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 **[**[F1]local authorities**]** with respect to primary, secondary and further education; [F2]. . .

[F2](b) . . . . . .

(3) Part I of the [M1]Further and Higher Education Act 1992 **[**[F3]makes 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))

F2 S. 1(2)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 58, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7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)

F3 Words in s. 1(3) substituted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 51** (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**

Modifications etc. (not altering text)

C1 S. 1(4) excluded by 2002 c. 32, s. 28A(5) (as inserted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), **ss. 105**, 125(4); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1)

Marginal Citations

M1 1992 c. 13.

2 Definition of primary, secondary and further education.

[[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) In this Act "secondary education" means—

(a) full-time education suitable to the requirements of pupils of compulsory school age who are either—

(i) senior pupils, or

(ii) junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with senior pupils of compulsory school age; and

(b) (subject to subsection (5)) full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19 which is provided at a school at which education within paragraph (a) is also provided.

[[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 **[**[F6]local authority**][**[F7]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 **[**[F8]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,

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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.

Textual Amendments

F4 S. 2(1) substituted (1.10.2002 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), **ss. 156(2)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 4, Sch. Pt. 1

F5 S. 2(2A)(2B) inserted (1.9.2000 for E. for certain purposes and 1.4.2001 otherwise for E.W.) by 2000 c. 21, **s. 110(1)** (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (with art. 3)

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))

F7 Words in s. 2(2A)(a) inserted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(2)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

F8 Words in s. 2(2B)(b) inserted (1.10.2002 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 177(2)(a)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2

F9 Words in s. 2(2B) inserted (1.10.2002 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 177(2)(b)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2

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

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 **[**[F15]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

F13 Words in s. 3(1) inserted (1.9.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 9(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**

F14 S. 3(1A) inserted (2.9.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 34(2)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II

F15 Words in s. 3(3) substituted (2.9.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 34(3)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II

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Educational institutions

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 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 **[**[F19]part-time education suitable to the requirements of junior pupils or**]** further education.**]**

[[F20](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.**]**

[[F21](1B) A 16 to 19 Academy is not a school.

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

(2) **[**[F22]Nothing 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) [F23]. . ..

(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 [M2]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) **[**[F24], or

(c) a sixth form college**]**

and references to institutions within that sector shall be construed accordingly.

(4) For the purposes of this Act an institution is outside the higher education sector if it is not—

(a) a university receiving financial support under section 65 of that Act,

(b) an institution conducted by a higher education corporation within the meaning of that Act, or

(c) a designated institution for the purposes of Part II of that Act (defined in section 72(3) of that Act) **[**[F25], or

(d) a university to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates.**]**

and references to institutions within that sector shall be construed accordingly.

Textual Amendments

F16 S. 4(1) substituted (1.9.1997) by 1997 c. 44, **s. 51**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**

F17 Words in s. 4(1) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(2)**, 109(2); S.I. 2008/2261, art. 2 (with Sch. 1)

F18 Words in s. 4(1) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(2)(a)**; S.I. 2012/924, art. 2

F19 Words in s. 4(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

F20 S. 4(1A) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(3)**, 109(2); S.I. 2008/2261, art. 2 (with Sch. 1)

F21 S. 4(1B)(1C) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(2)(b)**; S.I. 2012/924, art. 2

F22 Words in s. 4(2) substituted (1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 10(a)**; S.I. 1998/386, art.2, **Sch. 1 Pt. IV**

F23 Words in s. 4(2) repealed (1.9.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 10(b), **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

F24 S. 4(3)(c) and word inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 97** (with art. 2(3))

F25 S. 4(4)(d) and word inserted (1.8.2017) by Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 5**; S.I. 2017/239, art. 2

Modifications etc. (not altering text)

C2 S. 4(1) restricted (1.9.2000 (E.) and 1.4.2001 (W.)) by 2000 c. 21, **s. 110(3)** (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Marginal Citations

M2 1992 c. 13.

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 **[**[F26]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.

[[F27](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,

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(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,

[[F28](i)**]** section 28 of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998**[**[F29], and

(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) **[**[F30]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

F26 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

F27 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)

F28 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)

F29 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)

F30 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 [F31]... .

(1) A primary school is a nursery school if it is used **[**[F32]wholly or**]** mainly for the purpose of providing education for children who have attained the age of two but are under **[**[F33]compulsory school age**]**.

[F34](2) . . . . . .

