 (E.) and 1.1.2002 (W.)) by 2001 c. 10, s. 42(1), Sch. 8 para. 15(3) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

F867 S. 441(3A) 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(16)(d); 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. 2021/1425, 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

F868 S. 441(3B) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 41(5); 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)
Choice of school: child with individual development plan which names a school

(1) Where a local authority in Wales are required by virtue of section 437(3) to serve a school attendance order in respect of a child for whom an individual development plan is maintained in which a particular school is named, that school must be named in the order.

(2) Where—

(a) a school attendance order is in force in respect of a child for whom an individual development plan is maintained in which a particular school is named, and

(b) the name of the school specified in the plan is changed,

the local authority must amend the order accordingly.

(3) Where—

(a) a school attendance order is in force in respect of a child for whom no individual development plan is maintained in which a particular school is named, and

(b) an individual development plan in which a particular school is named begins to be maintained for the child,

the local authority must amend the order accordingly.]
Revocation of order at request of parent.

(1) This section applies where a school attendance order is in force in respect of a child.

(2) If at any time the parent applies to the [442 local authority] requesting that the order be revoked on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, the authority shall comply with the request, unless they are of the opinion that no satisfactory arrangements have been made for the education of the child otherwise than at school.

(3) If a parent is aggrieved by a refusal of the [442 local authority] to comply with a request under subsection (2), he may refer the question to the Secretary of State.

(4) Where a question is referred to the Secretary of State under subsection (3), he shall give such direction determining the question as he thinks fit.

(5) Where the child in question is one for whom the authority maintain an EHC plan (in the case of a local authority in England) or a statement under section 324 (in the case of a local authority in Wales)—

(a) subsections (2) to (4) do not apply if the name of a school or other institution is specified in the EHC plan or the statement, and

(b) in any other case a direction under subsection (4) may require the authority to make such amendments in the plan or the statement as the Secretary of State considers necessary or expedient in consequence of his determination.

(6) Where, in the case of a local authority in Wales, the child in question is one for whom an individual development plan is maintained by the authority or by another local authority—

(a) subsections (2) to (4) do not apply if a school or other institution is named in the individual development plan, and

(b) in any other case a direction under subsection (4) may require the authority maintaining the individual development plan to make such amendments to the plan as is considered necessary or expedient in consequence of the determination.
If a parent on whom a school attendance order is served fails to comply with the requirements of the order, he is guilty of an offence, unless he proves that he is causing the child to receive suitable education otherwise than at school.

If, in proceedings for an offence under this section, the parent is acquitted, the court may direct that the school attendance order shall cease to be in force.

If a parent on whom a school attendance order is served fails to comply with the requirements of the order, he is guilty of an offence, unless he proves that he is causing the child to receive suitable education otherwise than at school.

If, in proceedings for an offence under this section, the parent is acquitted, the court may direct that the school attendance order shall cease to be in force.

If a parent on whom a school attendance order is served fails to comply with the requirements of the order, he is guilty of an offence, unless he proves that he is causing the child to receive suitable education otherwise than at school.

If, in proceedings for an offence under this section, the parent is acquitted, the court may direct that the school attendance order shall cease to be in force.

If a parent on whom a school attendance order is served fails to comply with the requirements of the order, he is guilty of an offence, unless he proves that he is causing the child to receive suitable education otherwise than at school.

If, in proceedings for an offence under this section, the parent is acquitted, the court may direct that the school attendance order shall cease to be in force.

Changes to legislation:

Offence: failure to comply with school attendance order.

1. If a parent on whom a school attendance order is served fails to comply with the requirements of the order, he is guilty of an offence, unless he proves that he is causing the child to receive suitable education otherwise than at school.

2. If, in proceedings for an offence under this section, the parent is acquitted, the court may direct that the school attendance order shall cease to be in force.

3. A direction under subsection (2) does not affect the duty of the [local authority] to take further action under section 437 if at any time the authority are of the opinion that, having regard to any change of circumstances, it is expedient to do so.

4. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
444 Offence: failure to secure regular attendance at school of registered pupil.

(1) If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.

[F880] (1A) If in the circumstances mentioned in subsection (1) the parent knows that his child is failing to attend regularly at the school and fails [F881] ... to cause him to do so, he is guilty of an offence.

[F882] (1B) It is a defence for a person charged with an offence under subsection (1A) to prove that he had a reasonable justification for his failure to cause the child to attend regularly at the school.

(2) Subsections [F883](2A) to (6) below apply in proceedings for an offence under this section in respect of a child who is not a boarder at the school at which he is a registered pupil.

[F884] (2A) The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school at any time if the parent proves that at that time the child was prevented from attending by reason of sickness or any unavoidable cause.

(3) The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school—

(a) with leave, [F885 or]

(b) ........................................................................

(c) on any day exclusively set apart for religious observance by the religious body to which his parent belongs.

[F887] (3A) Subsections (3B) and (3D) apply where the child's home is in England.

(3B) The child shall not be taken to have failed to attend regularly at the school if the parent proves that—

(a) the [F6]local authority] have a duty to make travel arrangements in relation to the child under section 508B(1) for the purpose of facilitating the child's attendance at the school and have failed to discharge that duty, or

(b) the [F6]local authority] have a duty to make travel arrangements in relation to the child by virtue of subsection (2)(c) of section 508E (school travel schemes) for the purpose of facilitating the child's attendance at the school and have failed to discharge that duty.

(3C) For the purposes of subsection (3B)—

(a) the reference to "travel arrangements" in paragraph (a) has the same meaning as in section 508B, and
(b) the reference to “travel arrangements” in paragraph (b) has the same meaning as in paragraph 3 of Schedule 35C.

(3D) Where the school is an independent school which is not a qualifying school, the child shall not be taken to have failed to attend regularly at the school if the parent proves—

(a) that the school is not within walking distance of the child's home,

(b) that no suitable arrangements have been made by the *local authority* for boarding accommodation for him at or near the school, and

(c) that no suitable arrangements have been made by the *local authority* for enabling him to become a registered pupil at a qualifying school nearer to his home.

(3E) For the purposes of subsection (3D), “qualifying school” has the same meaning as it has for the purposes of Schedule 35B (meaning of “eligible child” for the purposes of section 508B).

(3F) Subsection (4) applies where the child's home is in Wales.

(4) The child is not to be taken to have failed to attend regularly at the school if the parent proves that the local authority have failed to discharge—

(a) a duty to make transport arrangements in relation to the child under section 3 of the Learner Travel (Wales) Measure 2008, or

(b) a duty to make travel arrangements in relation to the child under section 4 of that Measure.

(5) In subsection (3D) “walking distance”—

(a) in relation to a child who is under the age of eight, means 3.218688 kilometres (two miles), and

(b) in relation to a child who has attained the age of eight, means 4.828032 kilometres (three miles),

in each case measured by the nearest available route.

(6) If it is proved that the child has no fixed abode, subsection (3B), (3D) and (4) shall not apply, but it is a defence for the parent to prove—

(a) that he is engaged in a trade or business of such a nature as to require him to travel from place to place,

(b) that the child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits, and

(c) if the child has attained the age of six, that he has made at least 200 attendances during the period of 12 months ending with the date on which the proceedings were instituted.

(7) In proceedings for an offence under this section in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be taken to have failed to attend regularly at the school if he is absent from it without leave during any part of the school term unless the parent proves that at that time the child was prevented from being present by reason of sickness or any unavoidable cause.

(7A) Where—

(a) a child of compulsory school age has been excluded for a fixed period on disciplinary grounds from a school in England which is—

(i) a maintained school,

(ii) a pupil referral unit,
[F894](iii) an Academy school,
   (iiiia) an alternative provision Academy,
   (iv) a city technology college, or
   (v) a city college for the technology of the arts,
(b) he remains for the time being a registered pupil at the school,
(c) the appropriate authority make arrangements for the provision of full-time education for him at the school during the period of exclusion, and
(d) notice in writing of the arrangements has been given to the child's parent, the exclusion does not affect the application of subsections (1) to (7) to the child's attendance at the school on any day to which the arrangements relate.

(7B) In subsection (7A)(c) “the appropriate authority” means—
   (a) in relation to a maintained school, the governing body of the school,
   (b) in relation to a pupil referral unit, the [F6] local authority, and
   (c) in relation to any school mentioned in subsection (7A)(a)(iii) to (v), the proprietor of the school.

(8) A person guilty of an offence under [F895] subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[F896](8A) A person guilty of an offence under subsection (1A) is liable on summary conviction—
   (a) to a fine not exceeding level 4 on the standard scale, or
   (b) to imprisonment for a term not exceeding three months, or both.

(8B) If, on the trial of an offence under subsection (1A), the court finds the defendant not guilty of that offence but is satisfied that he is guilty of an offence under subsection (1), the court may find him guilty of that offence.

(9) In this section “leave”, in relation to a school, means leave granted by any person authorised to do so by the governing body or proprietor of the school.

Textual Amendments

F6 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))

F880 S. 444(1A) inserted (1.3.2001) by 2000 c. 43, s. 72(1)(a)(2); S.I. 2001/562, art. 2

F881 Words in s. 444(1A) repealed (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 109(1), 188(1), Sch. 18 Pt. 1 (with s. 109(11))

F882 S. 444(1B) inserted (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 109(2), 188(1) (with s. 109(11))

F883 Word in s. 444(2) substituted (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 109(3), 188(1) (with s. 109(11))

F884 S. 444(2A) inserted (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 109(4), 188(1) (with s. 109(11))

F885 Word in s. 444(3)(a) inserted (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 109(5)(a), 188(1) (with s. 109(11))

F886 S. 444(3)(b) repealed (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 109(5)(b), 188(1), Sch. 18 Pt. 1 (with s. 109(11))

F887 S. 444(3A)-(3F) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), ss. 82(2), 188(3) (with s. 82(5)); S.I. 2007/1801, art. 4(d)
Application of section 444 to alternative educational provision

(1) Where, in the case of a child of compulsory school age who is not a registered pupil at any school—

(a) a [local authority] has made arrangements under section 19 for the provision of education for him otherwise than at a school or at his home, and

(b) notice in writing of the arrangements has been given to the child's parent,

subsections (1) to (7) of section 444 have effect as if the place at which the education is provided were a school and the child were a registered pupil at that school.

(1A) Where—

(a) a child of compulsory school age has been excluded for a fixed period on disciplinary grounds from a relevant school in England,

(b) the child remains for the time being a registered pupil at the school,

(c) the appropriate authority for the school has made arrangements under section 19 above or section 100 of the Education and Inspections Act 2006 for the provision of full-time education for the child otherwise than at the school or at the child's home during the period of exclusion, and

(d) notice in writing of the arrangements has been given to the child's parent,

subsections (1) to (7) of section 444 have effect during that period as if the child were not a registered pupil at the school and as if the place at which the education is provided were a school and the child were a registered pupil at that school (so far as that would not otherwise be the case).

(1B) Where—

(a) a child of compulsory school age who is a registered pupil at a relevant school in England is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any educational provision, and

(b) notice in writing of the requirement has been given to the child's parent,
subsections (1) to (7) of section 444 have effect as if the place at which the child is required to attend were a school and the child were a registered pupil at that school (in addition to being a registered pupil at the school mentioned in paragraph (a)).

(1C) Subsection (1B) does not apply if—
(a) the place at which the child is required to attend is another relevant school (whether in England or elsewhere), and
(b) the child is a registered pupil at that other school.

(1D) In relation to a maintained school or a pupil referral unit—
(a) references in subsection (1A) to exclusion are references to exclusion under [F899]section 51A of the Education Act 2002, and
(b) the requirement referred to in subsection (1B) is a requirement imposed under section 29(3) or 29A(1) of that Act.

(2) Where—
(a) a child of compulsory school age has been excluded from a relevant school [F900]in Wales,
(b) he remains for the time being a registered pupil at the school,
(c) he is required by the appropriate authority for the school to attend at a place outside the school premises for the purpose of receiving any instruction or training, and
(d) notice in writing of the requirement has been given to the child's parent,
subsections (1) to (7) of section 444 have effect as if the place at which the child is required to attend were a school and the child were a registered pupil at that school (and not at the school mentioned in paragraph (b)).

(3) In relation to a maintained school or a pupil referral unit—
(a) the reference in subsection (2)(a) to exclusion is a reference to exclusion under section 52 of the Education Act 2002, and
(b) the requirement referred to in subsection (2)(c) is a requirement imposed under section 29(3) of that Act.

(4) A child shall not be taken to have failed to attend regularly—
(a) in a case falling within subsection (1) [F901], at the place at which education is provided for him, or
(b) in a case falling within subsection [F902](1B) or] (2), at the place at which he is required to attend,
unless he has failed to attend regularly since the giving of the notice mentioned in subsection (1)(b)[F903], (1A)(d), (1B)(b)] or (2)(d).

(5) Section 572, which provides for the methods by which notices may be served under this Act, does not preclude the notice mentioned in subsection (1)(b)[F904], (1A)(d), (1B)(b)] or (2)(d) from being given to a child's parent by any other effective method.

(6) In proceedings for an offence under section 444 in a case falling within subsection (1) [F905](1A) of this section, [F906]it is a defence for the parent to prove] that the child is receiving suitable education otherwise than by regular attendance at a school or at the place mentioned in subsection (1) [F905] or (1A).

(7) In section 444 “leave”—
(a) in relation to a place at which education is provided as mentioned in subsection (1) of this section, means leave granted by any person authorised to do so by the [F6local authority];

(aa) in relation to a place at which education is provided as mentioned in subsection [F908(1B)(a) or (1A) of this section, means leave granted by any person authorised to do so by the appropriate authority for the school;]

(b) in relation to a place at which a child is required to attend as mentioned in subsection [F908(1B)(a) or (2)(c) of this section, means leave granted by any person authorised to do so by the appropriate authority for the school.

(8) In this section—

(a) “relevant school” means—

(i) a maintained school,
(ii) a pupil referral unit,
(iii) an Academy school,
    (iiia) an alternative provision Academy,
(iv) a city technology college, or
(v) a city college for the technology of the arts;

(b) “appropriate authority” means—

(i) in relation to a maintained school, the governing body,
(ii) in relation to a pupil referral unit, the [F6local authority],
    and
(iii) in relation to a school falling within paragraph (a)(iii), [F910(iiia),]
    (iv) or (v), the proprietor of the school.]
Penalty notice in respect of failure to secure regular attendance at school of registered pupil

(1) Where an authorised officer has reason to believe—
   (a) that a person has committed an offence under section 444(1), and
   (b) that the offence relates—
      (i) to a relevant school, ...
      (ii) in a case falling within subsection (1) of section 444ZA, to a place at which education is provided by a local authority...
      (iii) in a case falling within subsection (1A) of that section, to a place at which education is provided for a child in the circumstances mentioned in that subsection, or
      (iv) in a case falling within subsection (1B) of that section, to a place at which a child is required to attend in the circumstances mentioned in that subsection,

he may give the person a penalty notice in respect of the offence.

(2) A penalty notice is a notice offering a person the opportunity of discharging any liability to conviction for the offence under section 444(1) to which the notice relates by payment of a penalty in accordance with the notice.

(3) Where a person is given a penalty notice, proceedings for the offence to which the notice relates (or an offence under section 444(1A) arising out of the same circumstances) may not be instituted before the end of such period as may be prescribed.

(4) Where a person is given a penalty notice, he cannot be convicted of the offence to which the notice relates (or an offence under section 444(1A) arising out of the same circumstances) if he pays a penalty in accordance with the notice.

(5) Penalties under this section shall be payable to local authorities...

(6) Sums received by a local authority under this section may be used by the authority for the purposes of any of its functions which may be specified in regulations but, to the extent that they are not so used, must be paid in accordance with regulations to the Secretary of State.
444B  

Penalty notices: supplemental

(1) Regulations may make—

(a) provision as to the form and content of penalty notices,
(b) provision as to the monetary amount of any penalty and the time by which it is to be paid,
(c) provision for determining the [F6local authority] to which a penalty is payable,
(d) provision as to the methods by which penalties may be paid,
(e) provision as to the records which are to be kept in relation to penalty notices,
(f) provision as to the persons who may be authorised by a [F6local authority] or a head teacher to give penalty notices,
(g) provision limiting the circumstances in which authorised officers of a prescribed description may give penalty notices,
(h) provision for or in connection with the withdrawal, in prescribed circumstances, of a penalty notice, including—

(i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and
(ii) prohibition of the institution or continuance of proceedings for the offence to which the withdrawn notice relates (and any offence under section 444(1A) arising out of the same circumstances),
(i) provision for a certificate—

(i) purporting to be signed by or on behalf of a prescribed person, and
(ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate, to be received in evidence of the matters so stated,
(j) provision as to the action to be taken if a penalty is not paid in accordance with a penalty notice,
(k) provision for or in connection with the preparation of codes of conduct in relation to the giving of penalty notices,
(1) such other provision in relation to penalties or penalty notices as the Secretary of State thinks necessary or expedient.

(2) Without prejudice to the generality of subsection (1) or section 569(4), regulations under subsection (1)(b) may make provision for penalties of different amounts to be payable in different cases or circumstances (including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid).

(3) [F1Local authorities], head teachers and authorised officers shall, in carrying out their functions in relation to penalty notices, have regard to any guidance which is published by the Secretary of State from time to time in relation to penalty notices.

(4) In this section and section 444A—
   “authorised officer” means—
   (a) a constable,
   (b) an officer of a [F6local authority]... who is authorised by the authority to give penalty notices, or
   (c) an authorised staff member,
   “authorised staff member” means—
   (a) a head teacher of a relevant school [F918...], or
   (b) a member of the staff of a relevant school [F920... who is authorised by the head teacher of the school to give penalty notices,
   “penalty” means a penalty under a penalty notice,
   “penalty notice” has the meaning given by section 444A(2),
   “relevant school” means—
   (a) a maintained school,
   (b) a pupil referral unit,
   (c) [F921 an Academy school,
   (ca) an alternative provision Academy.,]
   (d) a city technology college, or
   (e) a city college for the technology of the arts.]

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))

F6 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))

F911 Ss. 444A, 444B inserted (E.W.) (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 23(1), 93; S.I. 2003/3300, art. 3(a)(ii)

F918 Words in s. 444B removed (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(1)

F919 Words in s. 444B removed (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(1)

F920 Words in s. 444B removed (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(1)

F921 Words in s. 444B(4) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(9); S.I. 2012/924, art. 2
445 Presumption of age.

(1) This section applies for the purposes of any proceedings for an offence under section 443 or 444.

(2) In so far as it is material, the child in question shall be presumed to have been of compulsory school age at any time unless the parent proves the contrary.

(3) Where a court is obliged by virtue of subsection (2) to presume a child to have been of compulsory school age, section 565(1) (provisions as to evidence) does not apply.

446 Institution of proceedings.

Proceedings for an offence under section 443 or 444 shall not be instituted except by a [F6 local authority].

447 Education supervision orders.

(1) Before instituting proceedings for an offence under section 443 or 444, a [F6 local authority] shall consider whether it would be appropriate (instead of or as well as instituting the proceedings) to apply for an education supervision order with respect to the child.

(2) The court—

(a) by which a person is convicted of an offence under section 443, or
(b) before which a person is charged with an offence under section 444, may direct the [F6 local authority] instituting the proceedings to apply for an education supervision order with respect to the child unless the authority [F922 ... decide that the child’s welfare will be satisfactorily safeguarded even though no education supervision order is made.

[F923(2A) A local authority may not make a decision as mentioned in subsection (2) unless—

(a) they are the appropriate local authority, or
(b) they have consulted that authority.]
(4) Unless the court has directed otherwise, the information required under subsection (3) shall be given to the court before the end of the period of eight weeks beginning with the date on which the direction was given.

(5) Where—

(a) a [F6 local authority] apply for an education supervision order with respect to a child who is the subject of a school attendance order, and

(b) the court decides that section 36(3) of the [M8 Children Act 1989] (education supervision orders) prevents it from making the order,

the court may direct that the school attendance order shall cease to be in force.

(6) In this section—

“the appropriate local authority” has the same meaning as in section 36(9) of the [M9 Children Act 1989], and

“education supervision order” means an education supervision order under that Act.

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Textual Amendments

F6 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))

F922 Words in s. 447(2) 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(8)(a), Sch. 3 Pt. 1

F923 S. 447(2A) 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(8)(b)

F924 Words in s. 447(3) 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(8)(c)

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Modifications etc. (not altering text)


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Marginal Citations

M8 1989 c. 41.

M9 1989 c. 41.

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Exemption

F925 448 .................................

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Textual Amendments

F925 S. 448 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 118, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.
CHAPTER III

CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS

Textual Amendments

F926 Crossheading substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.119 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

Modifications etc. (not altering text)

C118 Pt. 6 Ch. 3 modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), 6(3)

[^F927 Preliminary]

[^F928449 Meaning of “maintained school” in Chapter III.

