



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 Employment 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).

- (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.

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 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.

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—
- (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.

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- (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”

In this Act “the Education Acts” means this Act together with the following Acts—

- the Education Act 1962;
- the Education Act 1967;
- the Education Act 1973;
- the Education Act 1980;
- the Education (Fees and Awards) Act 1983;
- the Further Education Act 1985 (except sections 4 and 5);
- the Education Act 1986;
- the Education (No. 2) Act 1986;
- the Education Reform Act 1988;
- the Education (Student Loans) Act 1990;
- the School Teachers' Pay and Conditions Act 1991;
- the Further and Higher Education Act 1992;
- the Education Act 1994;
- the Education (Student Loans) Act 1996;
- the Nursery Education and Grant-Maintained Schools Act 1996;
- the School Inspections Act 1996.

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;

Status: This is the original version (as it was originally enacted).

“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;

“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 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 National 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;

“trust deed”, in relation to a voluntary school, includes any instrument (other than an instrument of government or articles of government made under

Status: This is the original version (as it was originally enacted).

this Act) 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.
- (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).

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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>
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)

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
alteration (of school premises) and alterations (in relation to such premises)	section 573(2)
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)
assisted places scheme (in Part VII)	section 479(1)
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	

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
(generally)	section 579(1)
(in Part IV)	section 312(5)
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)
city college for the technology of the arts	section 482(3)
city technology college	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

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
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(1) and (2)
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

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
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	section 484(1)
group (of schools)	
(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

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
(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

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
new governing body (in Part III)	section 195(2)
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
participating school (in Part VII)	section 479(2)
participation agreement (in Part VII)	section 479(2)
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)

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
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)
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)
right to a delegated budget (in Part II)	section 115(a)

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
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)
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)	section 437(8)
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
temporary governing body, temporary governor (in Part II)	section 181(3)

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Relevant provision</i>
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
young person	section 579(1)