Textual Amendments

F31 Words in s. 6 title omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 2(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)

F32 Words in s. 6(1) inserted (1.10.2002 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), **ss. 156(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 4, Sch. Pt. 1

F33 Words in s. 6(1) substituted (1.8.1998) by 1997 c. 44, s. 51(1), **Sch. 7 para. 11**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

F34 S. 6(2) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 2(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)

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 he may have,

either by regular attendance at school or otherwise.

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.

[[F35](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.

[[F36](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.**]**

Textual Amendments

F35 S. 8(2) substituted (1.8.1998) by 1997 c. 44, **s. 52(2)**; S.I. 1998/386, art. 2, **Sch. 1 Pt.III**

F36 S. 8(4) substituted (1.8.1998) by 1997 c. 44, **s. 52(3)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

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 **[**[F37]State and **[**[F1]local authorities**]]** shall have regard to the general

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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.

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))

F37 Words in s. 9 substituted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 61** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

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.

Modifications etc. (not altering text)

C3 S. 10 amended (1.11.1996) 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)

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, [F38]...

(ii) in institutions within the further education sector, **[**[F39]or

(iii) in 16 to 19 Academies,**]**

in or in any area of England or Wales, or

(b) conduct schools**[**[F40], 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**[**[F41], 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

F38 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

F39 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

F40 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

F41 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)

C4 S. 11 amended (1.11.1996) 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

[F1LOCAL AUTHORITIES]

The authorities

F42 12 [F1Local authorities] and their areas.

. . . . . .

Textual Amendments

F42 S. 12 repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 2, **Sch. 3 Pt. 1**

General functions

13 General responsibility for education.

(1) A [F6local 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, [F43and secondary education][F44and, in the case of a [F6local 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—

[F45(a) the [F46the Secretary of State under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009][F47...

[F48(aa) the National Assembly for Wales under Part 2 of the Learning and Skills Act 2000, or]

(b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.]

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[[F49](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 **[**[F50]and for whom an EHC plan is maintained**]**."

[F51](4) . . . . . .

[F52](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).**]**

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))

F43 Words in s. 13(1) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(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**

F44 Words in s. 13(1) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 2(2)**; S.I. 2010/303, art. 3, Sch. 2

F45 S. 13(2)(a)(b) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(3)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3)

F46 Words in s. 13(2)(a) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 43**

F47 Words in s. 13(2)(a) omitted (1.4.2006) by virtue of The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 32(a)** (with art. 7)

F48 S. 13(2)(aa) inserted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 32(b)** (with art. 7)

F49 S. 13(3)-(6) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 2(3)**; S.I. 2010/303, art. 3, Sch. 2

F50 Words in s. 13(3)(b) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 3(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)

F51 S. 13(4) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 3(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)

F52 S. 13(5) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 3(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)

C5 S. 13 modified (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36**, 162 (with s. 159)

Status: *Point in time view as at 01/08/2017.*
Changes to legislation: *Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F53]13A 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 **[**[F54]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

F53 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

F54 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)

Status: *Point in time view as at 01/08/2017.*
Changes to legislation: *Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C6 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)

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.

[[F55](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 **[**[F56]compulsory school age**]**.

[[F57](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 **[**[F6]local authority**]**, is a school maintained by that authority which provides education to meet both—

(a) the needs of pupils with particular special educational 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.**]**

[F58](5) . . . . . .

(6) In exercising their functions under this section, a **[**[F6]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; 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))

F55 S. 14(3A) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), **ss. 2**, 188(3); S.I. 2007/935, art. 7(a)

F56 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**

F57 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

F58 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)

[F59 14A Duty of [F6 local authority] to consider parental representations

(1) Where a [F6 local 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 [F6 local 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 [F6 local 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 [F6 local 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))

Status: *Point in time view as at 01/08/2017.*
Changes to legislation: *Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F59 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)

[F60]15 Functions in respect of provision of further education.

. . . . . .

Textual Amendments

F60 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**

[[F61]15ZA Duty in respect of education and training for persons over compulsory school age: England

(1) A [[F6]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 [[F62]and for whom an EHC plan is maintained].

(2) A [[F6]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 [[F6]local authority] must (in particular) have regard to—

(a) the persons' ages, abilities and aptitudes;

(b) any learning difficulties [[F63]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 [[F6]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 [[F6]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 [[F64]the Secretary of State].

(6) For the purposes of this section a person has a learning difficulty [[F65]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 **[**[F66]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) **[**[F67]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, [F68]...

(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) **[**[F69]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.

