



# Education Act 1996

## 1996 CHAPTER 56

### PART IX

#### ANCILLARY FUNCTIONS

#### CHAPTER I

##### ANCILLARY FUNCTIONS OF SECRETARY OF STATE

##### *General functions*

#### **495 Determination of disputes.**

- (1) Except where this Act expressly provides otherwise, any dispute between a local education authority and the governing body of a school as to the exercise of any power conferred or the performance of any duty imposed by or under this Act may be referred to the Secretary of State (despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the governing body).
- (2) The Secretary of State shall determine any dispute referred to him under subsection (1).
- (3) Any dispute between two or more local education authorities as to which of them is responsible for the provision of education for any pupil shall be determined by the Secretary of State.

#### **Modifications etc. (not altering text)**

- C1** S. 495 modified (1.9.1999) by [1998 c. 31, s. 44\(7\)](#) (with [ss. 138\(9\), 144\(6\)](#)); S.I. 1999/2323, art. 2(1), [Sch. 1](#)
- C2** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\), ss. 34\(7\), 216\(4\)](#) (with [ss. 210\(8\), 214\(4\)](#)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.

*Status: Point in time view as at 01/04/2007.*

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- C3** S. 495(1) extended (1.11.1996) by 1988 c. 40, s. 219(2) (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para.77 (with ss. 1(4), 561, 562, Sch. 39))

#### 496 Power to prevent unreasonable exercise of functions.

- (1) If the Secretary of State is satisfied (either on a complaint by any person or otherwise) that a body to which this section applies have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, he may give such directions as to the exercise of the power or the performance of the duty as appear to him to be expedient (and may do so despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the body).
- (2) The bodies to which this section applies are—
- (a) any local education authority, <sup>[F<sup>1</sup>]</sup>and]
  - <sup>[F<sup>2</sup>]</sup>(b) the governing body of any community, foundation or voluntary school <sup>[F<sup>3</sup>]</sup>, of any community or foundation special school, or of any maintained nursery school] .]

#### Textual Amendments

- F1** Word in s. 496(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 129(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F2** S. 496(2)(b) substituted (1.9.1999) for s. 496(2)(b)(c) by 1998 c. 31, ss. 140(1), 145(3), Sch. 30 para. 129(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F3** Words in s. 496(2)(b) substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), ss. 168(1), 188(2)

#### Modifications etc. (not altering text)

- C2** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 34(7), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.
- C4** S. 496 modified (1.11.1996) by 1988 c. 40, s. 219(3) (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 77 (with ss. 1(4), 561, 562, Sch. 39))  
S. 496 modified (1.9.1998) by 1997 c. 44, s. 43(4); S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV  
S. 496 modified (1.9.1999) by 1998 c. 31, s. 44(7) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1  
S. 496 modified (1.4.2001 (E.), 1.4.2002 (W.)) by 2000 c. 21, s. 113(3) (with s. 150); S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3); S.I. 2001/2705, art. 2(1), Sch. Pt. I
- C5** S. 496 extended (1.11.1996) by 1992 c. 13, s. 56(3) (as added (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 112 (with ss. 1(4), 561, 562, Sch. 39))  
S. 496 extended (1.11.1996) by 1992 c. 13, s. 57(6)(a) (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 113 (with ss. 1(4), 561, 562, Sch. 39))  
S. 496 extended (1.9.1999) by 1998 c. 31, s. 24, Sch. 4 para. 10 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- C6** S. 496: power to apply conferred (1.10.1998) by 1998 c. 31, s. 105(7) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I
- C7** S. 496 applied (7.8.2000 for E., 1.11.2000 for W.) by 2000 c. 22, s. 23, Sch. 1 para. 10(a); S.I. 2000/2187, art. 2(c); S.I. 2000/2948, art. 2  
S. 496 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002 (S.I. 2002/2903), regs. 1(2), 8  
S. 496 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 (S.I. 2002/2904), regs. 1(2), 8 (with reg. 9)

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*Changes to legislation: Education Act 1996, Part IX 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)*

- C8** S. 496 continued (W.) (22.3.2001) by S.I. 2001/1274, **art. 3(4)(a)**
- C9** S. 496 modified by 2000 c. 21, s. 113A(10) (as inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 72(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2004/1728, art. 4, Sch. Pt. 1)
- C10** S. 497: power to apply conferred by 1998 c. 31, s. 89(2) (as inserted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), **ss. 48**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2006/172, art. 4, Sch.)
- C11** S. 496 applied (E.) (27.2.2007) by The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007 (S.I. 2007/194), regs. 1(1), **10**
- C12** S. 496 applied (1.4.2007) by Childcare Act 2006 (c. 21), **ss. 15(1)**, 109(2); S.I. 2007/1019, art. 3

#### **497 General default powers.**

- (1) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a body to which this section applies have failed to discharge any duty imposed on them by or for the purposes of this Act, he may make an order—
  - (a) declaring the body to be in default in respect of that duty, and
  - (b) giving such directions for the purpose of enforcing the performance of the duty as appear to him to be expedient.
- (2) The bodies to which this section applies are—
  - (a) any local education authority, [<sup>F4</sup>and]
  - <sup>F5</sup>[(b) the governing body of any community, foundation or voluntary school [<sup>F6</sup>, of any community or foundation special school, or of any maintained nursery school] .]
- (3) Any directions given under subsection (1)(b) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

#### **Textual Amendments**

- F4** Word in s. 497(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 130(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F5** S. 497(2)(b)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 130(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F6** Words in s. 497(2)(b) substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), **ss. 168(2)**, 188(2)

#### **Modifications etc. (not altering text)**

- C2** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), **ss. 34(7)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.
- C10** S. 497: power to apply conferred by 1998 c. 31, s. 89(2) (as inserted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), **ss. 48**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2006/172, art. 4, Sch.)
- C13** S. 497 modified (1.11.1996) by 1988 c. 40, **s. 219(3)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. 1 para. 77 (with ss. 1(4), 561, 562, **Sch. 39**))  
S. 497 modified (1.9.1998) by 1997 c. 44, **s. 43(4)**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**  
S. 497 modified (1.9.1999) by 1998 c. 31, **s. 44(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C14** S. 497: power to apply conferred (1.10.1998) by 1998 c. 31, **s. 105(7)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**
- C15** S. 497 applied (3.12.1998) by S.I. 1998/2876, **reg. 21**

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- S. 497 applied (7.8.2000 (E.), 1.11.2000 (W.)) by 2000 c. 22, s. 23, **Sch. 1 para. 10(b)**; S.I. 2000/2187, **art. 2(c)**, S.I. 2000/2948, art. 2
- S. 497 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002 (S.I. 2002/2903), regs. 1(2), **8**
- S. 497 applied (E.) (20.1.2003) by The Education (Co-ordination of Admission Arrangements) (Secondary Schools) (England) Regulations 2002 (S.I. 2002/2904), regs. 1(2), **8** (with reg. 9)
- C16** S. 497 extended (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 10** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C17** S. 497 modified by 2000 c. 21, s. 113A(10) (as inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 72(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2004/1728, art. 4, Sch. Pt. 1)
- C18** S. 497 applied (E.) (27.2.2007) by The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007 (S.I. 2007/194), regs. 1(1), **10**
- C19** S. 497 applied (1.4.2007) by Childcare Act 2006 (c. 21), **ss. 15(2)**, 109(2); S.I. 2007/1019, art. 3

**[<sup>F7</sup>497A Power to secure proper performance of LEA’s functions.**

[<sup>F8</sup>(1) This section applies to a local education authority’s functions under this Act and to other functions (of whatever nature) which are conferred on them in their capacity as a local education authority.]

(2) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a local education authority are failing in any respect to perform any function to which this section applies to an adequate standard (or at all), he may exercise his powers under subsection (<sup>F9</sup>(4), (4A) or (4B)).

[ The Secretary of State may also exercise his powers under subsection (4), (4A) or <sup>F10</sup>(2A) (4B) where—

- (a) he has given a previous direction under subsection (4), (4A) or (4B) in relation to a local education authority in respect of any function to which this section applies, and
- (b) he is satisfied that it is likely that if no further direction were given under subsection (4), (4A) or (4B) on the expiry or revocation of the previous direction the authority would fail in any respect to perform that function to an adequate standard (or at all).]

(3) <sup>F11</sup>.....

[<sup>F12</sup>(4) The Secretary of State may under this subsection give the authority or an officer of the authority such directions as the Secretary of State thinks expedient for the purpose of securing that the function is performed on behalf of the authority by such person as is specified in the direction; and such directions may require that any contract or other arrangement made by the authority with that person contains such terms and conditions as may be so specified.]

[ The Secretary of State may under this subsection direct that the function shall be <sup>F13</sup>(4A) exercised by the Secretary of State or a person nominated by him and that the authority shall comply with any instructions of the Secretary of State or his nominee in relation to the exercise of the function.

(4B) The Secretary of State may under this subsection (whether or not he exercises the power conferred by subsection (4) or (4A) in relation to any function) give the authority or an officer of the authority such other directions as the Secretary of State thinks

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expedient for the purpose of securing that the function is performed to an adequate standard.]

[<sup>F14</sup>(5) Where the Secretary of State considers it expedient that—

- (a) in the case of directions given under subsection (4), the person specified in the directions, or
- (b) in the case of directions given under subsection (4A), the Secretary of State or a person nominated by him,

should perform other functions to which this section applies in addition to the function to which subsection (2) or (2A) applies, the directions under subsection (4) or (4A) may relate to the performance of those other functions as well; and in considering whether it is expedient that that person should perform any such additional functions, the Secretary of State may have regard to financial considerations.]

(6) Any direction under this section may either—

- (a) have effect for an indefinite period until revoked by the Secretary of State, or
- [<sup>F15</sup>(b) have effect for a period specified in the direction unless revoked earlier by the Secretary of State.]

(7) Any direction given under subsection [<sup>F16</sup>(4), (4A) or (4B)] shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.]

#### Textual Amendments

- F7** S. 497A inserted (1.10.1998) by 1998 c. 31, s. 8 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch.1 Pt. I**.
- F8** S. 497A(1) substituted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(2)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F9** Words in s. 497A(2) substituted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(3)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F10** S. 497A(2A) inserted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(4)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F11** S. 497A(3) repealed (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. 60(5), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F12** S. 497A(4) substituted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(6)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F13** S. 497A(4A)(4B) inserted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(7)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F14** S. 497A(5) substituted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(8)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F15** S. 497A(6)(b) substituted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(9)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F16** Words in s. 497A(7) substituted (26.7.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. **60(10)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I

#### Modifications etc. (not altering text)

- C2** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. **34(7)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.
- C20** S. 497A applied (with modifications) (1.3.2005 for E.) by Children Act 2004 (c. 31), s. **50(1)-(3)**, (5)(6), 67(7)(e); S.I. 2005/394, art. 2(1)(f)
- C21** S. 497A modified (1.9.1999) by 1998 c. 31, s. **44(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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**C22** S. 497A applied (with modifications) (1.4.2007) by [Childcare Act 2006 \(c. 21\), s. 15\(3\)\(5\)\(6\), 109\(2\); S.I. 2007/1019, art. 3](#)

**[<sup>F17</sup>497A Power to secure proper performance: duty of authority where directions contemplated**

Where, in relation to any function to which section 497A applies, the Secretary of State—

- (a) is satisfied as mentioned in subsection (2) or (2A)(b) of that section, and
- (b) has notified the local education authority that he is so satisfied and that he is contemplating the giving of directions under subsection (4) or (4A) of that section,

the authority shall give the Secretary of State, and any person authorised by him for the purposes of this section, all such assistance, in connection with the proposed exercise of the function by the Secretary of State or another person in pursuance of directions, as they are reasonably able to give.]