In this Chapter “maintained school” means any school maintained by a local authority.]}

Textual Amendments

F6 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))

F928 S. 449 substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 119 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

Prohibition of charges

450 Prohibition of charges for admission.

(1) No charge shall be made in respect of admission to a maintained school.

(2) Subsection (1) does not apply to the admission of any person to any maintained school for the purpose of—

(a) part-time education suitable to the requirements of persons of any age over compulsory school age;

(b) full-time education suitable to the requirements of persons who have attained the age of 19; or

[^F929(c) training for members of the school workforce.]}

[^F930(3) In subsection (2)(c), the reference to training for members of the school workforce is to be read in accordance with sections 96(1) and 100 of the Education Act 2005.]
Prohibition of charges for provision of education.

(1) this section applies in relation to education provided at any maintained school for a registered pupil at the school.

(2) Where the education is provided for the pupil during school hours no charge shall be made in respect of it.

(2A) Regulations may, in relation to England, prescribe circumstances in which subsection (2) does not apply in relation to education which is early years provision (as defined by section 20 of the Childcare Act 2006) other than —

(a) early years provision provided in pursuance of the duty imposed by section 7 of that Act,

(b) early years provision for a pupil who is of compulsory school age,

(c) early years provision 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).

(3) Regulations may prescribe circumstances in which subsection (2) does not apply in relation to tuition in singing or in playing a musical instrument.

(4) Where the education is provided for the pupil outside school hours no charge shall be made in respect of it if it is—

(a) required as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school, or

(b) provided in pursuance of a duty imposed by section 88 or 109 of the Education Act 2002 or section 69 of the School Standards and Framework Act 1998, or

(c) provided in pursuance of the duty imposed by section 7 of the Childcare Act 2006, or

(d) provided in pursuance of a duty imposed by or under the Curriculum and Assessment (Wales) Act 2021.
Application of section 451 where education is provided partly during and partly outside school hours etc.

(1) Where a period allowed for any educational activity at a maintained school falls partly during school hours and partly outside school hours, then—

(a) if 50 per cent. or more of the time occupied by that period together with any connected school travelling time falls during school hours, so much of the education provided during that period as is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and

(b) in any other case, so much of the education provided during that period as is provided outside school hours shall be treated for those purposes as provided outside school hours.

(2) In subsection (1) “connected school travelling time” means time spent during school hours by the pupils taking part in the educational activity concerned in getting to or from the place where the activity takes place.

(3) Where any education provided at a maintained school is provided on a residential trip, then—

(a) if the number of school sessions taken up by the trip is equal to or greater than 50 per cent. of the number of half days spent on the trip, any education
provided on the trip which is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and
(b) in any other case, any education provided on the trip which is provided during school hours shall be treated for those purposes as provided outside school hours.

(4) In this section “half day” means any period of 12 hours ending with noon or midnight on any day.

(5) For the purposes of subsection (3)—
(a) where 50 per cent. or more of a half day is spent on a residential trip, the whole of that half day shall be treated as spent on the trip, and
(b) a school session on any day on which such a session takes place at the school concerned shall be treated as taken up by a residential trip if the time spent on the trip occupies 50 per cent. or more of the time allowed for that session at the school.

(6) Nothing in section 451 shall be read as prohibiting the making of a charge in respect of board and lodging provided for a registered pupil at a maintained school on a residential trip.

**Examinations: prohibition of charges and recovery of wasted fees.**

(1) No charge shall be made in respect of the entry of a registered pupil at a maintained school for a prescribed public examination in any syllabus for that examination for which the pupil has been prepared at the school.

(2) Despite subsection (1), where—
(a) the governing body of a maintained school or the [F6 local authority] have paid or are liable to pay a fee in respect of the entry of a registered pupil at the school for a public examination in any syllabus for that examination, and
(b) the pupil fails without good reason to meet any examination requirement for that syllabus,
that body or authority may recover the amount of the fee from the pupil’s parent.

(3) It shall be for the body or authority who have paid or are liable to pay the fee in question to determine for the purposes of this section any question whether a pupil who has failed to meet an examination requirement had good reason for the failure.

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

C122 S. 452(6) modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), 6(1)(a)

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**Textual Amendments**

F6 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))
454 Prohibition of incidental charges.

(1) Neither the parent of a registered pupil at a maintained school nor the pupil himself shall be required to pay for or supply any materials, books, instruments or other equipment for use for the purposes of or in connection with—
   (a) education provided for the pupil at the school in respect of which, by virtue of section 451, no charge may be made, or
   (b) a syllabus for a prescribed public examination which is a syllabus for which the pupil has been prepared at the school.

(2) Nothing in subsection (1) shall prevent the parent of a pupil from being required to pay for or supply any materials for use for the purposes of the production, in the course of the provision of education for the pupil at the school, of any article incorporating those materials, where the parent has indicated before that requirement is made that he wishes the article to be owned by him or by the pupil.

(3) No charge shall be made in respect of transport provided for a registered pupil at a maintained school where the transport is either—
   (a) incidental to education provided for the pupil at the school in respect of which, by virtue of section 451, no charge may be made, or
   (b) provided for the purpose of enabling him to meet any examination requirement for any syllabus for a prescribed public examination which is a syllabus for which he has been prepared at the school.

(4) For the purposes of subsection (3)(a) transport is incidental to education provided for registered pupils at a school if it is provided for the purpose of carrying such pupils—
   (a) to or from any part of the school premises in which education is provided for those pupils, from or to any other part of those premises, or
   (b) to or from any place outside the school premises in which education is provided for those pupils under arrangements made by or on behalf of the governing body or the local authority, from or to the school premises or any other such place.
Permitted charges

(1) Subject to subsection (2), a charge may be made in respect of—

(a) education provided for a registered pupil at a maintained school other than education in respect of which, by virtue of section 451, no charge may be made,

(b) the entry of a registered pupil at a maintained school for a public examination in any syllabus for that examination otherwise than in circumstances in which, by virtue of section 453(1), no charge may be made,

(c) transport provided for a registered pupil at a maintained school in England other than transport in respect of which, by virtue of section 454(3) or section 508E(2)(d) and paragraph 5(2) of Schedule 35C, no charge may be made, and

(d) board and lodging provided for a registered pupil at a maintained school on a residential trip.

(2) A charge may not be made—

(a) by virtue of subsection (1)(a) in respect of the provision for a pupil of education,

(b) by virtue of subsection (1)(b) in respect of the entry of a pupil for an examination in any syllabus for that examination,

(c) by virtue of subsection (1)(ba) in respect of the provision for a pupil of travel arrangements, or

unless the education is provided, the pupil is entered for the examination in that syllabus, or the transport is provided, by agreement with the pupil’s parent.

(3) Any education, examination entry or transport in respect of which a charge may be made by virtue of subsection (1) is referred to in this Chapter as an “optional extra”.

Textual Amendments

F944 S. 455(1)(ba) inserted (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), ss. 22(2)(a), 28(2); S.I. 2009/371, art. 2(2), Sch. Pt. 2

F945 Words in s. 455(1)(c) inserted (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), ss. 22(2)(ba), 28(2); S.I. 2009/371, art. 2(2), Sch. Pt. 2

F946 Words in s. 455(1)(c) substituted (1.9.2007 for specified purposes) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 10 para. 3; S.I. 2007/1801, art. 4(1)

F947 Words in s. 455(1)(c) repealed (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), ss. 22(2)(b), 28(2), Sch. 2; S.I. 2009/371, art. 2(2), Sch. Pt. 2

F948 Word in s. 455(2)(b) repealed (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), ss. 22(2)(c), 28(2), Sch. 2; S.I. 2009/371, art. 2(2), Sch. Pt. 2
456 Regulation of permitted charges.

(1) This section applies in relation to any charge permitted under section 455 \[^{F951} \] . . . ; and a charge to which this section applies is referred to in this section as a “regulated charge”.

(2) The amount of any regulated charge shall be payable by the parent of the pupil concerned.

(3) A regulated charge \[^{F952} \] , except any charge permitted by virtue of section 455(1)(ba), shall not exceed the cost of the provision of the optional extra or the board and lodging in question.

(4) Without prejudice to the generality of subsection (3), the cost of the provision of an optional extra includes costs, or an appropriate proportion of the costs—

(a) incurred in respect of the provision of any materials, books, instruments or other equipment used for the purposes of or in connection with the provision of the optional extra, or

\[^{F953} \] (aa) attributable to the provision of the buildings and accommodation used in connection with the provision of the optional extra, or

(b) attributable to the provision of non-teaching staff for any purpose connected with the provision of the optional extra, or

(c) attributable to the provision of teaching staff engaged under contracts for services for the purpose of providing it.

(5) Subject to \[^{F954} \] subsections (6) and (6A) , the cost of the provision of an optional extra other than staff engaged as mentioned in subsection (4)(c) shall not be taken to include any costs attributable to the provision of teaching staff employed for the purpose of providing the tuition.

(6) Where the optional extra in question consists of tuition in \[^{F955} \] singing or in \[^{F956} \] playing a musical instrument, the cost of its provision shall include costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the tuition.

(7) Where charging is permitted under section 455 and the charge would be a regulated charge, the question whether any charge should be made, and the amount of any charge to be made, shall be determined—
(a) in a case where the cost of the provision of the optional extra or board and lodging in question is met by or from funds at the disposal of the governing body, by the governing body, and
(b) in any other case, by the [F6 local authority].

(8) The whole or any part of the amount of any charge which the [F6 local authority] determine under subsection (7)(b) to make—
(a) shall, if the governing body so determine, be met by or from funds at the disposal of the governing body, and
(b) to the extent that it is so met, shall not be payable by the parent of the pupil concerned.

Textual Amendments

F6 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))
F951 Words in s. 456(1) repealed (19.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 121, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
F952 Words in s. 456(3) inserted (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), ss. 22(3), 28(2); S.I. 2009/371, art. 2(2), Sch. Pt. 2
F953 S. 456(4)(aa) inserted (15.1.2012) by Education Act 2011 (c. 21), ss. 48(2), 82(2)(d)
F954 Words in s. 456(5) substituted (15.1.2012) by Education Act 2011 (c. 21), ss. 48(3), 82(2)(d)
F955 Words in s. 456(6) inserted (25.5.2007 for E.) by Education and Inspections Act 2006 (c. 40), ss. 56(2), 188(3); S.I. 2007/935, art. 6(b)
F956 S. 456(6A) inserted (15.1.2012) by Education Act 2011 (c. 21), ss. 48(4), 82(2)(d)

Modifications etc. (not altering text)

C128 S. 456 applied (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), ss. 6(3), 28(2); S.I. 2009/371, art. 2(1), Sch. Pt. 1

457 Charges and remissions policies.

(1) Every governing body of a maintained school and every [F6 local authority] shall determine and keep under review a policy with respect to—
(a) the provision of, and
(b) the classes or descriptions of case in which they propose to make charges for, any optional extra or board and lodging in respect of which charges are permitted by section 455.

F957...

(2) No such body or authority shall make such a charge unless they have both—
(a) determined a policy under subsection (1)(b) (their “charging policy”), and
(b) determined a policy (their “remissions policy”) setting out any circumstances in which they propose to remit (in whole or in part) any charge which would otherwise be payable to them in accordance with their charging policy.

(3) A remissions policy determined by the governing body of a school [F958... shall set out any circumstances in which the governing body propose to meet (in whole or in part) any charge payable to the [F6 local authority], in accordance with the authority’s
chaging policy, for an optional extra or board and lodging provided for a registered pupil at the school.

(4) A remissions policy shall provide for complete remission of any charges otherwise payable in respect of board and lodging provided for a pupil on a residential trip if—
   (a) the education provided on the trip is education in respect of which, by virtue of section 451, no charge may be made, and
   (b) the pupil’s parent is—
      (i) in receipt of income support,
      (ii) in receipt of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995), or
      (iiia) in receipt of an income-related employment and support allowance,
      (iii) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed,
      in respect of any period wholly or partly comprised in the time spent on the trip.

(5) A remissions policy shall be kept under review by the governing body or local authority by whom it was determined.

Textual Amendments

F6 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))

F957 Words in s. 457(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 122(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

F958 Words in s. 457(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 122(b), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

F959 S. 457(4)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 200, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5

F960 S. 457(4)(b)(ii) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 2 para. 38; S.I. 2013/983, art. 3(1)(b)(i).

F961 S. 457(4)(b)(iiia) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), Sch. 3 para. 16(2); S.I. 2008/787, art. 2(4)(f)

Modifications etc. (not altering text)

C129 S. 457(3) modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), 6(1)(a)

C130 S. 457(4) modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), 6(2)

458 Charges for board and lodging at boarding schools.

(1) Subject to subsections (2) to (5) and section 49 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, where a registered pupil at a maintained school is provided at the school with board and lodging, there shall be payable in
respect of the board and lodging by the parent of the pupil concerned, to the local authority, charges not exceeding the cost to the authority of providing the board and lodging.

(2) Where—
   (a) ...........................................................
   (b) the local authority for that pupil’s area are of the opinion that education suitable to his age, ability and aptitude and to any special educational needs he may have cannot otherwise be provided for him,

then, where the school is maintained by the local authority for his area, that authority shall remit the whole of the charges payable under this section and, in any other case, that authority shall pay the whole of the charges payable under this section to the authority which maintain the school.

(3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(4) Where the local authority for the pupil’s area are satisfied that payment of the full charges payable under this section would involve financial hardship to the parent of the pupil concerned, the authority—
   (a) in the case of charges payable to the authority, shall remit so much of those charges as falls in accordance with subsection (5) to be so remitted, and
   (b) in the case of charges payable to another local authority . . . in respect of board and lodging, shall pay so much of those charges as falls in accordance with subsection (5) to be so paid.

(5) The amount that falls to be remitted or paid by a local authority by virtue of subsection (4)(a) or (b) is—
   (a) such part of the charges in question as the authority consider ought not to be paid by the pupil’s parent in order to avoid such hardship as is mentioned in subsection (4), or
   (b) the whole of those charges if, in their opinion, such hardship cannot otherwise be avoided.

(6) In its application to a local authority in Wales, references in this section to special educational needs are to be interpreted as references to additional learning needs.

Textual Amendments

F6 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))

F962 Words in s. 458(1) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(19)(a); S.I. 2021/373, art. 8(j)(viii)

F963 Words in s. 458(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 123(a)(i) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F964 Words in s. 458(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 123(a)(ii), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F965 S. 458(2)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 123(b)(i), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F966 Words in s. 458(2)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 123(b)(ii) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F967 S. 458(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 123(c), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
Supplementary

459 Provision of information.

Regulations may require, in relation to every maintained school, the [F6local authority], the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—

(a) such information relevant for the purposes of this Chapter as to the school hours at the school, and

(b) such information as to the policies determined under section 457 which apply in relation to the school,

as may be prescribed.

Textual Amendments

F6 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))

460 Contributions and charges unaffected by Chapter III.

(1) Nothing in this Chapter shall be read as prohibiting or in any way restricting or regulating any request or invitation by or on behalf of the governing body of a maintained school or a [F6local authority] for voluntary contributions for the benefit of the school or any school activities.

(2) Any request or invitation made by or on behalf of such a body or authority for contributions for the benefit of a school or school activities shall not be regarded for the purposes of subsection (1) as a request or invitation for voluntary contributions unless it is clear from the terms in which it is made—

(a) that there is no obligation to make any contribution, and

(b) that registered pupils at the school will not be treated differently according to whether or not their parents have made any contribution in response to the request or invitation.

(3) Nothing in this Chapter relating to charges in respect of a registered pupil at a maintained school shall be read as relating to—

(a) charges made by persons other than the governing body or the [F6local authority], or
(b) charges to be paid by persons other than the parent of the pupil or the pupil himself.

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461 Recovery of sums as civil debt.

Any sum payable under section 453(2), 455 or 458 by the parent of a registered pupil at a maintained school shall be recoverable summarily as a civil debt.

462 Interpretation of Chapter III.

(1) In this Chapter—

“equipment” does not include clothing;

“examination requirement”, in relation to a syllabus for an examination, means a requirement which a pupil must meet in order to qualify for assessment for the purposes of determining his achievements in that examination in that syllabus.

(2) In this Chapter “residential trip” means any trip—

(a) which is arranged for registered pupils at a maintained school by or on behalf of the governing body or the [F6 local authority], and

(b) which requires the pupils taking part to spend one or more nights away from their usual overnight accommodation.

(3) For the purposes of this Chapter, a pupil shall be regarded as having been prepared at a school for a syllabus for a prescribed public examination if any part of the education provided with a view to preparing him for that examination in that syllabus has been provided for him at that school.

(4) In this Chapter references to a public examination (or a prescribed public examination) are references to such an examination as it applies in relation to persons who are entered for a syllabus for that examination with a view to meeting the examination requirements for that syllabus so as to qualify for assessment for the purposes of determining their achievements in that examination on any particular occasion in any year when an assessment takes place.

(5) For the purposes of subsection (4)—

(a) “an assessment” means an assessment for the purposes of determining the achievements of persons entered for the examination in question; and

(b) such an assessment is to be regarded as taking place on any occasion on which it is determined in relation to each person entered for any syllabus in that examination who has met the examination requirements for that syllabus—

(i) whether he has passed or failed, and
(ii) if grades are assigned for the purposes of the examination, the grade to be assigned in his case.

Textual Amendments

**F6**  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))

**C132** S. 462(2) modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), 6(1)(b)

PART VII

INDEPENDENT SCHOOLS

CHAPTER I

PRELIMINARY

S. 463 Alteration to definition of “independent school”

(1) In this Act “independent school” means any school at which full-time education is provided for—

(a) five or more pupils of compulsory school age, or

(b) at least one pupil of that age for whom an EHC plan or an individual development plan is maintained, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989 or section 74 of the Social Services and Well-being (Wales) Act 2014), and which is not a school maintained by a local authority or non-maintained special school.

(2) For the purposes of subsection (1)(a) and (b) it is immaterial if full-time education is also provided at the school for pupils under or over compulsory school age.

Textual Amendments

**F6**  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))

**F970**  S. 463 substituted (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), ss. 172, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F971**  Words in s. 463(1)(b) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 43(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)

**F972**  Words in s. 463(1)(b) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(20); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2022/1322, art. 3(1))
CHAPTER II
REGISTRATION OF INDEPENDENT SCHOOLS

Registration

F975 464 Separate registration for England and for Wales.

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Textual Amendments
F975 Ss. 464–478 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

F975 465 Provisional and final registration of a school.

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Textual Amendments
F975 Ss. 464–478 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

F975 466 Enforcement of registration: offences.

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Textual Amendments
F975 Ss. 464–478 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
Provision of information about registered and provisionally registered schools.

School may be struck off for contravention of regulations about employment of teachers.

Complaints about registered and provisionally registered schools

Notice of complaint by Secretary of State.

Determination of complaint by an Independent Schools Tribunal.

Determination of complaint by Secretary of State.
**F975 472** Effect of personal disqualification.

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**Textual Amendments**

F975 Ss. 464-478 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

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**F975 473** Enforcement of disqualification.

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**Textual Amendments**

F975 Ss. 464-478 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

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**F975 473A** Removal of disqualification: persons no longer unsuitable to work with children.

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**Textual Amendments**

F975 Ss. 464-478 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

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**F975 473B** Conditions for application under section 473A.

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**Textual Amendments**

F975 Ss. 464-478 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

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**F975 474** Removal of disqualification: other cases.

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**Textual Amendments**

F975 Ss. 464-478 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
Duty of Registrar to comply with order for the deletion of a school from the register.

Textual Amendments
F975 Ss. 464-478 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

Independent Schools Tribunals

Constitution and proceedings of Independent Schools Tribunals.

Textual Amendments
F975 Ss. 464-478 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

Supplementary

Disqualification in Scotland.

Textual Amendments
F975 Ss. 464-478 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

Offences: institution of proceedings and punishment.

Textual Amendments
F975 Ss. 464-478 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

CHAPTER III

ASSISTED PLACES AT INDEPENDENT SCHOOLS
CHAPTER IV
CITY COLLEGES

Academies

City colleges: financial provisions.

City colleges and academies: special educational needs and additional learning needs.

(1) This section applies in relation to any child falling within subsection (2) if the condition in subsection (3) is satisfied.

(2) A child falls within this subsection if—
(a) he is a child for whom an EHC plan is maintained by a local authority in England, or for whom an individual development plan is maintained by a local authority in Wales; and

(b) he attends (or proposes to attend) a school which is a city technology college, a city college for the technology of the arts or an Academy.

The condition in this subsection is satisfied if—

(a) the EHC plan is maintained by a local authority in England, or the statement is maintained by a local authority in Wales and the Welsh Ministers consent to the child being educated at the school;]

(b) the appropriate national authority may by regulations make provision for securing that arrangements are made—

(a) for making the special educational provision specified in the EHC plan, or for making the additional learning provision specified in the individual development plan (as the case may be);]

(b) for making any non-educational provision specified in the EHC plan or the individual development plan.

Regulations under subsection (4) may require or authorise a local authority—

(a) to make payments to the school in respect of the child, or

(b) to provide any other assistance to the school in respect of the child.

