

# **Education Act 1996**

### **1996 CHAPTER 56**

#### PART X

MISCELLANEOUS AND GENERAL

#### CHAPTER VI

GENERAL

## 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; and "alterations", in relation to any school premises, shall be construed similarly except that it does not include a significant enlargement of the premises.
- (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.
- (4) Subject to section 41(4) and section 266(1), references to a change in the character of a school include, in particular, changes in character resulting from—
  - (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, or
  - (b) the making or alteration of arrangements for the admission of pupils by reference to ability or aptitude.

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- (5) In relation to a change in the character of a school or an enlargement of school premises, "significant" implies that there is a substantial change in the function or size of the school.
- (6) If a question arises whether a change in the character of a county, voluntary or grant-maintained school or an enlargement of its premises would be a significant change or enlargement, that question shall be determined by the Secretary of State.

# 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 Meaning, for certain purposes, of expressions relating to employment.

- (1) In the provisions to which this section applies—
  - (a) "contract of employment", "employee" and "employer" have the same meaning as in the MIEmployment Rights Act 1996, and
  - (b) "employed" means employed under a contract of employment.
- (2) This section applies to—
  - (a) the provisions of Chapter VI of Part II relating to schools with delegated budgets;
  - (b) Parts III and V; and
  - (c) Schedule 7.
- (3) For the purposes of the provisions to which this section applies—
  - (a) a person employed by a local education authority is to be regarded as employed to work at a school if his employment with the authority for the time being involves work at that school, and
  - (b) a person employed by a local education authority is to be regarded as employed to work solely at a school if his only employment with the authority (disregarding any employment under a separate contract with the authority) is for the time being at that school.
- (4) Subsection (1) also applies for construing references to "employed" in subsection (3).

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(5) Nothing in this section affects the construction of any of the expressions defined by this section where they occur in provisions of this Act other than those to which this section applies.

#### **Marginal Citations**

**M1** 1996 c. 18.

## 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 the provisions mentioned in subsection (2) it only includes such a person if he is an individual.

- (2) Those provisions are—
  - (a) sections 78(3), 81(4), 162, 186 to 188, 190, 200, 223, 226 and 228; and
  - (b) paragraph 7(2) and (7) of Schedule 8, paragraph 7(1) of Schedule 9, Schedule 18, paragraph 8 of Schedule 23 and Schedule 24.
- (3) In subsection (1) "parental responsibility" has the same meaning as in the M2Children 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.

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

C1 S. 576(1) applied (with modifications) (24.7.1998) by 1998 c. 31, ss. 142(10), 145(4) (with ss. 138(9), 144(6))

#### **Marginal Citations**

**M2** 1989 c. 41.

### 577 Minor authorities.

- (1) For the purposes of this Act a school maintained by a local education authority serves an area for which there is a minor authority if the area served by the school is—
  - (a) a parish or community;
  - (b) an area in England which is not within a parish and is not situated in—
    - (i) a county for which there is no council, or
    - (ii) a county in which there are no district councils; or
  - (c) an area comprising two or more areas each of which falls within paragraph (a) or (b).
- (2) Where the area served by the school is a parish, the minor authority in relation to the school is—

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- (a) the parish council (if there is one), or
- (b) the parish meeting (if there is no parish council).
- (3) Where the area served by the school is a community, the minor authority in relation to the school is the community council.
- (4) Where the area served by the school is an area falling within subsection (1)(b), the minor authority in relation to the school is the district council for the area.
- (5) Where the area served by the school is an area falling within subsection (1)(c), the relevant authorities acting jointly are the minor authority in relation to the school.
- (6) In subsection (5) "the relevant authorities" means the bodies which, if the two or more constituent areas referred to in subsection (1)(c) were taken separately, would be the minor authorities for those areas.
- (7) References in this section to the area served by a school are references to the area appearing to the local education authority to be served by the school.