**Textual Amendments**

**F17** S. 497AA inserted (26.7.2002 for E., 1.8.2003 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 61, 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 3; [S.I. 2003/1718](#), art. 4, Sch. Pt. I

**Modifications etc. (not altering text)**

- C2** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 34(7), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124](#), art. 4; [S.I. 2005/2910](#), art. 4, Sch.
- C23** S. 497AA applied (with modifications) (1.3.2005 for E.; 1.10.2006 for W.) by [Children Act 2004 \(c. 31\)](#), **s. 50(4)(5), 67(7)(e)**; [S.I. 2005/394](#), art. 2(1)(f); [S.I. 2006/885](#), art. 4(e)
- C24** S. 497AA applied (with modifications) (1.4.2007) by [Childcare Act 2006 \(c. 21\)](#), **s. 15(4)(5), 109(2)**; [S.I. 2007/1019](#), art. 3

**[<sup>F18</sup>497B Power to secure proper performance: further provisions.**

- (1) Where the Secretary of State gives directions under [<sup>F19</sup>section 497A(4) or (4A) to a local education authority or to an officer of such an authority, the specified person] shall, in the performance of the function or functions specified in the directions, be entitled to exercise the powers conferred by this section.

[ In this section “the specified person” means—

- <sup>F20</sup>(1A) (a) in relation to directions under section 497A(4), the person specified in the directions, and
- (b) in relation to directions under section 497A(4A), the Secretary of State or the person nominated by him.]

- (2) The specified person shall have at all reasonable times—

- (a) a right of entry to the premises of the authority, and
- (b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which he considers relevant to the performance of the specified function or functions.

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- (3) In exercising the right to inspect records or other documents under subsection (2), the specified person—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used, or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,to afford him such assistance as he may reasonably require (including, in particular, the making of information available for inspection or copying in a legible form).
- (4) Without prejudice to subsection (2), the authority shall give the specified person all assistance in connection with the performance of the specified function or functions which they are reasonably able to give.
- (5) Subsection (2) shall apply in relation to any school maintained by the authority as it applies in relation to the authority; and without prejudice to that subsection (as it so applies)—
- (a) the governing body of any such school shall give the specified person all assistance in connection with the exercise of his functions which they are reasonably able to give; and
  - (b) the governing body of any such school and the authority shall secure that all such assistance is also given by persons who work at the school.
- (6) Any reference in this section to the specified person includes a reference to any person assisting him in the performance of the specified function or functions.
- (7) In this section “document” and “records” each include information recorded in any form.]

#### Textual Amendments

**F18** S. 497B inserted (1.10.1998) by 1998 c. 31, s. 8 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I

**F19** Words in s. 497B(1) substituted (1.10.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. 62(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I

**F20** S. 497B(1A) inserted (1.10.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. 62(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I

#### Modifications etc. (not altering text)

**C2** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 34(7), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.

**C25** S. 497B applied (with modifications) (1.3.2005 for E.; 1.10.2006 for W.) by Children Act 2004 (c. 31), s. 50(4)(5), 67(7)(e); S.I. 2005/394, art. 2(1)(f); S.I. 2006/885, art. 4(e)

**C26** S. 497B modified (12.1.1999) by S.I. 1998/3217, reg. 2(b)  
S. 497B modified (1.9.1999) by 1998 c. 31, s. 44(7), 145(3) (with ss. 138(9), 144(6))

**C27** S. 497B applied (with modifications) (1.4.2007) by Childcare Act 2006 (c. 21), s. 15(4)(5), 109(2); S.I. 2007/1019, art. 3

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**C28** S. 497B(3) applied (1.10.2002 for E., 1.8.2003 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 64(4), 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 4, Sch. Pt. I

*Appointment of governors, etc.*

**498 Powers where no properly constituted governing body.**

(1) Where it appears to the Secretary of State that, by reason of the default of any person, there is no properly constituted governing body of a school to which this section applies, the Secretary of State—

- (a) may make such appointments and give such directions as he thinks desirable for the purpose of securing that there is a properly constituted governing body of that school, and
- (b) may give directions rendering valid any acts or proceedings which in his opinion are invalid or otherwise defective by reason of the default.

<sup>F21</sup>[(2) This section applies to any community, foundation or voluntary school or any community or foundation special school.]

**Textual Amendments**

**F21** S. 498(2) substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), [Sch. 30 para.131](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#).

**Modifications etc. (not altering text)**

- C2** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 34\(7\)](#), 216(4) (with ss. 210(8), 214(4)); [S.I. 2003/124](#), art. 4; [S.I. 2005/2910](#), art. 4, Sch.
- C29** S. 498 extended (1.11.1996) by [1988 c. 40, s. 219\(4\)](#) (as substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), [Sch. 37 Pt. 1 para. 77](#) (with ss. 1(4), 561, 562, [Sch. 39](#))).
- C30** S. 498 modified (1.9.1999) by [1998 c. 31, s. 44\(7\)](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#)

*Membership of education committees*

**499 Power to direct appointment of members of education committees.**

(1) Subsection (2) applies to any local authorities which in accordance with section 102(1) of the <sup>M1</sup>Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.

(2) The Secretary of State may by directions to any local authorities to which this subsection applies require—

- (a) every such committee, or
- (b) any such committee of a description specified in the direction,

to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts.



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- (3) Subsection (4) applies to any two or more local authorities which in accordance with section 102(1) of the <sup>M2</sup>Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.
- (4) The Secretary of State may by directions to any local authorities to which this subsection applies require—
- (a) every such committee, or
  - (b) any such committee of a description specified in the direction,
- to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts or in such area as may be specified in the direction.
- (5) The power of the Secretary of State to give directions under subsection (2) or (4) shall be exercisable in relation to any sub-committees which—
- (a) are appointed by the authorities concerned or any such committee as is mentioned in that subsection, and
  - (b) are so appointed wholly or partly for the purpose of discharging the authorities' functions as mentioned in subsection (1) or (3) or the committee's functions with respect to education,
- as it is exercisable in relation to the committees themselves.
- <sup>F22</sup>(6) Regulations may require—
- (a) any such committee as is mentioned in subsection (1) or (3), and
  - (b) any sub-committee appointed by any authorities within subsection (1) or (3), or by any committee within paragraph (a) of this subsection, for the purpose mentioned in subsection (5)(b),
- to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools in relation to which the committee or sub-committee acts.
- (7) Regulations may make provision for—
- (a) the number of persons who are to be elected for the purposes of subsection (6) in the case of any local education authority;
  - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election;
  - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected;
  - (d) the term of office of persons so elected and their voting rights;
  - (e) the application to any such committee or sub-committee, with or without any modification, of 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;
  - (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
- (8) Regulations may also make provision—
- (a) enabling the Secretary of State to determine, where he considers it expedient to do so in view of the small number of maintained schools in relation to which a committee or sub-committee acts, that the requirement imposed on

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the committee or sub-committee by virtue of subsection (6) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools;

- (b) for any regulations under subsection (7) to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed.

[<sup>F23</sup>(9) In subsections (6) and (8)—

- (a) “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school, and
- (b) “parent governor” means a governor elected or appointed as a parent governor under regulations made under section 19 of the Education Act 2002 (governing bodies).]]

**Textual Amendments**

**F22** S. 499(6)-(9) added (1.10.1998) by 1998 c. 31, s.9 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I

**F23** S. 499(9) substituted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 50 (with ss. 210(8), 214(4)); S.I. 2003/2071, art. 2 (with art. 2(2)); S.I. 2005/2910, art. 4, Sch.

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**Modifications etc. (not altering text)**

**C31** S. 499(9) savings for effects of 2002 c. 32, Sch. 21 para. 50 (W.) (31.10.2005) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), regs. 1(1), 9

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**Marginal Citations**

**M1** 1972 c. 70.

**M2** 1972 c. 70.

*Rationalisation of school places*

<sup>F24</sup>500 .....

**Textual Amendments**

**F24** S. 500 repealed (1.4.1999 to the extent that it relates to s. 500(2) and words in s. 502(3)(4) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1; S.I. 1999/2323, art. 2(1), Sch. 1

<sup>F25</sup>501 .....

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**Textual Amendments**

**F25** S. 501 repealed (1.4.1999 to the extent that it relates to s. 501(1)(a) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

**F26** **502** .....

**Textual Amendments**

**F26** S. 502 repealed (1.4.1999 to the extent that it relates to s. 502(6) and 1.9.1999 otherwise) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, Art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

**F27** **503** .....

**Textual Amendments**

**F27** S. 503 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F28** **504** .....

**Textual Amendments**

**F28** S. 504 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F29** **505** .....

**Textual Amendments**

**F29** S. 505 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3) Sch. 30 para. 132, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Medical examinations*

**506 Power to require medical examination of pupils.**

- (1) Where—
- (a) a question is referred to the Secretary of State under section 442(3) or 495, and
  - (b) in his opinion the examination of any pupil by a registered medical practitioner appointed by him for the purpose would assist in determining the question,

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he may serve a notice on the parent of that pupil requiring the parent to present the pupil for examination by such a practitioner.