No condition or requirement imposed by virtue of section 482(4)(a) is to prevent a local authority making payments or providing assistance by virtue of subsection (5).

In subsection (4) “the appropriate national authority” means—

(a) in relation to a school in England, the Secretary of State;

(b) in relation to a school in Wales, the Welsh Ministers.

This section does not apply to schools in Wales.

### Textual Amendments

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Details</th>
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<tbody>
<tr>
<td>F6</td>
<td>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))</td>
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<tr>
<td>F981</td>
<td>Words in s. 483A heading inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(21)(e); 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</td>
</tr>
<tr>
<td>F982</td>
<td>S. 483A inserted (1.10.2000) by 2000 c. 21, s. 133 (with s. 150); S.I. 2000/2559, art. 2(1), Sch. Pt. I</td>
</tr>
<tr>
<td>F983</td>
<td>Words in s. 483A(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(21)(a); 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);</td>
</tr>
</tbody>
</table>
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

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

F984 Words in s. 483A(2)(a) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 44(2); 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)

F985 Words in s. 483A(2)(a) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(21)(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

F986 Words in s. 483A(2)(b) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216; Sch. 7 Pt. 2 para. 6(4)(a); (with savings in ss. 210(8), 214(4)) S.I. 2002/2002, art. 2

F987 S. 483A(3) 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(21)(c); 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

F988 S. 483A(3)(a)(b) substituted (1.9.2009) by Education and Skills Act 2008 (c. 25), ss. 147(5), 173(4); S.I. 2009/1513, art. 3

F989 Words in s. 483A(3)(a) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 44(3); 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)

F990 Words in s. 483A(4) substituted (1.9.2021 for specified purposes) by Education and Skills Act 2008 (c. 25), ss. 147(6), 173(4); S.I. 2009/1513, art. 3

F991 Words in s. 483A(4)(a) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(21)(d)(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

F992 Words in s. 483A(4)(b) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(21)(d)(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

F993 S. 483A(6A) added (1.9.2009) by Education and Skills Act 2008 (c. 25), ss. 147(7), 173(4); S.I. 2009/1513, art. 3

F994 S. 483A(7) ceased to have effect (26.7.2002) and repealed (1.10.2002 for E., otherwise pros.) by Education Act 2002 (c. 32), ss. 65(3), 215, 216(4), Sch. 7 para. 6(4)(b), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2; S.I. 2002/2439, art. 3
PART VIII

GRANTS AND OTHER FINANCIAL MATTERS

Grants

484 [(F995) Education standards grants.]

(1) The [(F996) National Assembly for Wales] may pay grants, known as [(F997) education standards grants,] to [(F1) local authorities] [(F998) in Wales] in respect of eligible expenditure incurred or to be incurred by them.

(2) In this section “eligible expenditure” means expenditure of any class or description for the time being specified in regulations, being expenditure for or in connection with educational purposes which it appears to the [(F996) National Assembly for Wales] that [(F1) local authorities] should be encouraged to incur in the interests of education in [(F999) Wales].

(3) The regulations shall provide that [(F1000) any education standards grant] payable in pursuance of the regulations—
   (a) shall only be payable in respect of eligible expenditure incurred or to be incurred by a [(F6) local authority] in a financial year to the extent to which that expenditure is approved for that year by the [(F996) National Assembly for Wales] for the purposes of the regulations, and
   (b) shall be payable at such rate as may be specified in the regulations.

(4) The regulations may provide for the time and manner of payment of [(F1000) any education standards grant].

(5) The regulations may provide for expenditure incurred or to be incurred by any [(F6) local authority] in making payments, whether by way of maintenance, assistance or otherwise, to any body or persons who incur expenditure for or in connection with educational purposes (including another [(F6) local authority]) to be treated, in such circumstances as may be specified in the regulations, as eligible expenditure.

(F1001) (6) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(7) Nothing in section 29(1) or 507 applies in relation to any function of the [(F996) National Assembly for Wales] under this section or under section 489 so far as it relates to regulations under this section; and nothing in [(F1002) section 495] or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013] applies in relation to any function arising by virtue of section 489 so far as it relates to such regulations.

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))

F6 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))

F995 S. 484 sidenote substituted (1.2.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 125(c) (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, Sch. 1
Grants in aid of educational services or research.

Regulations shall make provision for the payment by the Secretary of State to persons other than [F1local authorities] of grants in respect of expenditure incurred or to be incurred by them—

(a) for the purposes of, or in connection with, the provision (or proposed provision) of educational services, or

(b) for the purposes of educational research.
487 Grants for education in Welsh.

488 Grants for education of travellers and displaced persons.

489 Conditions as to payment of grants under sections 484 to 488.

(1) Regulations made under any of sections 484 to 488 may provide—
(a) for the payment of grant under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and
(b) for requiring persons to whom payments have been made under the regulations to comply with such requirements as may be so determined.

(2) Conditions and requirements determined under subsection (1)(a) and (b) by or in accordance with regulations made under section 484 may include conditions and requirements obliging the local authority in question to delegate decisions about the spending of—
(a) education standards grant,[ and
(b) amounts allocated by the authority to meet eligible expenditure (within the meaning of that section) which is approved by the Secretary of State, to such persons as may be determined by or in accordance with the regulations.

(3) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to or regulating any institution that—
(a) provides or is concerned in the provision of educational services, or
(b) is concerned in educational research,
as, after consultation with the persons responsible for the management of the institution, appear to him to be requisite to enable them to fulfil any condition or meet any requirement imposed by regulations under section 485.

(4) Any modification made by an order under subsection (3) may be made to have permanent effect or to have effect for such period as may be specified in the order.

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### Textual Amendments

**F6** 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))

**F1004** Words in s. 489(2)(a) substituted (1.2.1999) by 1998 c. 31, Sch. 30 para. 126 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2, Sch. 1.

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**F1005** Grants in respect of special provision for ethnic minorities.

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**F1006** Payment of school fees and expenses.

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**F1007** Recoupment: adjustment between local authorities.
493  Recoupment: cross-border provisions.

(1) Regulations may make provision requiring or authorising payments of amounts determined by or under the regulations to be made by one authority to another where—

(a) the authority receiving the payment makes, in such cases or circumstances as may be specified in the regulations, provision for education in respect of a person having such connection with the area of the paying authority as may be so specified, and

(b) one of the authorities is a local authority and the other an education authority in Scotland.

(2) Subsection (3) of section 207 of the Education Act 2002 (recoupment: adjustment between local authorities) shall apply for the purposes of this section as it applies for the purposes of that section, but with the omission of the reference to the National Assembly for Wales.

(2A) The regulations may provide for the amounts payable by one authority to another, in such cases as may be specified by or under the regulations, to be such amounts as may be determined by the Secretary of State.

(3) Any question concerning the connection of any person with the area of a particular local authority or education authority shall be decided in accordance with the regulations.

(4) In subsection (1) “provision for education” includes provision of any benefits or services for which provision is made by or under this Act or any other enactment relating to education.
Recoupment: excluded pupils.

(1) Subsection (2) applies where a pupil is permanently excluded from any school maintained by a [F1009]local authority] (“the old authority”) and, in the [F1010]funding period] in which the exclusion first takes effect, he is subsequently provided with education by another [F6]local authority] (“the new authority”), whether at a school maintained by that authority or otherwise than at school.

(2) The old authority shall pay to the new authority, in connection with the provision of education for that pupil in that [F1011]funding period], such amount, if any, as is payable in accordance with regulations.

(3) Where a pupil is permanently excluded from any school maintained by a [F6]local authority] and, in the [F1012]funding period] in which the exclusion first takes effect, the following events subsequently occur—

(a) he is first provided by another [F6]local authority] (“the intermediate authority”) with education in a pupil referral unit or otherwise than at school, and

(b) at any time afterwards he is provided with education by a [F6]local authority] other than the intermediate authority (“the last authority”), whether at a school maintained by that authority or otherwise than at school, then, in connection with the provision of the education mentioned in paragraph (b), subsection (2) shall apply to the intermediate authority and the last authority as if they were an old authority and a new authority respectively.

(4) Any dispute as to whether any [F6]local authority] are entitled to be paid any amount under this section by any other such authority shall be determined by the Secretary of State.

(5) Regulations may prescribe the time when the permanent exclusion of a pupil is to be regarded as taking effect for the purposes of this section.

[F1013](6) In this section “funding period” has the meaning given by section 45(1B) of the School Standards and Framework Act 1998.

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Textual Amendments

F6 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)).

F1009S. 494 substituted (1.4.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 128 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), Sch. 1 Pt. IV.

F1010Words in s. 494(1) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 18 para. 5(2) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e).

F1011Words in s. 494(2) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 18 para. 5(2) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e).

F1012Words in s. 494(3) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 18 para. 5(2) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e).

F1013S. 494(6) inserted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 18 para. 5(3) (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e).

Modifications etc. (not altering text)

C140 S. 494: transfer of functions (1.4.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 208(2)(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/2961, art. 7, Sch. Pt. IV.
PART IX

ANCILLARY FUNCTIONS

CHAPTER I

ANCILLARY FUNCTIONS OF SECRETARY OF STATE

General functions

495 Determination of disputes.

(1) Except where this Act expressly provides otherwise, any dispute between a local authority and the governing body of a school as to the exercise of any power conferred or the performance of any duty imposed by or under this Act may be referred to the Secretary of State (despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the governing body).

(2) The Secretary of State shall determine any dispute referred to him under subsection (1).

(3) Any dispute between two or more local authorities as to which of them is responsible for the provision of education for any pupil shall be determined by the Secretary of State.

Textual Amendments

F6 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))

Modifications etc. (not altering text)

C144 S. 495 modified (1.9.1999) by 1998 c. 31, s. 44(7) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

C145 Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 34(7), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.

C146 S. 495(1) extended (1.11.1996) by 1988 c. 40, s. 219(2) (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. 1 para. 77 (with ss. 1(4), 561, 562, Sch. 39)

C147 S. 495(1)(2) applied (with modifications) (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. 5
496  Power to prevent unreasonable exercise of functions.

(1) If the Secretary of State is satisfied (either on a complaint by any person or otherwise) that a body to which this section applies has acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, he may give such directions as to the exercise of the power or the performance of the duty as appear to him to be expedient (and may do so despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the body).

(2) The bodies to which this section applies are—

(a) any \([F1014]^{\text{local authority}}[F1014]_{\text{in England}}, [F1015]\); and

(b) the governing body of any community, foundation or voluntary school \([F1017]^{\text{in England}},[F1018]_{\text{of community or foundation special school}}[F1018]^{\text{in England}}, or of any maintained nursery school][F1019]_{\text{in England}}.]

(5) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc.).]
497 General default powers.

(1) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a body to which this section applies have failed to discharge any duty imposed on them by or for the purposes of this Act, he may make an order—

(a) declaring the body to be in default in respect of that duty, and

(b) giving such directions for the purpose of enforcing the performance of the duty as appear to him to be expedient.

(2) The bodies to which this section applies are—

(a) any [F1027]local authority][F1021] in England], [F1022]and

(b) the governing body of any community, foundation or voluntary school [F1023]in England][F1025], of any community or foundation special school [F1024]in England], or of any maintained nursery school[F1024] in England].

(3) Any directions given under subsection (1)(b) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

F1026 (4) ..............................................................

F1026 (5) ..............................................................

[F1027(6) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).]
C168 S. 497 applied (with modifications) (10.2.2009) (with application in accordance with reg. 1(2) of the amending S.I.) by The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 (S.I. 2008/3090), regs. 1(1), 10
C169 S. 497 modified (1.11.1996) by 1998 c. 40, s. 219(3) (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 77 (with ss. 1(4), 561, 562, Sch. 39))
S. 497 modified (1.9.1998) by 1997 c. 44, s. 43(4); S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV
S. 497 modified (1.9.1999) by 1998 c. 31, s. 44(7) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
C170 S. 497: power to apply conferred (1.10.1998) by 1998 c. 31, s. 105(7) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I
C171 S. 497 applied by 2000 c. 22, Sch. A1 para. 9(b) (as inserted (3.12.2011 for specified purposes, 1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), ss. 72(1), 216(4) (with ss. 210(8), 214(4)); S.I. 2000/2187, art. 2(1), S.I. 2000/2948, art. 2
C172 S. 497 extended (1.9.1999) by 1998 c. 31, s. 24, Sch. 4 para. 10 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
C173 S. 497 modified by 2000 c. 21, s. 113A(10) (as inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), ss. 72(1), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2004/1728, art. 4, Sch. Pt. 1
C175 S. 497 applied (1.4.2007) by Childcare Act 2006 (c. 21), ss. 15(2), 109(2); S.I. 2007/1019, art. 3
C177 S. 497 modified (E.) (1.9.2007) by The Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007 (S.I. 2007/2260), regs. 1(1), 11
C178 S. 497 applied (with modifications) (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. 6
C179 S. 497 applied (31.8.2008) by Childcare Act 2006 (c. 21), ss. 29(2), 109(2); S.I. 2008/1726, art. 2(a)
C180 S. 497 restricted (1.10.2010) by Equality Act 2010 (c. 15), ss. 87(2), 216(3) (with ss. 6(4), 84, 89(2), 205); S.I. 2010/2317, art. 2(6)(a) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
C181 S. 497 applied (1.10.2010) by Equality Act 2010 (c. 15), ss. 87(1), 216(3) (with ss. 6(4), 84, 89(2), 205); S.I. 2010/2317, art. 2(6)(a) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
C182 S. 497 applied by 2000 c. 22, Sch. A1 para. 9(b) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 2 para. 2; S.I. 2011/2896, art. 2(c); S.I. 2012/1008, art. 4(b))
C183 S. 497 applied (1.2.2012) by The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (S.I. 2012/8), regs. 1(1), 32 (with reg. 1(3)(4))
C184 S. 497: 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(b)(ii) (with art. 4)
C185 S. 497 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)
C186 S. 497(1)(3) modified (7.8.2013) by The Transfer of Functions (Youth Leisure-time Activities) Order 2013 (S.I. 2013/1721), arts. 1(2), 3(3)(b) (with art. 4)

[Power to secure proper performance of local authority’s education functions].

(1) This section applies to the education functions of a local authority in England]
(2) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a local authority are failing in any respect to perform any function to which this section applies to an adequate standard (or at all), he may exercise his powers under subsection (4), (4A) or (4B).

The Secretary of State may also exercise his powers under subsection (4), (4A) or (4B) where—

(a) he has given a previous direction under subsection (4), (4A) or (4B) in relation to a local authority in respect of any function to which this section applies, and

(b) he is satisfied that it is likely that if no further direction were given under subsection (4), (4A) or (4B) on the expiry or revocation of the previous direction the authority would fail in any respect to perform that function to an adequate standard (or at all).

(3) The Secretary of State may under this subsection give the authority or an officer of the authority such directions as the Secretary of State thinks expedient for the purpose of securing that the function is performed on behalf of the authority by such person as is specified in the direction; and such directions may require that any contract or other arrangement made by the authority with that person contains such terms and conditions as may be so specified.

The Secretary of State may under this subsection direct that the function shall be exercised by the Secretary of State or a person nominated by him and that the authority shall comply with any instructions of the Secretary of State or his nominee in relation to the exercise of the function.

So far as is appropriate in consequence of a direction given under subsection (4A), a reference (however expressed) in an enactment, instrument or other document to a local authority is to be read as a reference to the person by whom the function is exercisable.

Subsection (4AC) applies if a direction given under subsection (4A) expires or is revoked without being replaced.

So far as is appropriate in consequence of the expiry or revocation, a reference (however expressed) in an instrument or other document to the person by whom the function was exercisable is to be read as a reference to the local authority to which the direction was given.

The Secretary of State may under this subsection (whether or not he exercises the power conferred by subsection (4) or (4A) in relation to any function) give the authority or an officer of the authority such other directions as the Secretary of State thinks expedient for the purpose of securing that the function is performed to an adequate standard.

Where the Secretary of State considers it expedient that—

(a) in the case of directions given under subsection (4), the person specified in the directions, or

(b) in the case of directions given under subsection (4A), the Secretary of State or a person nominated by him,
should perform other functions to which this section applies in addition to the function to which subsection (2) or (2A) applies, the directions undersubsection (4) or (4A) may relate to the performance of those other functions as well; and in considering whether it is expedient that that person should perform any such additional functions, the Secretary of State may have regard to financial considerations.]

(6) Any direction under this section may either—
(a) have effect for an indefinite period until revoked by the Secretary of State, or
(b) have effect for a period specified in the direction unless revoked earlier by the Secretary of State.

(7) Any direction given under subsection (4), (4A) or (4B) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

(8) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).]
### Power to secure proper performance: duty of authority where directions contemplated

Where, in relation to any function to which section 497A applies, the Secretary of State—

(a) is satisfied as mentioned in subsection (2) or (2A)(b) of that section, and

(b) has notified the local authority that he is so satisfied and that he is contemplating the giving of directions under subsection (4) or (4A) of that section,

the authority shall give the Secretary of State, and any person authorised by him for the purposes of this section, all such assistance, in connection with the proposed exercise of the function by the Secretary of State or another person in pursuance of directions, as they are reasonably able to give.

### Textual Amendments

**F6** 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))

**F1042** S. 497AA inserted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. 61, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt 1

### Modifications etc. (not altering text)

**C145** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 34(7), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.

**C194** S. 497AA applied (with modifications) (1.3.2005 for E.; 1.10.2006 for W.) by Children Act 2004 (c. 31), s. 50(4)(5), 67(7)(e); S.I. 2005/394, art. 2(1)(f); S.I. 2006/885, art. 4(e)

**C195** S. 497AA applied (with modifications) (1.4.2007) by Childcare Act 2006 (c. 21), s. 15(4)(5), 109(2); S.I. 2007/1019, art. 3

**C196** S. 497AA applied (with modifications) (31.8.2008) by Childcare Act 2006 (c. 21), s. 29(4)(5), 109(2); S.I. 2008/17, art. 2(a)

**C197** S. 497AA: 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(b)(iv) (with art. 4)
Power to secure proper performance: further provisions.

(1) Where the Secretary of State gives directions under section 497A(4) or (4A) to a local authority or to an officer of such an authority, the specified person shall, in the performance of the function or functions specified in the directions, be entitled to exercise the powers conferred by this section.

(1A) In this section “the specified person” means—

(a) in relation to directions under section 497A(4), the person specified in the directions, and

(b) in relation to directions under section 497A(4A), the Secretary of State or the person nominated by him.

(2) The specified person shall have at all reasonable times—

(a) a right of entry to the premises of the authority, and

(b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which he considers relevant to the performance of the specified function or functions.

(3) In exercising the right to inspect records or other documents under subsection (2), the specified person—

(a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been so used, or

(ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

  to afford him such assistance as he may reasonably require (including, in particular, the making of information available for inspection or copying in a legible form).

(4) Without prejudice to subsection (2), the authority shall give the specified person all assistance in connection with the performance of the specified function or functions which they are reasonably able to give.

(5) Subsection (2) shall apply in relation to any school maintained by the authority as it applies in relation to the authority; and without prejudice to that subsection (as it so applies)—

(a) the governing body of any such school shall give the specified person all assistance in connection with the exercise of his functions which they are reasonably able to give; and

(b) the governing body of any such school and the authority shall secure that all such assistance is also given by persons who work at the school.
Any reference in this section to the specified person includes a reference to any person assisting him in the performance of the specified function or functions.

(7) In this section “document” and “records” each include information recorded in any form.

Appointment of governors, etc.

498 Powers where no properly constituted governing body.

(1) Where it appears to the Secretary of State that, by reason of the default of any person, there is no properly constituted governing body of a school to which this section applies, the Secretary of State—

(a) may make such appointments and give such directions as he thinks desirable for the purpose of securing that there is a properly constituted governing body of that school, and

(b) may give directions rendering valid any acts or proceedings which in his opinion are invalid or otherwise defective by reason of the default.

(2) This section applies to any community, foundation or voluntary school or any community or foundation special school.
Membership of education committees

499 Power to direct appointment of members of education committees.

(1) Subsection (2) applies to any local authorities which in accordance with section 102(1) of the M10 Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any F1047 of their education functions.

(2) The Secretary of State may by directions to any local authorities to which this subsection applies—

(a) every such committee, or

(b) any such committee of a description specified in the direction,

provide that each includes persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts.

(3) Subsection (4) applies to any two or more local authorities which in accordance with section 102(1) of the M10 Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any F1048 of their education functions.

(4) The Secretary of State may by directions to any local authorities to which this subsection applies—

(a) every such committee, or

(b) any such committee of a description specified in the direction,

require that each includes persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts or in such area as may be specified in the direction.

(5) The power of the Secretary of State to give directions under subsection (2) or (4) shall be exercisable in relation to any sub-committees which—

(a) are appointed by the authorities concerned or any such committee as is mentioned in that subsection, and

(b) are so appointed wholly or partly for the purpose of discharging the authorities’ F1049 education functions,

as it is exercisable in relation to the committees themselves.

