



# Education Act 1996

## CHAPTER 56

### EDUCATION ACT 1996

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- 383 Changes in religious education and worship.
- 384 Duty to secure religious education is given in accordance with required provision in curriculum.

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- 385 Collective worship.
- 386 Collective worship in county schools and certain grant-maintained schools to be broadly Christian.
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- 388 Duty to secure participation in collective worship.

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- 389 Exceptions and special arrangements.

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- 390 Constitution of advisory councils.
- 391 Functions of advisory councils.
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- 394 Determination of cases in which requirement for Christian collective worship is not to apply.
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- 402 Obligation to enter pupils for public examinations.

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- 403 Sex education: manner of provision.

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- 404 Sex education: statements of policy.
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- 411 Parental preferences.
- 411A No requirement to admit children permanently excluded from two or more schools.

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- 412 Consultation as to admission arrangements.
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- 415 Meaning of “the admission authority”.
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*Admission numbers for grant-maintained schools*

- 426 Minimum number for admission.  
426A .....  
427 Alteration of minimum number by Secretary of State.  
428 Alteration of minimum number by funding authority.

*Admissions appeals relating to grant-maintained schools*

- 429 Appeal arrangements.

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- 430 Co-ordinated arrangements for admissions.

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- 433 Time for admission of pupils.

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- 434 Registration of pupils.

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- 435 Withdrawal of pupils from a primary school for secondary education.

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- 437 School attendance orders.  
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- 439 Specification of schools in notices under section 438(2).
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- 443 Offence: failure to comply with school attendance order.
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- 449 Meaning of “maintained school” in Chapter III.

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- 450 Prohibition of charges for admission.
- 451 Prohibition of charges for provision of education.
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- 459 Provision of information.
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473A Removal of disqualification: persons no longer unsuitable to work with children.  
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475 Duty of Registrar to comply with order for the deletion of a school from the register.

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480 Assisted places: further provision by regulations.  
481 Incidental expenses of pupils holding assisted places.

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- 511 Provisions supplementary to section 510.
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- 517 Payment of fees at schools not maintained by a local education authority.
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#### *Allowances for governors*

- 519 Travelling and subsistence allowances for governors of schools and further or higher education institutions.



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520 Medical inspection and treatment of pupils.

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- 523 Arrangements for cleansing of pupils.
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- 533 Duties of governing bodies of maintained schools with respect to provision of school meals etc.
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536 Medical inspection and treatment of pupils at grant-maintained schools.

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- 537A Provision of information about individual pupils.
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- 574 Changes to school not amounting to discontinuance etc.
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- 578 Meaning of “the Education Acts”.
- 579 General interpretation.
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- 581 Application to Isles of Scilly.
- 582 Consequential amendments, repeals, transitional provisions etc.
- 583 Short title, commencement and extent.

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#### *General adaptations of enactments*

- 1 References in any enactment to the proprietor or governing body...
- 2 References in any enactment to the head teacher of a...

#### *Modifications of enactments by regulations*

- 3 Regulations may provide for any enactments relating to schools maintained...

#### *Registration*

- 4 (1) A person who is registered as a pupil at...

#### *Application of Local Government Act 1986*

- 5 A pupil referral unit is a maintained school for the...

#### *Curriculum*

- 6 (1) In relation to every pupil referral unit, the local...

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*Discipline*

7 The teacher in charge of a pupil referral unit may...

*Sex education, political indoctrination and political issues*

8 Sections 403, 406 and 407 (sex education, political indoctrination, and...

*Charges*

9 (1) Chapter III of Part VI applies in relation to...

*Application of Environmental Protection Act 1990*

10 A pupil referral unit is an educational institution for the...

*Information*

11 Each local education authority shall— (a) on such occasions, and...

*Disapplication of Schedule 4*

12 .....

*Children with special educational needs*

13 .....

*School attendance orders*

14 (1) Where a pupil referral unit is named in a...

*Management committees*

15 (1) Regulations may make provision— (a) for requiring any local...

SCHEDULE 2 —

*Status*

1 A funding authority shall not be regarded as the servant...

*Powers*

2 (1) Subject to sub-paragraph (2) below, a funding authority may...

3 (1) The Secretary of State may authorise a funding authority...

*Tenure of members*

4 (1) A person shall hold and vacate office as a...

5 If the Secretary of State is satisfied that a member...

*Salaries, allowances and pensions*

6 (1) A funding authority— (a) shall pay to their members...

*Staff*

7 (1) A funding authority may, with the approval of the...

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*Chief officer*

- 8 (1) One of the employees of a funding authority shall...

*Superannuation of employees*

- 9 (1) Employment with a funding authority shall continue to be...

*Committees*

- 10 (1) A funding authority may establish a committee for any...

*Delegation of functions*

- 11 A funding authority may authorise the chairman, the chief officer...

*Proceedings*

- 12 Without prejudice to any other rights the Secretary of State...  
13 The validity of any proceedings of a funding authority or...  
14 Subject to the preceding provisions of this Schedule, a funding...

*Accounts*

- 15 (1) A funding authority shall— (a) keep proper accounts and...

*Application of seal and proof of instruments*

- 16 The application of the seal of a funding authority shall...  
17 Any document purporting to be an instrument made or issued...

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*Functions relating to grant-maintained schools*

- 1 (1) The Secretary of State may by order provide for...

*Functions under agreements relating to CTCs and CCTAs*

- 2 (1) The Secretary of State may by order provide—

*Functions in respect of grants for certain expenditure due to ethnic minority population*

- 3 (1) The Secretary of State may by order impose on...

SCHEDULE 4 —

Part I — INTRODUCTORY

- 1 (1) Where an order under section 27 is in force,...

Part II — FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT  
SCHOOL PLACES IS SHARED

*Introductory*

- 2 If an order under section 27(1)(a) applies to the area...

*Responsibility for providing sufficient school places*

- 3 (1) If the schools providing relevant education which are available...

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Part III — FUNCTIONS WHERE RESPONSIBILITY FOR PROVIDING SUFFICIENT  
SCHOOL PLACES IS TRANSFERRED

*Introductory*

4 If an order under section 27(1)(b) applies to the area...

*Responsibility for providing sufficient school places*

5 (1) The duty under section 14(1) shall be discharged by...

6 (1) The local education authority may continue to secure the...

*Powers to establish, maintain and alter schools*

7 .....

8 .....

*Charges for board and lodging or independent education*

9 (1) Sub-paragraph (3) below applies where— (a) any pupil of...

10 (1) This paragraph applies where any pupil ordinarily resident in...

11 (1) Where a pupil in the area for whom a...

12 (1) Where a pupil in the area for whom a...

*General*

13 (1) The following provisions shall not apply—

14 (1) Section 438 shall have effect as if for subsection...

Part IV — FUNCTIONS WHERE RESPONSIBILITY EITHER SHARED OR  
TRANSFERRED

*Introductory*

15 If an order under section 27(1)(a) or (b) applies to...

*Responsibility for providing sufficient school places*

16 In relation to any power under section 211 to publish...

17 (1) Where relevant education is only primary education—

18 The funding authority shall not by virtue of paragraph 3...

*Boarding schools*

19 The powers of the funding authority to publish proposals under...

*Other modifications of this Act*

20 Section 259 shall have effect as if the funding authority...

21 Section 267 shall have effect as if—

22 Section 272 shall have effect as if—

23 Section 426(4) shall have effect as if the reference to...

SCHEDULE 5 —

*Preservation of special agreements*

1 Any special agreement in force immediately before the commencement  
of...

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*Variation of special agreements*

- 2 (1) A special agreement may be varied by a further...

*The grant requirements*

- 3 (1) A special agreement shall provide for the making of...

*Religious education*

- 4 (1) A special agreement may provide— (a) for the giving...

*Repayment of grants*

- 5 Any grant made in respect of a school in pursuance...

