



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER I

#### EDUCATIONAL PREMISES

#### *Required standards for educational premises*

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

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

#### **Textual Amendments**

- F1** Words in s. 542(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 158(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F2** S. 542(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 158(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F3** Words in s. 542(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 158(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Status: Point in time view as at 01/03/2007.*

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

- (1) Where subsection (2), (3) [<sup>F4</sup>, (4) or (4A)] applies in relation to a school, the Secretary of State may direct that, despite the fact that the prescribed requirement referred to in that subsection is not satisfied, the school premises shall be taken, as respects the matters specified in the direction, to conform to the standards prescribed under section 542 so long as—
- (a) the direction remains in force, and
  - (b) any conditions specified in the direction as respects those matters are observed.
- (2) This subsection applies if the Secretary of State is satisfied, having regard—
- (a) to the nature of the school’s existing site,
  - (b) to any existing buildings on the site, or
  - (c) to other special circumstances affecting the school premises,
- that it would be unreasonable to require conformity with any prescribed requirement as to any matter.
- (3) This subsection applies if—
- (a) the school is to have an additional or new site, and
  - (b) the Secretary of State is satisfied, having regard to the shortage of suitable sites, that it would be unreasonable to require conformity with any prescribed requirement relating to sites.
- (4) This subsection applies if—
- (a) the school is to have additional buildings, or is to be transferred to a new site,
  - (b) existing buildings not previously part of the school premises, or temporary buildings, are to be used for that purpose, and
  - (c) the Secretary of State is satisfied, having regard to the need to control public expenditure in the interests of the national economy, that it would be unreasonable to require conformity with any prescribed requirement relating to buildings.
- [<sup>F5</sup>(4A) This subsection applies, in relation to any playing fields used by the school for the purposes of the school, if the Secretary of State is satisfied that, having regard to other facilities for physical education available to the school, it would be unreasonable to require conformity with any prescribed requirement relating to playing fields.
- In this subsection “playing fields” has the same meaning as in section 77 of the School Standards and Framework Act 1998 (control of disposals or changing use of school playing fields).]
- (5) In this section “prescribed requirement” means a requirement of regulations under section 542.

#### **Textual Amendments**

- F4** Words in s. 543(1) substituted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 159(a)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch. 1 Pt.III**
- F5** S. 543(4A) inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 159(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(3), **Sch. 1 Pt.III**

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

- (1) Regulations may make provision requiring the Secretary of State's approval<sup>F6</sup> . . . to be obtained for the provision of new premises for, or the alteration of the premises of—
  - (a) any school to which this section applies, or
  - (b) any boarding hostel provided by a local education 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 education authority, [<sup>F7</sup>and]
  - <sup>F8</sup>(b) . . . . .
  - (c) any special school not maintained by a local education authority.

##### Textual Amendments

- F6** Words in s. 544(1) repealed (1.4.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 160(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1
- F7** Word at the end of s. 544(3)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 160(b)(i) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F8** S. 544(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 160(b)(ii), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

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

- (1) Where plans for, or particulars in respect of, a building required for the purposes of any school or other educational institution are approved by the Secretary of State, he may by order direct that any provision of a local Act or of a byelaw made under such an Act—
  - (a) shall not apply in relation to the building, or
  - (b) shall apply in relation to it with such modifications as may be specified in the order.
- (2) The reference in subsection (1) to plans or particulars approved by the Secretary of State includes a reference to—
  - (a) particulars submitted to and approved by him under regulations under section 544<sup>F9</sup> . . . . .<sup>F10</sup>
  - <sup>F10</sup>(b) . . . . .

##### Textual Amendments

- F9** Words in s. 545(2)(a) repealed (6.11.2006 for E.) 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
- F10** S. 545(2)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 161, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

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### *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 local education authority, <sup>F11</sup>and]
  - <sup>F12</sup>(b) .....
  - (c) any special school not maintained by a local education authority.

#### **Textual Amendments**

- F11** 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**
- F12** s. 546(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 162(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### *Nuisance or disturbance on school premises*

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

- (1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation, of—
  - (a) any school maintained by a local education authority, <sup>F13</sup> . . .
  - <sup>F14</sup>(aa) any special school not so maintained, and
  - (ab) any independent school.]
  - <sup>F13</sup>(b) .....
- <sup>F15</sup>(2A) This section also applies to any premises which are—
  - (a) provided by a local education authority under <sup>F16</sup>section 507A or 507B (if the authority are in England) or section 508 (if the authority are in Wales)] , and
  - (b) used wholly or mainly in connection with the provision of instruction or leadership in sporting, recreational or outdoor activities.]
- (3) If—
  - (a) a police constable, or
  - (b) (subject to subsection (5)) a person whom <sup>F17</sup>the appropriate authority has] authorised to exercise the power conferred by this subsection,

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

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- [<sup>F18</sup>(4) In subsection (3) “the appropriate authority” means—
- (a) in relation to premises of a foundation, voluntary aided or foundation special school, a local education authority or the governing body,
  - (b) in relation to—
    - (i) premises of any other school maintained by a local education authority, and
    - (ii) premises provided by a local education authority as mentioned in subsection (2A),a local education authority, and
  - (c) in relation to premises of a special school which is not so maintained or of an independent school, the proprietor of the school.]
- (5) A local education authority may not authorise a person to exercise the power conferred by subsection (3) in relation to premises of [<sup>F19</sup>a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.
- [<sup>F20</sup>(6) No proceedings for an offence under this section shall be brought by any person other than—
- (a) a police constable, or
  - (b) an authorised person.
- (7) In subsection (6) “authorised person” means—
- (a) in relation to an offence committed on premises of a foundation, voluntary aided or foundation special school, a local education 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 local education authority, or
    - (ii) on premises provided by a local education authority as mentioned in subsection (2A),a local education authority, and
  - (c) in relation to an offence committed on premises of a special school which is not so maintained or of an independent school, a person whom the proprietor of the school has authorised to bring such proceedings.]
- (8) A local education authority may not bring proceedings for an offence under this section committed on premises of [<sup>F19</sup>a foundation, voluntary or foundation special school] without first obtaining the consent of the governing body.