(6) Regulations may require—

\[F1050\]
(a) any such committee as is mentioned in subsection (1) or (3), and
(b) any sub-committee appointed by any authorities within subsection (1) or (3),
or by any committee within paragraph (a) of this subsection, for the purpose
mentioned in subsection (5)(b),
to include one or more persons elected, in accordance with the regulations, as
representatives of parent governors at maintained schools in relation to which the
committee or sub-committee acts.

(7) Regulations may make provision for—
(a) the number of persons who are to be elected for the purposes of subsection (6)
in the case of any [F6local authority];
(b) the procedure to be followed in connection with the election of such persons
and the persons who are entitled to vote at such an election;
(c) the circumstances in which persons are qualified or disqualified for being so
elected or for holding office once elected;
(d) the term of office of persons so elected and their voting rights;
(e) the application to any such committee or sub-committee, with or without any
modification, of any provision made by or under any other enactment and
relating to committees or (as the case may be) sub-committees of a local
authority;
(f) such other matters connected with such elections or persons so elected as the
Secretary of State considers appropriate.

(8) Regulations may also make provision—
(a) enabling the Secretary of State to determine, where he considers it expedient
to do so in view of the small number of maintained schools in relation to
which a committee or sub-committee acts, that the requirement imposed on
the committee or sub-committee by virtue of subsection (6) is to have effect
as if it referred to representatives of parents of registered pupils (rather than
representatives of parent governors) at those schools;
(b) for any regulations under subsection (7) to have effect, where the Secretary
of State makes any such determination, with such modifications as may be
prescribed.

[F1045(9) In subsections (6) and (8)—
(a) “maintained school” means a community, foundation or voluntary school, a
community or foundation special school or a maintained nursery school, and
(b) “parent governor” means a governor elected or appointed as a parent
governor under regulations made under section 19 of the Education Act 2002
governing bodies).]]
Rationalisation of school places

**Textual Amendments**

**F1052** S. 500 repealed (1.4.1999 to the extent that it relates to s. 500(2) and words in s. 502(3)(4) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1

**F1053** S. 501 repealed (1.4.1999 to the extent that it relates to s. 501(1)(a) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1

**F1054** S. 502 repealed (1.4.1999 to the extent that it relates to s. 502(6) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, Art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1
Power to require medical examination of pupils.

(1) Where—

(a) a question is referred to the Secretary of State under section 442(3) or 495, and

(b) in his opinion the examination of any pupil by a registered medical practitioner
appointed by him for the purpose would assist in determining the question,

he may serve a notice on the parent of that pupil requiring the parent to present the
pupil for examination by such a practitioner.

(2) Any parent who without reasonable excuse fails to comply with any requirements of
a notice served on him under subsection (1) is guilty of an offence.

(3) A person guilty of an offence under this section is liable on summary conviction to a
fine not exceeding level 1 on the standard scale.

Medical examinations

Local inquiries

Power to direct local inquiries.
CHAPTER II

ANCILLARY FUNCTIONS OF [F1 LOCAL AUTHORITIES]

Provision of services


(1) A [F6 local authority] in England must secure that the facilities for primary and secondary education provided for their area include adequate facilities for recreation and social and physical training for children who have not attained the age of 13.

(2) For the purposes of subsection (1) a [F6 local authority] may—

(a) establish, maintain and manage, or assist the establishment, maintenance and management of—

(i) camps, holiday classes, playing fields, play centres, and
(ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social and physical training are available for persons receiving primary or secondary education;

(b) organise games, expeditions and other activities for such persons; and

(c) defray, or contribute towards, the expenses of such games, expeditions and other activities.

(3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a [F6 local authority] must, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

Textual Amendments

F6 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))

F1059S. 507A - S. 507B inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), ss. 6(1), 188(2)
Local authorities in England: functions in respect of leisure-time activities etc for persons aged 13 to 19 and certain persons aged 20 to 24

(1) A local authority in England must, so far as reasonably practicable, secure for qualifying young persons in the authority's area access to—
   (a) sufficient educational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities; and
   (b) sufficient recreational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities.

(2) “Qualifying young persons”, for the purposes of this section, are—
   (a) persons who have attained the age of 13 but not the age of 20; and
   (b) persons who have attained the age of 20 but not the age of 25 and have a learning difficulty or disability (within the meaning of section 15ZA(6)(a) and (7)).

(3) For the purposes of subsection (1)(a)—
   (a) “sufficient educational leisure-time activities” which are for the improvement of the well-being of qualifying young persons in the authority's area must include sufficient educational leisure-time activities which are for the improvement of their personal and social development, and
   (b) “sufficient facilities for such activities” must include sufficient facilities for educational leisure-time activities which are for the improvement of the personal and social development of qualifying young persons in the authority's area.

(4) References in the remaining provisions of this section to “positive leisure-time activities” are references to any activities falling within paragraph (a) or (b) of subsection (1).

(5) For the purposes of subsection (1) a local authority may—
   (a) provide facilities for positive leisure-time activities;
   (b) assist others in the provision of such facilities;
   (c) make arrangements for facilitating access for qualifying young persons to such facilities;
   (d) organise positive leisure-time activities;
   (e) assist others in the organisation of such activities;
   (f) make arrangements for facilitating access for qualifying young persons to such activities;
   (g) enter into agreements or make arrangements with any person in connection with anything done or proposed to be done under any of paragraphs (a) to (f);
   (h) take any other action which the authority think appropriate.

(6) For the purposes of subsection (5)—
   (a) the provision mentioned in paragraph (a) may include establishing, maintaining and managing places at which facilities for positive leisure-time activities are provided;
   (b) the assistance mentioned in paragraphs (b) and (e) may include the provision of financial assistance;
   (c) the arrangements mentioned in paragraphs (c) and (f) may include the provision of transport, of financial assistance or of information to any person.
(7) Before taking any action for the purposes of subsection (1) (“the proposed action”), a local authority must—
   (a) consider whether it is expedient for the proposed action to be taken by another person, and
   (b) where the authority consider that it is so expedient, take all reasonable steps to enter into an agreement or make arrangements with such a person for that purpose.

(8) For the purposes of subsection (7)(a) a local authority must consult such persons as the authority think appropriate as to whether it is expedient for the proposed action to be taken by another person.

(9) In exercising their functions under this section a local authority must—
   (a) take steps to ascertain the views of qualifying young persons in the authority’s area about—
      (i) positive leisure-time activities, and facilities for such activities, in the authority's area;
      (ii) the need for any additional such activities and facilities; and
      (iii) access to such activities and facilities; and
   (b) secure that the views of qualifying young persons in the authority’s area are taken into account.

(10) A local authority in England must—
   (a) publicise information about positive leisure-time activities, and facilities for such activities, in the authority's area, and
   (b) keep the information publicised under paragraph (a) up to date.

(11) A local authority may charge in respect of anything provided by the authority under this section where the provision is to a qualifying young person (whether or not in the authority’s area).

(12) In exercising their functions under this section a local authority must have regard to any guidance given from time to time by the Secretary of State.

(13) In this section—
   “recreation” includes physical training (and “recreational” is to be construed accordingly);
   “sufficient”, in relation to activities or facilities, means sufficient having regard to quantity;
   “well-being”, in relation to a person, means his well-being so far as relating to—
   (a) physical and mental health and emotional well-being;
   (b) protection from harm and neglect;
   (c) education, training and recreation;
   (d) the contribution made by him to society;
   (e) social and economic well-being.
Local authorities in Wales: functions in respect of facilities for recreation and social and physical training.

(1) A local authority in Wales shall secure that the facilities for primary, secondary education provided for their area include adequate facilities for recreation and social training.

(2) For the purpose of subsection (1) or (1A) a local authority—

(a) may establish, maintain and manage, or assist the establishment, maintenance and management of,—

(i) camps, holiday classes, playing fields, play centres, and

(ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social training are available for persons receiving primary, secondary or further education;

(b) may organise games, expeditions and other activities for such persons; and

(c) may defray, or contribute towards, the expenses of such games, expeditions and other activities.

(3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local authority shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.
Local authorities in England: duty to promote sustainable modes of travel etc

(1) A local authority in England must—
   (a) prepare for each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area (“a sustainable modes of travel strategy”),
   (b) publish the strategy in such manner and by such time as may be prescribed, and
   (c) promote the use of sustainable modes of travel to meet the school travel needs of their area.

(2) Before preparing a sustainable modes of travel strategy, an authority must in particular—
   (a) assess the school travel needs of their area, and
   (b) assess the facilities and services for sustainable modes of travel to, from and within their area.

(3) “Sustainable modes of travel” are modes of travel which the authority consider may improve either or both of the following—
   (a) the physical well-being of those who use them;
   (b) the environmental well-being of the whole or a part of their area.

(4) The “school travel needs” of a local authority's area are—
   (a) the needs of children and persons of sixth form age in the authority’s area as regards travel mentioned in subsection (5), and
   (b) the needs of other children and persons of sixth form age as regards travel mentioned in subsection (6).

(5) The needs of children and persons of sixth form age in the authority's area as regards travel referred to in subsection (4)(a) are their needs as regards travel to and from—
   (a) schools at which they receive or are to receive education or training,
   (b) institutions within the further education sector[^1070], or 16 to 19 Academies, at which they receive or are to receive education or training, or

[^1069]: Textual Amendments
F6 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))
F1063 Word in s. 508 heading substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), Sch. 1 para. 4(b)
F1064 Words in s. 508(1) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), Sch. 1 para. 4(a)
F1065 Words in s. 508(1) substituted (1.4.2001) by 2000 c. 21, s. 137(2), (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II; S.I. 2001/1274, art. 2(1), Sch. Pt. I
F1066 S. 508(1A) inserted (1.4.2001) by 2000 c. 21, s. 137(3) (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II; S.I. 2001/1274, art. 2(1), Sch. Pt. I
F1067 Words in s. 508(1A) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), Sch. 1 para. 4(a)
F1068 Words in s. 508(2) substituted (1.4.2001) by 2000 c. 21, s. 137(4), (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II; S.I. 2001/1274, art. 2(1), Sch. Pt. I
(c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1).

(6) The needs of other children and persons of sixth form age as regards travel referred to in subsection (4)(b) are their needs as regards travel to and from—
   (a) schools at which they receive or are to receive education or training,
   (b) institutions within the further education sector[^1069] at which they receive or are to receive education or training, or
   (c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1),
   in so far as that travel relates to travel within the authority's area.

(7) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a[^6] local authority of their duties under this section.

(8) Before issuing or revising guidance under subsection (7), the Secretary of State must consult such persons as he considers appropriate.

(9) In discharging their duties under this section an authority must—
   (a) consult such persons as they consider appropriate, and
   (b) have regard to any guidance given from time to time by the Secretary of State under subsection (7).

(10) References in this section to persons of sixth form age are to be construed in accordance with subsection (1) of section 509AC.

(11) In this section, “academic year” has the same meaning as in section 509AC in the case of[^1] local authorities in England.

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Textual Amendments

[^6] 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))

[^1069] S. 508A inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 76, 188(3); S.I. 2007/935, art. 5(l)

[^1070] Words in s. 508A(b) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(10)(a); S.I. 2012/924, art. 2

[^1071] Words in s. 508A(b) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(10)(b); S.I. 2012/924, art. 2

Modifications etc. (not altering text)

[^213] Ss. 508A-508F: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90) (which affecting provision expires (9.12.2021) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 (S.I. 2021/1399), regs. 1(2), 5)
establishment in relation to him, are made and provided free of charge in relation to the child.

(2) This subsection applies to an eligible child if—

(a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided free of charge in relation to him by any person who is not the authority, or

(b) such travel arrangements are provided free of charge in relation to him by any person who is not the authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.

(3) “Home to school travel arrangements”, in relation to an eligible child, are travel arrangements relating to travel in both directions between the child's home and the relevant educational establishment in question in relation to that child.

(4) “Travel arrangements”, in relation to an eligible child, are travel arrangements of any description and include—

(a) arrangements for the provision of transport, and

(b) any of the following arrangements only if they are made with the consent of a parent of the child—

(i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from the relevant educational establishment in relation to the child;

(ii) arrangements for the payment of the whole or any part of a person’s reasonable travelling expenses;

(iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.

(5) “Travel arrangements”, in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if those arrangements are made by the parent voluntarily.

(6) “Travel arrangements”, in relation to an eligible child, do not comprise or include travel arrangements which give rise to additional costs and do not include appropriate protection against those costs.

(7) For the purposes of subsection (6)—

(a) travel arrangements give rise to additional costs only if they give rise to any need to incur expenditure in order for the child to take advantage of anything provided for him in pursuance of the arrangements, and

(b) travel arrangements include appropriate protection against those costs only if they include provision for any expenditure that needs to be incurred for the purpose mentioned in paragraph (a) in the case of the child to be met by the person by whom the arrangements are made.

(8) Travel arrangements are provided free of charge if there is no charge for anything provided in pursuance of the arrangements.

(9) Schedule 35B has effect for the purposes of defining “eligible child” for the purposes of this section.
(10) References to a “relevant educational establishment”, in relation to an eligible child, are references to—

(a) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 2, 4, 6, 9, 11 and 12 of Schedule 35B, the qualifying school (within the meaning of that Schedule) at which the child is a registered pupil referred to in the paragraph in question, and

(b) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 3, 5, 7, 10 and 13 of Schedule 35B, the place other than a school, where the child is receiving education by virtue of arrangements made in pursuance of section 19(1), referred to in the paragraph in question.

(11) Regulations may modify subsections (1) and (2) to provide for their application in cases where there is more than one relevant educational establishment in relation to a child.

508C Local authorities| in England: travel arrangements etc for other children

(1) A [F6 local authority] in England may make such school travel arrangements as they consider necessary, in relation to any child in the authority’s area to whom this section applies, for the purpose of facilitating the child’s attendance at any relevant educational establishment in relation to the child.

(2) This section applies to a child who is not an eligible child for the purposes of section 508B.

(3) “School travel arrangements”, in relation to such a child, are travel arrangements relating to travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.

(4) “Travel arrangements”, in relation to such a child, are travel arrangements of any description and include—

(a) arrangements for the provision of transport, and

(b) any of the following arrangements only if they are made with the consent of a parent of the child—

(i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling
to or from any relevant educational establishment in relation to the child;
(ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
(iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.

(5) A local authority in England may pay, in the case of a child in the authority's area to whom this section applies and in relation to whom no arrangements are made by the authority under subsection (1), the whole or any part, as they think fit, of a person's reasonable travelling expenses in relation to that child's travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.

(6) References to a “relevant educational establishment”, in relation to a child to whom this section applies, are references to—
(a) any school at which he is a registered pupil,
(b) any institution within the further education sector at which he is receiving education, or
(c) any place other than a school where he is receiving education by virtue of arrangements made in pursuance of section 19(1).

Textual Amendments
F6 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))
F1072 Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(11), 508D, 1.9.2007 in so far as not already in force) by Education and Inspections Act 2006 (c. 40), ss. 77(1), 188(3); S.I. 2007/935, art. 5(m); S.I. 2007/1801, art. 4(b)
F1073 Words in s. 508C(6)(b) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(11); S.I. 2012/924, art. 2

Modifications etc. (not altering text)
C213 Ss. 508A-508F: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90) (which affecting provision expires (9.12.2021) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 (S.I. 2021/1399), regs. 1(2), 5

508D Guidance etc in relation to sections 508B and 508C
(1) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a local authority of their functions under sections 508B and 508C.

(2) Before issuing or revising guidance under subsection (1), the Secretary of State must consult such persons as he considers appropriate.

(3) In discharging their functions under sections 508B and 508C an authority must have regard to any guidance given from time to time by the Secretary of State under subsection (1).

(4) Regulations may require a local authority to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect
to the authority's policy and arrangements relating to the discharge of their functions under section 508B or 508C.]

Textual Amendments

F6 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))

F1072 Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(11), 508D, 1.9.2007 in so far as not already in force) by Education and Inspections Act 2006 (c. 40), ss. 77(1), 188(3); S.I. 2007/935, art. 5(m); S.I. 2007/1801, art. 4(b)

Modifications etc. (not altering text)

C213 Ss. 508A-508F: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90) (which affecting provision expires (9.12.2021) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 (S.I. 2021/1399), regs. 1(2), 5)

[508E] Local authorities in England: school travel schemes

(1) Schedule 35C has effect in relation to school travel schemes.

(2) Where a school travel scheme is in force under Schedule 35C, the [local authority] in England by which the scheme is made must give effect to the scheme by—

(a) making the arrangements which are set out in the scheme as described in paragraph 2(1) of that Schedule as arrangements to be made by the authority,

(b) complying with the requirement of the scheme described in paragraph 2(5) of that Schedule (requirement to make suitable alternative arrangements),

(c) complying with the requirement of the scheme described in paragraph 3 of that Schedule (travel arrangements for eligible children), and

(d) complying with the scheme’s policy applicable to charging and any other requirements of the scheme.

(3) Where a school travel scheme is in force under Schedule 35C, the [local authority] in England by which the scheme is made do not have any functions under section 508B or 508C in relation to children in their area.

(4) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a [local authority] in England of any duty under subsection (2) or of any functions under Schedule 35C.

(5) Before issuing or revising guidance under subsection (4), the Secretary of State must consult such persons as he considers appropriate.

(6) In discharging any duty under subsection (2) and in exercising any functions under Schedule 35C, a [local authority] in England must have regard to any guidance given from time to time by the Secretary of State under subsection (4).]
[F1074] S. 508E inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 78(1), 188(3); S.I. 2007/935, art. 5(n)

Modifications etc. (not altering text)
C213 Ss. 508A-508F: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90) (which affecting provision expires (9.12.2021) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 (S.I. 2021/1399), regs. 1(2), 5

Local authorities in England: provision of transport etc for adult learners

(1) A [F6 local authority] in England must make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purposes mentioned in subsections (2) and (3).

(2) The first purpose is to facilitate the attendance of adults receiving education at institutions—
   (a) maintained or assisted by the authority and providing further or higher education (or both), or
   (b) within the further education sector.

(3) The second purpose is to facilitate the attendance of relevant young adults receiving education or training at institutions outside both the further [F1076 education sector and the wider higher education sector, but only in cases where the [F6 local authority] have secured for the adults in question—
   (a) the provision of education or training at the institution in question, and
   (b) the provision of boarding accommodation under section 514A.

(4) Any transport provided under subsection (1) must be provided free of charge.

(5) In considering what arrangements it is necessary to make under subsection (1) in relation to relevant young adults, a [F6 local authority] must have regard to what they are required to do under section 15ZA(1) in relation to those persons.

(6) In considering whether they are required by subsection (1) to make arrangements in relation to a particular adult, a [F6 local authority] must have regard (among other things) to the age of the adult and the nature of the route, or alternative routes, which the adult could reasonably be expected to take.

(7) Arrangements made under subsection (1) by virtue of subsection (3) to facilitate full-time education or training at an institution outside both the further [F1077 education sector and the wider higher education sector] must be no less favourable than the arrangements made for relevant young adults of the same age for whom the authority secure the provision of education at another institution.

(8) A [F6 local authority] in England may pay all or part of the reasonable travelling expenses of an adult—
   (a) receiving education or training at an institution mentioned in subsection (2) or (3), and
   (b) for whose transport no arrangements are made under subsection (1).

(9) In this section—
   “adult” means a person who is neither a child nor a person of sixth form age,
“sixth form age” is to be construed in accordance with section 509AC(1), and "relevant young adult” means an adult [F1078]for whom an EHC plan is maintained].

Textual Amendments

F6 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))

F1075 Ss. 508F-508I inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 57(2), 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)

F1076 Words in s. 508F(3) substituted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, 7(3)(a)

F1077 Words in s. 508F(7) substituted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, 7(3)(b)

F1078 Words in s. 508F(9) substituted (1.9.2019) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 46; 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)

C213 Ss. 508A-508F: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 17 para. 5 (with ss. 88-90) (which affecting provision expires (9.12.2021) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 (S.I. 2021/1399), regs. 1(2), 5

508G [F1 Local authorities] in England: transport policy statements etc for young adults subject to learning difficulty assessment

(1) A [F6 local authority] in England making arrangements, or proposing to pay travelling expenses, under section 508F in relation to relevant young adults must consult—
   (a) any other [F6 local authority] that they consider it appropriate to consult,
   (b) governing bodies of institutions within the further education sector in the authority’s area,
   (c) proprietors of 16 to 19 Academies in the authority's area,
   (d) the Secretary of State, and
   (e) any other person specified by the Secretary of State.

(2) The authority must prepare for each academic year a transport policy statement complying with the following requirements.

(3) The statement must specify any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the year under section 508F in relation to relevant young adults.

(4) The statement must also specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985) which are to be provided under any scheme established under section 93 of that Act to relevant young adults receiving education or training at an institution mentioned in subsection (2) or (3) of section 508F.
(5) The authority must publish the statement by the end of May in the year in which the relevant academic year begins.