*Modification of obligations with respect to repairs and alterations*

- 6 Where a special agreement is in force in relation to...

SCHEDULE 6 —

- 1 In connection with proposals by a local education authority under...  
2 Such an agreement shall not take effect unless it has...  
3 The Secretary of State shall not approve such an agreement...  
4 Before approving an agreement under this Schedule, the Secretary of...  
5 An agreement under this Schedule— (a) may provide for the...  
6 Where an agreement under this Schedule has been approved by...  
7 Where a person other than the governing body has a...  
8 In this Schedule “premises” includes a teacher’s dwelling-house.

SCHEDULE 7 —

*Name and seal of incorporated body*

- 1 (1) A governing body incorporated under section 88(1) shall be...

*Powers of incorporated body*

- 2 (1) A governing body incorporated under section 88(1) may do...

*Property, rights and liabilities*

- 3 On the incorporation under section 88(1) of a governing body...  
4 On the incorporation under section 88(1) of a governing body...

*Contracts of employment*

- 5 Without prejudice to the generality of paragraphs 3 and 4,...

*Dissolution and discontinuance*

- 6 (1) A governing body incorporated under section 88(1) are dissolved...  
7 (1) Where such a governing body are to be dissolved...  
8 (1) This paragraph applies where such a governing body dissolved...  
9 (1) This paragraph applies in relation to the governing body...  
10 For the purposes of this Schedule, references to the discontinuance...



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*Supplementary provisions about transfers*

- 11 Where a transfer under this Schedule relates to registered land,...
- 12 Paragraphs 6 to 8 of Schedule 1.0 to the Education...

SCHEDULE 8 —

*Introductory*

- 1 In this Schedule, except where a school of a particular...

*Co-option or other appointment of governors*

- 2 (1) Subject to sub-paragraph (2), where the instrument of government...
- 3 If— (a) the instrument of government for a school provides...
- 4 The instrument of government for a voluntary school shall name...

*Ex officio governors*

- 5 If a school has more than one head teacher (whether...
- 6 The instrument of government for a voluntary school may provide...

*Election of governors*

- 7 (1) In this paragraph “the appropriate authority”—

*Qualifications of governors and tenure of office*

- 8 No person shall be qualified for membership of a governing...
- 9 No person shall at any time hold more than one...
- 10 (1) Regulations may make provision as to the circumstances in...
- 11 (1) The instrument of government for a county, controlled or...
- 12 Any governor of a school may at any time resign...
- 13 (1) Any governor of a school who was appointed otherwise...

*Meetings and proceedings*

- 14 The proceedings of a governing body of a school shall...
- 15 (1) Regulations may make provision (including provision modifying the effect...
- 16 (1) No decision of a kind mentioned in sub-paragraph (2)...

*Information as to meetings and proceedings*

- 17 The minutes of the proceedings of the governing body of...
- 18 (1) Regulations may require the governing body of a school...

*Travelling and subsistence allowances*

- 19 Section 519 makes provision for a local education authority to...

*Information and training for governors*

- 20 (1) The local education authority shall secure that every governor...

*Conflict between instrument of government and regulations*

- 21 Any provision made by an instrument of government by virtue...

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## SCHEDULE 9 —

### *Preliminary*

- 1 In this Schedule— “arrangement” means an arrangement made under section...

### *Constitution of temporary governing bodies*

- 2 (1) Subject to the following provisions of this Schedule, a...  
3 (1) A local education authority shall not make an arrangement...

### *Appointment of temporary governors*

- 4 The temporary parent governors of a new school shall, subject...  
5 The temporary teacher governors of a new school shall, subject...  
6 (1) Where— (a) two or more schools have been, or...  
7 (1) No person shall be appointed under paragraph 4 or...  
8 (1) Where any person, other than a prospective sponsor, appoints...  
9 (1) Subject to sub-paragraph (2), where temporary governors are required...  
10 If— (a) a temporary governor is to be appointed by...

### *Qualifications of temporary governors and tenure of office*

- 11 No person shall be qualified for membership of a temporary...  
12 (1) No person shall at any time hold more than...  
13 Regulations may make provision as to the circumstances in which...  
14 A member of a temporary governing body may at any...

### *Meetings and proceedings*

- 15 (1) The proceedings of a temporary governing body shall not...  
16 Regulations may make provision in relation to temporary governing bodies...  
17 (1) Subject to sub-paragraph (2), the first meeting of a...

### *Information as to meetings and proceedings*

- 18 The minutes of the proceedings of a temporary governing body...

### *Travelling and subsistence allowances.*

- 19 Section 519 (allowances for governors) shall apply in relation to...

### *Expenses of temporary governing bodies*

- 20 Where a temporary governing body are constituted for a new...

### *Information for temporary governing bodies*

- 21 A local education authority shall secure that the temporary governing...

### *Powers of the Secretary of State*

- 22 For the purposes of the following provisions—

## SCHEDULE 10 —

*Status: Point in time view as at 01/09/2005.*

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*Time limit for constitution of governing body*

1 The local education authority shall secure that the governing body...

*Status of temporary governing body pending constitution of governing body*

2 Where the requirement for there to be an instrument of...

*Role of temporary governing body as regards constitution of governing body*

3 (1) Before making an order under section 76 as to...

4 (1) A temporary governing body shall recommend (with reasons) persons...

*Initial constitution of governing body*

5 (1) When the requirement for there to be an instrument...

*Information about temporary governing body for successors*

6 (1) Immediately before the arrangement under which a temporary governing...

SCHEDULE 11 — Contents of statements under section 122(2) and section 124(1)

Part I — STATEMENTS UNDER SECTION 122(2)

1 (1) This Part of this Schedule applies to any statement...

2 The statement shall contain the following particulars in respect of...

3 (1) The statement shall also contain, with respect to each...

4 The statement shall contain such further information in respect of...

Part II — STATEMENTS UNDER SECTION 124(1)

5 (1) A statement prepared by a local education authority under...

6 (1) The statement shall also give, in relation to each...

7 The statement shall contain such further information in respect of...

8 Where only one school is required to be covered by...

SCHEDULE 12 — Financial delegation and new schools

*Preliminary*

1 In this Schedule “temporary governing body” does not include a...

*New county and voluntary schools*

2 (1) For the purposes of applying (in accordance with this...

3 (1) A new school which will be a county or...

4 (1) Where a school required to be covered by a...

5 The delegation requirement under a scheme shall not apply in...

6 Section 110 shall have effect, in relation to a new...

7 Section 122(7) shall not apply in relation to the temporary...

*New special schools*

8 (1) Any reference— (a) in section 120, to maintained special...

9 Section 124(8) shall not apply in relation to the temporary...

*Status: Point in time view as at 01/09/2005.*

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*Financial delegation apart from schemes*

10 Section 125 shall not apply in relation to a new...

SCHEDULE 13 — Staffing of county, controlled, special agreement and maintained special schools

*The selection panel*

- 1 (1) The articles of government for a county, controlled, special...
- 2 Regulations may make provision as to the meetings and proceedings...

*Appointment of head teacher*

- 3 (1) The articles of government for a county, controlled, special...

*Appointment of deputy head teacher*

- 4 (1) The articles of government for a county, controlled, special...

*Appointment of other staff: general*

- 5 (1) The articles of government for a county, controlled, special...

*Appointment of other staff: vacancy advertised*

- 6 (1) The articles of government for any school to which...

*Appointment of other staff: vacancy not advertised*

- 7 (1) The articles of government for any school to which...

*Delegation of functions under paragraph 6 or 7*

- 8 (1) The articles of government for any school to which...

*Restriction on making appointment where vacancy advertised*

- 9 Where a local education authority have advertised a vacancy in...

*Consultation by LEA before appointing certain non-teaching staff*

- 10 The articles of government for a county, controlled, special agreement...

