



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

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.

Modifications etc. (not altering text)

C1 S. 561 excluded (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), ss. **168(5)**, 173(1)(c)

562 Act not to apply to 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,

Status: Point in time view as at 30/11/2009.

Changes to legislation: Education Act 1996, Chapter V is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 ^{M1}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 [^{F1}]^{F2}youth rehabilitation order under section 1 of the Criminal Justice and Immigration Act 2008]] or by virtue of anything done under such a requirement.

Textual Amendments

- F1** 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(1))
- F2** Words in s. 562(2)(b) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 47](#) (with [Sch. 27 paras. 15](#)); [S.I. 2009/3074](#), art. 2(p)(v)

Modifications etc. (not altering text)

- C2** S. 562 excluded (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), [ss. 168\(5\)](#), 173(1)(c)
- C3** S. 562 excluded (12.11.2009) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 264\(4\)](#), 269(1)

Marginal Citations

- M1** [1933 c. 12](#).

Status:

Point in time view as at 30/11/2009.

Changes to legislation:

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