(6) In preparing and publishing the statement, the authority must have regard (among other things) to the need to—
   (a) include in the statement sufficient information about the matters that the statement must specify, and
   (b) publish the statement in time,
to enable relevant young adults and their parents to take reasonable account of those matters when choosing between different institutions at which education or training is provided.

(7) The publication of a statement under this section in relation to an academic year does not prevent an authority from—
   (a) making additional arrangements or payments under section 508F in relation to the academic year, or
   (b) providing additional travel concessions in relation to the academic year.

(8) The Secretary of State may amend subsection (5) by order to change the time by which the statement must be published.

(9) In this section—
   “academic year” has the meaning given in section 509AC,
   “governing body” has the meaning given in section 509AC, and
   “relevant young adult” has the meaning given in section 508F.
508I Complaints about transport arrangements etc for young £F1080adult for whom EHC plan is maintained£: England

(1) A £F6local authority£ may revise a statement prepared under section 508G to change any matter specified under subsection (3) of that section if, as a result of a relevant young adult transport complaint, they have come to consider the change necessary for a purpose mentioned in section 508F(2) or (3).

(2) A £F6local authority£ must revise a statement prepared under section 508G to change any matter specified in subsection (3) of that section if, as a result of a relevant young adult transport complaint, the Secretary of State has directed them to do so.

(3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.

(4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc) or subsection (2) of this section in response to a matter that is, or could have been, the subject of a relevant young adult transport complaint made to him or her unless satisfied that—

(a) the matter has been brought to the notice of the £F6local authority£ concerned, and

(b) the authority have had a reasonable opportunity to investigate the matter and respond.

(5) In this section “relevant young adult transport complaint” means a complaint that is—

(a) about a £F6local authority£’s exercise of, or failure to exercise, a function under section 508F or 508G in relation to relevant young adults, and

(b) made by a person who is, or will be, a relevant young adult when the matter complained of has effect, or by a parent of such a person, and “relevant young adult” has the meaning given in section 508F.

(6) For the purposes of sections 508G(7) and 508H, the revision of a statement under this section is to be treated as the preparation of a statement under section 508G.

(7) Where a £F6local authority£ have published in a single document a statement prepared under section 509AA and a statement prepared under 508G, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.]

Textual Amendments

F6 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))

F1075 Ss. 508F-508I inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 57(2), 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)

F1080 Words in s. 508I title substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 47; 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))
**Textual Amendments**

**F1081** Words in s. 509 heading substituted (1.9.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 10 para. 4(7); S.I. 2007/1801, art. 4(1) (with art. 5(1))

**F1082** S. 509 repealed (1.9.2009 for W.) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), Sch. 2; S.I. 2009/371, art. 2(2), Sch. Pt. 2; and (1.4.2010 for all remaining purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 57(4), 269(4), Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2 (with art. 8)

### Local authorities in England: provision] of transport etc. for persons of sixth form age

1. A local authority in England shall prepare for each academic year a transport policy statement complying with the requirements of this section.

2. The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—
   a. at schools,
   b. at any institution maintained or assisted by the authority which provides further education or higher education (or both),
   c. at any institution within the further education sector,
   d. at any establishment (not falling within paragraph (b) or (c)) at which the authority secures the provision of education or training under section 15ZA(1).

3. The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).

4. The statement shall specify the arrangements proposed to be made by the governing bodies of—
   a. schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and
   b. institutions within the further education sector in the authority’s area, for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.

5. Those governing bodies shall co-operate in giving the any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.

6. The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established...
under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority’s area.

(7) The authority shall—
  (a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and
  (b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).

(8) Nothing in this section prevents a local authority from making, at any time in an academic year, arrangements—
  (a) which are not specified in the transport policy statement published by the authority for that year, but
  (b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).

(9) The Secretary of State may, if he considers it expedient to do so, direct a local authority to make for any academic year—
  (a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or
  (b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,
  which have not been specified in the transport policy statement published by the authority for that academic year.

(9A) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(10) The Secretary of State may by order amend subsection (7)(a) to change the time by which the statement must be published.

(11) Subsection (9) is subject to section 509AE (complaints about transport arrangements etc for persons of sixth form age in England).

Textual Amendments

F6 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))

F1083S. 509AA inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 19 para. 3 (with ss. 210(8), 214(4); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

F1084 Words in s. 509AA title substituted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 2 para. 10(1); S.I. 2009/3317, art. 2, Sch.

F1085 Words in s. 509AA(1) inserted (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), Sch. 1 para. 4(2)(a); S.I. 2009/371, art. 2(1), Sch. Pt. 1

F1086 Word in s. 509AA(2)(c) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(13)(a); S.I. 2012/924, art. 2

F1087S. 509AA(2)(ca) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(13)(a); S.I. 2012/924, art. 2

F1088 Words in s. 509AA(2)(d) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(13)(b); S.I. 2012/924, art. 2
(1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties or disabilities.

(2) A statement prepared under that section shall—

(a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the local authority which are no less favourable than the arrangements specified for pupils of the same age attending such schools, and

(b) specify arrangements for persons with learning difficulties or disabilities receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties or disabilities attending such schools.

(3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the local authority shall have regard (amongst other things) to—

(a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,

(b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,

(c) what they are required to do under section 15ZA(1) in relation to persons of sixth form age,
(d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.

In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a [F6 local authority] in England shall have regard (amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.

(3A) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a [F6 local authority] in England shall have regard (amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.

(4) In preparing a statement under section 509AA a [F6 local authority] shall have regard to any guidance issued under this section by the [F1106 Secretary of State].

(5) In preparing a statement under that section a [F6 local authority] shall consult—
   (a) any other [F6 local authority] that they consider it appropriate to consult,
   (b) the governing bodies mentioned in subsection (4) of that section,
   (c) persons in the local authority’s area who will be of sixth form age when the statement has effect, and their parents,
   (d) any other person specified for the purposes of this section by the [F1110 Secretary of State].

(6) In preparing a statement under that section a [F6 local authority] shall consult—
   (a) any other [F6 local authority] that they consider it appropriate to consult,
   (b) the governing bodies mentioned in subsection (4) of that section,
   (c) persons in the local authority’s area who will be of sixth form age when the statement has effect, and their parents,
   (d) any other person specified for the purposes of this section by the [F1110 Secretary of State].

(7) In preparing a statement under that section a [F6 local authority] shall also consult—
   (a) where they are a district council for an area in a metropolitan county, the Integrated Transport Authority for that county, and
   (b) where they are a London borough council or the Common Council of the City of London, Transport for London.

(7A) In preparing and publishing a statement under section 509AA, a [F6 local authority] must have regard (among other things) to the need to—
   (a) include in the statement sufficient information about the matters that the statement must specify, and
   (b) publish the statement in time,
   to enable persons who will be of sixth form age when the statement has effect and their parents to take reasonable account of those matters when choosing between different establishments at which education or training is provided.

Textual Amendments

[F6 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))]

[F1096 S. 509AB inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 19 para. 4 (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt II]

[F1097 Words in s. 509AB title substituted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 260(4), Sch. 2 para. 10(2); S.I. 2009/3317, art. 2, Sch.]

[F1098 Words in s. 509AB(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 48(2); 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))]
for the purposes of sections 509AA and 509AB, a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—

(a) is under the age of 19, or
(b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.
Local authorities[1] in England: duty to have regard to religion or belief in exercise of travel functions

(1) A local authority[1] in England must have regard, amongst other things, in exercising any of their travel functions in relation to or in connection with the travel of a person or persons to or from a school, institution or other place,
[F1126] (a) to any wish of a parent of such a person for him to be provided with education or training at a particular school, institution or other place where that wish is based on the parent’s religion or belief, and
(b) in a case where the person in question (or any of the persons in question) is of sixth form age (within the meaning given in section 509AC(1)), to any wish of that person to be provided with education or training at a particular school, institution or other place where that wish is based on the person’s religion or belief.

(2) The “travel functions” of a [F6 local authority] in England are their functions under any of the following provisions—
section 508A (duty to promote sustainable modes of travel etc);
section 508B (travel arrangements for eligible children);
section 508C (travel arrangements etc for other children);
section 508E and Schedule 35C (school travel schemes);
[F1127] section 508F ([F1 local authorities] in England: provision of transport etc for adult learners);
section 509AA (transport etc for persons of sixth form age).

(3) For the purposes of this section—
(a) “religion” means any religion,
(b) “belief” means any religious or philosophical belief,
(c) a reference to religion includes a reference to lack of religion, and
(d) a reference to belief includes a reference to lack of belief.

**Textual Amendments**

F6 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))

F1125 S. 509AD inserted (1.4.2007 for specified purposes, 1.9.2007 for specified purposes) by Education and Inspections Act 2006 (c. 40), ss. 84, 188(3); S.I. 2007/935, art. 5(p); S.I. 2007/1801, art. 4(e)

F1126 Words in s. 509AD(1) substituted (7.3.2009) by Education and Skills Act 2008 (c. 25), ss. 84, 173(4); S.I. 2009/387, art. 3(1) (with art. 3(3))

F1127 Words in s. 509AD(2) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 57(3), 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)

**[F1128] 509AD Complaints about transport arrangements etc for persons of sixth form age in England**

(1) A [F6 local authority] may revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, they have come to consider the change necessary for the purpose of the arrangements specified under the subsection in question.

(2) A [F6 local authority] must revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, the Secretary of State has directed them to do so.

(3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.
Education Act 1996 (c. 56)
Part IX – Ancillary functions
Chapter II – Ancillary functions of local authorities

(4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc), section 509AA(9) (power to require [F6local authority] to make additional transport arrangements), or subsection (2) of this section in response to a matter that is, or could have been, the subject of a sixth form transport complaint made to him or her unless satisfied that—
   (a) the matter has been brought to the notice of the [F6local authority] concerned, and
   (b) the authority have had a reasonable opportunity to investigate the matter and respond.

(5) In this section “sixth form transport complaint” means a complaint that is—
   (a) about a [F6local authority]’s exercise of, or failure to exercise, a function under sections 509AA to 509AD in relation to persons of sixth form age, and
   (b) made by a person who is, or will be, a person of sixth form age when the matter complained of has effect, or by a parent of such a person, and “sixth form age” is to be construed in accordance with section 509AC(1).

(6) For the purposes of sections 509AA(8) and (9), 509AB(1) to (5), 509AC and 509AD, the revision of a statement under this section is to be treated as the preparation of a statement under section 509AA.

(7) Where a [F6local authority] have published in a single document a statement prepared under section 508G and a statement prepared under 509AA, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.

Textual Amendments

F6 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))
F1128 S. 509AE inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 56(2), 269(4); S.I. 2009/3317, art. 2, Sch. (with art. 3)


(1) A [F6local authority][F1] in England] may provide a child with assistance under this section if they are satisfied that, without such assistance, he would be prevented from attending at any premises—
   (a) which are not a school or part of a school, but
   (b) at which relevant [F1130early years education] is provided, for the purpose of receiving such education there.

(2) The assistance which may be provided for a child under this section consists of either—
   (a) making arrangements (whether for the provision of transport or otherwise) for the purpose of facilitating the child’s attendance at the premises concerned, or
   (b) paying the whole or any part of his reasonable travel expenses.
(3) When considering whether to provide a child with assistance under this section in connection with his attendance at any premises, a \[F6\]local authority\] may have regard (among other things) to whether it would be reasonable to expect alternative arrangements to be made for him to receive relevant \[F1134\]early years education\] at any other premises (whether nearer to his home or otherwise).

(4) Where the assistance to be provided for a child under this section consists of making arrangements for the provision of transport, the authority may, if they consider it appropriate to do so, determine that the assistance shall not be so provided unless—
   
   (a) the child’s parent, or
   
   (b) the person providing the relevant \[F1134\]early years education\] concerned, agrees to make to the authority such payments in respect of the provision of the transport (not exceeding the cost to the authority of its provision) as they may determine.

\[F1135\](4A) Regulations \[F1136\]made by the Secretary of State\] may require a \[F6\]local authority\] to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority’s policy and arrangements relating to the making of provision under this section.

\[F1137\](5) In this section “relevant early years education” means—
   
   (a) \[F1138\]... early years provision as defined by section 20 of the Childcare Act 2006 which is
      
      (i) \[F1139\]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);\][F1140]
      
      (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) \[F1141\]...
510 Provision of clothing.

(1) A [F6 local authority] may provide clothing for—
   (a) any pupil who is a boarder at an educational institution maintained by the authority [F1142 or at a grant-maintained school],
   (b) any pupil at a nursery school maintained by the authority, and
   (c) any pupil in a nursery class at a school maintained by the authority [F1142 or at a grant-maintained school].

(2) A [F6 local authority] may also provide clothing for any pupil—
   (a) for whom they are providing board and lodging elsewhere than at an educational institution maintained by them, and
   (b) for whom special educational provision [F1143 or additional learning provision (as the case may be)] is made in pursuance of arrangements made by them.

(3) Where it appears to a [F6 local authority], in a case where neither subsection (1) nor subsection (2) applies, that a pupil at—
   (a) a school maintained by them [F1144 or a grant-maintained school], or
   (b) a special school (whether maintained by them or not),
is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as in their opinion is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

(4) A [F6 local authority] may provide—
   (a) for pupils at a school maintained by them [F1145, at a grant-maintained school] or at an institution maintained by them which provides further education or higher education (or both),
   (b) for persons who have not attained the age of 19 and who are receiving education at an institution within the further education sector [F1146 or a 16 to 19 Academy], and
   (c) for persons who make use of facilities for physical training [F1147 secured by the authority under section 507A or 507B (if the authority are in England) or made available by the authority for such persons under section 508(2) (if the authority are in Wales)],
such articles of clothing as the authority may determine suitable for the physical training provided at that school or institution or under those facilities.
(5) A [\textit{local authority}] may—

(a) with the consent of the proprietor of a school not maintained by the authority, other than a [\textit{grant-maintained school} or] special school, and

(b) on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor, make arrangements, in the case of any pupil at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, for securing for the pupil the provision of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

(6) Any arrangements made under subsection (5) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any article under the arrangements does not exceed the expense which would have been incurred by them in the provision of it if the pupil had been a pupil at a school maintained by them.

511 Provisions supplementary to section 510.

(1) Provision of clothing under section 510 may be made in such way as to confer either a right of property in the clothing or a right of user only (at the option of the providing authority), except in any circumstances for which the adoption of one or other of those ways of making such provision is prescribed.

(2) Where a [\textit{local authority}] have provided a person with clothing under section 510, then, in such circumstances respectively as may be prescribed—

(a) the authority shall require his parent to pay to them in respect of its provision such sum (if any) as in their opinion he is able to pay without financial hardship, not exceeding the cost to the authority of its provision;

(b) the authority may require his parent to pay to them in respect of its provision such sum as is mentioned in paragraph (a) or any lesser sum; or
(c) his parent shall not be required to pay any sum in respect of its provision.

(3) Any sum which a parent is duly required to pay by virtue of subsection (2)(a) or (b) may be recovered summarily as a civil debt.

(4) Where a person who has attained the age of 18 (other than a registered pupil at a school) is provided with clothing under section 510, any reference in subsection (2) or (3) to his parent shall be read as a reference to him.

Textual Amendments

F6 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))

[F1149]Local authority functions concerning provision of meals, etc.

(1) A [F6]local authority may provide—

(a) registered pupils at any school maintained by the authority,

(b) other persons who receive education at such a school, and

(c) children who receive relevant funded early years education, with milk, meals and other refreshments.

(2) Where provision is made under subsection (1), it shall be made—

(a) in a case within paragraph (a) or (b) of that subsection, either on the school premises or at any other place where education is being provided, and

(b) in a case within paragraph (c) of that subsection, at any place where education is being provided.

(3) A [F6]local authority shall exercise their power under subsection (1) to provide school lunches for any person within paragraph (a) or (c) of that subsection if—

(a) any prescribed requirements are met,

(b) a request for the provision of school lunches has been made by or on behalf of that person to the authority, and

(c) either—

(i) that person is eligible for free lunches (within the meaning of section 512ZB(2)), or

(ii) in the case of a person within subsection (1)(a), it would not be unreasonable for the authority to provide the lunches.

(4) Subject to [F1151]section 114A(4) of the School Standards and Framework Act 1998 (requirements for food and drink provided on school premises etc), any school lunches provided by a [F6]local authority in England] pursuant to subsection (3) may take such form as the authority think fit.

[F1152]Subject to section 4 of the Healthy Eating in Schools (Wales) Measure 2009, any school lunches provided by a local authority in Wales pursuant to subsection (3) may take such form as the authority think fit.

(5) A [F6]local authority shall provide at any school maintained by them such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.
(6) In this section—

“prescribed” means prescribed by the Secretary of State by order;

[\textit{F1154} “relevant funded early years education”, in relation to a [\textit{F6} local authority] in England, means early years provision as defined by section 20 of the Childcare Act 2006 which is provided by a person, other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school, under arrangements made by a local authority in pursuance of the duty imposed by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge);

“relevant funded early years education”, in relation to a [\textit{F6} local authority] in Wales, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—

(a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of [\textit{F6} local authority] to secure sufficient nursery education), and

(b) in consideration of financial assistance provided by the authority under those arrangements.]

“school lunch”—

(a) in relation to a pupil, means food made available for consumption by the pupil as his midday meal on a school day, and

(b) in relation to a child receiving relevant funded nursery education at an establishment other than a school, means food made available for consumption by the child as his midday meal on a day on which he receives that education,

whether involving a set meal or the selection of items by him or otherwise; and references, in relation to a [\textit{F6} local authority], to a school maintained by the authority are to a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit maintained by the authority.]
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

### Modifications etc. (not altering text)

| C215 | S. 512: certain functions transferred (with modifications) (1.4.1999) by S.I. 1999/610, arts. 2, 3 |

| C216 | S. 512ZA(1)(2) modified (temp. until 31.3.2007) (31.3.2004) by The Kingston-upon-Hull City Council (School Meals) Order 2004 (S.I. 2004/592), arts. 1(1), 2 |

### Power to charge for meals etc.

(1) A [F6local authority][F1156may] charge for anything provided by them under subsection (1) or (3) of section 512.

[F1157Where a local authority [F1158in England] exercise the power to charge under (1A) subsection (1), the price they charge for an item must not exceed the cost of providing that item.][F1159]

(2) [F1160Where a [F6local authority] exercise the power to charge under subsection (1), they must] charge every person the same price for the same quantity of the same item.

(3) This section is subject to section 512ZB.

### Textual Amendments

F6 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))

F1149 Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by Education Act 2002 (c. 32), ss. 201(1), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)

F1155 Word in s. 512ZA heading substituted (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 87(1)(c), 188(1)

F1156 Word in s. 512ZA(1) substituted (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 87(1)(a), 188(1)

F1157 S. 512ZA(1A) inserted (1.2.2012) by Education Act 2011 (c. 21), ss. 35(2)(a), 82(3); S.I. 2012/84, art. 3

F1158 Words in s. 512ZA(1A) omitted (4.5.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), ss. 91(2)(a), 100(3)

F1159 S. 512ZA(2) omitted (4.5.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), ss. 91(2)(b), 100(3)

F1160 Words in s. 512ZA(2) substituted (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 87(1)(b), 188(1)

### Modifications etc. (not altering text)

512ZB Provision of free school lunches and milk

(1) Where the [F6local authority] provide a school lunch in accordance with section 512(3) to a person who is eligible for free lunches, the authority shall provide the meal free of charge.

(2) For this purpose a person is eligible for free lunches if—

(a) he is within subsection (4) [F1161or (4A) (or both)], and
(b) a request that the school lunches be provided free of charge has been made by him or on his behalf to the authority.

(3) Where a [local authority] exercise their power under subsection (1) of section 512 to provide a person within paragraph (a) or (c) of that subsection with milk, the authority shall provide the milk free of charge if—
   (a) the person is within subsection (4), and
   (b) a request that the milk be provided free of charge has been made by him or on his behalf to the authority.

(4) A person [C] is within this subsection if—
(a) C's parent is—
   (i) in receipt of universal credit in such circumstances as may be so prescribed—
      (ii) ... [prescribed conditions]
   (ii) ... [prescribed conditions]
   (iia) ... [prescribed conditions]
   (iii) ... [prescribed conditions]

(b) C is—
   (i) in receipt of universal credit in such circumstances as may be so prescribed—
      (ii) ... [prescribed conditions]
   (ii) ... [prescribed conditions]
   (iia) ... [prescribed conditions]

(c) C meets any conditions prescribed for the purposes of this paragraph and is—
   (i) in receipt of any benefit or allowance not falling within paragraph (b) that is so prescribed, or
   (ii) entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, that is so prescribed.

(4A) A person [C] is within this subsection if the person—
(a) is a registered pupil at a maintained school or pupil referral unit in England, and
(b) is in reception, year 1, year 2 or any other prescribed year group at the school.

(4B) The Secretary of State may by order provide for the following to be treated as persons within subsection (4A)—
(a) registered pupils, or any description of registered pupils, at a maintained nursery school in England;
(b) children, or any description of children, who receive relevant funded early years education, or any description of such education, in England.