#### Textual Amendments

- F13** S. 547(2)(b) and preceding word repealed (1.9.1999) by School Standards and Framework Act 1988 (c. 31), s. 140(1)(3), Sch. 30 para. 163(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F14** S. 547(2)(aa)(ab) inserted (1.10.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 20 para. 1(2) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F15** S. 547(2A) inserted (1.10.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 20 para. 1(3) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F16** Words in s. 547(2A)(a) substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), Sch. 1 para. 6

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- F17** Words in s. 547(3)(b) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 20 para. 1\(4\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F18** S. 547(4) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 20 para. 1\(5\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F19** Words in s. 547(5)(8) substituted (1.9.1999) by [School Standards and Framework Act 1988 \(c. 31\)](#), s. 140(1), [Sch. 30 para. 163\(c\)](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)
- F20** S. 547(6)(7) substituted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 20 para. 1\(6\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II

## CHAPTER II

### [<sup>F21</sup> PUNISHMENT AND RESTRAINT OF PUPILS]

#### Textual Amendments

- F21** [Pt. X Ch. II](#): Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

### [<sup>F22</sup> Corporal punishment]

#### Textual Amendments

- F22** [Pt. X Ch. II](#): Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

### [<sup>F23</sup> 548 No right to give corporal punishment.

- (1) Corporal punishment given by, or on the authority of, a member of staff to a child—
  - (a) for whom education is provided at any school, or
  - (b) for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or
  - (c) for whom specified nursery 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,

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any person (including the child himself).

- (6) “Member of staff”, in relation to the child concerned, means—
- (a) any person who works as a teacher at the school or other place at which education is provided for the child, or
  - (b) any other person who (whether in connection with the provision of education for the child or otherwise)—
    - (i) works at that school or place, or
    - (ii) otherwise provides his services there (whether or not for payment), and has lawful control or charge of the child.
- (7) “Child” (except in subsection (8)) means a person under the age of 18.
- (8) “Specified nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age which is provided—
- (a) by a local education authority; or
  - (b) by any other person—
    - (i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2)(a) of the School Standards and Framework Act 1998,  
F24  
...
    - F24 (ii) .....
  - (c) [F25 (otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of “school”) but for the fact that it provides part-time, rather than full-time, primary education.]]

**Textual Amendments**

- F23** 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
- F24** S. 548(8)(b)(ii) and word repealed (1.4.2003 for E.) 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
- F25** S. 548(8)(c) 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

F26 549 .....

**Textual Amendments**

- F26** 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

F27 550 .....



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#### Textual Amendments

**F27** S. 550 repealed (1.9.1999) by 1998 c. 31, ss. 131(2), 140(1)(3), Sch. 30 para. 164, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[<sup>F28</sup> Power to restrain pupils]

#### Textual Amendments

**F28** S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 4 (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

### [<sup>F29</sup>550A Power of members of staff to restrain pupils.

- (1) A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely—
  - (a) committing any offence,
  - (b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or
  - (c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.
- (2) Subsection (1) applies where a member of the staff of a school is—
  - (a) on the premises of the school, or
  - (b) elsewhere at a time when, as a member of its staff, he has lawful control or charge of the pupil concerned;
 but it does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548.
- (3) Subsection (1) shall not be taken to prevent any person from relying on any defence available to him otherwise than by virtue of this section.
- (4) In this section—
 

“member of the staff”, in relation to a school, means any teacher who works at the school and any other person who, with the authority of the head teacher, has lawful control or charge of pupils at the school;

“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.]

#### Textual Amendments

**F29** S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 4 (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**



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[<sup>F30</sup> Detention]

**Textual Amendments**

**F30** S. 550B and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 5 (with s. 57(3)); S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV

[<sup>F31</sup> 550B Detention outside school hours lawful despite absence of parental consent.

- (1) Where a pupil to whom this section applies is required on disciplinary grounds to spend a period of time in detention at his school after the end of any school session, his detention shall not be rendered unlawful by virtue of the absence of his parent's consent to it if the conditions set out in subsection (3) are satisfied.
- (2) This section applies to any pupil who has not attained the age of 18 and is attending—
  - (a) a school maintained by a local education authority;
  - <sup>F32</sup> . . . or
  - (c) a city technology college , city college for the technology of the arts or [<sup>F33</sup> Academy]].
- (3) The conditions referred to in subsection (1) are as follows—
  - (a) the head teacher of the school must have previously determined, and have—
    - (i) made generally known within the school, and
    - (ii) taken steps to bring to the attention of the parent of every person who is for the time being a registered pupil there, that the detention of pupils after the end of a school session is one of the measures that may be taken with a view to regulating the conduct of pupils;
  - (b) the detention must be imposed by the head teacher or by another teacher at the school specifically or generally authorised by him for the purpose;
  - (c) the detention must be reasonable in all the circumstances; and
  - (d) the pupil's parent must have been given at least 24 hours' notice in writing that the detention was due to take place.
- (4) In determining for the purposes of subsection (3)(c) whether a pupil's detention is reasonable, the following matters in particular shall be taken into account—
  - (a) whether the detention constitutes a proportionate punishment in the circumstances of the case; and
  - (b) any special circumstances relevant to its imposition on the pupil which are known to the person imposing it (or of which he ought reasonably to be aware) including in particular—
    - (i) the pupil's age,
    - (ii) any special educational needs he may have,
    - (iii) any religious requirements affecting him, and
    - (iv) where arrangements have to be made for him to travel from the school to his home, whether suitable alternative arrangements can reasonably be made by his parent.
- (5) Section 572, which provides for the methods by which notices may be served under this Act, does not preclude a notice from being given to a pupil's parent under this section by any other effective method.

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#### Textual Amendments

- F31** S. 550B and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 5 (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**
- F32** S. 550B(2): the words "(b) a grant-maintained or grant-maintained special school;" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 165, Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F33** Words in s. 550B(2)(c) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(7)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

## CHAPTER III

### OTHER PROVISIONS ABOUT SCHOOLS

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

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

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

[<sup>F34</sup>(1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year.]

- (2) The schools to which this section applies are—
- (a) any school maintained by a local education authority; [<sup>F35</sup>and]
  - <sup>F36</sup>(b) . . .
  - (c) any special school not maintained by a local education authority.

#### Textual Amendments

- F34** S. 551(1A) inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 39**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**
- F35** Word at the end of s. 551(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.166** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F36** S. 551(2)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 166(b), Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### *Single-sex schools*

#### 552

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### *Educational trusts*

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

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

### *Religious educational trusts*

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

[<sup>F37</sup>(1) This section applies where—

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

and in this subsection “the appointed day” has the meaning given by section 20(7) of the School Standards and Framework Act 1998.]

