



Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER I

THE STATUTORY SYSTEM OF EDUCATION

Educational institutions

4 Schools: general.

[^{F1}(1) In this Act [^{F2}(subject to [^{F3}subsections (1A) to (1C)])] “school” means an educational institution which is outside the further education sector and the [^{F4}wider] higher education sector and is an institution for providing—

- (a) primary education,
- (b) secondary education, or
- (c) both primary and secondary education,

whether or not the institution also provides [^{F5}part-time education suitable to the requirements of junior pupils or] further education.]

[^{F6}(1A) An institution which—

- (a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and
 - (b) is not a maintained nursery school,
- is not a school.]

[^{F7}(1B) A 16 to 19 Academy is not a school.

(1C) An alternative provision Academy is a school.]

Changes to legislation: Education Act 1996, Section 4 is up to date with all changes known to be in force on or before 17 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

- (2) [^{F8}Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for] the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) ^{F9}. . .
- (3) For the purposes of this Act an institution is outside the further education sector if it is not—
- (a) an institution conducted by a further education corporation established under section 15 or 16 of the ^{M1}Further and Higher Education Act 1992, or
 - (b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act) [^{F10}, or
 - (c) a sixth form college]
- and references to institutions within that sector shall be construed accordingly.
- [^{F11}(4) For the purposes of this Act an institution is outside the wider higher education sector if —
- (a) in relation to England, it is not a registered higher education provider within the meaning given by section 3(10) of the Higher Education and Research Act 2017, or
 - (b) in relation to Wales, it is not an institution within the higher education sector within the meaning given by section 91(5) of the Further and Higher Education Act 1992;
- and references to institutions within the wider higher education sector are to be construed accordingly.]

Textual Amendments

- F1** S. 4(1) substituted (1.9.1997) by 1997 c. 44, s. 51; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F2** Words in s. 4(1) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(2)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)
- F3** Words in s. 4(1) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(2)(a)**; S.I. 2012/924, art. 2
- F4** Word in s. 4(1) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **7(2)(a)**
- F5** Words in s. 4(1) 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**
- F6** S. 4(1A) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(3)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)
- F7** S. 4(1B)(1C) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(2)(b)**; S.I. 2012/924, art. 2
- F8** Words in s. 4(2) substituted (1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 10(a)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F9** Words in s. 4(2) repealed (1.9.1998) by 1997 c. 44, s. 57(1)(4), **Sch. 7 para. 10(b)**, **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F10** S. 4(3)(c) and word inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 97** (with art. 2(3))
- F11** S. 4(4) substituted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **7(2)(b)**

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Modifications etc. (not altering text)

C1 S. 4(1) restricted (1.9.2000 (E.) and 1.4.2001 (W.)) by [2000 c. 21, s. 110\(3\)](#) (with [s. 150](#)); [S.I. 2000/2114, art. 2\(3\)](#), [Sch. Pt. III](#); [S.I. 2001/1274, art. 2\(1\)](#), [Sch. Pt. I](#)

Marginal Citations

M1 [1992 c. 13](#).

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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](#)