



# Education Act 1996

## 1996 CHAPTER 56

### PART II

#### SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

#### CHAPTER VIII

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### *Further education*

#### **176 Provision of further education**

- (1) The governing body of any county, voluntary or maintained special school shall be responsible for determining whether or not to provide—
  - (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
  - (b) full-time education suitable to the requirements of persons who have attained the age of 19;but the governing body of a maintained special school shall not determine to provide, or to cease to provide, such education without the consent of the local education authority.
- (2) It shall be the duty of the governing body of any such school which provides such education to secure that, except in such circumstances as may be prescribed, such education is not provided at any time in a room where pupils are at that time being taught.

---

*Status: This is the original version (as it was originally enacted).*

---

### *Teacher training*

#### **177 Provision of courses of initial teacher training**

- (1) Section 12 of the Education Act 1994 confers power on the governing body of a county, voluntary or maintained special school—
- (a) to provide courses of initial training for school teachers, or
  - (b) to join in a partnership or association with other eligible institutions, or (whether alone or jointly with other eligible institutions) to establish a body, for the purpose of providing such courses.
- (2) In subsection (1) “eligible institution” has the meaning given by section 4(2) of that Act.

### *Modification of employment law*

#### **178 Application of employment law during financial delegation**

- (1) The Secretary of State may by order make such modifications in any enactment relating to employment, and in particular in any enactment—
- (a) conferring powers or imposing duties on employers,
  - (b) conferring rights on employees, or
  - (c) otherwise regulating the relations between employers and employees,
- as he considers necessary or expedient in consequence of the operation of any of the following provisions, namely, sections 136(2) and (3), 137(6) and 139(2) to (4), Schedule 14 and paragraphs 19 to 24 of Schedule 19.
- (2) Before making any order under this section the Secretary of State shall consult—
- (a) such associations of local authorities,
  - (b) such bodies representing the interests of governors of voluntary schools, and
  - (c) such organisations representing staff in schools required to be covered by schemes under section 103 (local education authority schemes for financing schools),
- as appear to him to be concerned.

### *Modification of trust deeds and other instruments*

#### **179 Variation of trust deeds etc. by order**

- (1) The Secretary of State may by order make such modifications of any trust deed or other instrument relating to a school as, after consultation with the governing body or other proprietor of the school, appear to him to be requisite in consequence of—
- (a) any proposals falling to be implemented under section 40 or section 45 (establishment or alteration of a county or voluntary school);
  - (b) a transfer of the school to a new site in circumstances falling with section 35(2) or section 41(3);
  - (c) any order made by him under section 46 (establishment of a new voluntary school in substitution for an old one);

---

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

---

- (d) any order made by him under section 47 (transfer of voluntary school to a new site); or
  - (e) any proposals falling to be implemented under section 171 (discontinuance of a county or voluntary school or maintained nursery school).
- (2) Any modification made by an order under this section may be made so as to have permanent effect or to have effect for such period as may be specified in the order.

**180 Modification of provisions whereby governors of voluntary schools are ex officio trustees**

- (1) Where a trust deed or other instrument made before 1st July 1981 contains a provision whereby the persons who are for the time being governors of a voluntary school are by virtue of their office trustees of any property held for the purposes of or in connection with the school, that provision shall have effect as if the only governors of the school were the foundation governors and the governors appointed by the local education authority and any minor authority.
- (2) Subsection (1) is without prejudice to any power to amend any such provision as is mentioned in that subsection.

*Interpretation of Part II*

**181 Meaning of expressions relating to new schools**

- (1) In this Part “new school” (without more) means a school or proposed school—
- (a) which by virtue of section 96(1) or 97(1) is required to have a temporary governing body, or
  - (b) in respect of which the local education authority have power under section 96(3) or 97(2) to make an arrangement for the constitution of a temporary governing body.
- (2) In this Part “relevant proposals”—
- (a) in relation to a new school that will be a county or voluntary school, means the proposals falling within section 96(2) or 97(1) by reference to which it is a new school, and
  - (b) in relation to a new school that will be a maintained special school, means the proposals falling within section 96(2) by reference to which it is a new school.
- (3) In this Part—
- (a) “temporary governing body” means a temporary governing body constituted for a new school under an arrangement made under section 96 or 97, and
  - (b) “temporary governor” means a member of a temporary governing body (and references to a temporary governor of a particular category are to a member of a temporary governing body appointed to it as a member of that category).

**182 Meaning of “governing body” and “governor” in Chapters IV to VI**

In Chapters IV to VI, except where otherwise provided—

- “governing body” does not include a temporary governing body, and
- “governor” does not include a temporary governor.