- (2) In such a case the Secretary of State may (subject to sections 555 and 556(1) and (2)) by order make new provision as to the use of any endowment if it is shown either—
  - (a) that the endowment is or has been held wholly or partly for or in connection with the provision at the school of religious education in accordance with the tenets of a particular religion or religious denomination; or
  - (b) that the endowment is or has been used wholly or partly for or in connection with the provision at the school of such religious education and that (subject to subsection (4)) the requirements of subsection (3) are fulfilled.
- (3) The requirements of this subsection are—
  - [<sup>F38</sup>(a) that the school was or has been maintained as a voluntary or grant-maintained school (within the meaning of this Act) or as a foundation or voluntary school (within the meaning of the <sup>M1</sup>School Standards and Framework Act 1998) since 1st April 1945 (the date when Part II of the Education Act 1944 came into force); and]
  - (b) that religious education in accordance with the tenets of the religion or denomination concerned—
    - (i) is, and has been from that date, provided at the school, or

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- (ii) where the premises have ceased to be used for the purposes of the school, was provided at the school from that date until immediately before the premises ceased to be so used,
- in pursuance of section 377 or 378 or section 380 or 381 [<sup>F39</sup>of this Act (or any corresponding earlier enactment) or paragraph 3 or 4 of Schedule 19 to the School Standards and Framework Act 1998].
- (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 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 was so provided immediately before the premises ceased to be so used,
- such religious education shall be taken to have been provided at the school from 1st April 1945, unless the contrary is shown; and
- [<sup>F40</sup>(b) where religious education 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 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.

#### Textual Amendments

- F37** S. 554(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F38** S. 554(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(3)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F39** Words in s. 554(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(3)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F40** S. 554(4)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 168(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### Marginal Citations

- M1** 1944 c. 31.

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*Status: Point in time view as at 01/03/2007.*

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

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

### **556 Content of orders under section 554.**

- (1) An order under section 554—
  - (a) may require or authorise the disposal by sale or otherwise of any land or other property forming part of an endowment affected by the order, including the premises of the school and any teacher’s dwelling-house; and
  - (b) may consolidate any endowments to be dealt with by the scheme.
- (2) Subject to subsection (1), and to any provision affecting the endowments which is a provision of a public general Act of Parliament, an order under section 554 shall establish and give effect, with a view to enabling the religion or denomination concerned to participate more effectively in the administration of the statutory system of public education, to a scheme or schemes for the endowments dealt with by the order to be used for appropriate educational purposes either—
  - (a) in connection with schools which are [<sup>F41</sup>foundation schools or voluntary schools]; or
  - (b) partly in connection with such schools (or either description of such schools) and partly in other ways related to the locality served by the [<sup>F42</sup>school at the premises referred to in section 554(1)].
- (3) In subsection (2) “use for appropriate educational purposes” means use for educational purposes in connection with the provision of religious education 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—

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- (a) may provide for the retention of the capital of any endowment and application of the accruing income; or
  - (b) may authorise the application or expenditure of capital to such extent and subject to such conditions as may be determined by or in accordance with the scheme;
- and any such scheme may provide for the endowments dealt with by the scheme or any part of them to be added to any existing endowment applicable for any such purpose as is authorised for the scheme by subsection (2).
- (5) Where a scheme given effect under section 554 provides for the endowments dealt with by the order or any part of them to be used for the purposes specified in Schedule 36, any such scheme may provide for the endowments thereby dealt with or any part of them to be added to any existing endowment applicable for those purposes (whether it is so applicable by virtue of a scheme given effect to under that section or otherwise).
- (6) Section 568(5) does not apply to an order under section 554, but such an order may include such incidental or supplementary provisions as appear to the Secretary of State to be necessary or expedient either for the bringing into force or for the operation of any scheme established by it, including in particular provisions—
- (a) for the appointment and powers of trustees of the property comprised in the scheme or, if the property is not all applicable for the same purposes, of any part of that property; and
  - (b) for the property or any part of it to vest by virtue of the scheme in the first trustees under the scheme or trustees of any endowment to which it is to be added or, if not so vested, to be transferred to them.
- (7) Any order under section 554 shall have effect despite any Act of Parliament (other than a public general Act), letters patent or other instrument relating to, or trust affecting, the endowments dealt with by the order.
- (8) In this section “endowment” has the same meaning as in section 554.

#### Textual Amendments

- F41** 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))
- F42** 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))

#### 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 <sup>M2</sup>Education Act 1944 or by an order under section 554 of this Act or section 2 of the <sup>M3</sup>Education Act 1973; and
  - (b) held under any such scheme or order on trusts which provide for capital or income or both to be applicable for or in connection with—
    - (i) the provision of religious education 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

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- (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 is or is to be provided in a diocese or other geographical area;

but this section does not apply to an endowment if or in so far as it constitutes a religious education fund.

- (2) The trustees of any endowments to which this section applies may, by resolution complying with subsection (6), adopt the uniform statutory trusts as the trusts on which those endowments are to be held.
- (3) The uniform statutory trusts are those set out in Schedule 36.
- (4) On the adoption by trustees of the uniform statutory trusts in respect of any endowments the scheme or order which regulates the endowments shall have effect as if the uniform statutory trusts are incorporated in the scheme or order to the exclusion of the corresponding provisions of the scheme or order.
- (5) The trustees of two or more endowments which are held on the uniform statutory trusts may, by resolution complying with subsection (6), consolidate all or any of those endowments and, where they do so, the endowments shall be treated, for all purposes, as held for the purposes of a single charity.
- (6) For a resolution to comply with this subsection—
- (a) it must be passed by a simple majority of the trustees or, if the trustees are a body corporate or a company, by a simple majority of the members of the body corporate or an ordinary resolution of the company; and
- (b) it must be recorded in the records of the decisions of the trustees affecting the endowments of the trust.
- (7) Where trustees pass a resolution under subsection (2), it shall be their duty to send a copy of the resolution to the Secretary of State.
- (8) The uniform statutory trusts applicable to endowments to which this section applies shall not affect—
- (a) the rights of any person under the third proviso to section 2 of the <sup>M4</sup>School Sites Act 1841, under section 86(3) of the <sup>M5</sup>Education Act 1944 or under section 1 of the <sup>M6</sup>Reverter of Sites Act 1987 (rights replacing certain reversionary interests in land), or
- (b) the rights of any local education authority which have arisen under paragraph 7 or 8 of the First Schedule to the <sup>M7</sup>Education Act 1946 (rights in relation to school sites provided by such authorities) or which may arise under section 60(4) or 62(2),
- except in so far as any right falling within paragraph (a) above is or has been extinguished by an order under section 554 of this Act or section 2 of the <sup>M8</sup>Education Act 1973 made by virtue of section 5 of the Reverter of Sites Act 1987.

- (9) In this section—

“company” means a company formed under the Companies Acts;

“the Companies Acts” means the <sup>M9</sup>Companies Act 1985, the <sup>M10</sup>Companies Act 1948 or any Act repealed by that Act of 1948;

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



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

“qualifying scheme” means a scheme in force on 1st January 1994 (the date when section 287 of the <sup>M11</sup>Education Act 1993 came into force);

“relevant school” means [<sup>F43</sup>a foundation or voluntary school];

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

“religious education fund” includes a Sunday school fund.