*Dismissal etc. of staff*

- 11 (1) The articles of government for a county, controlled, special...

SCHEDULE 14 —

*Introductory*

- 1 (1) In this Schedule “the school” means a county, controlled...

*Appointment of head teacher and deputy head teacher*

- 2 Paragraphs 3 to 7 apply in relation to an appointment...
- 3 The governing body shall notify the local education authority of...
- 4 (1) Where the vacancy is in the post of head...

*Status: Point in time view as at 01/09/2005.*

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- 5 Before recommending a person for appointment as head teacher or...  
6 (1) The governing body shall appoint a selection panel consisting...  
7 (1) The local education authority shall appoint the person recommended...

*Appointment of other teachers*

- 8 Subject to paragraph 9, paragraphs 10 to 14 apply in...  
9 (1) Paragraphs 10 to 14 do not apply in relation...  
10 Before taking any of the steps mentioned below, the governing...  
11 (1) The local education authority may nominate for consideration for...  
12 (1) The governing body may advertise the vacancy at any...  
13 (1) Where the governing body advertise the vacancy, they shall—...  
14 (1) The local education authority shall appoint the person recommended...  
15 The governing body may, in relation to the filling of...

*Advice of chief education officer on appointments of teachers*

- 16 (1) The chief education officer of the local education authority...

*Advice of head teacher on appointments of teachers*

- 17 Except in relation to the appointment of a head teacher—...

*Appointment of non-teaching staff*

- 18 (1) Where the governing body wish to appoint a person...  
19 (1) The local education authority shall appoint a person recommended...

*The clerk to the governing body*

- 20 (1) Where there is a vacancy in the office of...

*Discipline*

- 21 (1) The regulation of conduct and discipline in relation to...

*Suspension*

- 22 (1) Both the governing body and the head teacher shall...

*Dismissal, etc.*

- 23 (1) Where the governing body determine— (a) that any person...  
24 (1) Where paragraph 23(3) applies, no part of the costs...  
25 (1) The governing body shall— (a) make arrangements for giving...  
26 (1) The head teacher (except where he is the person...  
27 (1) The local education authority shall not dismiss a person...

*School meals staff*

- 28 Nothing in paragraphs 18, 19 and 21 to 27 applies...

SCHEDULE 15 —

Part I — COUNTY, CONTROLLED AND MAINTAINED SPECIAL SCHOOLS

*Status: Point in time view as at 01/09/2005.*

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*Preliminary*

1 The articles of government for a county, controlled or maintained...

*Reinstatement of permanently excluded pupils*

2 (1) Where the local education authority have been informed of...

3 (1) The head teacher shall comply with any direction for...

4 Where the governing body direct the head teacher to reinstate...

*Reinstatement of pupils excluded for a fixed period*

5 (1) Where a pupil is excluded from the school for...

6 (1) Where the local education authority— (a) have been informed...

7 Where the governing body give any such direction as is...

Part II — AIDED AND SPECIAL AGREEMENT SCHOOLS

*Preliminary*

8 The articles of government for an aided or a special...

*Reinstatement of permanently excluded pupils*

9 (1) Where the governing body have been informed of the...

10 The head teacher shall comply with any direction for the...

*Reinstatement of pupils excluded for a fixed period*

11 (1) Where a pupil is excluded from the school for...

12 (1) Before giving any such direction as is mentioned in...

13 Where the governing body give any such direction as is...

Part III — GENERAL

*Power to prescribe periods for the taking of any required steps*

14 Regulations may provide that, where a local education authority or...

*Meaning of “the relevant person”*

15 In this Schedule “the relevant person” means—

SCHEDULE 16 —

*Duty to inform parent or pupil of right of appeal*

1 (1) The articles of government for a county, controlled or...

*Suspension of direction for reinstatement pending appeal etc.*

2 (1) A direction for the reinstatement of a pupil given...

*Time limits and notices waiving right to appeal*

3 (1) No appeal under section 159(1)(a) or (2) against a...

*Appeal committees*

4 (1) Part I of Schedule 33 (school admission appeals) shall...

*Status: Point in time view as at 01/09/2005.*

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### *Procedure on an appeal*

- 5 In the following provisions of this Schedule— “appeal” means an...  
6 An appeal shall be by notice in writing setting out...  
7 The appeal committee shall meet to consider an appeal—  
7A (1) For the purpose of fixing the time (falling within...  
8 (1) On an appeal by a pupil or parent the...  
9 (1) On an appeal by a governing body the appeal...  
10 (1) The body responsible for making any arrangements under section...  
11 (1) Appeals shall be heard in private except when the...  
12 Two or more appeals may be combined and dealt with...  
12A (1) In deciding— (a) whether the pupil in question should...  
13 In the event of a disagreement between the members of...  
14 The decision of an appeal committee and the grounds on...  
15 (1) Subject to paragraphs 6 to 14, all matters relating...

### *Notices*

- 16 (1) Where in accordance with paragraph 1(1) or (2) notice...

### *Meaning of “the relevant person”*

- 17 In this Schedule “the relevant person” means—

### *Power of Secretary of State to make amendments*

- 18 The Secretary of State may by order amend the preceding...

## SCHEDULE 17 — Governors’ annual reports

### *General*

- 1 (1) The articles of government for a county, voluntary or...  
2 The report shall be as brief as is reasonably consistent...

### *Requirements as to contents*

- 3 Where there is an obligation on the governing body (by...  
4 The report shall— (a) give the name of each governor...  
5 The report shall give such information as is available to...  
6 The report shall contain a financial statement—  
7 The report shall give such information about—  
7A The report shall give the information about public examinations and...  
8 The report shall describe what steps have been taken by...  
9 The report shall draw attention to the information made available...  
9A The report shall summarise, where the school is in England,...  
9B The report shall give, where the school is in Wales,...  
9C The report shall describe in general terms—  
9D The report shall indicate in relation to the period since...  
9E The report shall give the dates of the beginning and...  
9F The report shall summarise any changes to information contained in...

### *Power of Secretary of State to make amendments*

- 10 The Secretary of State may by order amend the preceding...

*Status: Point in time view as at 01/09/2005.*

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## SCHEDULE 18 — Annual parents' meetings

### *Proceedings at an annual parents' meeting*

- 1 The articles of government for a county, voluntary or maintained...
- 2 (1) The articles of government for a county, voluntary or...
- 3 No person who is not a parent of a registered...

### *Consideration of resolutions passed at an annual parents' meeting*

- 4 (1) The articles of government for a county, voluntary or...

### *Determination of question whether person is to be treated as pupil's parent*

- 5 (1) The articles of government for a county, controlled or...

## SCHEDULE 19 — Conduct and staffing of new county, voluntary and maintained special schools

### Part I — GENERAL

#### *Articles of government for new schools*

- 1 (1) The requirement for there to be articles of government...
- 2 Section 129(2) (amendment of articles) shall not apply in relation...

#### *Conduct of new schools: general*

- 3 The determination of those matters relating to the conduct of...
- 4 Regulations may make in relation to consultation with temporary governing...

### Part II — STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION NOT PROPOSED

#### *Staffing of new county, controlled or maintained special schools*

- 5 Subject to paragraph 19(4), paragraphs 6 to 11 apply in...
- 6 (1) The complement of teaching and non-teaching posts for the...
- 7 (1) Whenever a selection panel is required by virtue of...
- 8 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11)...
- 9 (1) Subject to sub-paragraph (2) below, sub-paragraphs (3) to (11)...
- 10 (1) The general staff appointment provisions shall apply in relation...
- 11 (1) The clerk to the temporary governing body shall be...
- 12 Subject to paragraph 19(4), a local education authority shall, in...