(4C) In subsection (4A)—

“maintained school” means—
(a) a community, foundation or voluntary school, or
(b) a community or foundation special school;
“reception” means a year group in which the majority of children will, in the school year, attain the age of 5;
“year 1” means a year group in which the majority of children will, in the school year, attain the age of 6;
“year 2” means a year group in which the majority of children will, in the school year, attain the age of 7;
“year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.

(5) In this section “prescribed” and “relevant funded early years education” have the same meaning as in section 512.
Protection of identity of pupils receiving free school lunches or milk

(1) This section applies when a school lunch or milk is provided for a pupil in Wales free of charge by a local authority under section 512ZB or by the governing body of a maintained school by virtue of section 512A.

(2) A local authority or governing body in Wales must take reasonable steps to ensure that the pupil cannot be identified as a pupil who receives a school lunch or milk free of charge by any person other than an authorised person.

(3) A local authority or governing body in Wales must take reasonable steps to ensure that none of the persons mentioned in subsection (4) discloses to any person other than an authorised person the fact that the pupil receives school lunches or milk free of charge.

(4) The persons referred to in subsection (3) are—
   (a) a teacher in the school,
   (b) any person (other than a teacher) who is—
      (i) employed (whether by the local authority or by another person) in the school, or
      (ii) working there on an unpaid basis, and
   (c) any other person employed by the local authority or governing body.

(5) In subsections (2) and (3), “authorised person” means—
   (a) a parent of the pupil, and
   (b) a person mentioned in subsection (4) who is authorised by the local authority or governing body to have access to information about a pupil’s entitlement to receive school lunches or milk free of charge.

(6) When deciding what steps to take in order to comply with their duties under subsections (2) and (3) a local authority or governing body in Wales must have regard to any guidance issued by the Welsh Ministers under this section.

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Transfer of functions under section 512 to governing bodies.

(1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the [local authority] which are mentioned in subsection (2).

(2) Those duties are—
(a) the duty to provide school lunches in accordance with section 512(3) and (4);  
(b) the duty to provide school lunches free of charge in accordance with section 512ZB(1); and  
(c) the duty to provide milk free of charge in accordance with section 512ZB(3).

(3) An order under this section may (subject to subsection (6)) apply to—
   (a) all maintained schools; or  
   (b) any specified class of such schools; or  
   (c) all such schools, or any specified class of such schools, maintained by specified local authorities.

(4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—
   (a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the local authority in relation to the school; and  
   (b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c)—
      (i) the order may provide that, notwithstanding the other provisions of the order, the function of determining whether pupils at the school fall within section 512ZB(4) is to be exercisable by the local authority, and  
      (ii) section 533(3) shall not apply to school lunches or milk provided by the governing body in pursuance of the order.

(5) An order under this section may provide for section 513(2) not to apply—
   (a) to generally, or  
   (b) to any specified local authority, either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.

(6) An order under this section shall not operate to—
   (a) impose any duty on the governing body of a school, or  
   (b) relieve a local authority of any duty in relation to a school, at any time when the school does not have a delegated budget; and such an order may provide for section 512ZA(2) above to have effect, in relation to any provision made at any such time by the local authority for pupils at the school, with such modifications as may be specified.

(7) In this section—
   “delegated budget” has the same meaning as in the School Standards and Framework Act 1998;  
   “maintained school” means a maintained school as defined by section 20(7) of the School Standards and Framework Act 1998 or a maintained nursery school;  
   “school lunch” has the same meaning as in section 512 above;  
   “specified” means specified in an order under this section.
The school lunches obligations are the obligations imposed in relation to maintained Academy arrangements in relation to an Academy school or an alternative provision section 512(3) (provision of school lunches on request), and

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
513  Provision of meals etc. at schools not maintained by [F6 local authorities].

(1) A [F6 local authority] may, with the consent of the proprietor of a school in their area which is not maintained by them, make arrangements for securing the provision of milk, meals and other refreshment for pupils in attendance at the school.

(2) Any arrangements under this section—
   (a) shall be on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school; and
   (b) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or item under the arrangements shall not exceed the expense which would have been incurred by them in providing it if the pupil had been a pupil at a school maintained by them.

Textual Amendments

F1190 S. 512B inserted (1.9.2014) by Children and Families Act 2014 (c. 6), ss. 106(3), 139(6); S.I. 2014/889, art. 7(d)

514  Provision of board and lodging otherwise than at school.

(1) Where a [F6 local authority] are satisfied with respect to any pupil—
   (a) that primary or secondary education suitable to his age, ability and aptitude and to any special educational needs he may have can best be provided for him at a [F1191 particular community, foundation or voluntary or community or foundation special school, but]
   (b) that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school,
they may provide such board and lodging for him under such arrangements as they think fit.

(2) Where a [F6 local authority][F1192 in England] are satisfied with respect to a pupil with special educational needs that provision of board and lodging for him is necessary for enabling him to receive the required special educational provision, they may provide such board and lodging for him under such arrangements as they think fit.

(3) In making any arrangements under this section, a [F6 local authority] shall, so far as practicable, give effect to the wishes of the pupil’s parent as to the religion or religious denomination of the person with whom the pupil will reside.

(4) Subject to subsection (5), where a [F6 local authority] have provided a pupil with board and lodging under arrangements under this section, they shall require the pupil’s parent to pay them such sums, if any, in respect of the board and lodging as in their opinion he is able to pay without financial hardship.

Textual Amendments

F6 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))
(5) No sum is recoverable under subsection (4) if the arrangements were made by the authority on the ground that in their opinion education suitable to the pupil’s age, ability and aptitude or special educational needs could not otherwise be provided for him.

(6) The sums recoverable under subsection (4) shall not exceed the cost to the authority of providing the board and lodging.

(7) Any sum payable under subsection (4) may be recovered summarily as a civil debt.

[F1193](8) In its application to a local authority in Wales, references in this section to special educational needs are to be interpreted as references to additional learning needs.

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**Textual Amendments**

**F6**

- 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))

**F1191**

- Words in s. 514(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 135 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

**F1192**

- Words in s. 514(2) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(23)(a)*; 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

**F1193**

- S. 514(8) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(23)(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

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[F1194] 514. Provision of boarding accommodation for [F1195] person for whom an EHC plan is maintained

(1) A [F1196] local authority] in England may secure the provision of boarding accommodation in connection with the provision of education or training for a person in their area who is [F1197] over compulsory school age and for whom an EHC plan is maintained.—

[F1197](a) .................................

[F1197](b) .................................

(2) A [F1196] local authority] may secure the provision of boarding accommodation under subsection (1) either within or outside their area.

(3) For the purposes of subsection (1) it is immaterial who provides, or secures the provision of, the education or training.

(4) In this section “education” and “training” have the same meanings as in section 15ZA.
515 Provision of teaching services for day nurseries.

(1) Subject to subsection (2), a [F6local authority] may, in accordance with arrangements made by them for that purpose, make available to a day nursery [F1199 in England or Wales or to a registered early years provider in England] the services of any teacher who—

(a) is employed by them in a nursery school or in a primary school having one or more nursery classes, and

(b) has agreed to provide his services for the purposes of the arrangements.

(2) Arrangements under subsection (1) in respect of a teacher in a [F1200foundation or voluntary school] require the concurrence of the governing body of the school.

(3) Arrangements under this section may make provision—

(a) for the supply of equipment for use in connection with the teaching services made available under the arrangements;
(b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery \[F1201\] or (as the case may be) the registered early years provider; and

(c) for any supplementary or incidental matters connected with the arrangements, \[F1202\] including—

(i) in relation to England, any charges to be imposed in connection with the arrangements, and

(ii) in relation to Wales, where the teacher’s school and the day nursery are in the areas of different local authorities, financial adjustments between those authorities.

\[F1203\]

(4) In this section—

“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children) \[F1204\] or sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children);

“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.

(5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.
Payment of fees at schools not maintained by a [F6local authority].

(1) Where, in pursuance of arrangements made under section 18 [F1206F1207, Part 4 (special educational needs)] or Part 3 of the Children and Families Act 2014 (children and young people in England with special educational needs or disabilities)], primary or secondary education is provided for a pupil at a school not maintained by them or another [F6local authority], the [F6local authority] by whom the arrangements are made shall—

(a) if subsection (2), (3) or (4) applies, pay the whole of the fees payable in respect of the education provided in pursuance of the arrangements; and

(b) if board and lodging are provided for the pupil at the school and subsection (5) applies, pay the whole of the fees payable in respect of the board and lodging.

(2) This subsection applies where—

(a) the pupil fills a place in the school which the proprietor of the school has put at the disposal of the authority; and

(b) the school is one in respect of which grants are made by the Secretary of State under section 485.

(3) This subsection applies where the authority are satisfied that, by reason of a shortage of places in every school maintained by them or another [F6local authority] to which the pupil could be sent with reasonable convenience, education suitable—

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,

cannot be provided by them for him except at a school not maintained by them or another [F6local authority].

(4) This subsection applies where (in a case in which neither subsection (2) nor subsection (3) applies) the authority are satisfied—

(a) that the pupil has special educational needs, and

(b) that it is expedient in his interests that the required special educational provision should be made for him at a school not maintained by them or another [F6local authority].

(5) This subsection applies where the authority are satisfied that education suitable—

(a) to the pupil’s age, ability and aptitude, and

(b) to any special educational needs he may have,

cannot be provided by them for him at any school unless board and lodging are also provided for him (either at school or elsewhere)

(6) As from such day as the Secretary of State may by order appoint this section shall have effect with the following modifications—

(a) in subsections (1) and (3), for “not maintained by them or another [F6local authority]” substitute “which is neither a maintained nor a grant-maintained school”;

(b) in subsection (3), for “every school maintained by them or another [F6local authority]” substitute “every maintained or grant-maintained school”;

(c) in subsections (3) and (5), for “provided by them” substitute “provided”;

(d) omit subsection (4) and the reference to it in subsection (1); and
(7) An order under subsection (6) may appoint different days for different provisions and for different purposes.

(8) In this section as it applies where a local authority in Wales makes arrangements under section 18 for primary or secondary education to be provided for a pupil at a school not maintained by a local authority—

(a) references to special educational needs are to be interpreted as references to additional learning needs, and

(b) references to special educational provision are to be interpreted as references to additional learning provision.

(9) Subsection (5) does not apply where board and lodging is secured for a pupil under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

Subordinate Legislation Made

Textual Amendments
F6 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))

F1206 Words in s. 517(1) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 51; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended 1.4.2015) by S.I. 2015/505)

F1207 Words in s. 517(1) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(24)(a); 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

F1208 S. 517(6)(e) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(24)(b); 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

F1209 S. 517(8)(9) inserted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 4(24)(c); 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
Payment of school expenses; grant of scholarships, etc.

(1) A local authority, for the purpose of enabling persons to take advantage of any educational facilities available to them, may in such circumstances as may be specified in or determined in accordance with regulations—

(a) pay such expenses of children attending community, foundation, voluntary or special schools as may be necessary to enable them to take part in any school activities,

(b) grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age.

(2) Regulations may make provision—

(a) for requiring a local authority to make, in relation to each financial year, a determination relating to the extent to which they propose to exercise their power under subsection (1)(b) in that year; and

(b) for authorising an authority to determine not to exercise that power in a financial year—

(i) generally,

(ii) in such cases as may be prescribed, or

(iii) in such cases as may be determined by the authority.]

Textual Amendments

F6 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))

F1210S. 518 substituted (1.2.1999) by 1998. c. 31, s. 129 (with ss. 138(9), 144(6)) (subject to savings indicated in S.I. 1999/120, art. 3(2)); S.I. 1999/120, art. 2, Sch. 1

Allowances for governors

Travelling and subsistence allowances for governors of schools and further or higher education institutions.

(1) A local authority may, in accordance with the provisions of a scheme made by them for the purposes of this section, pay such allowances as may be prescribed to governors of—

(a) any community, foundation or voluntary school or community or foundation special school which does not have a delegated budget (within the meaning of Part II of the School Standards and Framework Act 1998); and

(b) any institution providing higher education or further education (or both) which is maintained by a local authority.
(2) Such a scheme may make different provision in relation to schools or other institutions of different categories (including provision for allowances not to be paid in respect of certain categories) but shall not make different provision in relation to different categories of governor of the same school or institution.

(3) Subject to subsections (4) and (5), a local authority may pay such allowances as may be prescribed to any person appointed to represent them on the governing body of—

(a) any institution providing higher education or further education (or both) which is not maintained by them; or

(b) any independent school, alternative provision Academy which is not an independent school or special school which is not maintained by them.

(4) A local authority shall not pay any allowance under subsection (3) for expenses in respect of which the person incurring them is entitled to reimbursement by any person other than the authority.

(5) A local authority shall not pay any allowance under subsection (3) if they have not made any scheme under subsection (1) or if the arrangements under which the allowance would otherwise be payable—

(a) provide for allowances which are to any extent more generous than the most generous payable by the authority under any such scheme; or

(b) contain any provision which the authority would not have power to include in any such scheme.

(6) No allowance may be paid to any governor of a school or institution of a kind mentioned in subsection (1), in respect of the discharge of his functions as such a governor, otherwise than under this section.

(7) Regulations may impose a limit on the amount which may be paid by way of any allowance under this section.

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**Textual Amendments**

F6 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))

F1211 Words in s. 519(1) substituted (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), Sch. 30 para. 139(2) (with ss. 138(9), 144(6)); S.I. 1998/2791, art. 2(a)(b).

F1212 Words in s. 519(3) substituted (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), Sch. 30 para. 139(3) (with ss. 138(9), 144(6)); S.I. 1998/2791, art. 2(a)(b).

F1213 Words in s. 519(3)(b) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, Sch. para. 6 (with art. 3)

F1214 S. 519(7) added (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), Sch. 30 para. 139(4) (with ss. 138(9), 144(6)); S.I. 1998/2791, art. 2(a)(b).
Medical arrangements

520 Medical inspection and treatment of pupils.

(1) A local authority shall make arrangements for encouraging and assisting pupils to take advantage of the provision for medical and dental inspection and treatment made for them in pursuance of

(a) section 111 of, or paragraph 1, 2(1)(a) or 8 of Schedule 1 to, the National Health Service Act 2006, or

(b) section 67 of, or paragraph 1, 2(1)(a) or 8 of Schedule 1 to, the National Health Service (Wales) Act 2006

(2) If the parent of a pupil gives notice to the authority that he objects to the pupil availing himself of any of the provision so made, the pupil shall not be encouraged or assisted to do so.

521 Examination of pupils for cleanliness.

(1) A local authority may by directions in writing authorise a medical officer of theirs to have the persons and clothing of pupils in attendance at relevant schools examined whenever in his opinion such examinations are necessary in the interests of cleanliness.

(2) Directions under subsection (1) may be given with respect to—

(a) all relevant schools, or

(b) any relevant schools named in the directions.

(3) An examination under this section shall be made by a person authorised by the authority to make such examinations; and, if the examination is of a girl, it shall not be made by a man unless he is a registered medical practitioner.

(4) For the purposes of this section “relevant schools” are—

(a) schools maintained by the authority;
522 Compulsory cleansing of a pupil.

(1) If, on an examination under section 521, the person or clothing of a pupil is found to be infested with vermin or in a foul condition, any officer of the [F6 local authority] may serve a notice on the pupil’s parent requiring him to cause the pupil’s person and clothing to be cleansed.

(2) The notice shall inform the parent that, unless within the period specified in the notice the pupil’s person and clothing are cleansed to the satisfaction of such person as is specified in the notice, the cleansing will be carried out under arrangements made by the authority.

(3) The period so specified shall not be less than 24 hours from the service of the notice.

(4) If, on a report being made to him by the specified person at the end of the specified period, a medical officer of the authority is not satisfied that the pupil’s person and clothing have been properly cleansed, he may by order direct that they shall be cleansed under arrangements made by the authority under section 523.

(5) An order made under subsection (4) shall be sufficient to authorise any officer of the authority—

(a) to cause the pupil’s person and clothing to be cleansed in accordance with arrangements made by the authority under section 523, and

(b) for that purpose to convey the pupil to, and detain him at, any premises provided in accordance with such arrangements.

523 Arrangements for cleansing of pupils.

(1) A [F6 local authority] shall make arrangements for securing that the person or clothing of any pupil required to be cleansed under section 522 may be cleansed (whether at the request of a parent or in pursuance of an order under section 522(4)) at suitable premises, by suitable persons and with suitable appliances.

(2) Where the council of a district in the area of the authority are entitled to the use of any premises or appliances for cleansing the person or clothing of persons infested
with vermin, the authority may require the council to permit the authority to use those premises or appliances for such purposes upon such terms as may be determined—

(a) by agreement between the authority and the council, or

(b) in default of such agreement, by the Secretary of State.

(3) Subsection (2) does not apply in relation to Wales.

(4) A girl may be cleansed under arrangements under this section only by a registered medical practitioner or by a woman authorised for the purpose by the authority.

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**Textual Amendments**

F6 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))

524 **[F1219]Suspension of a pupil pending examination or cleansing.]**

(1) Where—

(a) a medical officer of a [F6local authority] suspects that the person or clothing of a pupil in attendance at a relevant school is infested with vermin or in a foul condition, but

(b) action for the examination or cleansing of the pupil’s person and clothing cannot be taken immediately,

the medical officer may direct that the pupil is to be [F1219suspended] from the school until such action has been taken, if he considers it necessary to do so in the interests either of the pupil or of other pupils in attendance at the school.

(2) A direction under subsection (1) is a defence to any proceedings under Chapter II of Part VI in respect of the failure of the pupil to attend school on any day on which he is excluded in pursuance of the direction, unless it is proved that the giving of the direction was necessitated by the wilful default of the pupil or his parent.

(3) For the purposes of this section a “relevant school” is—

(a) a school maintained by the [F6local authority], F1219 . . .

F1221(b) . . .

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**Textual Amendments**

F6 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))

F1219 Sidenote substituted (1.9.1999) by 1998 c. 31, ss. 140(1), Sch. 30 para. 142(c) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

F1220Word in s. 524(1) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), Sch. 30 para. 142(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

F1221S. 524(3)(b) and the word "or" preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 142(b), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.
525 **Offence of neglecting the cleanliness of a pupil.**

(1) If, after the person or clothing of a pupil has been cleansed under section 522—
   (a) his person or clothing is again infested with vermin, or in a foul condition, at any time while he is in attendance at a relevant school, and
   (b) the condition of his person or clothing is due to neglect on the part of his parent,
   the parent is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) For the purposes of this section a “relevant school” is a school maintained by a [F6] local authority[F1222] . . ..

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**Textual Amendments**

F6 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))

F1222 Words in s. 525(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.143, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

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**Educational research and conferences**

526 **Powers as to educational research.**

A [F6] local authority[F1222] may make such provision for conducting, or assisting the conduct of, research as appears to them to be desirable for the purpose of improving the educational facilities provided for their area.

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**Textual Amendments**

F6 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))

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527 **Powers as to educational conferences.**

A [F6] local authority[F1222] may—
   (a) organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and
   (b) expend such sums as may be reasonable in paying, or contributing towards, any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend such a conference.
Textual Amendments

F6 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))

Plans relating to children with behavioural difficulties

F1223 S. 527A and cross-heading inserted (1.4.1998) by 1997 c. 44, s.9 (with s. 57(3)); S.I. 1998/386, art. 2(2), Sch. 1 Pt. II

F1224 F1225 S. 527A repealed (1.3.2005 for E., 1.9.2006 for W.) by Children Act 2004 (c. 31), Sch. 5 Pt. 1; S.I. 2005/394, art. 2(1)(l); S.I. 2006/885, art. 3(b); S.I. 2005/393, Sch. 5 Pt. 1

Disability statements relating to further education

F1226 S. 528 repealed (1.9.2002) by 2001 c.10, ss. 34(3), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

Acquisition and holding of property

529 Power to accept gifts on trust for educational purposes.

(1) A [F6 local authority] may accept, hold and administer any property on trust for purposes connected with education.

[F1227 (1A) Any intention on the part of a [F6 local authority] in England that a school should be vested in the authority as trustees shall be treated for the purposes of sections 7, 10 and 11 of the Education and Inspections Act 2006 as an intention to establish a new
community school, community special school or maintained nursery school (so that proposals for that purpose shall be published in accordance with those sections); and Schedule 2 to that Act (proposals for establishment or discontinuance of schools in England) shall apply accordingly.

(2) Any intention on the part of a [F6 local authority] in Wales that a school [F1228] should be vested in the authority as trustees shall be treated for the purposes of sections [F1231] and 44 of the School Standards and Organisation (Wales) Act 2013 as an intention to establish a new community school, community special school or maintained nursery school [F1235], and sections 48 to 55 of, and Schedule 3 to, that Act (school organisation proposals: procedure and implementation) shall apply accordingly.

(3) Any school which in accordance with subsection [F1233] or (2) is vested in a [F6 local authority] as trustees shall be [F1234] a community school, [F1235] a community special school or a maintained nursery school.