[[F70](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.**]**

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))

F61 Ss. 15ZA, 15ZB inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 41**, 269(4); S.I. 2010/303, art. 3, Sch. 2

F62 Words in s. 15ZA(1) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 5(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)

F63 Words in s. 15ZA(3)(b) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 5(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)

F64 Words in s. 15ZA(5) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 44**

F65 Words in s. 15ZA(6) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 5(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)

F66 Words in s. 15ZA(7) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 5(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)

F67 Words in s. 15ZA(8) inserted (24.11.2015) by The English Apprenticeships (Consequential Amendments to Primary Legislation) Order 2015 (S.I. 2015/1852), arts. 1, **2(2)(a)**

F68 Word in s. 15ZA(8) omitted (24.11.2015) by virtue of The English Apprenticeships (Consequential Amendments to Primary Legislation) Order 2015 (S.I. 2015/1852), arts. 1, **2(2)(b)**

F69 Words in s. 15ZA(8) inserted (24.11.2015) by The English Apprenticeships (Consequential Amendments to Primary Legislation) Order 2015 (S.I. 2015/1852), arts. 1, **2(2)(b)**

F70 S. 15ZA(9) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 5(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)

Modifications etc. (not altering text)

C7 S. 15ZA(6)(7) applied (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 83(4)**, 269(4); S.I. 2010/303, art. 3, Sch. 2

C8 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**

C9 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**

C10 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))

C11 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**

C12 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**

C13 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**

C14 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**

C15 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)**

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).**]**

Textual Amendments

F61 Ss. 15ZA, 15ZB inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 41**, 269(4); S.I. 2010/303, art. 3, Sch. 2

Modifications etc. (not altering text)

C13 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**

C16 S. 15ZB 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**

C17 S. 15ZB 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))

C18 S. 15ZB 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**

C19 S. 15ZB 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**

C20 S. 15ZB 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**

C21 S. 15ZB 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**

C22 S. 15ZB 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)**

[F71 15ZC Encouragement of education and training for persons over compulsory school age: England

(1) A [F6 local authority] in England must—

(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), F72...

[F73 (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))

F71 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

F72 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)**

F73 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)

C13 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**

C23 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**

C24 S. 15ZC 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))

C25 S. 15ZC 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**

C26 S. 15ZC 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**

C27 S. 15ZC 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**

C28 S. 15ZC 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**

C29 S. 15ZC 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)**

[[F74]15ZD 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

F74 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

[[F76]15A [[F75]Powers in respect of education and training] for 16 to 18 year olds.

(1) A [[F6]local authority][[F77]in Wales] may secure the provision for their area of full-time [[F78]or 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.

[F79](1ZA) [A [[F6]local 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.]

[F80](1A) [The power under [[F81]subsections (1) and (1ZA)] 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).]

(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.]

[[F82](3) In exercising their functions under this section in respect of further education[[F83]—

Status: *Point in time view as at 01/08/2017.*
Changes to legislation: *Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(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 learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000).**]**

(4) A **[**[F6]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))

F75 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

F76 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)

F77 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

F78 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**

F79 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

F80 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**

F81 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

F82 S. 15A(3)(4) 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**

F83 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)

Modifications etc. (not altering text)

C30 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)**

C31 S. 15A 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)(c)**(2)(3)

C32 Words in s. 15A(2) 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**

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Changes to legislation: *Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F84 15B Functions in respect of education for persons over 19.

(1) A [F6 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[F85—

(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 learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000).]

(4) A [F6 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))

F84 S. 15B inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 55** (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**

F85 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)

Modifications etc. (not altering text)

C33 S. 15B 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)(d)**(2)(3)

Establishment etc. of schools

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

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(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.

[[F86](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.**]**

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))

F86 S. 16(3A) inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 126(1)**, 269(4); S.I. 2009/3317, art. 2, Sch.

17 Powers in respect of [[F87]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 **[**[F6]local authority**]**'s power under section 16(1) to establish, maintain and assist schools at which education is provided both for children under **[**[F88]compulsory school age**]** and for older pupils (including schools at which there are nursery classes for children under **[**[F88]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))

F87 Words in s. 17 heading substituted (1.9.2008 for E.) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 20**; S.I. 2008/2261, art. 2 (with Sch. 1)

F88 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)

C34 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**

C35 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**

C36 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.