#### *Staffing of new aided schools*

- 13 Subject to paragraph 19(5), paragraphs 14 to 16 apply in...
- 14 Subject to paragraph 15(1), the local education authority and the...
- 15 (1) The first appointment of a clerk to the temporary...
- 16 (1) The local education authority shall, with a view to...

#### *Expenditure on staff for new schools*

- 17 Where a temporary governing body are constituted for a new...

### Part III — STAFFING OF NEW SCHOOLS: FINANCIAL DELEGATION PROPOSED



*Status: Point in time view as at 01/09/2005.*

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*Adaptation of references*

18 For the purposes of the application (in accordance with paragraphs...

*Application or otherwise of provisions about staffing*

19 (1) Subject to paragraphs 20 to 24, section 136 or...

20 Sections 136, 137 and 138 and Schedule 14 (staffing of...

21 In the case of a new school which is a...

22 Section 139(2) and (5) (payments in respect of dismissal) shall...

23 Any provision included in a scheme by virtue of subsection...

24 (1) Section 141 (amendment of articles) shall not apply in...

Part IV — OTHER MATTERS RELATING TO CONDUCT ETC. OF NEW SCHOOLS

*Preparation of curriculum*

25 (1) The head teacher of a new school for which...

*School terms, holidays and sessions*

26 (1) Pending the coming into force of the articles of...

*Discipline*

27 Pending the coming into force of the articles of government...

*Reports and information*

28 (1) A temporary governing body shall provide the local education...

*Consultation on expenditure by local education authority*

29 (1) Where a temporary governing body have been constituted for...

SCHEDULE 20 —

Part I — PROPOSALS FOR ACQUISITION OF GRANT-MAINTAINED STATUS

*Publication of proposals and notice*

1 (1) Where proposals are required to be published under section...

*Statement to be annexed to proposals*

2 (1) There shall be annexed to any proposals published under...

*Statement to accompany published proposals*

3 Any proposals published under section 193 shall be accompanied by...

*Details of proposals*

4 (1) Any proposals published under section 193 shall—

*Objections to proposals*

5 Within the period of two months beginning with the date...

*Status: Point in time view as at 01/09/2005.*

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### *Interpretation*

- 6 (1) For the purposes of this Part of this Schedule,...
- Part II — PROPOSALS FOR ESTABLISHMENT OF NEW GRANT-MAINTAINED SCHOOL

### *Content of proposals*

- 7 (1) Proposals published under section 211 or 212 shall—

### *Statement to be annexed to proposals*

- 8 There shall be annexed to any proposals published under section...

### *Statement to accompany published proposals*

- 9 Any proposals published under section 211 or 212 shall be...

### *Objections*

- 10 (1) Within the period of two months beginning with the...
- 11 Within the period of two months beginning with the date...

### *Approval of school premises*

- 12 (1) Where proposals for the establishment of a new grant-maintained...

## SCHEDULE 21 —

### *Introductory*

- 1 The functions conferred by or under paragraphs 2 to 5...

### *Powers to contract, etc.*

- 2 The new governing body may— (a) enter into contracts including,...

### *Access to school*

- 3 Any member of, or person authorised by, the new governing...

### *Information*

- 4 (1) If the new governing body request the existing governing...

### *General powers of Secretary of State*

- 5 (1) The Secretary of State may by order make such...

### *Grants to new governing body*

- 6 (1) The funding authority may make grants to the new...

### *Liability for expenses of new governing body*

- 7 The duty of a local education authority to maintain any...

## SCHEDULE 22 — Governing bodies of grant-maintained schools

*Status: Point in time view as at 01/09/2005.*

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*Introductory*

- 1 In this Schedule— “school” means a grant-maintained school, and “instrument”,...

*Election of governors*

- 2 The instrument for a school may make provision—

*Disqualification for, tenure of and removal from office*

- 3 A person who is a member of the teaching or...  
4 The instrument for a school may make provision as to...  
5 Subject to paragraph 10, the instrument for a school must...  
6 (1) Subject to paragraph 10, the instrument for a school...  
7 No provision made in the instrument by virtue of paragraph...  
8 The instrument for a school must provide that any member...  
9 (1) The instrument for a school must provide that any...

*Initial appointments: terms of office*

- 10 (1) The instrument for a school must, until every initial...

*Meetings and proceedings*

- 11 The proceedings of the governing body of a school shall...  
12 Subject to the provisions of Chapter V of Part III...  
13 (1) The instrument for a school may make provision as...

*Information as to meetings and proceedings*

- 14 (1) Regulations may require the governing body of a school...

*Allowances for governors*

- 15 .....

*Seal etc.*

- 16 (1) The application of the seal of the governing body...

SCHEDULE 23 — Content of articles of government for grant-maintained schools

*Introductory*

- 1 In this Schedule— “school” means a grant-maintained school, and “articles”,...

*Performance and delegation of functions*

- 2 (1) The articles must make provision as to the functions...

*Staff*

- 3 (1) The articles must include provision as to—

*Curriculum*

- 4 (1) The articles must include provision for securing the discharge...

*Status: Point in time view as at 01/09/2005.*

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*Admission arrangements*

- 5 (1) The articles must— (a) provide for the governing body...

*Appeals relating to admission and exclusion of pupils*

- 6 (1) The articles must include provision as to the arrangements...

*Annual reports*

- 7 (1) The articles must require the governing body to prepare...

*Annual parents' meetings*

- 8 (1) The articles must require the governing body, subject to...

SCHEDULE 24 — Categories of governors

Part I — INTRODUCTORY

*Application*

- 1 (1) This Schedule applies, in relation to the governing body...

*General interpretation*

- 2 References to an initial governor are to any person who...  
3 References to a governor of an elected category are to...  
4 In relation to any proposals for acquisition of grant-maintained status...

Part II — INITIAL GOVERNORS

*Parent governors*

- 5 (1) In relation to a governing body to be incorporated...

*Teacher governors*

- 6 (1) In relation to a governing body to be incorporated...

*First governors*

- 7 (1) In relation to a governing body to be incorporated...

*Foundation governors*

- 8 (1) In relation to a governing body to be incorporated...

*Sponsor governors*

- 9 In relation to a governing body to be incorporated under...

Part III — GOVERNORS OTHER THAN INITIAL GOVERNORS

*Parent governors*

- 10 (1) “Parent governor” means a person who—

*Teacher governors*

- 11 (1) “Teacher governor” means a person who—

*Status: Point in time view as at 01/09/2005.*

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*First governors*

- 12 “First governor” means— (a) a person appointed by the governing...

*Foundation governors*

- 13 “Foundation governor” means a person who— (a) is appointed otherwise...

*Sponsor governors*

- 14 “Sponsor governor” means— (a) a person appointed by a person...

SCHEDULE 25 — Core governors for groups

*Introductory*

- 1 The provision made for core governors in the instrument of...

*Kinds of core governor*

- 2 (1) Core governors may be either— (a) appointed by the...

*Groups consisting only of former voluntary schools or section 212 schools*

- 3 (1) This paragraph applies in the case of such a...

*Other groups*

- 4 (1) This paragraph applies in the case of a group...

Schedule 25A — Appeals against exclusion of pupils from grant-maintained schools

*Introductory*

- 1 In this Schedule— “ appeal ” means an appeal mentioned...

*Procedure on appeal*

- 2 An appeal shall be by notice in writing setting out...  
3 (1) Subject to sub-paragraph (2), the appeal committee shall meet...  
4 (1) For the purpose of fixing the time (falling within...  
5 (1) The appeal committee shall give the relevant person an...  
6 An appeal shall be held in private except when otherwise...  
7 Two or more appeals may be combined and dealt with...  
8 (1) In deciding whether the pupil in question should be...  
9 In the event of a disagreement between the members of...  
10 Subject to paragraph 11, the decision of the appeal committee...  
11 Where the governing body extend the period for the consideration...  
12 Subject to paragraphs 2 to 11, all matters relating to...  
13 (1) Subject to sub-paragraph (2), where joint arrangements for appeals...