- (2) Any parent who without reasonable excuse fails to comply with any requirements of a notice served on him under subsection (1) is guilty of an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

### *Local inquiries*

#### <sup>F30</sup>507 Power to direct local inquiries.

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#### **Textual Amendments**

**F30** S. 507 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), [Sch. 2 para. 15](#), [Sch. 3](#) (with [ss. 44](#), [50](#)); [S.I. 2005/1432](#), art. 2

#### **Modifications etc. (not altering text)**

**C32** S. 507 extended (1.11.1996) by [1992 c. 13](#), s. [57\(6\)\(b\)](#) (as substituted (1.11.1996) by [1996 c. 56](#), [ss. 582\(1\)](#), [583\(2\)](#), [Sch. 37 Pt. I para. 113](#) (with [ss. 1\(4\)](#), [561](#), [562](#), [Sch. 39](#)))

**C33** S. 507 applied (28.7.2000 for certain purposes otherwise 1.1.2001 (W.) 1.4.2001 (E.)) by [2000 c. 21](#), [ss. 149](#), [154](#), [Sch. 9 para. 34](#) (with [s. 150](#)); [S.I. 2000/3230](#), art. 2, [Sch.](#); [S.I. 2001/654](#), art. 2(2), [Sch. Pt. II](#) (with [art. 3](#))

## CHAPTER II

### ANCILLARY FUNCTIONS OF LOCAL EDUCATION AUTHORITIES

#### *Provision of services*

#### <sup>F31</sup>507 ALEAs in England: functions in respect of recreational and training facilities for children under 13

- (1) A local education authority in England must secure that the facilities for primary and secondary education provided for their area include adequate facilities for recreation and social and physical training for children who have not attained the age of 13.
- (2) For the purposes of subsection (1) a local education authority may—
  - (a) establish, maintain and manage, or assist the establishment, maintenance and management of—
    - (i) camps, holiday classes, playing fields, play centres, and
    - (ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social and physical training are available for persons receiving primary or secondary education;
  - (b) organise games, expeditions and other activities for such persons; and

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- (c) defray, or contribute towards, the expenses of such games, expeditions and other activities.
- (3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local education authority must, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

#### Textual Amendments

**F31** S. 507A - S. 507B inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 6(1), 188(2)

### **507B LEAs in England: functions in respect of leisure-time activities etc for persons aged 13 to 19 and certain persons aged 20 to 24**

- (1) A local education authority in England must, so far as reasonably practicable, secure for qualifying young persons in the authority's area access to—
  - (a) sufficient educational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities; and
  - (b) sufficient recreational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities.
- (2) “Qualifying young persons”, for the purposes of this section, are—
  - (a) persons who have attained the age of 13 but not the age of 20; and
  - (b) persons who have attained the age of 20 but not the age of 25 and have a learning difficulty (within the meaning of section 13(5)(a) and (6) of the Learning and Skills Act 2000).
- (3) For the purposes of subsection (1)(a)—
  - (a) “sufficient educational leisure-time activities” which are for the improvement of the well-being of qualifying young persons in the authority's area must include sufficient educational leisure-time activities which are for the improvement of their personal and social development, and
  - (b) “sufficient facilities for such activities” must include sufficient facilities for educational leisure-time activities which are for the improvement of the personal and social development of qualifying young persons in the authority's area.
- (4) References in the remaining provisions of this section to “positive leisure-time activities” are references to any activities falling within paragraph (a) or (b) of subsection (1).
- (5) For the purposes of subsection (1) a local education authority may—
  - (a) provide facilities for positive leisure-time activities;
  - (b) assist others in the provision of such facilities;
  - (c) make arrangements for facilitating access for qualifying young persons to such facilities;
  - (d) organise positive leisure-time activities;
  - (e) assist others in the organisation of such activities;

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- (f) make arrangements for facilitating access for qualifying young persons to such activities;
  - (g) enter into agreements or make arrangements with any person in connection with anything done or proposed to be done under any of paragraphs (a) to (f);
  - (h) take any other action which the authority think appropriate.
- (6) For the purposes of subsection (5)—
- (a) the provision mentioned in paragraph (a) may include establishing, maintaining and managing places at which facilities for positive leisure-time activities are provided;
  - (b) the assistance mentioned in paragraphs (b) and (e) may include the provision of financial assistance;
  - (c) the arrangements mentioned in paragraphs (c) and (f) may include the provision of transport, of financial assistance or of information to any person.
- (7) Before taking any action for the purposes of subsection (1) (“the proposed action”), a local education authority must—
- (a) consider whether it is expedient for the proposed action to be taken by another person, and
  - (b) where the authority consider that it is so expedient, take all reasonable steps to enter into an agreement or make arrangements with such a person for that purpose.
- (8) For the purposes of subsection (7)(a) a local education authority must consult such persons as the authority think appropriate as to whether it is expedient for the proposed action to be taken by another person.
- (9) In exercising their functions under this section a local education authority must—
- (a) take steps to ascertain the views of qualifying young persons in the authority's area about—
    - (i) positive leisure-time activities, and facilities for such activities, in the authority's area;
    - (ii) the need for any additional such activities and facilities; and
    - (iii) access to such activities and facilities; and
  - (b) secure that the views of qualifying young persons in the authority's area are taken into account.
- (10) A local education authority in England must—
- (a) publicise information about positive leisure-time activities, and facilities for such activities, in the authority's area, and
  - (b) keep the information publicised under paragraph (a) up to date.
- (11) A local education authority may charge in respect of anything provided by the authority under this section where the provision is to a qualifying young person (whether or not in the authority's area).
- (12) In exercising their functions under this section a local education authority must have regard to any guidance given from time to time by the Secretary of State.
- (13) In this section—
- “recreation” includes physical training (and “recreational” is to be construed accordingly);

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“sufficient”, in relation to activities or facilities, means sufficient having regard to quantity;

“well-being”, in relation to a person, means his well-being so far as relating to—

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by him to society;
- (e) social and economic well-being.]

#### Textual Amendments

**F31** S. 507A - S. 507B inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 6(1)**, 188(2)

#### **508** [<sup>F32</sup>LEAs in Wales: functions] in respect of facilities for recreation and social and physical training.

(1) A local education authority [<sup>F33</sup>in Wales] shall secure that the facilities for primary, [<sup>F34</sup>and secondary education] provided for their area include adequate facilities for recreation and social and physical training.

[<sup>F35</sup>(1A) A local education authority [<sup>F36</sup> in Wales] may provide facilities for recreation and social and physical training as part of the facilities for further education provided (whether or not by them) for their area.]

- (2) [<sup>F37</sup>For the purpose of subsection (1) or (1A)] a local education authority—
- (a) may establish, maintain and manage, or assist the establishment, maintenance and management of,—
    - (i) camps, holiday classes, playing fields, play centres, and
    - (ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social and physical training are available for persons receiving primary, secondary or further education;
  - (b) may organise games, expeditions and other activities for such persons; and
  - (c) may defray, or contribute towards, the expenses of such games, expeditions and other activities.

(3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local education authority shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

#### Textual Amendments

**F32** Word in s. 508 heading substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 1 para. 4(b)**

**F33** Words in s. 508(1) inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 1 para. 4(a)**

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- F34** Words in s. 508(1) substituted (1.4.2001) by 2000 c. 21, s. 137(2), (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F35** S. 508(1A) inserted (1.4.2001) by 2000 c. 21, s. 137(3) (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F36** Words in s. 508(1A) inserted (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), **Sch. 1 para. 4(a)**
- F37** Words in s. 508(2) substituted (1.4.2001) by 2000 c. 21, s. 137(4), (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

**[<sup>F38</sup>508ALEAs in England: duty to promote sustainable modes of travel etc**

- (1) A local education authority in England must—
  - (a) prepare for each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area (“a sustainable modes of travel strategy”),
  - (b) publish the strategy in such manner and by such time as may be prescribed, and
  - (c) promote the use of sustainable modes of travel to meet the school travel needs of their area.
- (2) Before preparing a sustainable modes of travel strategy, an authority must in particular—
  - (a) assess the school travel needs of their area, and
  - (b) assess the facilities and services for sustainable modes of travel to, from and within their area.
- (3) “Sustainable modes of travel” are modes of travel which the authority consider may improve either or both of the following—
  - (a) the physical well-being of those who use them;
  - (b) the environmental well-being of the whole or a part of their area.
- (4) The “school travel needs” of a local education authority's area are—
  - (a) the needs of children and persons of sixth form age in the authority's area as regards travel mentioned in subsection (5), and
  - (b) the needs of other children and persons of sixth form age as regards travel mentioned in subsection (6).
- (5) The needs of children and persons of sixth form age in the authority's area as regards travel referred to in subsection (4)(a) are their needs as regards travel to and from—
  - (a) schools at which they receive or are to receive education or training,
  - (b) institutions within the further education sector at which they receive or are to receive education or training, or
  - (c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1).
- (6) The needs of other children and persons of sixth form age as regards travel referred to in subsection (4)(b) are their needs as regards travel to and from—
  - (a) schools at which they receive or are to receive education or training,
  - (b) institutions within the further education sector at which they receive or are to receive education or training, or



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- (c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1),  
in so far as that travel relates to travel within the authority's area.
- (7) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a local education authority of their duties under this section.
- (8) Before issuing or revising guidance under subsection (7), the Secretary of State must consult such persons as he considers appropriate.
- (9) In discharging their duties under this section an authority must—
  - (a) consult such persons as they consider appropriate, and
  - (b) have regard to any guidance given from time to time by the Secretary of State under subsection (7).
- (10) References in this section to persons of sixth form age are to be construed in accordance with subsection (1) of section 509AC.
- (11) In this section, “academic year” has the same meaning as in section 509AC in the case of local education authorities in England.]

#### Textual Amendments

**F38** S. 508A inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 76**, 188(3); S.I. 2007/935, art. 5(1)

#### [<sup>F39</sup> **508BLEAs in England: travel arrangements for eligible children**

- (1) A local education authority in England must make, in the case of an eligible child in the authority's area to whom subsection (2) applies, such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child.
- (2) This subsection applies to an eligible child if—
  - (a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided free of charge in relation to him by any person who is not the authority, or
  - (b) such travel arrangements are provided free of charge in relation to him by any person who is not the authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.
- (3) “Home to school travel arrangements”, in relation to an eligible child, are travel arrangements relating to travel in both directions between the child's home and the relevant educational establishment in question in relation to that child.
- (4) “Travel arrangements”, in relation to an eligible child, are travel arrangements of any description and include—
  - (a) arrangements for the provision of transport, and

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- (b) any of the following arrangements only if they are made with the consent of a parent of the child—
  - (i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from the relevant educational establishment in relation to the child;
  - (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
  - (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.
- (5) “Travel arrangements”, in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if those arrangements are made by the parent voluntarily.
- (6) “Travel arrangements”, in relation to an eligible child, do not comprise or include travel arrangements which give rise to additional costs and do not include appropriate protection against those costs.
- (7) For the purposes of subsection (6)—
  - (a) travel arrangements give rise to additional costs only if they give rise to any need to incur expenditure in order for the child to take advantage of anything provided for him in pursuance of the arrangements, and
  - (b) travel arrangements include appropriate protection against those costs only if they include provision for any expenditure that needs to be incurred for the purpose mentioned in paragraph (a) in the case of the child to be met by the person by whom the arrangements are made.
- (8) Travel arrangements are provided free of charge if there is no charge for anything provided in pursuance of the arrangements.
- (9) Schedule 35B has effect for the purposes of defining “eligible child” for the purposes of this section.
- (10) References to a “relevant educational establishment”, in relation to an eligible child, are references to—
  - (a) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 2, 4, 6, 9, 11 and 12 of Schedule 35B, the qualifying school (within the meaning of that Schedule) at which the child is a registered pupil referred to in the paragraph in question, and
  - (b) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 3, 5, 7, 10 and 13 of Schedule 35B, the place other than a school, where the child is receiving education by virtue of arrangements made in pursuance of section 19(1), referred to in the paragraph in question.
- (11) Regulations may modify subsections (1) and (2) to provide for their application in cases where there is more than one relevant educational establishment in relation to a child.