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

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

“relevant school” means a relevant school [<sup>F44</sup>, Academy, city technology college or city college for the technology of the arts,] at which the religious education provided for in the scheme or order, as the case may be, is or is to be provided; and

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

#### Textual Amendments

**F43** Words in s. 557(9) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.170** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F44** S. 557(10): words in definition of "relevant school" inserted (26.7.2002) by Education Act 2002 (c. 32), **ss. 69, 216(2)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

#### Marginal Citations

**M2** 1944 c. 31.

**M3** 1973 c. 16.

**M4** 1841 c. 38.

**M5** 1944 c. 31.

**M6** 1987 c. 15.

**M7** 1946 c. 50.

**M8** 1973 c. 16.

**M9** 1985 c. 6.

**M10** 1948 c. 38.

**M11** 1993 c. 35.

## CHAPTER IV

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

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

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

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## **559 Power of local education authorities to prohibit or restrict employment of children.**

- (1) If it appears to a local education authority that a child who is a registered pupil at a [<sup>F45</sup>community, foundation], voluntary or special school is being employed in such a manner as to be prejudicial to his health, or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority may serve a notice in writing on the employer—
  - (a) prohibiting him from employing the child, or
  - (b) imposing such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child.
- (2) A local education authority may serve a notice in writing on the parent or employer of a child who is a registered pupil at a [<sup>F46</sup>community, foundation], voluntary or special school requiring the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.
- (3) A person who—
  - (a) employs a child in contravention of any prohibition or restriction imposed under subsection (1), or
  - (b) fails to comply with the requirements of a notice served under subsection (2),shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction—
  - (a) to a fine not exceeding level 1 on the standard scale, or
  - (b) to imprisonment for a term not exceeding one month,or both.
- (5) Section 28(1) and (3) of the <sup>M12</sup>Children and Young Persons Act 1933 (powers of entry for the enforcement of the provisions of Part II of that Act as to the employment of children) shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of Part II of that Act.
- (6) This section shall cease to have effect on the coming into force of section 2 of the <sup>M13</sup>Employment of Children Act 1973.

### **Textual Amendments**

- F45** Words in s. 559(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F46** Words in s. 559(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 171(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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

- C1** S. 559 applied (E.) (1.9.2005) by **The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005** (S.I. 2005/2039), reg. 1(1), **Sch. 1 para. 3**

### **Marginal Citations**

- M12** 1933 c. 12.

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**M13** 1973 c. 24.

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

- [<sup>F47</sup>(1) The enactments relating to the prohibition or regulation of the employment of children shall not apply to the employment of a child in his last two years of compulsory schooling if the employment is in pursuance of arrangements made—
- (a) by a local education 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 <sup>M14</sup>Employment of Women, Young Persons and Children Act 1920 or section 55(1) of the <sup>M15</sup>Merchant Shipping Act 1995 (which prohibit the employment of children in ships).
- (4) No arrangements shall be made under subsection (1) for a child to be employed in any way which would be contrary to an enactment prohibiting or regulating the employment of young persons if he were a young person (within the meaning of the enactment) and not a child.
- (5) Where a child is employed in pursuance of arrangements made under subsection (1), so much of any enactment as—
- (a) regulates the employment of young persons (whether by excluding them from any description of work, prescribing the conditions under which they may be permitted to do it or in any other way), and
  - (b) would apply in relation to him if he were of an age to be treated as a young person for the purposes of that enactment,
- shall apply in relation to him, in and in respect of the employment arranged for him, in all respects as if he were of an age to be so treated.
- (6) Nothing in section 495 or 496 applies in relation to any power conferred on a local education authority <sup>F48</sup> . . . by subsection (1).
- (7) In this section “enactment” includes any byelaw, regulation or other provision having effect under an enactment.

### **Textual Amendments**

- F47** S. 560(1)(2) substituted (1.10.1998) by 1998 c. 31, s. 112(2) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1) Sch. 1 Pt. I
- F48** Words in s. 560(6) repealed (1.9.1999) by 1998 c. 31, ss. 112(3), 140(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

*Status: Point in time view as at 01/03/2007.*

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### Marginal Citations

**M14** 1920 c. 65.

**M15** 1995 c. 21.

## 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) local education 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.

#### 562 Act not to apply to 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) local education authorities, or
- (c) parents,

shall be construed as relating to any person who is detained in pursuance of an order made by a court or of an order of recall made by the Secretary of State, but a local education authority may make arrangements for a person who is detained in pursuance of such an order to receive the benefit of educational facilities provided by the authority.

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

- (a) by virtue of an order made by a court under the <sup>M16</sup>Children and Young Persons Act 1933 or by virtue of anything done under such an order; or
- (b) by virtue of a requirement of a [<sup>F49</sup>community order under section 177 the Criminal Justice Act 2003] or by virtue of anything done under such a requirement.

### Textual Amendments

**F49** Words in s. 562(2)(b) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 73](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(30\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))

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### Marginal Citations

**M16** 1933 c. 12.

## 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 local education authority; [<sup>F50</sup>and]
  - <sup>F51</sup>(b) .....
  - (c) any special school not maintained by a local education authority.

### Textual Amendments

- F50** Word at the end of s. 563(3)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 172(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F51** S. 563(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch 30 para. 172(b), Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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

- (1) Where the age of any person is required to be proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar having the custody of the register of birth and deaths containing the entry relating to the birth of that person shall—
  - (a) on being presented by any person (“the applicant”) with a written requisition in such form and containing such particulars as may be determined by regulations, and
  - (b) on payment of a fee of [<sup>F52</sup>£3.50][<sup>F52</sup>£7.00],
 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).

*Status: Point in time view as at 01/03/2007.*

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- (3) A registrar shall supply to a local education 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.
- (4) In this section—
- “register of births and deaths” means a register of births and deaths kept under the <sup>M17</sup>Births and Deaths Registration Act 1953, and
- “registrar” includes a registrar of births and deaths and a superintendent registrar.

#### Textual Amendments

- F52** S. 564(1)(b): fees of £3.50 and £7.00 made payable (1.4.2003) in respect of copies issued by (i) a registrar and (ii) a superintendent registrar respectively by virtue of [The Registration of Births, Deaths and Marriages \(Fees\) Order 2002 \(S.I. 2002/3076\)](#), arts. 1(1), 2, **Sch.**

#### Marginal Citations

- M17** 1953 c. 20.

### 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 local education authority, and to be signed by the clerk of that authority or by the chief education officer of that authority or by any other officer of the authority authorised to sign it,
- (b) a document purporting to be an extract from the minutes of the proceedings of the governing body of [<sup>F53</sup>a maintained school], and to be signed by the chairman of the governing body or by their clerk,
- (c) a document purporting to be a certificate giving particulars of the attendance of a child or young person at a school, and to be signed by the head teacher of the school, and
- (d) a document purporting to be a certificate issued by a medical officer of a local education 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.