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### Textual Amendments

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Description</th>
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<tbody>
<tr>
<td>F6</td>
<td>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))</td>
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<td>F1227S.</td>
<td>529(1A) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 10(2); S.I. 2007/935, art. 7(o)</td>
</tr>
<tr>
<td>F1228W</td>
<td>Words in s. 529(2) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 10(3)(a); S.I. 2007/935, art. 7(o)</td>
</tr>
<tr>
<td>F1229W</td>
<td>Words in s. 529(2) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 10(3)(b), Sch. 18 Pt. 3; S.I. 2007/935, art. 7(o)(q)</td>
</tr>
<tr>
<td>F1230W</td>
<td>Words in s. 529(2) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 10(3)(c); S.I. 2007/935, art. 7(o)</td>
</tr>
<tr>
<td>F1231W</td>
<td>Words in s. 529(2) substituted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 17(5)(a); S.I. 2013/1800, art. 3(j)</td>
</tr>
<tr>
<td>F1232W</td>
<td>Words in s. 529(2) substituted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), Sch. 5 para. 17(5)(b); S.I. 2013/1800, art. 3(j)</td>
</tr>
<tr>
<td>F1233W</td>
<td>Words in s. 529(3) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 10(4)(a); S.I. 2007/935, art. 7(o)</td>
</tr>
<tr>
<td>F1234W</td>
<td>Words in s. 529(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 145(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.</td>
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<tr>
<td>F1235W</td>
<td>Words in s. 529(3) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 10(4)(b); S.I. 2007/935, art. 7(o)</td>
</tr>
</tbody>
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### 530 Compulsory purchase of land.

(1) The Secretary of State may authorise a [F6 local authority] to purchase compulsorily any land (whether within or outside their area) which—

(a) is required for the purposes of any school or institution which is, or is to be, maintained by them or which they have power to assist, or

(b) is otherwise required for the purposes of their functions under this Act, or

[c F1236(c)] is required for the purposes of an Academy (whether established or to be established).]
(2) The Secretary of State shall not authorise the compulsory purchase of any land required for the purposes of a [F1237]foundation, voluntary or foundation special school unless he is satisfied that the arrangements made—
   (a) as to the vesting of the land to be purchased, and
   (b) as to the appropriation of that land for the purposes of the school,
are such as to secure that the expenditure ultimately borne by the [F6]local authority will not include any expenditure which, if the land had been purchased by the governing body of the school, would have fallen to be borne by the governing body.

(3) Subsection (2) shall not, however, apply where the [F6]local authority propose that expenditure to be incurred in connection with the purchase should ultimately be borne by them—
   (a) in the case of an authority in England, ... under any provision of regulations under section 24 of the Education and Inspections Act 2006 (implementation of proposals under section 19 of that Act) by virtue of subsection (7) of section 24 of that Act authorises a [F6]local authority to provide assistance to the governing body of a voluntary aided school in connection with the implementation of the obligations of the governing body under the regulations, or
   (b) in the case of an authority in Wales, under paragraph 9 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (assistance in respect of maintenance and other obligations relating to voluntary aided schools) (including that paragraph as applied by section 76(3) of that Act)]

(4) In this section “land” includes buildings and other structures and land covered with water.

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531 Acquisition of land by agreement.

(1) For the removal of doubt, it is declared that making land available for the purposes of a school or institution—
   (a) which is, or is to be, maintained by a [F6]local authority, or
   (b) which such an authority have power to assist,
is a function of the authority within the meaning of section 120 of the Local Government Act 1972 (which relates to the acquisition by a local authority by agreement of land for the purpose of any of their functions), even though the land will not be held by the authority.

(2) A [local authority] shall not acquire by agreement any land required for the purposes of [foundation, voluntary or foundation special school] unless they are satisfied that the arrangements made—

(a) as to the vesting of the land to be acquired, and

(b) as to the appropriation of that land for the purposes of the school,

are such as to secure that the expenditure ultimately borne by them will not include any expenditure which, if the land had been acquired by the governing body of the school, would have fallen to be borne by the governing body.

Textual Amendments

F6 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))

F1241 Words in s. 531(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.147 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

Marginal Citations

M12 1972 c. 70.

Appointment of chief education officer

532 Appointment of chief education officer.

[F1242] The duties of a [local authority] in Wales under the Local Government Act 1972 with respect to the appointment of officers shall (without prejudice to the generality of the provisions of that Act) include the duty of appointing a fit person to be the chief education officer of the authority.

Textual Amendments

F6 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))

F1242 Words in s. 532 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(2); S.I. 2007/1792, art. 2

Direct payments

F1243 532 Persons with special educational needs ...


**CHAPTER III**

ANCILLARY FUNCTIONS OF GOVERNING BODIES

**Provision of services**

533  [F1244] Functions of governing bodies of maintained schools with respect to provision of school meals etc.

(1) The governing body of any school maintained by a [F6] local authority shall—

(a) afford the authority such facilities as they require to enable them to perform their functions under section 512, and

(b) allow the authority to make such use of the premises and equipment of the school, and such alterations to the school buildings, as the authority consider necessary for that purpose.

(2) Nothing in subsection (1) shall require the governing body of [F1245] any such school to incur any expenditure.

(3) Where the governing body of a school which has a delegated budget (within the meaning of Part II [F1246] of the School Standards and Framework Act 1998) provide pupils or other persons who receive education at the school with milk, meals or other refreshment, they [F1247] may charge for anything so provided.

[F1248] (3A) Where the governing body of a school [F1249] in England exercise the power to charge under subsection (3), the price they charge for an item must not exceed the cost of providing that item.

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**Textual Amendments**

F1243Ss. 532A-532C repealed (15.11.2015) by Education Act 2011 (c. 21), s. 75(3)

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(4) Where the governing body of a school exercise the power to charge under subsection (3), they must charge every person the same price for the same quantity of the same item.
in charge of the day nursery [F1255 or (as the case may be) the registered early years provider] , and

(c) for any supplementary or incidental matters connected with the arrangements, [F1256 including—

(i) in relation to England, any charges to be imposed in connection with the arrangements, and

(ii) in relation to Wales, where the teacher's school and the day nursery are in the areas of different [F1] local authorities, financial adjustments between those authorities.]

[F1257](4) In this section—

“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children) [F1258 or sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children)]

“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.

(5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

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### Textual Amendments

<table>
<thead>
<tr>
<th>Textual Amendments</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>F1</td>
<td>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(4)(5)</td>
</tr>
<tr>
<td>F6</td>
<td>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))</td>
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<td>F1253</td>
<td>Words in s. 535(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para.150 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.</td>
</tr>
<tr>
<td>F1254</td>
<td>Words in s. 535(1) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 26(2); S.I. 2008/2261, art. 2 (with Sch. 1)</td>
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<td>F1255</td>
<td>Words in s. 535(3)(b) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 26(3) (a); S.I. 2008/2261, art. 2 (with Sch. 1)</td>
</tr>
<tr>
<td>F1256</td>
<td>Words in s. 535(3)(c) substituted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 26(3)(b); S.I. 2008/2261, art. 2 (with Sch. 1)</td>
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<tr>
<td>F1257S</td>
<td>535(4) substituted (9.4.2016) 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)</td>
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<td>F1258</td>
<td>Words in s. 535(4) inserted (6.4.2016) 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)</td>
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<tr>
<td>F1259</td>
<td>Words in s. 535(4) 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), 156</td>
</tr>
</tbody>
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Medical arrangements
CHAPTER IV

PROVISION OF INFORMATION BY GOVERNING BODIES ETC.

537 Power of Secretary of State to require information from governing bodies etc.

F1260[(1) The Secretary of State may by regulations make provision requiring—

(a) the governing body of every school which is—

(i) maintained by a local authority, or
(ii) a special school which is not maintained by such an authority, and

(b) the proprietor of every

(i) independent school, or
(ii) alternative provision Academy which is not an independent school, to provide such information about the school as may be prescribed.]

(2) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.

(3) Where the Secretary of State exercises his power to make regulations under this section he shall do so with a view to making available information which is likely to—

(a) assist parents in choosing schools for their children;
(b) increase public awareness of the quality of the education provided by the schools concerned and of the educational standards achieved in those schools; or
(c) assist in assessing the degree of efficiency with which the financial resources of those schools are managed.

(4) Information which is required by virtue of regulations under this section shall be provided—

(a) in such form and manner,
(b) on such occasions, and
(c) to such person or persons, in addition to or in place of the Secretary of State, as may be prescribed; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State.

(5) No information provided in accordance with regulations under this section shall name any pupil to whom it relates.

(6) The Secretary of State may—
(a) publish information provided in accordance with regulations under this section in such form and manner as he considers appropriate;
(b) make arrangements for such information to be published in such form and manner, and by such persons, as he may specify for the purposes of this section;
(c) make regulations requiring [F1local authorities] to publish prescribed categories of such information, together with such supplementary information as may be prescribed, in such form and manner as may be prescribed.

(7) The Secretary of State may make regulations requiring—
(a) the governing body of any school which is maintained by a [F6local authority] . . .,
(b) the proprietor of any city technology college [F1265, city college for the technology of the arts or [F1266Academy]], or
c) any [F6local authority],
to provide prescribed persons with prescribed categories of information published under subsection (6).

(8) Information provided under subsection (7) shall be provided in such form and manner as may be prescribed.

(9) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(10) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(11) Without prejudice to the generality of section 569(4), regulations under this section may make provision for the designation by the Secretary of State, in accordance with the regulations, of particular schools or classes of schools for the purposes of the application of particular provisions of the regulations in relation to such schools.

(12) This section is not to be taken as restricting, or otherwise affecting, any other powers that the Secretary of State may have to make regulations with respect to, or otherwise to require, the provision of information by any person.

(13) This section does not apply to nursery schools.

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))
F6 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))
F1260 S. 537(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 152(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
F1261 Words in s. 537(1)(b) renumbered as s. 537(1)(b)(i) (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(15); S.I. 2012/924, art. 2
F1262 S. 537(1)(b)(ii) and word inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), Sch. 13 para. 9(15); S.I. 2012/924, art. 2
F1263 Words in s. 537(4) added (14.6.1997) by 1997 c. 44, s. 57(1), Sch. 7 para. 37; S.I. 1997/1468, art. 2(1), Sch. 1 Pt. I
F1264 Words in s. 537(7)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 152(b), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
 provision of information about individual pupils.

(1) Regulations may make provision requiring—

(a) the governing body of every school which is—

(i) maintained by a [F6local authority], or
(ii) a special school which is not maintained by such an authority, and

(b) the proprietor of every independent school, [F1270 or

(i) alternative provision Academy that is not an independent school,]

F1269 to provide to the relevant person such individual pupil information as may be prescribed.

(2) In subsection (1) “the relevant person” means one or more of the following—

(a) the Secretary of State, and

(b) any prescribed person.

(3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—

(a) to him, or

(b) to any prescribed person.

(4) The Secretary of State may provide any individual pupil information—

(a) to any information collator,

(b) to any prescribed person, or

(c) to any person falling within a prescribed category.

(5) Any information collator—

(a) may provide any individual pupil information—

(i) to the Secretary of State,
(ii) to any other information collator, or
(iii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and

(b) may, at such times as the Secretary of State may determine, provide such individual pupil information as may be prescribed—

(i) to any prescribed person, or
(ii) to any person falling within a prescribed category.

(6) Any person holding any individual pupil information (other than the Secretary of State or an information collator) may provide that information to—

(a) the Secretary of State,

(b) any information collator, or
(c) any prescribed person.

(7) No information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.

(8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.

(9) In this section—

“individual pupil information” means information relating to and identifying individual pupils or former pupils at any school within subsection (1), whether obtained under subsection (1) or otherwise;

“information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to pupils.

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**Textual Amendments**

**F6** 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))

**F1268** S. 537A substituted (20.11.1998 with savings as mentioned in art. 5 of the S.I. 1998/2791) by 1998 c. 31, s. 140(1), Sch. 30 para.153 (with ss. 138(9), 144(6)); S.I. 1998/2791, arts.3, 5

**F1269** Words in s. 537A(1)(b) renumbered as s. 537A(1)(b)(i) (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, Sch. para. 7 (with art. 3)

**F1270** S. 537A(1)(b)(ii) 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. 7 (with art. 3)
(c) to any person falling within a prescribed category.

(5) Any information collator—
   (a) may provide any individual child information—
      (i) to the Secretary of State,
      (ii) to any other information collator, or
      (iii) to the person who provides the funded education for the child or
      children to whom the information relates, and
   (b) may, at such times as the Secretary of State may determine, provide such
      individual child information as may be prescribed—
      (i) to any prescribed person, or
      (ii) to any person falling within a prescribed category.

(6) Any person holding any individual child information (other than the Secretary of State
 or an information collator) may provide that information to—
   (a) the Secretary of State,
   (b) any information collator, or
   (c) any prescribed person.

(7) No information received under or by virtue of this section shall be published in any
 form which includes the name of the child or children to whom it relates.

(8) Regulations under this section may provide that, in such circumstances as may be
 prescribed, the provision of information to a person other than the Secretary of State
 is to be treated, for the purposes of any provision of such regulations or this section,
 as compliance with any requirement imposed by or by virtue of any such provision
 and relating to the provision of information to the Secretary of State.

(9) In this section—
   “child” means a person under the age of 19;
   “funded education” means education provided under arrangements made
   by a [F6 local authority] in pursuance of the duties imposed by section 19(1)
   and (4) [F1271 or section 19A(1) and (4)] (duty to make special arrangements
   for provision of education for children of compulsory school age and young
   persons who may otherwise not receive suitable education), other than such
   education provided at a school;
   “individual child information” means information relating to and
   identifying individual children for whom funded education is being or has
   been provided, whether obtained under subsection (1) or otherwise;
   “information collator” means any body which, for the purposes of or in
   connection with the functions of the Secretary of State relating to funded
   education, is responsible for collating or checking information relating to
   children for whom such education is provided.]

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Textual Amendments

F6 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))

F1271 S. 537B inserted (28.3.2007 for E., 1.9.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss.
164, 188(3); S.I. 2007/935, art. 2; S.I. 2009/1027, art. 3(b)
Disclosure of information by or to principal regulators of exempt charities

(1) Nothing in any provision made by or under section 537, 537A or 537B requires or authorises the provision of information—

(a) by the principal regulator of an exempt charity (within the meaning of Section 25 of the Charities Act 2011), if the information was received by that principal regulator in its capacity as such; or

(b) to the principal regulator of an exempt charity in its capacity as such.

(2) Nothing in subsection (1) prevents the disclosure of information under Section 56 or 57 of the Charities Act 2011.]
538 Power to direct participation in international surveys

The Secretary of State may direct the governing body of a community, foundation or voluntary school in England to secure that the school participates in such international education surveys as may be specified in the direction.

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540 Distribution of information about schools providing secondary education.

(1) Where the governing body of any school providing primary education receive a request which—
   (a) is made by the governing body of any school providing secondary education, and
   (b) relates to the distribution of information about the school providing secondary education to parents of pupils at the school providing primary education without charge to those parents,

   the governing body of that school shall secure that the request is treated no less favourably (whether as to services provided or as to the terms on which they are provided) than any such request made by the governing body of any other school providing secondary education.

   (2) In this section “school” means—
      (a) any community, foundation or voluntary school, or
      (b) any community or foundation special school (which is not established in a hospital).

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541 Distribution of information about further education institutions.

(1) The Secretary of State may by regulations require—
   (a) the governing body of any school providing secondary education, and
   (b) the proprietor of any city technology college or Academy,
to provide such persons as may be prescribed with such categories of information falling within subsection (2) as may be prescribed.

(2) Information falls within this subsection if it is—

(a) published under section 50 of the Further and Higher Education Act 1992 (information with respect to institutions within the further education sector), and

(b) made available to governing bodies and proprietors for distribution.

(3) Information provided under subsection (1) shall be provided in such form and manner as may be prescribed.

(4) In this section “school” means—

(a) any community, foundation or voluntary school, or

(b) any community or foundation special school (which is not established in a hospital).

Textual Amendments

F1280 Words in s. 541(1)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, Sch. 9 para. 61 (with s. 150)

F1281 Words in s. 541(1)(b) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), Sch. 7 para. 6(6) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2

F1282 S. 541(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 157 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

Marginal Citations


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 local authorities... 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 local authority, the authority shall secure that the school premises conform to the prescribed standards.

F1284 (3) ..........................................................
543  Relaxation of prescribed standards in special cases.

(1) Where subsection (2), (3) [F1286 (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.
(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.

544 Approval etc. of school premises and boarding hostels.

(1) Regulations may make provision requiring the Secretary of State’s approval 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 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 local authority, and

(b) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(c) any special school not maintained by a local authority.

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 F1291... F1292...
(b) ...........................................

Textual Amendments
F1291 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
F1292S. 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 [F6local authority], [F1293and]
(b) ...........................................
(c) any special school not maintained by a [F6local authority].

Textual Amendments
F6 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))
F1293 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
F1294S. 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—

- any school maintained by a local authority,
- any special school not so maintained,
- any independent school,
- any alternative provision Academy that is not an independent school,
- any premises which are—
  - provided by a local authority under section 507A or 507B (if the authority are in England) or section 508 (if the authority are in Wales), and
  - used wholly or mainly in connection with the provision of instruction or leadership in sporting, recreational or outdoor activities.

(3) If—

- a police constable, or
- (subject to subsection (5)) a person whom 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.

(4) In subsection (3) “the appropriate authority” means—

- in relation to premises of a foundation, voluntary aided or foundation special school, a local authority or the governing body,
- in relation to—
  - premises of any other school maintained by a local authority,
  - premises provided by a local authority as mentioned in subsection (2A),
- in relation to premises of a special school which is not so maintained or of an independent school or an alternative provision Academy that is not an independent school, the proprietor of the school.

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

(6) No proceedings for an offence under this section shall be brought by any person other than—

- a police constable, or
- 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 [6]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 [6]local authority], or
(ii) on premises provided by a [6]local authority] as mentioned in subsection (2A),
(c) in relation to an offence committed on premises of a special school which is not so maintained or of an independent school[6], or an alternative provision Academy that is not an independent school[6], a person whom the proprietor of the school has authorised to bring such proceedings.


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Textual Amendments

F6 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))

F1295S. 547(2)(b) and preceding word repealed (1.9.1999) by School Standards and Framework Act 1988 (c. 31), s. 140(1), Sch. 30 para. 163(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F1296S. 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

F1297Word 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)

F1298S. 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)

F1299S. 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

F1300Words in s. 547(2A)(a) substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), Sch. 1 para. 6

F1301Words 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

F1302S. 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

F1303Words 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)

F1304Words 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

F1305S. 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

F1306Words 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

[F1307 PUNISHMENT AND RESTRAINT OF PUPILS]

Textual Amendments
F1307Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, Sch. 7 para. 38; S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV

[F1308 Corporal punishment]

Textual Amendments
F1308Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, Sch. 7 para. 38; S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV

[F1309548] 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 [F6 local authority], or
   (c) for whom [F1310 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.
“Child” (except in subsection (8)) means a person under the age of 18.

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

Textual Amendments

F6 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))

F1309 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

F1310 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)

F1311 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)

F1312 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)

F1313 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)

F1314 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

F1315 S. 550
Textual Amendments
F1315S. 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

F1316 [Power to restrain pupils]

Textual Amendments
F1316S. 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

F1317 F1318

Textual Amendments
F1317S. 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)
F1318S. 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

F1319 [Powers to search pupils]

Textual Amendments
F1319Ss. 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;

[F1320

| (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.

[F1321

| (g) 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.

[F1322

| In subsection (3)(ea)(i), “offence” includes anything that would be an offence but for 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.
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;
   (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 \[F1323\] 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, unless the condition in subsection (6A) is satisfied;
   (c) may carry out the search only in the presence of another member of staff, 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.

\[F1326\]

(6A) The condition is satisfied if—
   (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, unless the condition in subsection (7A) is satisfied.

[The condition is satisfied if—

(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

F1323 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

F1324 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

F1325 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

F1326 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

F1327 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

F1328 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

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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) 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.

(6A) A person who seizes an item that is a prohibited item by virtue of section 550ZA(3)(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,
(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), (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**

F1329 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

F1330 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

F1331 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), (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 [an item within subsection (2A)] under section 550ZC; and

(b) proves that the seizure, retention or disposal was lawful.

<table>
<thead>
<tr>
<th>F1334</th>
<th>The items referred to in subsection (2)(a) are—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2A)</td>
<td>(a) alcohol or its container;</td>
</tr>
<tr>
<td></td>
<td>(b) a controlled drug;</td>
</tr>
<tr>
<td></td>
<td>(c) a stolen article;</td>
</tr>
<tr>
<td></td>
<td>(d) an item that is a prohibited item by virtue of section 550ZA(3)(ea) or (g).</td>
</tr>
</tbody>
</table>

(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, disposal or erasure; or

(b) any damage or loss which arises in consequence of it.
(4) Subsections (2)[F1336, (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
F1332 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
F1333 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
F1334S. 550ZD(2A)(2B) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(5)(e), 82(3); S.I. 2012/924, art. 2
F1335 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
F1336 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

[F1337 550: Power of members of staff to search pupils for weapons [F1338: Wales]

(1) A member of the staff of a school [F1339 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 [F1340 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.