*Power of Secretary of State to make amendments*

- 14 The Secretary of State may by order amend the preceding...

SCHEDULE 26 — Making of assessments under section 323

*Status: Point in time view as at 01/09/2005.*

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### *Introductory*

- 1 In this Schedule “assessment” means an assessment of a child’s...

### *Medical and other advice*

- 2 (1) Regulations shall make provision as to the advice which...

### *Manner, and timing, of assessments, etc.*

- 3 (1) Regulations may make provision— (a) as to the manner...

### *Attendance at examinations*

- 4 (1) Where a local education authority are considering whether to...

### *Offence*

- 5 (1) Any parent who fails without reasonable excuse to comply...

## SCHEDULE 27 — Making and maintenance of statements under section 324

### *Introductory*

- 1 In this Schedule— “ amendment notice ” has the meaning...

### *Copy of proposed statement*

- 2 (1) Before making a statement, a local education authority shall...  
2A *Amendments to a statement*  
2B *Provision of additional information*

### *Choice of school*

- 3 (1) Every local education authority shall make arrangements for enabling...  
3A *Consultation on specifying name of school in statement*

### *Representations*

- 4 (1) A parent on whom a copy of a proposed...

### *Making the statement*

- 5 (1) Where representations are made to a local education authority...

### *Service of statement*

- 6 (1) Where a local education authority make or amend a...

### *Keeping, disclosure and transfer of statements*

- 7 (1) Regulations may make provision as to the keeping and...

### *Change of named school*

- 8 (1) Sub-paragraph (2) applies where— (a) the parent of a...

*Status: Point in time view as at 01/09/2005.*

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*Procedure for amending or ceasing to maintain a statement*

- 9 (1) A local education authority may not . . . .  
10 (1) Before amending a statement, a local education authority shall...  
11 (1) A local education authority may cease to maintain a...

SCHEDULE 28 —

*Constitution of governing body and conduct of school*

- 1 (1) For every governing body of a grant-maintained special school...

*Initial instruments and articles of government*

- 2 (1) The initial instrument of government for the governing body...

*Subsequent instruments of government*

- 3 (1) The Secretary of State may— (a) if the governing...

*Subsequent articles of government*

- 4 (1) The governing body of a grant-maintained special school may,...

*Parent governors*

- 5 (1) The instrument of government for the governing body of...

*Teacher governors*

- 6 (1) The instrument of government for the governing body of...

*Head teacher*

- 7 The instrument of government for the governing body of a...

*First governors*

- 8 (1) The instrument of government for the governing body of...

*Power of Secretary of State to replace first governors*

- 9 (1) The instrument of government for the governing body of...

*Sponsor governors*

- 10 The instrument of government for the governing body of a...

*Additional governors*

- 11 (1) The instrument of government for the governing body of...

*Powers*

- 12 Section 231 of this Act shall have effect in relation...

*Transitory provisions*

- 13 Regulations may modify the provisions of paragraphs 5 to 12...

*Status: Point in time view as at 01/09/2005.*

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### *General application of enactments*

- 14 In relation to any governing body incorporated in pursuance of...
- 15 Each of sections 306A (responsibility for discipline) and 307  
(exclusion...
- 16 Section 307A and Schedule 25A (exclusion appeals) apply in relation...

### SCHEDULE 29 —

#### *Status*

- 1 The Authority shall not be regarded as a servant or...

#### *Powers*

- 2 (1) The Authority may do anything which is calculated to...
- 3 (1) The Authority may also give to any person or...

#### *Chief officer*

- 4 The Authority shall have a chief officer who shall be...

#### *Chairman and chief officer: division of functions*

- 5 (1) The Secretary of State may, on appointing a person...

#### *Tenure of office*

- 6 (1) A person shall hold and vacate office as a...
- 7 The Secretary of State may, if satisfied that a member...
- 8 If the chairman or deputy chairman of the Authority ceases...

#### *Payments to members*

- 9 (1) The Authority shall pay to their members such salaries...

#### *Staff*

- 10 Subject to the approval of the Secretary of State, given...
- 11 (1) Employment with the Authority shall continue to be included...

#### *Finance*

- 12 (1) The Secretary of State may make grants to the...

#### *Committees*

- 13 (1) The Authority may establish a committee for any purpose....

#### *Delegation of functions*

- 14 The Authority may authorise the chairman, the deputy chairman, the...

#### *Proceedings*

- 15 (1) A representative of the Secretary of State shall be...
- 16 (1) Her Majesty's Chief Inspector of Schools in England, or...
- 17 (1) The chairman of the Curriculum and Assessment Authority for...
- 18 The validity of the Authority's proceedings shall not be affected...



*Status: Point in time view as at 01/09/2005.*

*Changes to legislation: Education Act 1996 is up to date with all changes known to be in force on or before 27 June 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)*

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19 Subject to the preceding provisions of this Schedule, the Authority...

*Accounts*

20 (1) The Authority shall— (a) keep proper accounts and proper...

*Documents*

21 The application of the seal of the Authority shall be...

22 Any document purporting to be an instrument made or issued...

SCHEDULE 30 —

*Status*

1 The Authority shall not be regarded as a servant or...

*Powers*

2 (1) The Authority may do anything which is calculated to...

3 (1) The Authority may also give to any person or...

*Chief officer*

4 (1) The Authority shall have a chief officer who shall...

*Tenure of office*

5 (1) A person shall hold and vacate office as a...

6 The Secretary of State may, if satisfied that a member...

7 If the chairman or deputy chairman of the Authority ceases...

*Payments to members*

8 (1) The Authority shall pay to their members such salaries...

*Staff*

9 Subject to the approval of the Secretary of State, given...

10 (1) Employment with the Authority shall continue to be included...

*Finance*

11 (1) The Secretary of State may make grants to the...

*Committees*

12 (1) The Authority may establish a committee for any purpose....

*Delegation of functions*

13 The Authority may authorise the chairman, the deputy chairman, the...

*Proceedings*

14 (1) The chairman of the School Curriculum and Assessment  
Authority,...

15 The validity of the Authority's proceedings shall not be affected...

16 Subject to the preceding provisions of this Schedule, the Authority...

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*Accounts*

17 (1) The Authority shall— (a) keep proper accounts and proper...

*Documents*

18 The application of the Authority’s seal shall be authenticated by...  
19 Any document purporting to be an instrument made or issued...

SCHEDULE 31 — Agreed syllabuses of religious education

*Duty to convene conference to reconsider agreed syllabus*

1 (1) Where the agreed syllabus for the time being adopted...  
2 (1) A local education authority shall from time to time...  
3 On receipt by a local education authority of written notification...

*Constitution of conference*

4 (1) A conference convened under this Schedule shall consist of...  
5 Any sub-committees appointed by the conference shall each include at...  
6 On any question to be decided by the conference or...  
7 (1) Before appointing a person to represent any religion, denomination...  
8 A person appointed as a member of a committee—  
9 Where a person resigns or is withdrawn from a committee,...

*Reconsideration of agreed syllabus*

10 (1) This paragraph applies where a local education authority cause...  
11 .....

*Preparation of new syllabus by appointed body*

12 (1) Where required by paragraph 10 to proceed in accordance...  
13 (1) The appointed body shall— (a) give the local education...  
14 The syllabus prepared by the appointed body shall be deemed...

*Special provisions applicable where order under section 27(1)(b) applies*

15 .....

SCHEDULE 32 —

*Proposals for reduction of standard number*

1 Where the admission authority for a county or voluntary school...  
2 The published proposals shall be accompanied by a statement  
explaining...  
3 (1) Where the local education authority are the admission authority,...  
4 Where the governing body are the admission authority, objections to...

*Order of Secretary of State*

5 (1) Subject to sub-paragraph (2), where an application is made...