*Status: Point in time view as at 01/03/2007.*

*Changes to legislation: Education Act 1996, Part X is up to date with all changes known to be in force on or before 05 June 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)*

(2) In any legal proceedings, any such extract or certificate as is mentioned in subsection (1)(b), (c) or (d) shall be evidence of the matters stated in it.

[<sup>F54</sup>(3) Where a child of compulsory school age is required to attend at—

(a) any place at which education is provided for him in the circumstances mentioned in subsection (1) of section 444ZA, or

(b) any place in the circumstances mentioned in subsection (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).]

#### Textual Amendments

**F53** 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**

**F54** S. 566(3) inserted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 6** (with s. 119); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

#### *Stamp duty*

<sup>F55</sup>**567** .....

#### Textual Amendments

**F55** S. 567 repealed (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 174, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, **art. 13**); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### *Orders, regulations and directions*

### **568 Orders.**

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

<sup>F56</sup>(2) For the purposes of subsection (1) “the excepted provisions” are—

section 349;

<sup>F57</sup>...

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 an order under—

[<sup>F58</sup>section 354(6), 355(2)(a), 356(2)(c) or 401,]

<sup>F59</sup>...

section 554,  
 section 583(3) or (4), or



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Schedule 40,

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

- (4) [<sup>F60</sup>No order shall be made under section 354(6), 355(2)(a) or 401 unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.]
- (5) Any order made—
  - (a) by the Secretary of State under this Act by statutory instrument, <sup>F61</sup> . . .
  - <sup>F61</sup>(b) . . . . .may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (6) Without prejudice to the generality of subsection (5), an order made by the Secretary of State under this Act by statutory instrument may make in relation to Wales provision different from that made in relation to England.

**Textual Amendments**

- F56** S. 568(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 175(a)**, (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) as amended (31.8.1999) by S.I. 1999/2484, **reg. 3**
- F57** 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
- F58** Words in s. 568(3) repealed (1.10.2002 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/2961, art. 6, Sch. Pt. III
- F59** 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**)
- F60** 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
- F61** 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**)

**569 Regulations.**

- (1) Any power of the Secretary of State to make regulations under this Act shall be exercised by statutory instrument.
- (2) A statutory instrument containing regulations under this Act, <sup>F62</sup> . . . , shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- <sup>F63</sup>(3) . . . . .
- (4) Regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (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.

*Status: Point in time view as at 01/03/2007.*

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(6) Subsection (5) does not apply to regulations under section 579(4).

#### Extent Information

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

#### Textual Amendments

**F62** Words in s. 569(2) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 18 Pt. 2**

**F63** S. 569(3) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 18 Pt. 2**

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

- (1) This section applies to any order or directions made or given under this Act by—
- (a) the Secretary of State, [<sup>F64</sup>or]
  - <sup>F65</sup>(b) .....
  - (c) a local education 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, <sup>F66</sup> . . . or the local education 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

**F64** 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**

**F65** 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**

**F66** 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**

### *Guidance*

### 571 Publication of guidance.

- (1) The Secretary of State shall publish any guidance given by him for the purposes of any [<sup>F67</sup>provision of this Act] in such manner as he thinks fit.

<sup>F68</sup>(2) .....

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#### Textual Amendments

- F67** 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**
- F68** 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**

### *Service of documents*

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

Any order, notice or other document required or authorised by this Act to be <sup>F69</sup> served on, or given to, any person may be served or given] —

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

<sup>F70</sup>(2) But such a document may not be served or given in an electronic communication to a person as a parent unless —

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

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

#### Textual Amendments

- F69** Words in s. 572 substituted (27.2.2004) by **Anti-social Behaviour Act 2003 (c. 38), ss. 23(2), 93**; S.I. 2003/3300, art. 3(a)(ii)
- F70** S. 572(2)(3) inserted (1.1.2005) by **The Education Act 1996 (Electronic Communications) Order 2004 (S.I. 2004/2521), arts. 1, 3**

### *Construction*

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

- (1) The following provisions apply for the purposes of this Act except where the context otherwise requires.
- (2) References to the alteration of school premises include making improvements, extensions or additions to the premises; <sup>F71</sup> . . . .
- (3) References to the enlargement of any school premises include any modification of the school’s existing premises which has the effect of increasing the number of pupils for whom accommodation can be provided.

<sup>F72</sup>(4) . . . . .

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- F72(5) .....
- F72(6) .....

**Textual Amendments**

**F71** Words in s. 573(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F72** S. 573(4)-(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(b), **Sch.31** (with ss. 138(9), 144(6) and subject to savings for s. 573(4)-(6) in S.I. 1999/2323, **art. 19**); S.I. 1999/2323, art. 2(1), **Sch. 1**

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

- (1) For the purposes of this Act and any other enactment relating to the duties of a local education 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.

**575** .....

**576 Meaning of “parent”.**

- (1) In this Act, unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person—
  - (a) who is not a parent of his but who has parental responsibility for him, or
  - (b) who has care of him,
 except that in [F73section 499(8)] it only includes such a person if he is an individual.

F74(2) .....

- (3) In subsection (1) “parental responsibility” has the same meaning as in the <sup>M18</sup>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.

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#### Textual Amendments

- F73** 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**
- F74** 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)

- C2** S. 576 applied (24.7.1998) by 1998 c. 31, ss. **142(10)**, 145(4) (with ss. 138(9), 144(6))
- C3** S. 576 applied (1.9.2001) by S.I. 2001/600, **reg. 30(10)**

#### Marginal Citations

- M18** 1989 c. 41.

**F75** 577 .....

#### Textual Amendments

- F75** 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—

- F76** . . . .  
**F77** . . . .  
the <sup>M19</sup>Education Act 1973;  
the <sup>M20</sup>Education Act 1980;  
the <sup>M21</sup>Education (Fees and Awards) Act 1983;  
the <sup>M22</sup>Further Education Act 1985 (except sections 4 and 5);  
the <sup>M23</sup>Education Act 1986;  
the <sup>M24</sup>Education (No. 2) Act 1986;  
the <sup>M25</sup>Education Reform Act 1988;  
**F76** . . . .  
**F78** . . . .  
the <sup>M26</sup>Further and Higher Education Act 1992;  
the <sup>M27</sup>Education Act 1994;  
**F76** . . . .  
**F77** . . . .  
**F79** . . . .  
[<sup>F80</sup>the <sup>M28</sup>Education Act 1997;]  
[<sup>F81</sup>the <sup>M29</sup>Education (Schools) Act 1997;]  
**F82** . . . .  
[<sup>F83</sup>the <sup>M30</sup>Teaching and Higher Education Act 1998;]  
[<sup>F84</sup>the School Standards and Framework Act 1998 (c. 31);]  
[<sup>F85</sup>the Education Act 2002 (c. 32)].