*Status: Point in time view as at 01/04/2007.*

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### Textual Amendments

**F39** Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(11), 508D, 1.9.2007 in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 77\(1\)](#), [188\(3\)](#); [S.I. 2007/935](#), [art. 5\(m\)](#); [S.I. 2007/1801](#), [art. 4\(b\)](#)

## 508C LEAs in England: travel arrangements etc for other children

- (1) A local education authority in England may make such school travel arrangements as they consider necessary, in relation to any child in the authority's area to whom this section applies, for the purpose of facilitating the child's attendance at any relevant educational establishment in relation to the child.
- (2) This section applies to a child who is not an eligible child for the purposes of section 508B.
- (3) "School travel arrangements", in relation to such a child, are travel arrangements relating to travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.
- (4) "Travel arrangements", in relation to such a child, are travel arrangements of any description and include—
  - (a) arrangements for the provision of transport, and
  - (b) any of the following arrangements only if they are made with the consent of a parent of the child—
    - (i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from any relevant educational establishment in relation to the child;
    - (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
    - (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.
- (5) A local education authority in England may pay, in the case of a child in the authority's area to whom this section applies and in relation to whom no arrangements are made by the authority under subsection (1), the whole or any part, as they think fit, of a person's reasonable travelling expenses in relation to that child's travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.
- (6) References to a "relevant educational establishment", in relation to a child to whom this section applies, are references to—
  - (a) any school at which he is a registered pupil,
  - (b) any institution within the further education sector at which he is receiving education, or
  - (c) any place other than a school where he is receiving education by virtue of arrangements made in pursuance of section 19(1).

*Status: Point in time view as at 01/04/2007.*

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#### **Textual Amendments**

**F39** Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(11), 508D, 1.9.2007 in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 77(1)**, 188(3); S.I. 2007/935, art. 5(m); S.I. 2007/1801, art. 4(b)

### **508D Guidance etc in relation to sections 508B and 508C**

- (1) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a local education authority of their functions under sections 508B and 508C.
- (2) Before issuing or revising guidance under subsection (1), the Secretary of State must consult such persons as he considers appropriate.
- (3) In discharging their functions under sections 508B and 508C an authority must have regard to any guidance given from time to time by the Secretary of State under subsection (1).
- (4) Regulations may require a local education authority to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority's policy and arrangements relating to the discharge of their functions under section 508B or 508C.]

#### **Textual Amendments**

**F39** Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(11), 508D, 1.9.2007 in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 77(1)**, 188(3); S.I. 2007/935, art. 5(m); S.I. 2007/1801, art. 4(b)

### **[<sup>F40</sup>508ELEAs in England: school travel schemes**

- (1) Schedule 35C has effect in relation to school travel schemes.
- (2) Where a school travel scheme is in force under Schedule 35C, the local education authority in England by which the scheme is made must give effect to the scheme by—
  - (a) making the arrangements which are set out in the scheme as described in paragraph 2(1) of that Schedule as arrangements to be made by the authority,
  - (b) complying with the requirement of the scheme described in paragraph 2(5) of that Schedule (requirement to make suitable alternative arrangements),
  - (c) complying with the requirement of the scheme described in paragraph 3 of that Schedule (travel arrangements for eligible children), and
  - (d) complying with the scheme's policy applicable to charging and any other requirements of the scheme.
- (3) Where a school travel scheme is in force under Schedule 35C, the local education authority in England by which the scheme is made do not have any functions under section 508B or 508C in relation to children in their area.
- (4) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a local education authority in England of any duty under subsection (2) or of any functions under Schedule 35C.

*Status: Point in time view as at 01/04/2007.*

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- (5) Before issuing or revising guidance under subsection (4), the Secretary of State must consult such persons as he considers appropriate.
- (6) In discharging any duty under subsection (2) and in exercising any functions under Schedule 35C, a local education authority in England must have regard to any guidance given from time to time by the Secretary of State under subsection (4).]

#### Textual Amendments

**F40** S. 508E inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 78(1)**, 188(3); S.I. 2007/935, art. 5(n)

### 509 Provision of transport etc.

- (1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons [<sup>F41</sup>not of sixth form age] receiving education—
  - (a) at schools,
  - (b) at any institution maintained or assisted by the authority which provides further education or higher education (or both), [<sup>F42</sup> or;]
  - (c) at any institution within the further education sector, <sup>F43</sup> . . .
  - <sup>F43</sup>(d) . . . . .

[<sup>F44</sup>(1A) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons [<sup>F41</sup>not of sixth form age] receiving education or training at an institution outside both the further education and higher education sectors.

(1B) Arrangements under subsection (1A) may be made in relation to a person only if the Learning and Skills Council for England or the [<sup>F45</sup>National Assembly for Wales] has secured for him—

- (a) the provision of education or training at the institution, and
- (b) the provision of boarding accommodation under section 13 or 41 of the Learning and Skills Act 2000.]

(2) Any transport provided in pursuance of arrangements under subsection (1) [<sup>F46</sup>or (1A)] shall be provided free of charge.

(3) A local education [<sup>F47</sup>or training] authority may pay the whole or any part, as they think fit, of the reasonable travelling expenses of any person [<sup>F48</sup>not of sixth form age] receiving education—

- (a) at a school, or
- (b) at any such institution as is mentioned in subsection (1) [<sup>F49</sup>or (1A)],  
for whose transport no arrangements are made under [<sup>F50</sup>either of those subsections].

(4) In considering whether or not they are required by subsection (1) [<sup>F51</sup>or (1A)] to make arrangements in relation to a particular person, a local education authority shall have regard (amongst other things)—

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- (a) to the age of the person and the nature of the route, or alternative routes, which he could reasonably be expected to take; and
  - (b) to any wish of his parent for him to be provided with education [<sup>F52</sup>or training] at a school or institution in which the religious education provided is that of the religion or denomination to which his parent adheres.
- (5) Arrangements made by a local education authority under subsection (1) [<sup>F53</sup>or (1A)] shall—
- <sup>F54</sup>(a) .....
  - (b) make provision for persons receiving full-time education at any institution within the further education sector which is no less favourable than the provision made in pursuance of the arrangements for pupils of the same age at schools maintained by a local education authority; and
  - [<sup>F55</sup>(c) make provision for persons receiving full-time education or training at institutions mentioned in subsection (1A) which is no less favourable than the provision made in pursuance of the arrangements for persons of the same age with learning difficulties (within the meaning of section 13 of the Learning and Skills Act 2000) for whom the authority secures the provision of education at any other institution.]
- <sup>F56</sup>(6) .....
- [<sup>F57</sup>(7) References in this section to persons not of sixth form age shall be construed in accordance with subsection (1) of section 509AC.]

#### Textual Amendments

- F41** Words in s. 509(1)(1A) inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 19 para. 2(a)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F42** Word in s. 509(1)(b) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by [2000 c. 21](#), s. 149, **Sch. 9 para. 59(2)(a)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F43** S. 509(1)(d) and preceding word repealed (28.7.2000 for certain purposes, otherwise 1.4.2001) by [2000 c. 21](#), ss. 149, 153, Sch. 9 para. 59(2)(b), **Sch. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F44** S. 509(1A)(1B) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by [2000 c. 21](#), s. 149, **Sch. 9 para. 59(3)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F45** Words in s. 509(1B) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 33** (with art. 7)
- F46** Words in s. 509(2) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by [2000 c. 21](#), s. 149, **Sch. 9 para. 59(4)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F47** Words in s. 509(3) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by [2000 c. 21](#), s. 149, **Sch. 9 para. 59(5)(a)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F48** Words in s. 509(3) inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 19 para. 2(b)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

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- F49** Words in s. 509(3)(b) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(5)(b)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F50** Words in s. 509(3) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(5)(c)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F51** Words in s. 509(4) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(6)(a)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F52** Words in s. 509(4) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(6)(b)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F53** Words in s. 509(5) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(7)(a)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F54** S. 509(5)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 133(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F55** S. 509(5)(c) substituted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 2(c)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F56** S. 509(6) repealed (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F57** S. 509(7) inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 2(d)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

#### **[<sup>F58</sup>509A] Provision of transport etc. for persons of sixth form age**

- (1) A local education authority shall prepare for each academic year a transport policy statement complying with the requirements of this section.
- (2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—
  - (a) at schools,
  - (b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),
  - (c) at any institution within the further education sector, or
  - (d) at any establishment (not falling within paragraph (b) or (c)) which is supported by the Learning and Skills Council for England or the [<sup>F59</sup>National Assembly for Wales] .
- (3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).
- (4) The statement shall specify the arrangements proposed to be made by the governing bodies of—
  - (a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and
  - (b) institutions within the further education sector in the authority's area,

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for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.

- (5) Those governing bodies shall co-operate in giving the local education authority any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.
- (6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.
- (7) The authority shall—
- (a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and
  - (b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).
- (8) Nothing in this section prevents a local education authority from making, at any time in an academic year, arrangements—
- (a) which are not specified in the transport policy statement published by the authority for that year, but
  - (b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).
- (9) The [<sup>F60</sup>appropriate authority] may, if [<sup>F61</sup>it] considers it expedient to do so, direct a local education authority to make for any academic year—
- (a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or
  - (b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,
- which have not been specified in the transport policy statement published by the authority for that academic year.

[ The “appropriate authority” means—

- <sup>F62</sup>(9A) (a) in the case of a local education authority in England, the Secretary of State, and
- (b) in the case of a local education authority in Wales, the National Assembly for Wales.]

- (10) The Secretary of State [<sup>F63</sup>(in relation to local education authorities in England) or the National Assembly for Wales (in relation to local education authorities in Wales) ] may by order amend subsection (7)(a) by substituting a different date for 31st May.]

#### Textual Amendments

**F58** S. 509AA inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 19 para. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2; [S.I. 2003/1718](#), art. 5, Sch. Pt. II

**F59** Words in s. 509AA(2)(d) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 34** (with art. 7)



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- F60** Words in s. 509AA(9) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 83(1)(a)(i), 188(3); S.I. 2007/935, art. 5(o)
- F61** Word in s. 509AA(9) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 83(1)(a)(ii), 188(3); S.I. 2007/935, art. 5(o)
- F62** S. 509AA(9A) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 83(1)(b), 188(3); S.I. 2007/935, art. 5(o)
- F63** Words in s. 509AA(10) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 83(1)(c), 188(3); S.I. 2007/935, art. 5(o)

### [<sup>F64</sup>509A] Further provision about transport policy statements

- (1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties.
- (2) A statement prepared under that section shall—
  - (a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the local education authority which are no less favourable than the arrangements specified for pupils of the same age attending such schools, and
  - (b) specify arrangements for persons with learning difficulties receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties attending such schools.
- (3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the local education authority shall have regard (amongst other things) to—
  - (a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,
  - (b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,
  - (c) the distance from the homes of persons of sixth form age in their area of establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and
  - (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.

[ In considering whether or not it is necessary to make arrangements for those purposes <sup>F65</sup>(3A) in relation to a particular person, a local education authority in England shall have regard (amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.]

- (4) In considering whether or not it is necessary to make arrangements for [<sup>F66</sup>the purposes mentioned in subsections (2) and (3) of section 509AA] in relation to a particular person, a local education authority [<sup>F67</sup> in Wales] shall have regard (amongst other things)—

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- (a) to the nature of the route, or alternative routes, which he could reasonably be expected to take; and
  - (b) to any wish of his parent for him to be provided with education or training at a school, institution or other establishment in which the religious education provided is that of the religion or denomination to which his parent adheres.
- (5) In preparing a statement under section 509AA a local education authority shall have regard to any guidance issued [<sup>F68</sup>under this section—
- (a) by the Learning and Skills Council for England (in the case of an authority in England), or
  - (b) by the National Assembly for Wales (in the case of an authority in Wales).]
- (6) In preparing a statement under that section a local education authority shall consult—
- (a) any other local education authority that they consider it appropriate to consult,
  - (b) the governing bodies mentioned in subsection (4) of that section,
  - (c) the Learning and Skills Council for England (in the case of a local education authority in England) <sup>F69</sup> ..., and
  - (d) any other person specified [<sup>F70</sup>for the purposes of this section by the Learning and Skills Council for England (in the case of an authority in England) or the National Assembly for Wales (in the case of an authority in Wales).]
- (7) In preparing a statement under that section a local education authority shall also consult—
- (a) where they are the local education authority for a district in a metropolitan county, the Passenger Transport Authority for that county, and
  - (b) where they are the local education authority for a London borough or the City of London, Transport for London.]
- [<sup>F71</sup>(8) Any guidance issued by the Learning and Skills Council for England under this section must be published in such manner as the Council thinks fit.]

