

Changes to legislation: Education Act 1996, Cross Heading: Meaning of “qualifying school” etc is up to date with all changes known to be in force on or before 13 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) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 35B

MEANING OF “ELIGIBLE CHILD” FOR PURPOSES OF SECTION 508B

Textual Amendments

- F1** Sch. 35B inserted (1.9.2007 for the insertion of Sch. 35B para. 1 for specified purposes and paras. 2-10, 14, 15 for all purposes, 1.9.2008 in so far as not already in force) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), [Sch. 8](#); S.I. 2007/1801, art. 4(k); S.I. 2008/1971, art. 2(b)

Meaning of “qualifying school” etc

- 15 (1) The definitions in sub-paragraphs (2) to (5) apply for the purposes of this Schedule.
- (2) “Qualifying school” in relation to a child means—
- (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school,
 - (c) a school approved under section 342 (non-maintained special schools),
 - (d) a pupil referral unit,
 - (e) a maintained nursery school, or
 - (f) a city technology college, a city college for the technology of the arts^[F2], an Academy school or an alternative provision Academy].
- (3) In relation to a child with special educational needs, an independent school, other than a college or Academy falling within sub-paragraph (2)(f), is also a “qualifying school” if—
- (a) it is the only school named in the ^[F3]EHC plan maintained for the child], or
 - (b) it is one of two or more schools named in that ^[F4]plan] and of those schools it is the nearer or nearest to the child's home.
- (4) “Disabled child” means a child who has a disability for the purposes of the ^[F5]Equality Act 2010], and “disability” is to be construed accordingly.
- (5) “Walking distance” has the meaning given by section 444(5).
- (6) “Religion” and “belief” are to be read in accordance with section 509AD(3).
- (7) In the case of a child who is a registered pupil at both a pupil referral unit and at a school other than a unit, references in this Schedule to the school at which he is a registered pupil are to be read as references to the unit.]

Textual Amendments

- F2** Words in Sch. 35B para. 15(2)(f) substituted (1.4.2012) by [Education Act 2011](#) (c. 21), s. 82(3), [Sch. 13 para. 9\(20\)](#); S.I. 2012/924, art. 2

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- F3** Words in Sch. 35B para. 15(3)(a) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 61\(a\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F4** Word in Sch. 35B para. 15(3)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 61\(b\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F5** Words in Sch. 35B para. 15(4) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 40 (as inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 1 para. 5](#)) (see S.I. 2010/2317, art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)