*Status: Point in time view as at 01/03/2007.*

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- [<sup>F86</sup>the Higher Education Act 2004 (c. 8)]  
 [<sup>F87</sup>the Education Act 2005 (c. 18)]  
 [<sup>F88</sup>the Education and Inspections Act 2006 (c. 40)]

### Textual Amendments

- F76** 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)
- F77** 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.
- F78** Words in s. 578 repealed (1.8.2003) by Education Act 2002 (c. 32), s. 216(2), Sch. 21 para. 56, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 2
- F79** 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
- F80** 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. 1**
- F81** Entry in s. 578 inserted (31.7.1997) by 1997 c. 59, ss. 6(2), 7(2)(3)
- F82** 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)
- F83** 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**
- F84** 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**
- F85** 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))
- F86** S. 578 entry added (1.7.2004) by Higher Education Act 2004 (c. 8), ss. 52(1), **54(2)**
- F87** S. 578 entry added (7.4.2005) by Education Act 2005 (c. 18), ss. 125(1)(c), **128(2)**
- F88** S. 578 entry added (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 188(1), **191(2)**

### Marginal Citations

- M19** 1973 c. 16.  
**M20** 1980 c. 20.  
**M21** 1983 c. 40.  
**M22** 1985 c. 47.  
**M23** 1986 c. 40.  
**M24** 1986 c. 61.  
**M25** 1988 c. 40.  
**M26** 1992 c. 13.  
**M27** 1994 c. 30.  
**M28** 1997 c. 44.  
**M29** 1997 c. 59.  
**M30** 1998 c. 30

## 579 General interpretation.

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

<sup>F89</sup> .....

[<sup>F90</sup>“assist”, in relation to any school, institution or university, shall be construed in accordance with subsections (5) to (7) below;]

“boarder” includes a pupil who boards during the week but not at weekends;

“child” means a person who is not over compulsory school age;

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- “clothing” includes footwear;  
F89 .....
- “financial year” means a period of twelve months ending with 31st March;
- “functions” includes powers and duties;  
F89 .....
- “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;
- “land” includes buildings and other structures, land covered with water, and any interest in land;
- “liability” includes obligation;
- “local authority” means a county council, a county borough council, a district council, a London borough council or the Common Council of the City of London;  
F89 .....
- “local government elector” has the meaning given by section 270(1) of the M31 Local Government Act 1972;
- [<sup>F91</sup>“maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998;]
- “medical officer”, in relation to a local education 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;
- [<sup>F92</sup>“the National Curriculum”(without more) means—
- (a) in relation to England, the National Curriculum for England, and
  - (b) 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” means prescribed by regulations;
- “proprietor”, in relation to a school, means the person or body of persons responsible for the management of the school (so that, in relation to [<sup>F93</sup>a community, foundation or voluntary or community or foundation special school [<sup>F94</sup>or a maintained nursery school,] ,][<sup>F95</sup>or a maintained nursery school,] it means the governing body);  
F89 .....
- “regulations” means regulations made by the Secretary of State;  
F89 .....
- [<sup>F96</sup>“sex education” includes education about—
- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
  - (b) any other sexually transmitted disease;]
- “school buildings”, in relation to a school, means any building or part of a building forming part of the school premises, other than a building or part required only—
- (a) as a caretaker’s dwelling,



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- (b) for use in connection with playing fields,
- (c) to afford facilities for enabling the Secretary of State facilities to carry out his functions under [<sup>F97</sup>paragraph 1 or 8 of Schedule 1 to the National Health Service Act 2006 (which relate to the provision of medical services for pupils), or]
- (d) to afford facilities for providing milk, meals or other refreshment for pupils in attendance at the school;

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

[<sup>F98</sup>“school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;]

[<sup>F99</sup>“trust deed” includes any instrument (other than an instrument of government) regulating the constitution of the school’s governing body or the maintenance, management or conduct of the school;]

“young person” means a person over compulsory school age but under the age of 18.

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

<sup>F100</sup>(3) .....

- (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 education 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.
- (5) For the purposes of this Act a school shall be regarded as “assisted” by a local education 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 education 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 education authority by virtue of the making by the authority to the persons responsible for the maintenance of the university or institution of any grant or payment such as is mentioned in subsection (6).

#### **Textual Amendments**

- F89** S. 579(1): definitions of "the appropriate further education funding council", "exclude", "governing body" (and "governors"), "the local education authority", "reception class" and "relevant age group" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(a)(ii), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Status: Point in time view as at 01/03/2007.*

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- F90** Definition in s. 579(1) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F91** Words in s. 579(1) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 57(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F92** S. 579(1): definition of "the National Curriculum" inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 57(b)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I
- F93** Words in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F94** Words in s. 579(1) inserted (W.) (31.10.2005) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), regs. 1(1), **4**
- F95** Words in s. 579(1) inserted (E.) (1.9.2003) by The Education Act 2002 (Modification and Transitional Provisions) (England) Regulations 2003 (S.I. 2003/2045), regs. 1(1), **3** (with reg. 6)
- F96** S. 579(1): definition of "sex education" inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 57(c)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I
- F97** Words in s. 579 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 185** (with Sch. 3 Pt. 1)
- F98** Definition in s. 579(1) inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 43**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**
- F99** Definition in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iv)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F100** S. 579(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### Marginal Citations

**M31** 1972 c. 70.

#### <sup>F101</sup>580 Index.

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

<i>Expression</i>	<i>Relevant provision</i>
[ <sup>F102</sup> Academy]	[ <sup>F102</sup> section 482]
admission authority (in Chapter I of Part VI)	section 415
admitted to a school for nursery education	section 579(3)
aggregated budget (in Part II)	sections 101(3) and 105
agreed syllabus	section 375(2) and (4)
aided school	section 32(1) and (3)
allocation formula (in Part II)	section 106(2)
alteration (of school premises) and alterations (in relation to such premises)	section 573(2)

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annual parents' meeting (in Chapter VI of Part II)	section 162(1)
appropriate diocesan authority (in Part III in relation to a Church of England, Church in Wales or Roman Catholic Church school)	section 311(1)
appropriate further education funding council	section 579(1)
area (of a local education authority)	section 12(6)
articles of government	
(in relation to a county, voluntary or maintained special school)	section 127(1)
(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28
(in relation to a group of grant-maintained schools)	section 280(2)
assess (in Part V)	section 350(2)
assessment arrangements (in Part V)	section 353
assisted (in relation to a school or other institution)	section 579(5) to (7)
F103	...
...	
attainment targets (in Part V)	section 353
authority responsible for election arrangements (in Chapter V of Part III)	section 243(2)
belonging to the area of a local education authority (in relation to a person)	section 579(4)
boarder	section 579(1)
budget share (in Part II)	section 101(3) and (6)
capital grant (in relation to grant-maintained schools)	section 246(1) (or section 252)
cease to maintain (in relation to a school)	section 574
the chairmen's panel (in Part IV)	section 333(2)
change in character (in relation to a school)	section 573(4)
character (of a school) (in Part III)	section 311(4)
child	
(generally)	section 579(1)