#### Textual Amendments

- F64** S. 509AB inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 19 para. 4](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F65** S. 509AB(3A) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 10 para. 5\(a\)](#); S.I. 2007/935, art. 5(ee)
- F66** Words in s. 509AB(4) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 10 para. 5\(b\)\(i\)](#); S.I. 2007/935, art. 5(ee)
- F67** Words in s. 509AB(4) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 10 para. 5\(b\)\(ii\)](#); S.I. 2007/935, art. 5(ee)
- F68** Words in s. 509AB(5) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 83\(2\)\(a\)](#), 188(3); S.I. 2007/935, art. 5(o) (with art. 8(6))
- F69** Words in s. 509AB(6)(c) omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), [Sch. 1 para. 35](#) (with art. 7)
- F70** Words in s. 509AB(6)(d) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 83\(2\)\(b\)](#), 188(3); S.I. 2007/935, art. 5(o) (with art. 8(7))
- F71** S. 509AB(8) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 83\(2\)\(c\)](#), 188(3); S.I. 2007/935, art. 5(o)

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## **[<sup>F72</sup>509A] Interpretation of sections 509AA and 509AB**

- (1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—
  - (a) is under the age of 19, or
  - (b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.
- (2) References in section 509AA to an establishment supported by the Learning and Skills Council for England are to any establishment at which education or training is provided by a person to whom that Council secures the provision of financial resources in any of the ways mentioned in section 5(2) of the Learning and Skills Act 2000.
- (3) References in section 509AA to an establishment supported by the [<sup>F73</sup>National Assembly for Wales] are to any establishment at which education or training is provided by a person to whom [<sup>F74</sup>the Assembly] secures the provision of financial resources in any of the ways mentioned in section 34(2) of the Learning and Skills Act 2000.
- (4) References in section 509AB to persons with learning difficulties are to be construed in accordance with section 13(5) and (6) of the Learning and Skills Act 2000.
- (5) In sections 509AA and 509AB and this section—
  - “academic year” means any period commencing with 1st August and ending with the next 31st July;
  - “disabled person” has the same meaning as in the Disability Discrimination Act 1995;
  - “establishment” means an establishment of any kind, including a school or institution;
  - “governing body”, in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.
- (6) The Secretary of State may by order amend the definition of “academic year” in subsection (5) [<sup>F75</sup>in relation to its application in the case of local education authorities in England].

[ The National Assembly for Wales may by order amend the definition of “academic [<sup>F76</sup>(7) year” in subsection (5) in relation to its application in the case of local education authorities in Wales.]]

### **Textual Amendments**

- F72** S. 509AC inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 5** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F73** Words in s. 509AC(3) substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 36(a)** (with art. 7)
- F74** Words in s. 509AC(3) substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 36(b)** (with art. 7)
- F75** Words in s. 509AC(6) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), **ss. 83(3)(a)**, 188(3); S.I. 2007/935, art. 5(o)

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**F76** S. 509AC(7) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 83(3)(b)**, 188(3); S.I. 2007/935, art. 5(o)

**[<sup>F77</sup>509ADEAs in England: duty to have regard to religion or belief in exercise of travel functions**

- (1) A local education authority in England must have regard, amongst other things, in exercising any of their travel functions in relation to or in connection with the travel of a person or persons to or from a school, institution or other place, to any wish of a parent of such a person for him to be provided with education or training at a particular school, institution or other place where that wish is based on the parent's religion or belief.
- (2) The “travel functions” of a local education authority in England are their functions under any of the following provisions—
  - section 508A (duty to promote sustainable modes of travel etc);
  - section 508B (travel arrangements for eligible children);
  - section 508C (travel arrangements etc for other children);
  - section 508E and Schedule 35C (school travel schemes);
  - section 508F (transport etc for certain adult learners);
  - section 509AA (transport etc for persons of sixth form age).
- (3) For the purposes of this section—
  - (a) “religion” means any religion,
  - (b) “belief” means any religious or philosophical belief,
  - (c) a reference to religion includes a reference to lack of religion, and
  - (d) a reference to belief includes a reference to lack of belief.]

**Textual Amendments**

**F77** S. 509AD inserted (1.4.2007 for specified purposes, 1.9.2007 for specified purposes) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 84**, 188(3); S.I. 2007/935, art. 5(p); S.I. 2007/1801, art. 4(e)

**[<sup>F78</sup>509ATravel arrangements for children receiving nursery education otherwise than at school.**

- (1) A local education authority may provide a child with assistance under this section if they are satisfied that, without such assistance, he would be prevented from attending at any premises—
  - (a) which are not a school or part of a school, but
  - (b) at which relevant nursery education is provided,
 for the purpose of receiving such education there.
- (2) The assistance which may be provided for a child under this section consists of either—
  - (a) making arrangements (whether for the provision of transport or otherwise) for the purpose of facilitating the child's attendance at the premises concerned, or
  - (b) paying the whole or any part of his reasonable travel expenses.

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(3) When considering whether to provide a child with assistance under this section in connection with his attendance at any premises, a local education authority may have regard (among other things) to whether it would be reasonable to expect alternative arrangements to be made for him to receive relevant nursery education at any other premises (whether nearer to his home or otherwise).

(4) Where the assistance to be provided for a child under this section consists of making arrangements for the provision of transport, the authority may, if they consider it appropriate to do so, determine that the assistance shall not be so provided unless—

- (a) the child’s parent, or
- (b) the person providing the relevant nursery education concerned,

agrees to make to the authority such payments in respect of the provision of the transport (not exceeding the cost to the authority of its provision) as they may determine.

[ Regulations may require a local education authority to publish, at such times and in <sup>F79</sup>(4A) such manner as may be prescribed, such information as may be prescribed with respect to the authority’s policy and arrangements relating to the making of provision under this section.]

(5) In this section “relevant nursery education” means nursery education which is provided—

- (a) by a local education authority, or
- (b) by any other person—
  - (i) who is in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2) (a) of the School Standards and Framework Act 1998, <sup>F80</sup>...

<sup>F80</sup>(b) .....]

#### Textual Amendments

**F78** S. 509A inserted (1.4.1999) by 1998 c. 31, s. 124 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt. IV**

**F79** S. 509A(4A) inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 6** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

**F80** S. 509A(5)(b)(ii) and word repealed (1.4.2003 for E., 2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

### 510 Provision of clothing.

(1) A local education authority may provide clothing for—

- (a) any pupil who is a boarder at an educational institution maintained by the authority [<sup>F81</sup>or at a grant-maintained school],
- (b) any pupil at a nursery school maintained by the authority, and
- (c) any pupil in a nursery class at a school maintained by the authority [<sup>F81</sup>or at a grant-maintained school].

(2) A local education authority may also provide clothing for any pupil—

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- (a) for whom they are providing board and lodging elsewhere than at an educational institution maintained by them, and
  - (b) for whom special educational provision is made in pursuance of arrangements made by them.
- (3) Where it appears to a local education authority, in a case where neither subsection (1) nor subsection (2) applies, that a pupil at—
- (a) a school maintained by them [<sup>F82</sup>or a grant-maintained school], or
  - (b) a special school (whether maintained by them or not),
- is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as in their opinion is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.
- (4) A local education authority may provide—
- (a) for pupils at a school maintained by them [<sup>F83</sup>, at a grant-maintained school] or at an institution maintained by them which provides further education or higher education (or both),
  - (b) for persons who have not attained the age of 19 and who are receiving education at an institution within the further education sector, and
  - (c) for persons who make use of facilities for physical training [<sup>F84</sup>secured by the authority under section 507A or 507B (if the authority are in England) or made available by the authority for such persons under section 508(2) (if the authority are in Wales)] ,
- such articles of clothing as the authority may determine suitable for the physical training provided at that school or institution or under those facilities.
- (5) A local education authority may—
- (a) with the consent of the proprietor of a school not maintained by the authority, other than a [<sup>F85</sup>grant-maintained school or] special school, and
  - (b) on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor,
- make arrangements, in the case of any pupil at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, for securing for the pupil the provision of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.
- (6) Any arrangements made under subsection (5) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any article under the arrangements does not exceed the expense which would have been incurred by them in the provision of it if the pupil had been a pupil at a school maintained by them.

#### Textual Amendments

- F81** Words in s. 510(1)(a)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F82** Words in s. 510(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F83** Words in s. 510(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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- F84** Words in s. 510(4)(c) substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(2\), Sch. 1 para. 5](#)
- F85** Words in s. 510(5)(a) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\), Sch. 30 para. 134\(d\), Sch.31 \(with ss. 138\(9\), 144\(6\)\); S.I. 1999/2323, art. 2\(1\), Sch. 1.](#)

## **511 Provisions supplementary to section 510.**

- (1) Provision of clothing under section 510 may be made in such way as to confer either a right of property in the clothing or a right of user only (at the option of the providing authority), except in any circumstances for which the adoption of one or other of those ways of making such provision is prescribed.
- (2) Where a local education authority have provided a person with clothing under section 510, then, in such circumstances respectively as may be prescribed—
  - (a) the authority shall require his parent to pay to them in respect of its provision such sum (if any) as in their opinion he is able to pay without financial hardship, not exceeding the cost to the authority of its provision;
  - (b) the authority may require his parent to pay to them in respect of its provision such sum as is mentioned in paragraph (a) or any lesser sum; or
  - (c) his parent shall not be required to pay any sum in respect of its provision.
- (3) Any sum which a parent is duly required to pay by virtue of subsection (2)(a) or (b) may be recovered summarily as a civil debt.
- (4) Where a person who has attained the age of 18 (other than a registered pupil at a school) is provided with clothing under section 510, any reference in subsection (2) or (3) to his parent shall be read as a reference to him.