(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

F1337S. 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

F1338Word 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))

F1339Words 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))
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.

[(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 [F6local authority] ; [F1344and]

(b) . . .

(c) any special school not maintained by a [F6local authority].

Textual Amendments

[F6 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))]

[F1343S. 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]
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.

(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
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.

(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

(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—

(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 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, 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 of this Act (or any corresponding earlier enactment) or paragraph 3 or 4 of Schedule 19 to the School Standards and Framework Act 1998, 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, 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 or teaching and learning in Religion, Values and Ethics was so provided immediately before the premises ceased to be so used,
such religious education 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

(b) where religious education 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
(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 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.

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.
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
(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 foundation schools or voluntary schools;
   (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 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 or teaching and learning in Religion, Values and Ethics in accordance with the tenets of the religion 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...

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.
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

F1359 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))

F1360 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))

F1361 Words in s. 556(3) inserted (1.9.2022 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—

(a) regulated by a qualifying scheme under the Endowed Schools Acts 1869 to 1948 as applied by section 86(1) of the Education Act 1944 or by an order under section 554 of this Act or section 2 of the 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 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 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 School Sites Act 1841, under section 86(3) of the Education Act 1944 or under section 1 of the Reverter of Sites Act 1987 (rights replacing certain reversionary interests in land), or
   (b) the rights of any local authority which have arisen under paragraph 7 or 8 of the First Schedule to the Education Act 1946 (rights in relation to school sites provided by such authorities) or which may arise under section 60(4) or 62(2), 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 Education Act 1973 made by virtue of section 5 of the Reverter of Sites Act 1987.

(9) In this section—
   “company” means a company as defined in section 1(1) of the Companies Act 2006;
   “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 Education Act 1993 came into force);
   “relevant school” means 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 [\textsuperscript{F1367}, \textsuperscript{F1368}Academy school, alternative provision Academy,\textsuperscript{F1367} city technology college or city college for the technology of the arts,\textsuperscript{F1368} 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.
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 local authorities to prohibit or restrict employment of children.

(1) If it appears to a local authority that a child who is a registered pupil at a 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 local authority may serve a notice in writing on the parent or employer of a child who is a registered pupil at a 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—

(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 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.

(6) 

Footnote: Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
560 Work experience in last year of compulsory schooling.

(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 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—
   (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 Employment of Women, Young Persons and Children Act 1920 or section 55(1) of the 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 or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 applies in relation to any power conferred on a [F1373local authority] by subsection (1).

(7) In this section “enactment” includes any byelaw, regulation or other provision having effect under an enactment.

Textual Amendments

F6 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))

F1372S. 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

F1373Words 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)

F1374Words 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

M26 1920 c. 65.
M27 1995 c. 21.

[F1375560]Work experience for persons over compulsory school age: England

(1) A [F6local 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 [F1376and for whom an EHC plan is maintained].

(2) A [F6local authority] in England must—
   (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

F6 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))
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) \[F1\] 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.

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)

C236 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 [\textit{F1377} 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) [\textit{F1} local authorities], or

(c) parents,

shall be construed as relating to any person who is [\textit{F1378} subject to a detention order and is detained in accommodation that is not relevant youth accommodation], but a [\textit{F6} local authority] may make arrangements for [\textit{F1378} such a person] to receive the benefit of educational facilities provided by the authority.

\textit{F1379}(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 [\textit{F1380} 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 [\textit{F1381} 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 [\textit{M28} 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 [\textit{F1382} youth rehabilitation order under [\textit{F1383} Chapter 1 of Part 9 of the Sentencing Code]] or by virtue of anything done under such a requirement.

\textit{F1384}(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 [\textit{F1385} 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).]

Textual Amendments

\textbf{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), \textit{Sch. 2 para. 7(3)} (with Sch. 2 para. 7(4)(5))

\textbf{F6} 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), \textit{Sch. 2 para. 7(2)} (with Sch. 2 para. 7(4)(5))

\textbf{F1377} 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)
Chapter 5A – Persons detained in youth accommodation

**Textual Amendments**

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)

### Marginal Citations

M28 1933 c. 12.

**Changes to legislation:** Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
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—

(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—

(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 [F1387]statement of [F1388]special educational needs

[F1387](1) This section applies where, immediately before the beginning of the detention, a local authority [F1388]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.

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

[F1390(1) This section applies where special educational provision is secured for a person in circumstances where section 562C applies.

(2) A local authority [F1391 in Wales] may supply goods and services to—
   (a) the host authority, or
   (b) any other person making the special educational provision in question.

(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.]
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).

(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.
[F1392](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.

[F1392](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
F1392 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

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

[F1393](1) This section applies in relation to a detained person if, immediately before the beginning of the detention, a local authority [F1394 in Wales] were maintaining a statement under section 324 for the person.

(2) Subsections (3) and (4) apply where the home authority [F1395, 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 [F1396 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 [F1397 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 [F1398, where they are a local authority in Wales], and

(b) if different, the authority [F1399 in Wales] who, immediately before the beginning of the detention, were maintaining the statement under section 324.

(8) If the home authority[F1400, 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 [F1401 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.]
562H  Release of detained person appearing to host authority to require assessment

(1) This section applies in relation to the release from detention in relevant youth accommodation of a detained person—

(a) in relation to whom section 562G does not apply, 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) 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.

(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

(b) . . . . . . . . . . . . . . . . . . . . . . . . . . . .

the host authority must, on the person’s release, notify the Welsh Ministers of their opinion.

Textual Amendments

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
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;

“looked after child” means a person who, for the purposes of the Children Act 1989 [F1408] 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

F1408 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)

C240 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)

C241 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)

C242 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 [F6local authority]; [F1409and]
   (b) ..............................................................
   (c) any special school not maintained by a [F6local authority].
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

(F1411) 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 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 for the purpose of the exercise of their education functions.

(4) In this section—

[F1413, 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 [F1414, that Act], and

“registrar” includes a registrar of births and deaths and a superintendent registrar.

Textual Amendments

F6 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))

F1409 Word at the end of s. 563(3)(a) inserted (1.9.1999) by 1998 c. 31, Sch. 30 para. 172(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

F1410 S. 563(3)(b) repealed (1.9.1999) by 1998 c. 31, Sch. 30 para. 172(b), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Textual Amendments

F6 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))

F1411 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)

F1412 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)

F1413 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)
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 [F1415]local authority in connection with the exercise of their education functions[, and to be signed by the clerk of that authority or by the [F1416]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 [F1417]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 [F6]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.

[F1419](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) [F1419] or (1A) of section 444ZA, or
   (b) any place in the circumstances mentioned in subsection [F1420](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).]
Education Act 1996 (c. 56)
Part X – Miscellaneous and general
Chapter VI – General

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F6 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))

F1415 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)

F1416 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

F1417 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

F1418S. 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

F1419 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)

F1420 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

F1421 567 ..........................................

Textual Amendments

F1421S. 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.

F1422 [(2) For the purposes of subsection (1) “the excepted provisions” are—

section 349;

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 F1424 ... an order under—

[F1425 section 354(6), 355(2)(a), 356(2)(c) or 401,]

section 554,

section 583(3) or (4), or

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[F1425 section 354(6), 355(2)(a), 356(2)(c) or 401,]

section 554,

section 583(3) or (4), or

Stamp duty

F1421 567 ..........................................

Textual Amendments

F1421S. 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

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section 545.]

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[F1425 section 354(6), 355(2)(a), 356(2)(c) or 401,]

section 554,

section 583(3) or (4), or
Schedule 40,

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

(3A) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(4) [F1428] 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, F1429 . . .

(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

F1422 S. 568(2) substituted (1.9.1999) by 1998 c. 31, 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

F1423 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

F1424 Words in s. 568(3) repealed (15.11.2015) by Education Act 2011 (c. 21), s. 75(3)

F1425 Words in s. 568(3) repealed (10.1.2002 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

F1426 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)

F1427 S. 568(3A) repealed (15.11.2015) by Education Act 2011 (c. 21), s. 75(3)

F1428 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

F1429 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)

C243 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 or the Welsh Ministers] to make regulations under this Act shall be exercised by statutory instrument.
(2) A statutory instrument containing regulations under this Act made by the Secretary of State, other than one falling within subsection (2A), shall be subject to annulment in pursuance of a resolution of either House of Parliament. A statutory instrument which contains (whether alone or with other provision) regulations under section 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.

(2A) A statutory instrument which contains (whether alone or with other provision) regulations under sections 29(6A), 332ZA, 332BA, 332BB, 336, 397, 444A, 444B or (unless subsection (2BA) applies) Chapter 5A, 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.

(2B) A statutory instrument containing 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.

(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 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).
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

F1432 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))

F1433 Words in s. 569(2) repealed (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), Sch. 18 Pt. 2

F1434 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))

F1435 Words in s. 569(2A) substituted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(6), 82(3);

F1436 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)

F1437 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)

F1438 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)

F1439 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)

F1440 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)

F1441 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)

F1442 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)

F1443 S. 569(3) repealed (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), Sch. 18 Pt. 2

F1444 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)
C244 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))

Regulations made by Welsh Ministers under Chapter 5A

Textual Amendments

F1445 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, [F1447 or]
   (b) .................................................. 
   (c) a [F6 local authority],
   other than an order to which section 568(1) applies.
(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, \[F1448\] or the 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

F6 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))
F1446 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
F1447 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
F1448 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)
C245 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)
C246 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 [F1449 provision of this Act] in such manner as he thinks fit.

Textual Amendments

F1449 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
F1450 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)
C247 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)
C248 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)
Service of documents

572 Service of notices and other documents.

Any order, notice or other document required or authorised by this Act to be 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.

(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.
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 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.

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 section 499(8) it only includes such a person if he is an individual.
(2) ............................................

(3) In subsection (1) “parental responsibility” has the same meaning as in the Children 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
F1455 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
F1456 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)
C252 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)
C253 S. 576 applied (24.7.1998) by 1998 c. 31, ss. 142(10), 145(4) (with ss. 138(9), 144(6))
C254 S. 576 applied (1.9.2001) by S.I. 2001/600, reg. 30(10)

Marginal Citations
M29 1989 c. 41.

Textual Amendments
F1457 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—
F1458 . . . 
F1459 . . .
the Education Act 1973;
the Education Act 1980;
the Education (Fees and Awards) Act 1983;
the Further Education Act 1985 (except sections 4 and 5);
the Education Act 1986;
the Education (No. 2) Act 1986;
the Education Reform Act 1988;
F1458 . . . 
F1460 . . .
the Further and Higher Education Act 1992;
Education Act 1996 (c. 56)
Part X – Miscellaneous and general
Chapter VI – General

Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

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Textual Amendments

F1458 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)

F1459 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.

F1460 Words in s. 578 repealed (1.8.2003) by Education Act 2002 (c. 32), s. 216(2), Sch. 22 para. 56, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 2

F1461 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

F1462 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

F1463 Entry in s. 578 inserted (31.7.1997) by 1997 c. 59, ss. 6(2), 7(2)(3)

F1464 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)

F1465 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

F1466 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

F1467 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))
579 General interpretation.

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

[F1484]

[F1485]“Academy” means [F1486]an educational institution] to which Academy arrangements relate;

[F1487]“Academy arrangements” has the meaning given by section 1 of the Academies Act 2010;

[F1488]“Academy order” means an order under section 4 of that Act;

“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;

[F1489]“additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;

[F1490]“additional learning provision” has the meaning given by section 3 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;
“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;
“education functions” means the functions specified in Schedule 36A;
“EHC plan” means a plan within section 37(2) of the Children and Families Act 2014;
“. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
“financial year” means a period of twelve months ending with 31st March;
“functions” includes powers and duties;
“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;
“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);
“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 buildings and other structures, land covered with water, and any interest in land;
“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;
“local government elector” has the meaning given by section 270(1) of the Local Government Act 1972;
“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 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;
“modifications” includes additions, alterations and omissions and “modify” shall be construed accordingly;

[F1484] “the National Curriculum” (without more) means—

(a) [F1496] in relation to England, the National Curriculum for England,

[F1497] and

(b) [F1497] 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” [F1498] (except in Chapter 5A)] means prescribed by regulations;

“proprietor”, in relation to a school [F1499] or a 16 to 19 Academy] , means the person or body of persons responsible for the management of the school [F1500] or Academy] (so that, in relation to [F1501] a community, foundation or voluntary or community or foundation special school [F1502] or a maintained nursery school,] , [F1503] or a maintained nursery school,] it means the governing body);

“regulations” [F1504] ... means regulations made by the Secretary of State [F1505], except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales;

“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;

“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) [F1511] 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) [F1512] in relation to a child in the area of a local authority in Wales, has the meaning given by section 312(4);]
“school day”, in relation to a school, means any day on which at that school there is a school session;

“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.

(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.

(3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(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 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 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.

(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 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.

(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 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 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
(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 [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).
Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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
F1516 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(d) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F1517 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)

F1518 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)

F1519 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)

F1520 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

M42 1972 c. 70.

F1521 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.

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Section 579(1) - [F1525] alternative provision Academy
Section 162(1) - annual parents’ meeting (in Chapter VI of Part II)
Section 311(1) - appropriate diocesan authority (in Part III in relation to a Church of England, Church in Wales or Roman Catholic Church school)
Section 579(1) - appropriate further education funding council
Section 579(1) - assessment arrangements (in Part V)
Section 579(5) to (7) - assisted (in relation to a school or other institution)
Section 243(2) - authority responsible for election arrangements (in Chapter V of Part III)
Section 579(4) - belonging to the area of a [F6 local authority] (in relation to a person)
Section 579(1) - boarder
Section 101(3) and (6) - budget share (in Part II)
Section 246(1) (or section 252) - capital grant (in relation to grant-maintained schools)
Section 574 - cease to maintain (in relation to a school)
Section 573(4) - change in character (in relation to a school)
Section 311(4) - character (of a school) (in Part III)
child

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Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. 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

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**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.
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 M43 Education Act 1993 which has not previously been brought into force by an order under section 308(3) of that Act (commencement).

(5) 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 M44 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.
S. 583(3) power partly exercised (20.10.1997); 30.9.1997 appointed for specified provisions by S.I. 1997/2352, art. 2

Textual Amendments
F1553 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)

Marginal Citations
M43 1993 c. 35.
M44 1995 c. 50.
Changes to legislation:
Education Act 1996 is up to date with all changes known to be in force on or before 13 December 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to:

- s. 489 heading words substituted by 2022 asc 1 Sch. 4 para. 8(6)(c)
- s. 6(2) substituted by 2008 c. 25 Sch. 1 para. 6
- s. 8(2)(3) applied by 2022 asc 1 s. 144(7)
- s. 13 modified by 2002 c. 41 s. 36(1)(10)
- s. 15ZA(6)(7) applied by 2009 c. 22 s. 95(6) (This amendment not applied to legislation.gov.uk. S. 95 repealed (1.9.2012) by 2011 c. 21, Sch. 18 para. 8; S.I. 2012/1087, art. 3)
- s. 16 sidenote substituted by 1998 c. 31 Sch. 30 para. 64(4) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1) repealed in part by 1998 c. 31 Sch. 30 para. 64(2)(b)Sch. 31 (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1)(a) amended by 1998 c. 31 Sch. 30 para. 64(2)(a) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1)(c) repealed by 1998 c. 31 Sch. 30 para. 64(2)(b)Sch. 31 (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(1)(c) repealed by 1998 c. 31 Sch. 30 para. 64(2)(b)Sch. 31 (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 16(2) amended by 1998 c. 31 Sch. 30 para. 64(3) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 18 substituted by 1998 c. 31 Sch. 30 Sch. 30(1) (This amendment not applied to legislation.gov.uk. Sch. 30 para. 64 repealed without ever being in force by 2009 c. 22, s. 58, Sch. 16 Pt. 1; S.I. 2010/303, art. 3, Sch. 2)
- s. 19 excluded by 2002 c. 41 s. 36(5)(c)(10)
- s. 19(2)(a) words substituted by 2010 c. 26 Sch. 3 para. 1
- s. 19(2B)(a) words substituted by 2010 c. 26 Sch. 3 para. 1
- s. 19(6) words repealed by 2010 c. 26 Sch. 4 Pt. 1
- s. 313(5) word substituted by 2008 c. 25 Sch. 1 para. 7
- s. 316(2)(3) excluded by 2002 c. 41 s. 36(5)(d)(10)
- s. 326(3) restricted by 2002 c. 41 s. 36(6)
- s. 329A modified by 2002 c. 41 s. 36(9)(b)
- s. 348 omitted by 2018 anaw 2 Sch. 1 para. 4(11)
- s. 439(2) words inserted by 2008 c. 25 Sch. 1 para. 49
- s. 444(8A)(b) words substituted by 2003 c. 44 Sch. 26 para. 49(2)
- s. 457(4)(b)(i) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 484 omitted by 2022 asc 1 Sch. 4 para. 8(5)
- s. 489(1) words substituted by 2022 asc 1 Sch. 4 para. 8(6)(a)
- s. 489(2) omitted by 2022 asc 1 Sch. 4 para. 8(6)(b)
- s. 508F inserted by 2006 c. 40 s. 81
- s. 512ZB(4)(a)(i) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 512ZB(4)(b)(i) repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 530(3)(b) words omitted by 2022 asc 1 Sch. 4 para. 8(8)
- s. 548(1)(a) words substituted by 2008 c. 25 Sch. 1 para. 9(2)(a)
- s. 548(1)(b) words substituted by 2008 c. 25 Sch. 1 para. 9(2)(b)
- s. 548(1)(c) words substituted by 2008 c. 25 Sch. 1 para. 9(2)(b)
s. 548(2) words substituted by 2008 c. 25 Sch. 1 para. 9(3)

s. 548(6)(a) words substituted by 2008 c. 25 Sch. 1 para. 9(4)(a)

s. 548(6)(b)(i) word substituted by 2008 c. 25 Sch. 1 para. 9(4)(b)

s. 559(4)(b) words substituted by 2003 c. 44 Sch. 26 para. 49(3)

s. 569(2B) words omitted by 2018 anaw 2 Sch. 1 para. 4(30)(a)(i)

s. 569(5)(6) omitted by 2018 anaw 2 Sch. 1 para. 4(30)(c)

s. 578 entry added by 2022 asc 1 s. 149(2)

s. 579(1) words repealed by 2012 c. 5 Sch. 14 Pt. 1

s. 580 entries inserted by 2008 c. 25 Sch. 1 para. 10

s. 580 words substituted by 2003 c. 44 Sch. 26 para. 49(3)

s. 589(4)(a) words substituted by 2008 c. 25 Sch. 1 para. 4(33)(f)

s. 589(4)(b) words substituted by 2008 c. 25 Sch. 1 para. 4(33)(f)

s. 589(4)(c) words substituted by 2008 c. 25 Sch. 1 para. 4(33)(f)

s. 580 words omitted by 2018 anaw 2 Sch. 1 para. 8(9)

s. 580 words substituted by 2008 c. 25 Sch. 1 para. 10

Sch. 7 para. 11(a) words substituted by 2002 c. 9 Sch. 11 para. 36(a)

Sch. 7 para. 11(b)(c) words substituted by 2002 c. 9 Sch. 11 para. 36(b)

Sch. 7 para. 11(b)(c) words substituted by 2002 c. 9 Sch. 11 para. 36(b)

Sch. 11-13 repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31

Sch. 17-19 repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31

Sch. 22 para. 1-14 repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31

Sch. 23-25A repealed by 1998 c. 31 Sch. 30 para. 185Sch. 31

Sch. 27 para. 3 excluded by 2002 c. 41 s. 36(5)(e)(10)

Sch. 27 para. 8 excluded by 2002 c. 41 s. 36(5)(e)(10)

Sch. 36A para. 2 entry omitted by 2018 anaw 2 Sch. 1 para. 4(34)

Sch. 36A para. 2 table words omitted by 2022 asc 1 Sch. 1 para. 8(10)(b)

Sch. 36A para. 2 table words omitted by 2022 asc 1 Sch. 1 para. 8(10)(c)

Sch. 36A para. 2 table words omitted by 2022 asc 1 Sch. 1 para. 8(10)(d)

Sch. 36A para. 2 table words substituted by 2022 asc 1 Sch. 1 para. 8(10)(a)

Sch. 37 para. 4-7 repealed by 1998 c. 30 Sch. 4

Sch. 37 para. 98 repealed by 1998 c. 30 Sch. 4

Sch. 37 para. 59 repealed by 2004 c. 22 Sch.

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-17D inserted by 2009 c. 22 s. 45

s. 17B-17D applied by 2009 c. 22 s. 86(8)

s. 457(4)(i)(ii) 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