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(in Part IV)	section 312(5)
[ <sup>F104</sup> (in Chapter I of Part VI except sections 431 to 433)	section 411(8)]
child for whom a local education authority are responsible (in Part IV)	section 321(3)
Church in Wales school	section 311(1)
Church of England school	section 311(1)
[ <sup>F105</sup> city academy]	[ <sup>F105</sup> section 482]
[ <sup>F105</sup> city college for the technology of the arts]	[ <sup>F105</sup> section 482(3)]
[ <sup>F105</sup> city technology college]	[ <sup>F105</sup> section 482(3)]
clothing	section 579(1)
commencement of this Act	section 583(2)
compulsory school age	section 8 (or paragraph 1 of Schedule 40)
contract of employment (in relation to provisions specified in section 575(2))	section 575(1)
controlled school	section 32(1) and (2)
co-opted governor (in relation to a county, voluntary or maintained special school)	section 78(1)
core governor	section 285 and Schedule 25
county school	section 31(1)
date of implementation	
(in Part III in relation to proposals for acquisition of grant-maintained status)	section 200(2)
(in Part III in relation to a new grant-maintained school)	section 217
date of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
delegation requirement (in Part II)	section 107(2)
discontinue (in relation to a school)	section 574
disposal of premises (in sections 297 to 300)	section 301(3)
dissolution date (in sections 274 to 279)	section 274(6)
the Education Acts	section 578
eligible for grant-maintained status (in Part III)	section 184
eligible governor (in Part III)	paragraph 4 of Schedule 24

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eligible to vote in a ballot held in accordance with section 189 (in Chapter II of Part III)	section 190(1)
employed, employee, employer (in relation to provisions specified in section 575(2))	section 575(1)
employed to work, or to work solely, at a school (in relation to provisions specified in section 575(2))	section 575(3)
employee (in sections 469 to 473)	section 469(6)
enlargement (in relation to school premises)	section 573(3)
establish (in relation to a new school)	section 574
examination requirement (in Chapter III of Part VI)	section 462(1)
exclude, exclusion (except in section 524)	section 579(1)
financial year	section 579(1)
first governor (in relation to a grant-maintained school)	paragraphs 7 and 12 of Schedule 24
foundation governor	
(in relation to a voluntary school)	section 78(2)
(in relation to a grant-maintained school)	paragraphs 8 and 13 of Schedule 24
foundation subjects	section 354 F106 ...
functions	section 579(1)
funding authority	section 26
further education	section 2(3) to (5)
general schools budget (in Part II)	section 101(3)
governing body, governor	
(in Chapters IV to VI of Part II)	section 182
(in relation to a school grouped for purposes of Chapter IV of Part II)	section 89(6)
(in relation to a voluntary school and functions of foundation governors)	section 579(1)
governing body in liquidation (in sections 274 to 279)	section 274(3)
governor of an elected category (in Part III)	paragraph 3 of Schedule 24

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governors' report (in Chapter VI of Part II)	section 161(1)
grant-maintained school	
(generally)	section 183(1)
(in sections 500 to 504)	section 505(8)
grant-maintained school formerly conducted by a governing body in liquidation (in sections 274 to 279)	section 274(5)
grant-maintained special school	sections 337(4) and 346(3)
grant regulations (in Chapter VI of Part III)	section 244(2)
grants for education support and training group (of schools)	section 484(1)
(in Part II)	section 89(5)
(in Chapter IX of Part III)	section 280(7)
head teacher	
(generally)	section 579(1)
(in relation to a county, voluntary or maintained special school organised into separate departments)	section 132
higher education	section 579(1)
incorporation date	
(in Chapter II of Part III)	section 200(5)
(in Chapter IV of Part III)	section 217
(in Part IV)	section 345(3)
independent school	section 463
initial governor (in Part III)	paragraph 2 of Schedule 24
institution outside (or within) the further education sector	section 4(3)
institution outside (or within) the higher education sector	section 4(4)
instrument of government	
(in relation to a county, voluntary or maintained special school)	section 76(1)
(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28

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(in relation to a group of grant-maintained schools)	section 280(2)
interest in land	section 579(2)
junior pupil	section 3(2)
key stage	section 355(1)
land	section 579(1)
the lay panel (in Part IV)	section 333(2)
learning difficulty	section 312(2) and (3)
liability	section 579(1)
local authority	section 579(1)
local education authority	section 12(1) to (5)
the local education authority	
(generally)	section 579(1)
(in relation to a scheme under Part II)	section 101(2)
local government elector	
(generally)	section 579(1)
(in Part III in relation to an area)	section 311(7)
maintain (in relation to a school maintained by a local education authority)	section 34
maintained school	
(in Part IV)	section 312(5)
(in Part V)	section 350(1)
(in Chapter II of Part VI)	section 437(8)
(in Chapter III of Part VI)	section 449
(in sections 500 to 504)	section 505(8)
maintained nursery school	sections 6(1) and 33(1)
maintained special school	sections 6(2), 33(1) and 337(3)
maintenance grant (in relation to grant-maintained schools)	section 244(1) (or section 250(1))
medical officer (in relation to a local education authority)	section 579(1)
minor authority	section 577
middle school	section 5(3)
modifications, modify	section 579(1)
the National Curriculum	sections 352(1) and 353
new governing body (in Part III)	section 195(2)

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new school (in Part II)	section 181(1)
nursery school	section 6(1)
optional extra (in Chapter III of Part VI)	section 455(3)
parent	section 576
parent governor	
(in relation to a county, voluntary or maintained special school)	section 78(3)
(in relation to a grant-maintained school)	paragraphs 5 and 10 of Schedule 24
F103	...
...	
F103	...
...	
pending	
(in Part III in relation to proposals published under section 193)	section 193(4)
(in Chapter III of Part III in relation to the procedure for acquisition of grant-maintained status)	section 203(1)
powers to make proposals for the alteration of their school (in sections 500 to 504 in relation to the governing body of a voluntary school)	section 505(7)
powers to make proposals for the establishment, alteration or discontinuance of schools (in sections 500 to 504)	section 505(8)
premises	
(in relation to a school)	section 579(1)
(in Part III)	section 311(1)
prescribed	section 579(1)
the President (in Part IV)	section 333(2)
primary education	section 2(1)
primary school	section 5(1)
programmes of study (in Part V)	section 353
proceeds of disposal (in sections 297 to 300)	section 301(3)
procedure applicable under Chapter IV of Part II (in Chapter V of Part III)	section 243(3)
promoters (in Part III)	section 212(1)