## **[<sup>F86</sup>512 LEA functions concerning provision of meals, etc.**

- (1) A local education authority may provide—
  - (a) registered pupils at any school maintained by the authority,
  - (b) other persons who receive education at such a school, and
  - (c) children who receive relevant funded nursery education,with milk, meals and other refreshments.
- (2) Where provision is made under subsection (1), it shall be made—
  - (a) in a case within paragraph (a) or (b) of that subsection, either on the school premises or at any other place where education is being provided, and
  - (b) in a case within paragraph (c) of that subsection, at any place where education is being provided.
- (3) A local education authority shall exercise their power under subsection (1) to provide school lunches for any person within paragraph (a) or (c) of that subsection if—
  - (a) any prescribed requirements are met,
  - (b) a request for the provision of school lunches has been made by or on behalf of that person to the authority, and
  - (c) either—
    - (i) that person is eligible for free lunches (within the meaning of section 512ZB(2)), or

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- (ii) in the case of a person within subsection (1)(a), it would not be unreasonable for the authority to provide the lunches.
- (4) Subject to [F87 section 114A(4) of the School Standards and Framework Act 1998 (requirements for food and drink provided on school premises etc] , any school lunches provided by a local education authority pursuant to subsection (3) may take such form as the authority think fit.
- (5) A local education authority shall provide at any school maintained by them such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.
- (6) In this section—
- “prescribed” means prescribed by the Secretary of State by order;
- “relevant funded nursery education”, in relation to a local education authority, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—
- (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and
- (b) in consideration of financial assistance provided by the authority under those arrangements;
- “school lunch”—
- (a) in relation to a pupil, means food made available for consumption by the pupil as his midday meal on a school day, and
- (b) in relation to a child receiving relevant funded nursery education at an establishment other than a school, means food made available for consumption by the child as his midday meal on a day on which he receives that education,
- whether involving a set meal or the selection of items by him or otherwise; and references, in relation to a local education authority, to a school maintained by the authority are to a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit maintained by the authority.]

#### Textual Amendments

- F86** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185](#), [art. 5](#), **Sch. Pt. II**; [S.I. 2003/124](#), [art. 5](#) (with [art. 6](#))
- F87** Words in s. 512(4) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 86(2), 188(1)** (with [s. 86\(3\)](#))

#### Modifications etc. (not altering text)

- C34** S. 512: certain functions transferred (with modifications) (1.4.1999) by [S.I. 1999/610](#), **arts. 2, 3**



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### [<sup>F86</sup>512Z<sup>F88</sup>A Power] to charge for meals etc.

- (1) A local education authority [<sup>F89</sup>may] charge for anything provided by them under subsection (1) or (3) of section 512.
- (2) [<sup>F90</sup>Where a local education authority exercise the power to charge under subsection (1), they must] charge every person the same price for the same quantity of the same item.
- (3) This section is subject to section 512ZB.

#### Textual Amendments

- F86** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with **ss. 210(8), 214(4)**); S.I. [2002/3185, art. 5, Sch. Pt. II](#); S.I. [2003/124, art. 5](#) (with art. 6)
- F88** Word in s. 512ZA heading substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 87(1)(c), 188(1)**
- F89** Word in s. 512ZA(1) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 87(1)(a), 188(1)**
- F90** Words in s. 512ZA(2) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 87(1)(b), 188(1)**

#### Modifications etc. (not altering text)

- C35** S. 512ZA(1)(2) modified (temp. until 31.3.2007) (31.3.2004) by [The Kingston-upon-Hull City Council \(School Meals\) Order 2004 \(S.I. 2004/592\)](#), arts. 1(1), 2

### <sup>F86F91</sup>512ZB Provision of free school lunches and milk

- (1) Where the local education authority provide a school lunch in accordance with section 512(3) to a person who is eligible for free lunches, the authority shall provide the meal free of charge.
- (2) For this purpose a person is eligible for free lunches if—
  - (a) he is within subsection (4), and
  - (b) a request that the school lunches be provided free of charge has been made by him or on his behalf to the authority.
- (3) Where a local education authority exercise their power under subsection (1) of section 512 to provide a person within paragraph (a) or (c) of that subsection with milk, the authority shall provide the milk free of charge if—
  - (a) the person is within subsection (4), and
  - (b) a request that the milk be provided free of charge has been made by him or on his behalf to the authority.
- (4) A person is within this subsection if—
  - (a) his parent is—
    - (i) in receipt of income support,
    - (ii) in receipt of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995 (c. 18)),
    - (iii) in receipt of support provided under Part 6 of the Immigration and Asylum Act 1999 (c. 33), or

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- (iv) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed, or
- (b) he, himself, is—
  - (i) in receipt of income support,
  - (ii) in receipt of an income-based jobseeker’s allowance, or
  - (iii) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed.
- (5) In this section “prescribed” and “school lunch” have the same meaning as in section 512.]

#### Textual Amendments

**F86** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by Education Act 2002 (c. 32), **ss. 201(1), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/3185, **art. 5, Sch. Pt. II**; S.I. 2003/124, **art. 5** (with **art. 6**)

**F91** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by Education Act 2002 (c. 32), **ss. 201(1), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/3185, **art. 5, Sch. Pt. II**; S.I. 2003/124, **art. 5** (with **art. 6**)

#### [<sup>F92</sup>512A Transfer of functions under section 512 to governing bodies.

- (1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the local education authority which are mentioned in subsection (2).
- (2) Those duties are—
  - <sup>F93</sup>(a) the duty to provide school lunches in accordance with [<sup>F94</sup>section 512(3) and (4)];
  - <sup>F95</sup>(b) the duty to provide school lunches free of charge in accordance with [<sup>F96</sup>section 512ZB(1)]; and
  - <sup>F97</sup>(c) the duty to provide milk free of charge in accordance with [<sup>F98</sup>section 512ZB(3)].
- (3) An order under this section may (subject to subsection (6)) apply to—
  - (a) all maintained schools; or
  - (b) any specified class of such schools; or
  - (c) all such schools, or any specified class of such schools, maintained by specified local education authorities.
- (4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—
  - (a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the local education authority in relation to the school; and
  - [<sup>F99</sup>(b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c)—

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- (i) the order may provide that, notwithstanding the other provisions of the order, the function of determining whether pupils at the school fall within section 512ZB(4) is to be exercisable by the local education authority, and
  - (ii) section 533(3) shall not apply to school lunches or milk provided by the governing body in pursuance of the order.]
- (5) An order under this section may provide for section 513(2) not to apply—
  - (a) to local education authorities generally, or
  - (b) to any specified local education authority,either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.
- <sup>F100</sup>(6) An order under this section shall not operate to—
  - (a) impose any duty on the governing body of a school, or
  - (b) relieve a local education authority of any duty in relation to a school,at any time when the school does not have a delegated budget; and such an order may provide for [<sup>F101</sup>section 512ZA(2)] above to have effect, in relation to any provision made at any such time by the local education authority for pupils at the school, with such modifications as may be specified.
- (7) In this section—
  - [<sup>F102</sup>“delegated budget” has the same meaning as in the School Standards and Framework Act 1998;
  - “maintained school” means a maintained school as defined by section 20(7) of the School Standards and Framework Act 1998 or a maintained nursery school;]
  - “school lunch” has the same meaning as in section 512 above;
  - “specified” means specified in an order under this section.]

#### Textual Amendments

- F92** S. 512A inserted (1.2.1999) by 1998 c. 31, s. 116 (with ss. 138(9), 144(6)); S.I. 1998/3198, art. 2(2), Sch.
- F93** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(i), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F94** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(i), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F95** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(ii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F96** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(ii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F97** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(iii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)

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- F98** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), [ss. 201\(2\)\(a\)\(iii\)](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F99** S. 512A(4)(b) substituted (7.6.2005) by [Education Act 2005 \(c. 18\)](#), [ss. 112](#), 125(2)
- F100** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), [ss. 201\(2\)\(b\)](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F101** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), [ss. 201\(2\)\(b\)](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F102** Words in s. 512A(7) substituted (1.9.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 52](#) (with [ss. 210\(8\)](#), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

### **513 Provision of meals etc. at schools not maintained by local education authorities.**

- (1) A local education authority may, with the consent of the proprietor of a school in their area which is not maintained by them, make arrangements for securing the provision of milk, meals and other refreshment for pupils in attendance at the school.
- (2) Any arrangements under this section—
  - (a) shall be on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school; and
  - (b) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or item under the arrangements shall not exceed the expense which would have been incurred by them in providing it if the pupil had been a pupil at a school maintained by them.

### **514 Provision of board and lodging otherwise than at school.**

- (1) Where a local education authority are satisfied with respect to any pupil—
  - (a) that primary or secondary education suitable to his age, ability and aptitude and to any special educational needs he may have can best be provided for him at a [<sup>F103</sup>particular community, foundation or voluntary or community or foundation special school, but]
  - (b) that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school,
 they may provide such board and lodging for him under such arrangements as they think fit.
- (2) Where a local education authority are satisfied with respect to a pupil with special educational needs that provision of board and lodging for him is necessary for enabling him to receive the required special educational provision, they may provide such board and lodging for him under such arrangements as they think fit.
- (3) In making any arrangements under this section, a local education authority shall, so far as practicable, give effect to the wishes of the pupil's parent as to the religion or religious denomination of the person with whom the pupil will reside.
- (4) Subject to subsection (5), where a local education authority have provided a pupil with board and lodging under arrangements under this section, they shall require the pupil's

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parent to pay them such sums, if any, in respect of the board and lodging as in their opinion he is able to pay without financial hardship.

- (5) No sum is recoverable under subsection (4) if the arrangements were made by the authority on the ground that in their opinion education suitable to the pupil's age, ability and aptitude or special educational needs could not otherwise be provided for him.
- (6) The sums recoverable under subsection (4) shall not exceed the cost to the authority of providing the board and lodging.
- (7) Any sum payable under subsection (4) may be recovered summarily as a civil debt.

#### Textual Amendments

**F103** Words in s. 514(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.135** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

### 515 Provision of teaching services for day nurseries.

- (1) Subject to subsection (2), a local education authority may, in accordance with arrangements made by them for that purpose, make available to a day nursery the services of any teacher who—
  - (a) is employed by them in a nursery school or in a primary school having one or more nursery classes, and
  - (b) has agreed to provide his services for the purposes of the arrangements.
- (2) Arrangements under subsection (1) in respect of a teacher in a [<sup>F104</sup>foundation or voluntary school] require the concurrence of the governing body of the school.
- (3) Arrangements under this section may make provision—
  - (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements;
  - (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery; and
  - (c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.
- (4) In this section “day nursery” means a day nursery provided under section 18 of the <sup>M3</sup>Children Act 1989 (provision by local authorities of day care for pre-school and other children).
- (5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

#### Textual Amendments

**F104** Words in s. 515(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.136** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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### Marginal Citations

**M3** 1989 c. 41.

**F105** **516** .....

### Textual Amendments

**F105** S. 516 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 137, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch.1 Pt. IV**.

