



Education Act 1997

1997 CHAPTER 44

PART VIII

MISCELLANEOUS AND GENERAL

Exceptional educational provision

47 Functions of [F¹local authorities] as regards exceptional educational provision.

- (1) Section 19 of the ^{M1}Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere) shall be amended as follows.
- (2) In subsection (1) (duty of [F²local authority] to make arrangements for provision of suitable full-time or part-time education, at school or otherwise, for excluded children etc.), the words “full-time or part-time” shall be omitted.
- (3) In subsection (4) (power of [F²local authority] to make arrangements for provision of suitable full-time or part-time education, otherwise than at school, for excluded young persons etc.), the words “full-time or part-time” shall be omitted.
- (4) After that subsection there shall be inserted—

“(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a [F²local authority] shall have regard to any guidance given from time to time by the Secretary of State.”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(3)**
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**

Changes to legislation: Education Act 1997, Part VIII is up to date with all changes known to be in force on or before 11 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

Marginal Citations

M1 1996 c. 56.

Management committees for pupil referral units

48 Management committees for pupil referral units.

At the end of Schedule 1 to the Education Act 1996 (pupil referral units) there shall be added—

Management committees

“15 (1) Regulations may make provision—

- (a) for requiring any [F²local authority] who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and
- (b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.

(2) Regulations under this paragraph may in particular make provision—

- (a) for enabling a [F²local authority] to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;
- (b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;
- (c) as to the composition of a management committee established under the regulations and—
 - (i) the appointment and removal of its members, and
 - (ii) their terms of office,

and in particular for requiring such a committee to include persons representing schools (including grant-maintained schools) situated in the area from which the unit or units in question may be expected to draw pupils;

- (d) for requiring or (as the case may be) prohibiting the delegation by a [F²local authority] to a management committee of such functions in connection with pupil referral units as are specified in the regulations;
- (e) for authorising a management committee to establish sub-committees;
- (f) for enabling (subject to any provisions of the regulations) a [F²local authority] or a management committee to determine to any extent the committee’s procedure and that of any sub-committee;
- (g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;
- (h) for applying to any such committee or sub-committee, with or without modification—
 - (i) any provision of the Education Acts, or

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- (ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.”

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**

Teachers not under contract of employment and persons having access to those under 19

F3 49 Power to make regulations: teachers not under contract of employment and persons having access to those under 19.

.....

Textual Amendments

- F3** S. 49 repealed (31.3.2003 for W. for specified purposes, 1.6.2003 for E., 2.1.2008 for W. so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 71](#), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 5, [Sch. Pt. II](#); [S.I. 2003/1115](#), art. 3; [S.I. 2007/3611](#), art. 4(1), [Sch. Pt. 1](#)

Costs of teachers’ premature retirement

F4 50

Textual Amendments

- F4** S. 50 repealed (1.4.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.218](#), **Sch. 31** (with ss. 138(9), 144(6)); [S.I. 1999/1016](#), art. 2(1), **Sch.1**

Definition of “school”

51 Definition of “school”.

In section 4 of the Education Act 1996 (definition of “school”), for subsection (1) there shall be substituted—

“(1) In this Act “school” means an educational institution which is outside the further education sector and the 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 part-time education suitable to the requirements of junior pupils or further education.”

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Compulsory school age

52 Commencement of compulsory school age.

(1) Section 8 of the ^{M2}Education Act 1996 (compulsory school age) shall be amended in accordance with subsections (2) and (3).

(2) For subsection (2) there shall be substituted—

“(2) A person begins to be of compulsory school age—

- (a) when he attains the age of five, if he attains that age on a prescribed day, and
- (b) otherwise at the beginning of the prescribed day next following his attaining that age.”

(3) For subsection (4) there shall be substituted—

“(4) The Secretary of State may by order—

- (a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);
- (b) determine the day in any calendar year which is to be the school leaving date for that year.”

^{F5}(4)

^{F5}(5)

Textual Amendments

F5 S. 52(4)(5) repealed (1.10.1998) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para.218, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1**, Pt. I

Commencement Information

II S. 52, as partially repealed, wholly in force at 1.10.1998; s. 52 not in force at Royal Assent see s. 58(3); s. 52(4) in force at 1.9.1997 by S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**; s. 52(1)-(3) in force at 1.8.1998 by S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

Marginal Citations

M2 1996 c. 56.

General provisions

53 Stamp duty.

(1) Subject to subsection (2), stamp duty shall not be chargeable in respect of any transfer effected by virtue of section 30 or 34.

(2) No instrument (other than a statutory instrument) made or executed in pursuance of either of the provisions mentioned in subsection (1) shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the ^{M3}Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the ^{M4}Stamp Act 1891, been stamped with a

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particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

Marginal Citations

- M3 1982 c. 39.
- M4 1891 c. 39.

[^{F6}53A. Stamp duty land tax

- (1) For the purposes of stamp duty land tax, a land transaction effected by virtue of section 30 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this paragraph—
 - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
 - “land transaction return” has the meaning given by section 76(1) of that Act.]