# 578 Meaning of "the Education Acts".

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In this Act "the Education Acts" means this Act together with the following Acts—
    the M3 Education Act 1967;
    the M4Education Act 1973;
    the M5 Education Act 1980;
    the M6 Education (Fees and Awards) Act 1983;
    the M7Further Education Act 1985 (except sections 4 and 5):
    the M8 Education Act 1986;
   the M9 Education (No. 2) Act 1986;
   the M10 Education Reform Act 1988;
    the MII School Teachers' Pay and Conditions Act 1991;
    the M12Further and Higher Education Act 1992;
    the M13 Education Act 1994;
    the M14Nursery Education and Grant-Maintained Schools Act 1996;
    the M15School Inspections Act 1996.
    [F2the M16Education Act 1997.]
    [F3the M17 Education (Schools) Act 1997]
    [F5the M18 Teaching and Higher Education Act 1998]
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Textual Amendments
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F1 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)
F2 Entry in s. 578 added (14.6.1997) by virtue of 1997 c. 44, ss. 57(1), 58(2), Sch. 7 para. 42; S.I. 1997/1468, art. 2(1), Sch. 1 Pt. I
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F3 Entry in s. 578 inserted (31.7.1997) by 1997 c. 59, ss. 6(2), 7(2)(3)
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Entry in s. 578 inserted (27.1.1998) by 1998 c. 1, ss. 6(1), 7(2) and 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)
 F5
       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
Marginal Citations
 M3
       1967 c. 3.
 M4
       1973 c. 16.
 M5
       1980 c. 20.
 M6
       1983 c. 40.
 M7
       1985 c. 47.
 M8
       1986 c. 40.
 М9
       1986 c. 61.
 M10 1988 c. 40.
 M11 1991 c. 49.
 M12 1992 c. 13.
 M13 1994 c. 30.
 M14 1996 c. 50.
 M15 1996 c. 57.
 M16 1997 c. 44
 M17 1997 c. 59
 M18 1998 c. 30
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# 579 General interpretation.

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

"the appropriate further education funding council" has the meaning given by section 1(6) of the Further and Higher Education Act 1992;

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

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

"clothing" includes footwear;

"exclude", in relation to the exclusion of a pupil from a school (otherwise than under section 524), means exclude on disciplinary grounds (and "exclusion" shall be construed accordingly);

"financial year" means a period of twelve months ending with 31st March;

"functions" includes powers and duties;

"governing body" or "governors" (without more), in relation to a voluntary school and any function conferred or imposed by this Act exclusively on the foundation governors of such a school, means the foundation governors of the school;

"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;

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"the local education authority"—

- (a) in relation to a school maintained (or proposed to be maintained) by a local authority, means (in accordance with section 34(1)) that authority; and
- (b) in relation to a grant-maintained school, means the local education authority for the area in which the school is situated;

"local government elector" has the meaning given by section 270(1) of the M19 Local Government Act 1972;

"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;

"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 a county, voluntary or grant-maintained school, it means the governing body);

"reception class" means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate with pupils of that age;

"regulations" means regulations made by the Secretary of State;

"relevant age group", in relation to a school, means an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school;

"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,
- (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 section 5(1) or (1A) of, and Schedule 1 to, the M20National Health Service Act 1977 (which relate to the provision of medical and dental 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;

[F644 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;]

"trust deed", in relation to a voluntary school, includes any instrument (other than an instrument of government or articles of government made under this Act) regulating the constitution of the school's governing body or the maintenance, management or conduct of the school;

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"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.
- (3) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if they are or are to be placed on admission in a nursery class.
- (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**

F6 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

## **Marginal Citations**

**M19** 1972 c. 70. **M20** 1977 c. 49.

### 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.

#### Expression

#### Relevant provision

admission authority (in Chapter I of Part section 415 VI)

1 10 10	.: 550(2)
admitted to a school for nursery education	section 579(3)
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Chapter VI – General

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city technology college	section 482(3)
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F7	
 F7	
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(in relation to a grant-maintained school)	paragraphs 6 and 11 of Schedule 24
temporary governing body, temporary governor (in Part II)	section 181(3)

Changes to legislation: Education Act 1996, Cross Heading: Construction is up to date with all changes known to be in force on or before 23 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)

time of publication of proposals (in Part III in relation to proposals under that Part)

the Tribunal (in Part IV)

trust deed (in relation to a voluntary school)

trustees of the school (in sections 206 to section 301(2))

trustees of the school (in sections 296 to section 301(2) 300)

voluntary school sections 31(2) and 32

[F8] wholly based on selection by reference section 411(9)] to ability or aptitude (in Chapter I of Part VI)

young person section 579(1)

#### **Textual Amendments**

F7 Entries in s. 580 repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), Sch. Pt.I

F8 S. 580: entries 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

F9 S. 580: 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

### **Status:**

Point in time view as at 01/01/1999.

# **Changes to legislation:**