## *Payment of fees*

### **517 Payment of fees at schools not maintained by a local education authority.**

- (1) Where, in pursuance of arrangements made under section 18 or Part IV (special educational needs), primary or secondary education is provided for a pupil at a school not maintained by them or another local education authority, the local education authority by whom the arrangements are made shall—
  - (a) if subsection (2), (3) or (4) applies, pay the whole of the fees payable in respect of the education provided in pursuance of the arrangements; and
  - (b) if board and lodging are provided for the pupil at the school and subsection (5) applies, pay the whole of the fees payable in respect of the board and lodging.
- (2) This subsection applies where—
  - (a) the pupil fills a place in the school which the proprietor of the school has put at the disposal of the authority; and
  - (b) the school is one in respect of which grants are made by the Secretary of State under section 485.
- (3) This subsection applies where the authority are satisfied that, by reason of a shortage of places in every school maintained by them or another local education authority to which the pupil could be sent with reasonable convenience, education suitable—
  - (a) to his age, ability and aptitude, and
  - (b) to any special educational needs he may have,
 cannot be provided by them for him except at a school not maintained by them or another local education authority.
- (4) This subsection applies where (in a case in which neither subsection (2) nor subsection (3) applies) the authority are satisfied—
  - (a) that the pupil has special educational needs, and
  - (b) that it is expedient in his interests that the required special educational provision should be made for him at a school not maintained by them or another local education authority.
- (5) This subsection applies where the authority are satisfied that education suitable—
  - (a) to the pupil's age, ability and aptitude, and
  - (b) to any special educational needs he may have,

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cannot be provided by them for him at any school unless board and lodging are also provided for him (either at school or elsewhere)

(6) As from such day as the Secretary of State may by order appoint this section shall have effect with the following modifications—

- (a) in subsections (1) and (3), for “not maintained by them or another local education authority” substitute “which is neither a maintained nor a grant-maintained school”;
- (b) in subsection (3), for “every school maintained by them or another local education authority” substitute “every maintained or grant-maintained school”;
- (c) in subsections (3) and (5), for “provided by them” substitute “provided”;
- (d) omit subsection (4) and the reference to it in subsection (1); and
- (e) at the end add—

“(7) In this section “grant-maintained school” includes a grant-maintained special school, and subsection (5) does not apply where section 348(2) applies.”

(7) An order under subsection (6) may appoint different days for different provisions and for different purposes.

#### **Subordinate Legislation Made**

**P1** S. 517(6) power fully exercised (30.6.1997): 1.9.1997 appointed day by [S.I. 1997/1623](#).

#### **Modifications etc. (not altering text)**

**C36** S. 517 modified (1.9.1999) (the modification as mentioned in s. 517(6) has effect from 1.9.1997 as mentioned in [S.I. 1997/1623](#)) by [S.I. 1999/2260](#), [reg. 2\(1\)](#)

### **[<sup>F106</sup>518 Payment of school expenses; grant of scholarships, etc.**

(1) A local education authority, for the purpose of enabling persons to take advantage of any educational facilities available to them, may in such circumstances as may be specified in or determined in accordance with regulations—

- (a) pay such expenses of children attending community, foundation, voluntary or special schools as may be necessary to enable them to take part in any school activities,
- (b) grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age.

(2) Regulations may make provision—

- (a) for requiring a local education authority to make, in relation to each financial year, a determination relating to the extent to which they propose to exercise their power under subsection (1)(b) in that year; and
- (b) for authorising an authority to determine not to exercise that power in a financial year—
  - (i) generally,
  - (ii) in such cases as may be prescribed, or
  - (iii) in such cases as may be determined by the authority.]

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### Textual Amendments

**F106** S. 518 substituted (1.2.1999) by 1998. c. 31, s. 129 (with ss. 138(9), 144(6)) (subject to savings indicated in S.I. 1999/120, **art. 3(2)**); S.I. 1999/120, **art. 2, Sch. 1**

### *Allowances for governors*

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

- (1) A local education authority may, in accordance with the provisions of a scheme made by them for the purposes of this section, pay [<sup>F107</sup>such allowances as may be prescribed to governors of—
    - (a) any community, foundation or voluntary school or community or foundation special school which does not have a delegated budget (within the meaning of Part II of the School Standards and Framework Act 1998);] and
    - (b) any institution providing higher education or further education (or both) which is maintained by a local education authority.
  - (2) Such a scheme may make different provision in relation to schools or other institutions of different categories (including provision for allowances not to be paid in respect of certain categories) but shall not make different provision in relation to different categories of governor of the same school or institution.
  - (3) Subject to subsections (4) and (5), a local education authority may pay [<sup>F108</sup>such allowances as may be prescribed] to any person appointed to represent them on the governing body of—
    - (a) any institution providing higher education or further education (or both) which is not maintained by them; or
    - (b) any independent school or special school which is not maintained by them.
  - (4) A local education authority shall not pay any allowance under subsection (3) for expenses in respect of which the person incurring them is entitled to reimbursement by any person other than the authority.
  - (5) A local education authority shall not pay any allowance under subsection (3) if they have not made any scheme under subsection (1) or if the arrangements under which the allowance would otherwise be payable—
    - (a) provide for allowances which are to any extent more generous than the most generous payable by the authority under any such scheme; or
    - (b) contain any provision which the authority would not have power to include in any such scheme.
  - (6) No allowance may be paid to any governor of a school or institution of a kind mentioned in subsection (1), in respect of the discharge of his functions as such a governor, otherwise than under this section.
- <sup>F109</sup>[(7) Regulations may impose a limit on the amount which may be paid by way of any allowance under this section.]



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#### Textual Amendments

- F107** Words in s. 519(1) substituted (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), **Sch. 30 para. 139(2)** (with ss. 138(9), 144(6)); S.I. 1998/2791, **art. 2(a)(b)**.
- F108** Words in s. 519(3) substituted (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), **Sch. 30 para. 139(3)** (with ss. 138(9), 144(6)); S.I. 1998/2791, **art. 2(a)(b)**.
- F109** S. 519(7) added (20.11.1998 for the purposes of making schemes and regulations and 1.4.1999 for all other purposes) by 1998 c. 31, s. 140(1), **Sch. 30 para. 139(4)** (with ss. 138(9), 144(6)); S.I. 1998/2791, **art. 2(a)(b)**.

### *Medical arrangements*

#### **520 Medical inspection and treatment of pupils.**

- (1) A local education authority shall make arrangements for encouraging and assisting pupils to take advantage of the provision for medical and dental inspection and treatment made for them in pursuance of
- [<sup>F110</sup>(a) section 111 of, or paragraph 1, 2(1)(a) or 8 of Schedule 1 to, the National Health Service Act 2006, or
- (b) section 67 of, or paragraph 1, 2(1)(a) or 8 of Schedule 1 to, the National Health Service (Wales) Act 2006]
- (2) If the parent of a pupil gives notice to the authority that he objects to the pupil availing himself of any of the provision so made, the pupil shall not be encouraged or assisted to do so.

<sup>F111</sup>(3) .....

#### Textual Amendments

- F110** Words in s. 520(1) substituted (1.3.2007) by **National Health Service (Consequential Provisions) Act 2006 (c. 43)**, s. 8(2), **Sch. 1 para. 184** (with Sch. 3 Pt. 1)
- F111** S. 520(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 140**, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, **Sch. 1**

### *Cleanliness of pupils*

#### **521 Examination of pupils for cleanliness.**

- (1) A local education authority may by directions in writing authorise a medical officer of theirs to have the persons and clothing of pupils in attendance at relevant schools examined whenever in his opinion such examinations are necessary in the interests of cleanliness.
- (2) Directions under subsection (1) may be given with respect to—
- (a) all relevant schools, or
- (b) any relevant schools named in the directions.

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- (3) An examination under this section shall be made by a person authorised by the authority to make such examinations; and, if the examination is of a girl, it shall not be made by a man unless he is a registered medical practitioner.
- (4) For the purposes of this section “relevant schools” are—
  - (a) schools maintained by the authority; <sup>F112</sup> . . .
  - <sup>F113</sup>(b) . . . . .

#### Textual Amendments

**F112** Word in s. 521(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 141, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

**F113** S. 521(4)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 141, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

### 522 Compulsory cleansing of a pupil.

- (1) If, on an examination under section 521, the person or clothing of a pupil is found to be infested with vermin or in a foul condition, any officer of the local education authority may serve a notice on the pupil’s parent requiring him to cause the pupil’s person and clothing to be cleansed.
- (2) The notice shall inform the parent that, unless within the period specified in the notice the pupil’s person and clothing are cleansed to the satisfaction of such person as is specified in the notice, the cleansing will be carried out under arrangements made by the authority.
- (3) The period so specified shall not be less than 24 hours from the service of the notice.
- (4) If, on a report being made to him by the specified person at the end of the specified period, a medical officer of the authority is not satisfied that the pupil’s person and clothing have been properly cleansed, he may by order direct that they shall be cleansed under arrangements made by the authority under section 523.
- (5) An order made under subsection (4) shall be sufficient to authorise any officer of the authority—
  - (a) to cause the pupil’s person and clothing to be cleansed in accordance with arrangements made by the authority under section 523, and
  - (b) for that purpose to convey the pupil to, and detain him at, any premises provided in accordance with such arrangements.

### 523 Arrangements for cleansing of pupils.

- (1) A local education authority shall make arrangements for securing that the person or clothing of any pupil required to be cleansed under section 522 may be cleansed (whether at the request of a parent or in pursuance of an order under section 522(4)) at suitable premises, by suitable persons and with suitable appliances.
- (2) Where the council of a district in the area of the authority are entitled to the use of any premises or appliances for cleansing the person or clothing of persons infested with vermin, the authority may require the council to permit the authority to use those premises or appliances for such purposes upon such terms as may be determined—

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- (a) by agreement between the authority and the council, or
  - (b) in default of such agreement, by the Secretary of State.
- (3) Subsection (2) does not apply in relation to Wales.
- (4) A girl may be cleansed under arrangements under this section only by a registered medical practitioner or by a woman authorised for the purpose by the authority.

## 524 [F114] **Suspension of a pupil pending examination or cleansing.**

- (1) Where—
- (a) a medical officer of a local education authority suspects that the person or clothing of a pupil in attendance at a relevant school is infested with vermin or in a foul condition, but
  - (b) action for the examination or cleansing of the pupil’s person and clothing cannot be taken immediately,
- the medical officer may direct that the pupil is to be [F115]suspended] from the school until such action has been taken, if he considers it necessary to do so in the interests either of the pupil or of other pupils in attendance at the school.
- (2) A direction under subsection (1) is a defence to any proceedings under Chapter II of Part VI in respect of the failure of the pupil to attend school on any day on which he is excluded in pursuance of the direction, unless it is proved that the giving of the direction was necessitated by the wilful default of the pupil or his parent.
- (3) For the purposes of this section a “relevant school” is—
- (a) a school maintained by the local education authority, F116 . . .
  - F116(b) . . .

### Textual Amendments

**F114** Sidenote substituted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30 para. 142(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

**F115** Word in s. 524(1) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para. 142(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

**F116** S. 524(3)(b) and the word "or" preceding it repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 142(b)**, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

## 525 **Offence of neglecting the cleanliness of a pupil.**

- (1) If, after the person or clothing of a pupil has been cleansed under section 522—
- (a) his person or clothing is again infested with vermin, or in a foul condition, at any time while he is in attendance at a relevant school, and
  - (b) the condition of his person or clothing is due to neglect on the part of his parent,
- the parent is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (3) For the purposes of this section a “relevant school” is a school maintained by a local education authority F117 . . .

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**Textual Amendments**

**F117** Words in s. 525(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.143, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

*Educational research and conferences*

**526 Powers as to educational research.**

A local education authority may make such provision for conducting, or assisting the conduct of, research as appears to them to be desirable for the purpose of improving the educational facilities provided for their area.

**527 Powers as to educational conferences.**

A local education authority may—

- (a) organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and
- (b) expend such sums as may be reasonable in paying, or contributing towards, any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend such a conference.

<sup>F118</sup>*[Plans relating to children with behavioural difficulties]*

**Textual Amendments**

**F118** S. 527A and cross-heading inserted (1.4.1998) by 1997 c. 44, **s.9** (with s. 57(3)); S.I. 1998/386, art. 2(2), **Sch. 1 Pt. II**

<sup>F119</sup> <sup>F120</sup> **527A Duty of LEA to prepare plan relating to children with behavioural difficulties.**

.....