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proposals (in Chapter VII of Part III)	section 266(2)
proposals for acquisition of grant-maintained status (in Part III)	section 183(2)
proposals for the establishment of a new grant-maintained school (in Part III)	section 183(2)
proprietor (in relation to a school)	section 579(1)
prospectively disqualified (in Chapter V of Part III)	section 243(4)
provisionally registered school (in Part VII)	section 465(4)
pupil	sections 3(1) and 19(5)
reception class	section 579(1)
register, registration (in Part VII in relation to independent schools)	section 464(4)
registered (in relation to parents or pupils)	section 434(5)
registered school (in Part VII)	section 465(4)
Registrar of Independent Schools (or the Registrar in Part VII)	section 464(4)
regulations	section 579(1)
relevant age group	section 579(1)
relevant education (in relation to an order under section 27(1))	section 27(7)
relevant particulars (in relation to a proposed initial governor of a grant-maintained school)	section 200(4)
relevant proposals (in Part II)	section 181(2)
relevant standard number (in Chapter I of Part VI)	section 411(7)
[ <sup>F107</sup> relevant upper age (in relation to a middle school)]	section 5(3)(b)]
required to be covered by a scheme (in Part II in relation to a school)	section 102
reserved teacher (in Chapter VI of Part II in relation to a controlled school)	section 143(2)
reserved teacher (in Chapter VI of Part II in relation to a special agreement school)	section 144(1)
residential trip (in Chapter III of Part VI)	section 462(2)
responsible for a child (in Part IV in relation to a local education authority)	section 321(3)

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right to a delegated budget (in Part II)	section 115(a)
Roman Catholic Church school	section 311(1)
scheme (in Part II)	section 101(1)
school	section 4(1) and (2)
school in respect of which financial delegation is required (in Part II)	section 115
school which has a delegated budget (in Part II)	section 115
school attendance order	section 437(3)
school buildings	section 579(1)
school day	section 579(1)
school property (in sections 274 to 279)	section 274(4)
[ <sup>F108</sup> school year	section 579(1)]
secondary education	section 2(2) and (5)
secondary school	section 5(2)
section 67 loan liabilities (in sections 274 to 279)	section 274(7)
senior pupil	section 3(2)
sex education	section 352(3)
significant (in relation to a change in character or enlargement of premises of a school)	section 573(5)
special agreement	section 32(5)
special agreement school	section 32(1) and (4)
special educational needs	section 312(1)
special educational provision	section 312(4)
special purpose grant (in relation to grant-maintained schools)	section 245(1) (or section 251)
special school	sections 6(2) and 337
sponsor governor (in Part III)	paragraphs 9 and 14 of Schedule 24
suitable education (in Chapter II of Part VI)	[ <sup>F109</sup> section 436A(3)]
teacher governor	
(in relation to a county, voluntary or maintained special school)	section 78(4)
(in relation to a grant-maintained school)	paragraphs 6 and 11 of Schedule 24

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temporary governing body, temporary governor (in Part II)	section 181(3)
time of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
the Tribunal (in Part IV)	section 313(5)
trust deed (in relation to a voluntary school)	section 579(1)
trustees of the school (in sections 296 to 300)	section 301(2)
voluntary school	sections 31(2) and 32
[ <sup>F104</sup> wholly based on selection by reference to ability or aptitude (in Chapter I of Part VI)	section 411(9)]
young person	section 579(1)

#### Textual Amendments

- F101** Words in s. 580 repealed (26.7.2002 for E. for specified purposes, 1.8.2003 for W. for specified purposes, 1.1.2004 for W. In so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I; S.I. 2003/2961, art. 6, Sch. Pt. III
- F102** S. 580 table: entry inserted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216(4), [Sch. 7 para. 6\(8\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 2](#)
- F103** S. 580 table: entry repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), [Sch. Pt. I](#)
- F104** S. 580 table: entry inserted (1.9.1997) by 1997 c. 44, s. 57(1), [Sch. 7 para. 44](#); S.I. 1997/1468, art. 2(2), [Sch. 1 Pt. II](#)
- F105** Words in s. 580 repealed (26.7.2002 for E. for specified purposes, 1.8.2003 for W. for specified purposes) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F106** S. 580 table: words in the entry relating to "foundation subjects" omitted (2.5.2000 for E. and 20.7.2000 for W.) by virtue of S.I. 2000/1146, [art. 3](#) and S.I. 2000/1882, [art. 2](#)
- F107** Words in s. 580 inserted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 12 para. 4](#); S.I. 2006/2129, art. 4
- F108** S. 580 table: entry inserted (14.6.1997) by 1997 c. 44, s. 57(1), [Sch. 7 para. 44](#); S.I. 1997/1468, art. 2(1), [Sch. 1 Pt. I](#)
- F109** Words in s. 580 substituted (27.2.2007 for E., 1.9.2009 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 4\(3\)](#), 188(3); S.I. 2006/3400, art. 6(a); S.I. 2009/1027, art. 3(a)

#### *Final provisions*

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

This Act shall apply to the Isles of Scilly—

- (a) as if the Isles were a separate non-metropolitan county (and the Council of the Isles of Scilly were accordingly a county council), and

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- (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.

### **Commencement Information**

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

## **583 Short title, commencement and extent.**

- (1) This Act may be cited as the Education Act 1996.
- (2) Subject to subsection (3), this Act shall come into force on 1st November 1996 (and references to the commencement of this Act are to its coming into force on that date).
- (3) The following provisions—  
section 8,  
section 317(6),  
section 348,  
section 528,  
Part II of Schedule 37 and section 582(1) so far as relating thereto, and  
Part II of Schedule 38 and section 582(2) so far as relating thereto,  
shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions and for different purposes.
- (4) The Secretary of State may by order make such incidental, supplemental, saving or transitional provision as he thinks fit in connection with the coming into force in accordance with subsection (2) of any provision of this Act reproducing the effect of a provision of the <sup>M32</sup>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 <sup>M33</sup>Disability Discrimination Act 1995 (regulations and orders), by an order under section 70(3) of that Act (commencement).

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- (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.

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#### **Subordinate Legislation Made**

- P1** S. 583(3) power partly exercised (19.11.1996); 1.1.1997 appointed for specified provisions by [S.I. 1996/2904](#), [art. 2](#)
- S. 583(3) power partly exercised (30.6.1997); 1.9.1997 appointed for specified provisions by [S.I. 1997/1623](#), [arts. 2, 3](#)
- S. 583(3) power partly exercised (20.10.1997); 30.9.1997 appointed for specified provisions by [S.I. 1997/2352](#), [art. 2](#)

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#### **Marginal Citations**

- M32** 1993 c. 35.
- M33** 1995 c. 50.

**Status:**

Point in time view as at 01/03/2007.

**Changes to legislation:**

Education Act 1996, Part X is up to date with all changes known to be in force on or before 05 June 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.