*Consultation before making application*

6 (1) Where the local education authority are the admission authority...

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*References to date of publication of proposals*

7 (1) References in this Schedule, in relation to proposals under...

SCHEDULE 33 —

Part I — CONSTITUTION OF APPEAL COMMITTEES

*Appeal arrangements made by local education authorities*

1 (1) An appeal pursuant to arrangements made by a local...

*Appeal arrangements made by governing bodies*

2 (1) An appeal pursuant to arrangements made by the governing...  
3 Where (by virtue of section 423(3)) joint arrangements are made...  
4 An appeal committee constituted in accordance with paragraph 2 (or...

*Lay members*

5 (1) A person is eligible to be a lay member...  
6 The Secretary of State may by regulations require any local...

*Indemnity*

7 Any local education authority or governing body required to make...

Part II — PROCEDURE

8 In this Part “appeal” means an appeal pursuant to any...  
9 An appeal shall be by notice in writing setting out...  
10 An appeal committee shall give the appellant an opportunity of...  
11 The matters to be taken into account by an appeal...  
12 (1) Appeals shall be heard in private except when the...  
13 In the event of a disagreement between the members of...  
14 The decision of an appeal committee and the grounds on...  
15 (1) Subject to paragraphs 9 to 14, all matters relating...

Schedule 33A —

*Duty to notify governing body of decision to admit child*

1 Where any such decision as is mentioned in section 423A(2)...

*Time limit on appealing*

2 An appeal by the governing body against any such decision...

*Appeal committees*

3 (1) Subject to sub-paragraphs (2) and (3) below, paragraphs 1,...

*Procedure on an appeal*

4 In the following provisions of this Schedule— “appeal” means an...  
5 An appeal shall be by notice in writing setting out...  
6 The appeal committee shall meet to consider an appeal—  
7 On an appeal the committee shall allow—  
8 In considering an appeal the appeal committee shall have regard...  
9 Appeals shall be heard in private except when otherwise directed...

*Status: Point in time view as at 01/09/2005.*

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- 10 Two or more appeals may be combined and dealt with...
- 11 In the event of a disagreement between the members of...
- 12 The decision of an appeal committee and the grounds on...
- 13 (1) Subject to paragraphs 5 to 12, all matters relating...

*Power of Secretary of State to make amendments*

- 14 The Secretary of State may by order amend the preceding...

Schedule 33B —

*Home-school partnership documents*

- 1 (1) The admission arrangements for a grant-maintained school may include...

*Effect of home-school partnership document*

- 2 (1) This paragraph applies where the admission arrangements for a...

*Restriction of right to refuse admission to partially-selective school*

- 3 (1) An application for the admission of a child to...

*No requirement to admit children permanently excluded from two or more schools*

- 4 (1) The governing body of a grant-maintained school shall not...

SCHEDULE 34 — Independent Schools Tribunals

...

Independent Schools Tribunals  
Independent Schools Tribunals  
Independent Schools Tribunals  
Independent Schools Tribunals  
Independent Schools Tribunals

SCHEDULE 35 —

- 1 (1) A participation agreement shall provide that it may be...
- 2 The proprietors of the school may terminate a participation agreement...
- 3 Subject to paragraph 4, the Secretary of State may terminate...
- 4 (1) If in the case of a participation agreement the...
- 5 A notice of termination given under paragraph 3 or 4...
- 6 The termination of a participation agreement shall not affect the...

SCHEDULE 35A — Academies: land

- 1 *Transfer schemes*
- 2 *Restriction on disposal*
- 3 (1) This paragraph applies if an authority makes a disposal...
- 4 (1) For the purposes of paragraphs 2 and 3—
- 5 *Restriction on appropriation*
- 6 (1) This paragraph applies if an authority makes an appropriation...
- 7 *Duty to inform*
- 8 *Former Academies*
- 9 *Disapplication of rule against perpetuities*

*Status: Point in time view as at 01/09/2005.*

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- 10 *Other Acts*
- 11 *Regulations*
- 12 *Class consents*
- 13 *Interpretation*

SCHEDULE 36 — Uniform statutory trusts for educational endowments

- 1 The trustees may, after payment of any expenses incurred in...
- 2 The trustees may also, after payment of any expenses incurred...

SCHEDULE 37 — Consequential amendments

Part I — AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 1996

*Children and Young Persons Act 1933 (c. 12)*

- 1 Section 96 of the Children and Young Persons Act 1933...

*Public Records Act 1958 (c. 51)*

- 2 In Schedule 1 to the Public Records Act 1958 (definition...

*Church Schools (Assistance by Church Commissioners) Measure 1958 (1958 No. 2)*

- 3 In section 2(1) of the Church Schools (Assistance by Church...

*Education Act 1962 (c. 12)*

- 4 (1) Section 1 of the Education Act 1962 (local education...
- 5 In section 3(c)(i) of that Act (awards by Secretary of...
- 6 For section 14(4) of that Act there is substituted—
- 7 In paragraph 2 of Schedule 1 to that Act (ordinary...

*London Government Act 1963 (c. 33)*

- 8 In section 30(1) of the London Government Act 1963 (local...
- 9 .....

*Children and Young Persons Act 1963 (c. 37)*

- 10 In section 37(3) of the Children and Young Persons Act...
- 11 In section 38 of that Act (restriction on licences for...

*Veterinary Surgeons Act 1966 (c. 36)*

- 12 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions...

*Education Act 1967 (c. 3)*

- 13 In section 6(2) of the Education Act 1967 (construction as...

*Public Expenditure and Receipts Act 1968 (c. 14)*

- 14 In Schedule 3 to the Public Expenditure and Receipts Act...

*Children and Young Persons Act 1969 (c. 54)*

- 15 .....
- 16 .....

*Status: Point in time view as at 01/09/2005.*

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*Local Authorities (Goods and Services) Act 1970 (c. 39)*

17 .....

*Local Authority Social Services Act 1970 (c. 42)*

18 In Schedule 1 to the Local Authority Social Services Act...

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

19 In section 8(2) of the Chronically Sick and Disabled Persons...

*Pensions (Increase) Act 1971 (c. 56)*

20 In Part II of Schedule 2 to the Pensions (Increase)...

*Superannuation Act 1972 (c. 11)*

21 (1) Schedule 1 to the Superannuation Act 1972 shall continue—...

*Local Government Act 1972 (c. 70)*

22 (1) Section 104(2)(a) of the Local Government Act 1972 (teachers...

23 In section 112(4)(b) of that Act (appointment of staff) for...

24 In section 139(4) of that Act (acceptance of gifts of...

25 In section 177(1) of that Act (supplementary provisions as to...

*Fair Trading Act 1973 (c. 41)*

26 In Schedule 4 to the Fair Trading Act 1973 (services...

*Local Government Act 1974 (c. 7)*

27 .....

28 In section 31A(2) of that Act (consideration of adverse reports)...

29 In paragraph 5(1) of Schedule 5 to that Act (matters...

*House of Commons Disqualification Act 1975 (c. 24)*

30 (1) Part III of Schedule 1 to the House of...

*Sex Discrimination Act 1975 (c. 65)*

31 In section 23(1) of the Sex Discrimination Act 1975 (other...

32 In section 23A of that Act (discrimination by Further Education...

33 .....

34 In section 24(2)(c) of that Act (designated establishments) for “the...

35 (1) Section 25 of that Act (general duty in public...

36 In section 82 of that Act (general interpretation), in subsection...

37 In Schedule 2 to that Act (transitional exemption orders for...

*Restrictive Trade Practices Act 1976 (c. 34)*

38 In Schedule 1 to the Restrictive Trade Practices Act 1976...

*Race Relations Act 1976 (c. 74)*

39 In section 18(1) of the Race Relations Act 1976 (other...

40 In section 18A of that Act (discrimination by Further Education...

*Status: Point in time view as at 01/09/2005.*

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- 41 .....  
42 (1) Section 19 of that Act (general duty in public...  
43 In section 78 of that Act (general interpretation), in subsection...