Textual Amendments

- F6** S. 53A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 26**

54 Orders and regulations.

- (1) Any power of the Secretary of State to make orders or regulations under this Act ^{F7}... shall be exercised by statutory instrument.
- (2) A statutory instrument containing any order or regulations under this Act, except an order under section ^{F8}... 58, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

^{F9}[^{F10}(2A)]

- (3) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any order or regulations under this Act may make in relation to Wales provision different from that made in relation to England.

Subordinate Legislation Made

- P1** S. 54(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
- s. 54(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)

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S. 54(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by S.I. 1998/386 (with savings and transitional provisions)

Textual Amendments

- F7** Words in s. 54(1) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1
- F8** Words in s. 54(2) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(4)(a); S.I. 2015/1687, art. 2 (with arts. 3-12)
- F9** S. 54(2A) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), Sch. 4 para. 2(4)(b); S.I. 2015/1687, art. 2 (with arts. 3-12)
- F10** S. 54(2A) inserted (1.5.2012) by Education Act 2011 (c. 21), ss. 24(7)(b), 82(3); S.I. 2012/924, art. 3

55 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any sums required for the payment by the Secretary of State of grants under this Act;
- (b) any administrative expenses incurred by the Secretary of State in consequence of this Act; and
- (c) any increase attributable to this Act in the sums so payable under any other Act.

56 Construction.

(1) In this Act—

“prescribed” means prescribed by regulations; and

“regulations” means regulations made by the Secretary of State under this Act [^{F11}, except where otherwise stated or where the function of making regulations under this Act has been transferred to the Welsh Ministers in relation to Wales].

(2) This Act shall be construed as one with the ^{M5}Education Act 1996.

(3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.

Textual Amendments

- F11** Words in s. 56(1) inserted (W.) (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), Sch. 2 para. 28 (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

Marginal Citations

- M5** 1996 c. 56.

57 Minor and consequential amendments, repeals etc.

(1) The minor and consequential amendments set out in Schedule 7 shall have effect.

^{F12}(2)

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^{F13}(3)

(4) The enactments specified in Schedule 8 are repealed to the extent specified.

Textual Amendments

F12 S. 57(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

F13 S. 57(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

Commencement Information

I2 S. 57 partly in force; S. 57(1) partly in force at Royal Assent see s. 58(4); s. 57(4) in force for certain purposes at 4.4.1997 by S.I. 1997/1153, **art. 2**; s. 57(1)(4) in force for certain purposes at 14.6.1997, 1.9.1997 and 1.10.1997 and s. 57(2)(3) in force at 1.9.1997 by S.I. 1997/1468, **art. 2, Sch. 1, Pts. I, II, III**; s. 57(1)(4) in force for certain purposes at 1.9.2001 by S.I. 2001/1215, **art. 2**

58 Short title, commencement and extent etc.

- (1) This Act may be cited as the Education Act 1997.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the ^{M6}Education Act 1996.
- (3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—
^{F14}
.....
section 54,
paragraph 48(2) of Schedule 7 and section 57(1) so far as relating thereto, and
this section.
- (5) Subject to subsections (6) and (7), this Act extends to England and Wales only.
- (6) The following provisions extend to Northern Ireland—
^{F15}
.....
^{F16}
.....
^{F17}
.....
sections [^{F18}35],
section 53,
section 54,
this section,
^{F19}
.....
- (7) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

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Subordinate Legislation Made

- P2** S. 58(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
- S. 58(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)
- S. 58(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)
- P3** S. 58(3) power partly exercised (26.3.2001): 1.9.2001 appointed for specified provisions by [S.I. 2001/1215](#), [art. 2](#)

Textual Amendments

- F14** Words in s. 58(4) repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.221](#), [Sch. 31](#) (with ss. [138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch.1](#)
- F15** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(i\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F16** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(ii\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F17** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(iii\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F18** Words in s. 58(6) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(b\)](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)
- F19** Words in s. 58(6) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 12 para. 23\(a\)\(iv\)](#), [Sch. 16 Pt. 4](#); [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

Marginal Citations

- M6** [1996 c. 56](#).

Changes to legislation:

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[View outstanding changes](#)

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. 24(2)(ga) inserted by [2008 c. 25 s. 161\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 24(2B)-(2D) inserted by [2008 c. 25 s. 9](#) (This amendment not applied to legislation.gov.uk. S. 9 repealed (31.5.2013) without ever being in force by 2009 c. 22 Sch. 16 Pt. 4; S.I. 2013/975, art. 2(c))
- s. 26A(1)(1A) substituted for s. 26A(1) by [2008 c. 25 s. 161\(11\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 26A(4)(5) inserted by [2008 c. 25 s. 161\(13\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 38(2B) inserted by [2022 asc 1 Sch. 4 para. 9\(3\)\(b\)](#)
- s. 39(1)(b)(c) substituted for s. 39(1)(b) by [2022 asc 1 Sch. 4 para. 9\(4\)\(b\)](#)
- s. 43(2ZA)(2ZB) inserted by [2009 c. 22 s. 250\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)