Other arrangements for provision of education

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

A **[**[F6]local authority**]** may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another **[**[F6]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))

[[F89]18A 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 must (in particular) have regard to—

(a) the persons' ages, abilities and aptitudes;

(b) any special educational needs [F90]... the persons may have;

[[F91](ba) in the case of a local authority in England, any learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7)) the persons may have;

(bb) in the case of a local authority in Wales, any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000) the persons may have;**]**

(c) the desirability of enabling persons to complete programmes of study or training which they have begun;

(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) in relation to a local authority in England, the National Curriculum for England established under section 87 of the Education Act 2002 as subsisting for the time being;

(b) in relation to a local authority in Wales—

(i) the National Curriculum for Wales established under section 108 of that Act as subsisting for the time being, or

(ii) 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).

(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.**]**

Textual Amendments

F89 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

F90 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)

F91 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)

Modifications etc. (not altering text)

C37 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**

Status: *Point in time view as at 01/08/2017.*
Changes to legislation: *Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

C38 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**

C39 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))

C40 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**

C41 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**

C42 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**

C43 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**

C44 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)**

19 Exceptional provision of education in pupil referral units or elsewhere.

(1) Each **[**[F6]local authority**]** shall make arrangements for the provision of suitable [F92]. . . 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.

[[F93](1A) In relation to England, 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.**]**

(2) Any school established (whether before or after the commencement of this Act) and maintained by a **[**[F6]local authority**]** which—

(a) is specially organised to provide education for such children, and

(b) is not a county school or a special school,

shall be known as a "pupil referral unit".

[[F94](2A) Subsection (2) does not apply in relation to schools in England.

(2B) Any school established in England (whether before or after the commencement of this Act) and maintained by a **[**[F6]local authority**]** 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".**]**

(3) A **[**[F6]local authority**]** may secure the provision of boarding accommodation at any pupil referral unit.

[[F95]**[**[F96](3A) In relation to England, 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) **[**[F97]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 **[**[F98]the regulations**]** .**]**

(4) A **[**[F6]local authority**]** may make arrangements for the provision of suitable [F92]. . . 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.

[[F99](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**]** 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.

[[F100](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, means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have (and "suitable full-time education" is to be read accordingly).**]**

(7) Schedule 1 has effect in relation to pupil referral units.

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))

F92 Words in s. 19(1) and (4) repealed (1.9.1998) by 1997 c. 44, ss. 47(2)(3), 57(4), **Sch.8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

F93 S. 19(1A) inserted (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), **ss. 3(2)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2

F94 S. 19(2A)(2B) inserted (2.7.2007) by The Education Act 1996 (Amendment of Section 19) (England) Regulations 2007 (S.I. 2007/1507), regs. 1, **2**

F95 S. 19(3A)(3AA) substituted for s. 19(3A) (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), **ss. 3(3)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2

F96 S. 19(3A)(3B) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 101(2)**, 188(3); S.I. 2007/1801, art. 4(g)

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F97 Words in s. 19(3B) substituted (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), **ss. 3(4)(a)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2

F98 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

F99 S. 19(4A) inserted (1.9.1998) by 1997 c. 44, **s. 47(4)**; S.I. 1998/386, art. 2, **Sch. 1 Pt.IV**

F100 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)

Modifications etc. (not altering text)

C45 S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5)(c)(10)**, 162 (with s. 159)

C46 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)

CHAPTER IV

THE FUNDING AUTHORITIES

The Authorities

F101 20 . . . . . .

Textual Amendments

F101 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)

F102 21 . . . . . .

Textual Amendments

F102 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

F103 22 . . . . . .

Textual Amendments

F103 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)

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[F104]23 . . . . . .

Textual Amendments

F104 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)

[F105]24 . . . . . .

Textual Amendments

F105 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

[F106]25 . . . . . .

Textual Amendments

F106 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)

[F107]26 . . . . . .

Textual Amendments

F107 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

[F108]27 . . . . . .

Textual Amendments

F108 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**

Status: *Point in time view as at 01/08/2017.*
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CHAPTER VI

SUPPLEMENTAL

Allocation of functions

[F109]28 . . . . . .

Textual Amendments

F109 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.

[F110](2) . . . . . .

(3) 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 [F111]. . . , 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.

(5) A **[**[F6]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.

[F112](6) . . . . . .

[[F113](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).**]**

Status: *Point in time view as at 01/08/2017.*
Changes to legislation: *Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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))

F110 S. 29(2) repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 67(a), **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)

F111 Words in s. 29(3) repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 67(b), **Sch.31**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F112 S. 29(6) repealed (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 35, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F113 S. 29(6A) inserted (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(2)**, 25(3); S.I. 2015/1680, art. 2(d)

[F114]30 . . . . . .

Textual Amendments

F114 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)

Status:
Point in time view as at 01/08/2017.

Changes to legislation:
Education Act 1996, Part I is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.