*National Health Service Act 1977 (c. 49)*

- 44 In section 28A(2)(c) of the National Health Service Act 1977...  
45 In section 128(1) of that Act (interpretation), in the definition...  
46 In Schedule 1 to that Act (medical and dental inspection...

*Education Act 1980 (c.20)*

- 47 (1) Section 38 of the Education Act 1980 (citation etc.)...

*Education (Scotland) Act 1980 (c. 44)*

- 48 (1) Section 48A of the Education (Scotland) Act 1980 (corporal...

*Local Government, Planning and Land Act 1980 (c.65)*

- 49 In paragraph 10 of Schedule 10 to the Local Government,...

*Acquisition of Land Act 1981 (c. 67)*

- 50 In section 1(2) of the Acquisition of Land Act 1981...  
51 (1) Section 17(4) of that Act (statutory undertakers) shall have...

*Greater London Council (General Powers) Act 1981 (c. xvii)*

- 52 In section 16 of the Greater London Council (General Powers)...

*Agricultural Training Board Act 1982 (c. 9)*

- 53 In section 4(5) of the Agricultural Training Board Act 1982...

*Industrial Training Act 1982 (c. 10)*

- 54 In section 5 of the Industrial Training Act 1982 (functions...

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 55 In section 40 of the Local Government (Miscellaneous Provisions)  
Act...

*Representation of the People Act 1983 (c. 2)*

- 56 (1) Paragraph 22 of Schedule 1 to the Representation of...

*Education (Fees and Awards) Act 1983 (c. 40)*

- 57 In section 1(4) of the Education (Fees and Awards) Act...

*Registered Homes Act 1984 (c. 23)*

- 58 .....

*Building Act 1984 (c. 55)*

- 59 In section 4(1)(a) of the Building Act 1984 (exemption of...

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*Greater London Council (General Powers) Act 1984 (c. xxvii)*

60 In section 10(2)(g) of the Greater London Council (General Powers)...

*Further Education Act 1985 (c. 47)*

61 In section 8(3) (short title etc.) for “the Education Act...

*Housing Act 1985 (c. 68)*

62 In Schedule 1 (tenancies which are not secure tenancies), in...

*Local Government Act 1986 (c. 10)*

63 .....

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

64 (1) Section 5 of the Disabled Persons (Services, Consultation and...

*Education (No. 2) Act 1986 (c. 61)*

65 (1) Section 50 of the Education ( No. 2) Act...

66 (1) Section 67 of that Act (short title etc.) shall...

*Reverter of Sites Act 1987 (c. 15)*

67 (1) The Reverter of Sites Act 1987 shall be amended...

*Local Government Act 1988 (c. 9)*

68 In paragraph 8(3)(a) of Schedule 1 to the Local Government...

*Criminal Justice Act 1988 (c. 33)*

69 In section 139A(6) and (7) of the Criminal Justice Act...

*Education Reform Act 1988 (c. 40)*

70 .....

71 In section 161(1)(b)(i) of that Act (interpretation of Part II)...

72 In section 163(1) of that Act (new education authorities for...

73 In section 166(5) of that Act (responsibility for schools) for...

74 (1) Section 197 of that Act (Education Transfer Council) shall...

75 .....

76 (1) Section 218 of that Act (school and further and...

77 For section 219 of that Act there is substituted— Powers...

78 .....

79 In section 228 of that Act (transfer of property to...

80 In section 232 of that Act (orders and regulations)—

81 (1) Section 235 of that Act (general interpretation) shall be...

82 (1) Schedule 10 to that Act (supplementary provisions with respect...

*Copyright, Designs and Patents Act 1988 (c. 48)*

83 In section 174(3) of the Copyright, Patents and Designs Act...



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*Children Act 1989 (c. 41)*

- 84 In section 28(4) of the Children Act 1989 (local authority...
- 85 In section 36(5) of that Act (education supervision orders:  
presumption...
- 86 .....
- 87 In section 87(10) of that Act (welfare of children accommodated...
- 88 .....
- 89 .....
- 90 In section 91(5) of that Act (effect and duration of...
- 91 In section 105(1) of that Act (interpretation) for “the Education...
- 92 In paragraph 3(b) of Schedule 2 to that Act (local...
- 93 (1) Part III of Schedule 3 to that Act (education...
- 94 (1) Paragraph 3 of Schedule 9 to that Act (child...

*Local Government and Housing Act 1989 (c. 42)*

- 95 In section 2(6)(a) of the Local Government and Housing Act...
- 96 (1) Section 13 of that Act (voting rights of members...
- 97 .....

*Education (Student Loans) Act 1990 (c. 6)*

- 98 In section 1(3)(a) of the Education (Student Loans) Act 1990...

*Town and Country Planning Act 1990 (c. 8)*

- 99 In section 76 of the Town and Country Planning Act...

*Environmental Protection Act 1990 (c. 43)*

- 100 In section 98(2) of the Environmental Protection Act 1990 (definitions)  
—...

*School Teachers’ Pay and Conditions Act 1991 (c. 49)*

- 101 (1) The School Teachers’ Pay and Conditions Act 1991—

*Diocesan Boards of Education Measure 1991 (1991 No. 2)*

- 102 .....
- 103 .....
- 104 (1) Section 6 of that Measure (Board to be consulted...
- 105 .....
- 106 .....
- 107 .....

*Further and Higher Education Act 1992 (c. 13)*

- 108 .....
- 109 In section 28(3)(a) of that Act (institutions which are grant-aided...
- 110 (1) Section 37 of that Act (attribution of surpluses and...
- 111 In section 54(2) of that Act (duty to give information)...
- 112 .....
- 113 For section 57(6) of that Act (intervention in event of...
- 114 In section 89(5) of that Act (orders, regulations and directions)...
- 115 (1) Section 90 of that Act (interpretation) shall be amended...

*Status: Point in time view as at 01/09/2005.*

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- 116 In section 92 of that Act (Index)—  
117 (1) Schedule 8 to that Act— (a) shall continue to...

*Tribunals and Inquiries Act 1992 (c. 53)*

- 118 (1) The Tribunals and Inquiries Act 1992 shall be amended...

*Charities Act 1993 (c. 10)*

- 119 For section 79(9) of the Charities Act 1993 (parochial charities)...  
120 (1) Schedule 2 to that Act (exempt charities) shall continue...  
121 At the end of paragraph 1(b) of Schedule 4 to...

*Welsh Language Act 1993 (c. 38)*

- 122 .....

*Local Government (Wales) Act 1994 (c. 19)*

- 123 (1) Section 30 of the Local Government (Wales) Act 1994...  
124 (1) Section 31 of that Act (sub-committees of area committees)...

*Value Added Tax Act 1994 (c. 23)*

- 125 In Schedule 9 to the Value Added Tax Act 1994...

*Education Act 1994 (c. 30)*

- 126 After section 11 of the Education Act 1994 there is...  
127 (1) Section 12 of that Act (power of schools to...  
128 In section 19 of that Act (interpretation)—

*Disability Discrimination Act 1995 (c. 50)*

- 129 .....

*Employment Rights Act 1996 (c. 18)*

- 130 In section 134(1) of the Employment Rights Act 1996 (dismissal...

*Nursery Education and Grant-Maintained Schools Act 1996 (c. 57)*

- 131 (1) Section 4 of the Nursery Education and Grant-Maintained Schools...  
132 In section 11 of that Act (citation etc.) for subsection...

Part II — AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

*Children and Young Persons Act 1933 (c. 12)*

- 133 In section 30(1)(a) of the Children and Young Persons Act...

*Agriculture (Safety, Health and Welfare Provisions) Act 1956 (c. 49)*

- 134 In section 24(1) of the Agriculture (Safety, Health and Welfare...

*Factories Act 1961 (c. 34)*

- 135 In section 176(1) of the Factories Act 1961 (general interpretation)...

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*Matrimonial Causes Act 1973 (c. 18)*

136 In section 29(2)(a) of the Matrimonial Causes Act 1973 (age...

*Sex Discrimination Act 1975 (c. 65)*

137 In section 24(2)(d) of the Sex Discrimination Act 1975 (designated...

*Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

138 In section 5(2)(a) of the Domestic Proceedings and Magistrates' Courts...

*Employment Act 1989 (c. 38)*

139 In section 10 of the Employment Act 1989 (removal of...

SCHEDULE 38 — Repeals and revocations

Part I — REPEALS COMING INTO FORCE ON 1ST NOVEMBER 1996

Part II — REPEALS COMING INTO FORCE ON APPOINTED DAY

Part III — REVOCATIONS

SCHEDULE 39 — Transitional provisions and savings

Part I — GENERAL

*General transitional provisions*

1 (1) The repeal and re-enactment of provisions by this Act...

*Extension of references to provisions repealed by Education Act 1993*

2 (1) Paragraph 1(3) above shall have effect, for the purpose...

*Construction of pre-1944 Act references*

3 Where immediately before the commencement of this Act any reference...

4 (1) This paragraph applies to enactments passed before 1st April...

*Effect of old transitional provisions and savings*

5 The repeals made by this Act shall not affect the...

6 (1) The repeal by this Act of an enactment previously...

*Use of existing forms etc.*

7 Any reference to an enactment repealed by this Act which...

*Pre-commencement offences*

8 Nothing in this Act affects the enactments repealed by this...

Part II — SPECIFIC PROVISIONS

*Governing bodies of LEA-maintained schools*

9 (1) Any governing body which immediately before the commencement of...

10 (1) The reproduction by this Act of any reference, in...

*Status: Point in time view as at 01/09/2005.*

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11 Where any instrument under which the governing body of an...

*Special agreement schools*

12 (1) Any order under section 15(2) of the Education Act...

*Proposals to establish etc. maintained or grant-maintained schools*

13 (1) Nothing in sections 35 to 45 or in sections...

*Review of constitution of governing bodies*

14 (1) Subject to sub-paragraph (2), nothing in section 82 of...

*Confirmation of certain decisions of governing body*

15 .....

*Review of grouping*

16 The reference in section 94(2)(c) of this Act to an...

*Financial delegation*

17 (1) Without prejudice to paragraph 1(3) above—

18 Nothing in section 141 of this Act requires a local...

*School sessions*

19 For the purposes of section 147(1)(b) of this Act as...

*Exclusion of pupils*

20 Nothing in section 157 of this Act applies in relation...

*School premises: pre-1993 Act transfer of control agreements*

21 (1) This paragraph applies to any agreement to which paragraph...

*Variation of trust deeds etc.*

22 In section 179(1) of this Act— (a) paragraph (b) does...

*Ballots relating to acquisition of grant-maintained status*

23 Section 190(2)(b) of this Act applies where after the commencement...

*Instruments and articles for grant-maintained schools incorporated under pre-1993 Act law*

24 (1) This paragraph applies in relation to a grant-maintained school...

25 (1) This paragraph applies in relation to a grant-maintained school...

26 (1) This paragraph applies in relation to a grant-maintained school...

*Appeal committees*

27 Nothing in— (a) section 308(3) of this Act, or

28 Paragraph 13(4) of Schedule 22 to this Act does not...

29 Where immediately before the commencement of this Act an appeal...

30 Nothing in this Act affects the restriction imposed by paragraph...

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*Maintenance etc. grants*

- 31 (1) The former grants code shall continue to have effect...  
32 Section 81 of the Education Reform Act 1988 (recovery from...  
33 The Education (Grant-maintained Schools) (Finance) Regulations 1990,  
so far as...

*Assessments and statements of special educational needs*

- 34 Any assessment or statement of special educational needs which—

*Applications relating to special schools*

- 35 Any application which— (a) was made to the Secretary of...

*Contracts of staff transferred to School Curriculum and Assessment  
Authority or Curriculum and Assessment Authority for Wales*

- 36 (1) The repeal by this Act of—

*Information about directions under section 365*

- 37 Nothing in section 366 of this Act applies, by virtue...

*Review of conclusions about policy relating to curriculum*

- 38 Any articles of government of a county, controlled or maintained...

*Agreed syllabuses of religious education*

- 39 (1) Nothing in this Act affects the constitution of, or...

*Arrangements for collective worship*

- 40 In section 385 of this Act— (a) subsection (4)(b) does...

*Disqualification for purposes of Part VII*

- 41 Sections 472 and 473 of this Act shall apply to...

*Chairmen of Independent Schools Tribunals*

- 42 In its application to a person who, immediately before 31st...

*Training grants*

- 43 The Education (Training Grants) Regulations 1993 shall continue to  
have...

*Education committees etc. and members of those committees*

- 44 (1) Sub-paragraph (2) below applies to— (a) any education committee...

*Documents issued by divisional executives*

- 45 Section 566(1) of this Act applies to a document purporting—...

Part III — MISCELLANEOUS SAVINGS ETC.

- 46 Handicapped children

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*Byelaws under Children and Young Persons Act 1933*

47 Despite the repeal by this Act of section 120(5) of...

*Disputes as to property transferred by virtue of 1944 Act*

48 Any question which, if it had arisen before the commencement...

*Modifications of deeds made prior to Education Act 1973*

49 Without prejudice to the generality of paragraph 6(2) above, any...

*Instruments made prior to Local Government Act 1972*

50 The repeal by this Act of section 192(5) and (6)...

Part IV — INTERPRETATION

51 In this Schedule “repeal” includes (so far as the context...

SCHEDULE 40 —

*Compulsory school age: general*

1 (1) Until the day appointed under section 583(3) for the...

*Section 231: powers of governing body of grant-maintained school*

2 (1) If section 7 of the Nursery Education and Grant-Maintained...

*Section 318: provision by LEAs of goods and services*

3 If paragraph 12 of Schedule 3 to the Nursery Education...

*Sections 336 and 476: disapplication of arbitration legislation*

4 If paragraphs 4 and 59 of Schedule 3 to the...

*Section 355: the “key stages”*

5 Until the day appointed under section 583(3) for the coming...

*Section 357: implementation of National Curriculum*

6 Until the relevant commencement date, section 357(2) shall not apply,...

*Section 433: time for admission of pupils*

7 If paragraph 2 of Schedule 3 to the Nursery Education...

*Sections 457, 512 and 534: jobseeker’s allowances*

8 (1) If paragraph 17 of Schedule 2 to the Jobseekers...

*Section 560: work experience*

9 Until the day appointed under section 583(3) for the coming...

*Section 578 and Schedule 37: “the Education Acts”; consequential amendments*

10 If the provisions of Schedule 3 to the Nursery Education...

**Status:** Point in time view as at 01/09/2005.

**Changes to legislation:** Education Act 1996 is up to date with all changes known to be in force on or before 27 June 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)

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*Meaning of “the relevant commencement date”*

- 11 (1) Subject to sub-paragraph (2), in any of the preceding...

— TABLE OF DERIVATIONS

- 1 *Notes:*  
2 The following abbreviations are used in the Table:—

*Acts of Parliament*

*Subordinate legislation*

- 3 The abbreviation “Law Com. Rec. No.” followed by a number...  
4 By virtue of the Secretary of State for Education and...  
5 The Table also does not separately acknowledge the provisions of...

**Status:**

Point in time view as at 01/09/2005.

**Changes to legislation:**

Education Act 1996 is up to date with all changes known to be in force on or before 27 June 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.