**Textual Amendments**

**F119** S. 527A repealed (1.3.2005 for E., 1.9.2006 for W.) by Children Act 2004 (c. 31), **Sch. 5 Pt. 1**; S.I. 2005/394, art. 2(1)(l); S.I. 2006/885, art. 3(b)

**F120** S. 527A inserted (1.4.1998) by 1997 c. 44, **s. 9** (with s. 57(3)); S.I. 1998/386, art. 2(2), **Sch. 1 Pt. II**.

*Disability statements relating to further education*

<sup>F121</sup> **528** .....

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#### Textual Amendments

**F121** S. 528 repealed (1.9.2002) by 2001 c.10, ss. 34(3), 42(6), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

### *Acquisition and holding of property*

#### **529 Power to accept gifts on trust for educational purposes.**

- (1) A local education authority may accept, hold and administer any property on trust for purposes connected with education.
- (2) Any intention on the part of a local education authority that a school (other than a nursery school or a special school) should be vested in the authority as trustees shall be treated for the purposes of [F122]sections 28 and 28A of the School Standards and Framework Act 1998 and section 66 of the Education Act 2005 as an intention to establish a new community school (so that proposals for that purpose shall be published in accordance with those sections); and Schedule 6 to the School Standards and Framework Act 1998 or Schedule 10 to the Education Act 2005 (which relate to statutory proposals) shall apply accordingly].
- (3) Any school which in accordance with subsection (2) is vested in a local education authority as trustees shall be [F123]a community school].

#### Textual Amendments

**F122** Words in s. 529(2) substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), Sch. 12 para. 2; S.I. 2006/2129, art. 4

**F123** Words in s. 529(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 145(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

#### **530 Compulsory purchase of land.**

- (1) The Secretary of State may authorise a local education authority to purchase compulsorily any land (whether within or outside their area) which—
  - (a) is required for the purposes of any school or institution which is, or is to be, maintained by them or which they have power to assist, or
  - (b) is otherwise required for the purposes of their functions under this Act [F124], or
  - (c) is required for the purposes of any Academy which has been or is to be established as a result of the implementation of proposals made pursuant to a notice published by the local education authority under [F125]section 66 of the Education Act 2005], and forms the whole or part of the site identified in that notice in accordance with subsection (3)(a) of that section.]
- (2) The Secretary of State shall not authorise the compulsory purchase of any land required for the purposes of a [F126]foundation, voluntary or foundation special school] unless he is satisfied that the arrangements made—
  - (a) as to the vesting of the land to be purchased, and
  - (b) as to the appropriation of that land for the purposes of the school,

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are such as to secure that the expenditure ultimately borne by the local education authority will not include any expenditure which, if the land had been purchased by the governing body of the school, would have fallen to be borne by the governing body.

- (3) Subsection (2) shall not, however, apply where the local education authority propose that expenditure to be incurred in connection with the purchase should ultimately be borne by them [F127 under paragraph 18 of Schedule 6 to the School Standards and Framework Act 1998 (power to give assistance to governing body of voluntary aided school in carrying out statutory proposals)] [F128 (including that provision as applied by any enactment)].
- (4) In this section “land” includes buildings and other structures and land covered with water.

#### Textual Amendments

- F124** S. 530(1)(c) and word inserted (1.6.2003) by Education Act 2002 (c. 32), s. 216(2), **Sch. 8 para. 9(2)** (with ss. 210(8), 214(4)); S.I. 2003/1115, art. 2
- F125** Words in s. 530(1)(c) substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), **Sch. 12 para. 3**; S.I. 2006/2129, art. 4
- F126** Words in s. 530(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 146(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F127** Words in s. 530(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 146(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F128** Words in s. 530(3) inserted (19.12.2002 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 53** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/124, art. 4

### 531 Acquisition of land by agreement.

- (1) For the removal of doubt, it is declared that making land available for the purposes of a school or institution—
- (a) which is, or is to be, maintained by a local education authority, or
  - (b) which such an authority have power to assist,
- is a function of the authority within the meaning of section 120 of the <sup>M4</sup>Local Government Act 1972 (which relates to the acquisition by a local authority by agreement of land for the purpose of any of their functions), even though the land will not be held by the authority.
- (2) A local education authority shall not acquire by agreement any land required for the purposes of [F129 foundation, voluntary or foundation special school] unless they are satisfied that the arrangements made—
- (a) as to the vesting of the land to be acquired, and
  - (b) as to the appropriation of that land for the purposes of the school,
- are such as to secure that the expenditure ultimately borne by them will not include any expenditure which, if the land had been acquired by the governing body of the school, would have fallen to be borne by the governing body.

*Status: Point in time view as at 01/04/2007.*

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#### Textual Amendments

**F129** Words in s. 531(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.147** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

#### Marginal Citations

**M4** 1972 c. 70.

### *Appointment of chief education officer*

#### **532 Appointment of chief education officer.**

A local education authority's duties under the Local Government Act 1972 with respect to the appointment of officers shall (without prejudice to the generality of the provisions of that Act) include the duty of appointing a fit person to be the chief education officer of the authority.

## CHAPTER III

### ANCILLARY FUNCTIONS OF GOVERNING BODIES

#### *Provision of services*

#### **533 [F130Functions] of governing bodies of maintained schools with respect to provision of school meals etc.**

- (1) The governing body of any school maintained by a local education authority shall—
  - (a) afford the authority such facilities as they require to enable them to perform their functions under section 512, and
  - (b) allow the authority to make such use of the premises and equipment of the school, and such alterations to the school buildings, as the authority consider necessary for that purpose.
- (2) Nothing in subsection (1) shall require the governing body of [F131any such] school to incur any expenditure.
- (3) Where the governing body of a school which has a delegated budget (within the meaning of Part II [F132of the School Standards and Framework Act 1998]) provide pupils or other persons who receive education at the school with milk, meals or other refreshment, they [F133may charge for anything so provided.]
- [F134(4) Where the governing body of a school exercise the power to charge under subsection (3), they must charge every person the same price for the same quantity of the same item.]

#### Textual Amendments

**F130** Word in s. 533 heading substituted (8.11.2006) by **Education and Inspections Act 2006 (c. 40), ss. 87(2)(c), 188(1)**

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- F131** Words in s. 533(2) substituted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 148(a)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.
- F132** Words in s. 533(3) inserted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 148(b)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.
- F133** Words in s. 533(3) substituted (8.11.2006) by Education and Inspections Act 2006 (c. 40), **ss. 87(2)(a), 188(1)**
- F134** S. 533(4) inserted (8.11.2006) by Education and Inspections Act 2006 (c. 40), **ss. 87(2)(b), 188(1)**

**F135** **534** .....

#### Textual Amendments

- F135** S. 534 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 149, Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

### **535 Provision of teaching services for day nurseries.**

- (1) Subject to subsection (2), the governing body of [<sup>F136</sup>a community, foundation or voluntary primary school] having one or more nursery classes may, in accordance with arrangements made by them for that purpose, make available to a day nursery the services of any teacher who is employed by them in the school and has agreed to provide his services for the purposes of the arrangements.
- (2) No arrangements shall be made under subsection (1) except at the request of the local education authority and on terms approved by them.
- (3) Arrangements under this section may make provision—
  - (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements,
  - (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery, and
  - (c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher’s school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.
- (4) In this section “day nursery” means a day nursery provided under section 18 of the <sup>M5</sup>Children Act 1989 (provision by local authorities of day care for pre-school and other children).
- (5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

#### Textual Amendments

- F136** Words in s. 535(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.150** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.



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#### Marginal Citations

M5 1989 c. 41.

#### Medical arrangements

F137 536 .....

#### Textual Amendments

F137 S. 536 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 151, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

### CHAPTER IV

#### PROVISION OF INFORMATION BY GOVERNING BODIES ETC.

#### 537 Power of Secretary of State to require information from governing bodies etc.

- <sup>F138</sup>[(1) The Secretary of State may by regulations make provision requiring—
- (a) the governing body of every school which is—
    - (i) maintained by a local education authority, or
    - (ii) a special school which is not maintained by such an authority, and
  - (b) the proprietor of every independent school,
- to provide such information about the school as may be prescribed.]
- (2) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.
- (3) Where the Secretary of State exercises his power to make regulations under this section he shall do so with a view to making available information which is likely to—
- (a) assist parents in choosing schools for their children;
  - (b) increase public awareness of the quality of the education provided by the schools concerned and of the educational standards achieved in those schools; or
  - (c) assist in assessing the degree of efficiency with which the financial resources of those schools are managed.
- (4) Information which is required by virtue of regulations under this section shall be provided—
- (a) in such form and manner,
  - (b) on such occasions, and
  - (c) to such person or persons, in addition to or in place of the Secretary of State, as may be prescribed [<sup>F139</sup>; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such

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regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State.].

- (5) No information provided in accordance with regulations under this section shall name any pupil to whom it relates.
- (6) The Secretary of State may—
- (a) publish information provided in accordance with regulations under this section in such form and manner as he considers appropriate;
  - (b) make arrangements for such information to be published in such form and manner, and by such persons, as he may specify for the purposes of this section;
  - (c) make regulations requiring local education authorities to publish prescribed categories of such information, together with such supplementary information as may be prescribed, in such form and manner as may be prescribed.
- (7) The Secretary of State may make regulations requiring—
- (a) the governing body of any school which is maintained by a local education authority<sup>F140</sup> . . . ,
  - (b) the proprietor of any city technology college [<sup>F141</sup>, city college for the technology of the arts or [<sup>F142</sup>Academy]], or
  - (c) any local education authority,
- to provide prescribed persons with prescribed categories of information published under subsection (6).
- (8) Information provided under subsection (7) shall be provided in such form and manner as may be prescribed.
- <sup>F143</sup>(9) . . . . .
- <sup>F143</sup>(10) . . . . .
- (11) Without prejudice to the generality of section 569(4), regulations under this section may make provision for the designation by the Secretary of State, in accordance with the regulations, of particular schools or classes of schools for the purposes of the application of particular provisions of the regulations in relation to such schools.
- (12) This section is not to be taken as restricting, or otherwise affecting, any other powers that the Secretary of State may have to make regulations with respect to, or otherwise to require, the provision of information by any person.
- (13) This section does not apply to nursery schools.

#### Textual Amendments

**F138** S. 537(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 152(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F139** Words in s. 537(4) added (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 37**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**

**F140** Words in s. 537(7)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 152(b)**, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F141** Words in s. 537(7)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 60** (with s. 150)

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**F142** Words in s. 537(7)(b) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(5)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

**F143** S. 537(9)(10) repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

[<sup>F144</sup> **537A** **Provision of information about individual pupils.**

- (1) Regulations may make provision requiring—
  - (a) the governing body of every school which is—
    - (i) maintained by a local education authority, or
    - (ii) a special school which is not maintained by such an authority, and
  - (b) the proprietor of every independent school,to provide to the relevant person such individual pupil information as may be prescribed.
- (2) In subsection (1) “the relevant person” means one or more of the following—
  - (a) the Secretary of State, and
  - (b) any prescribed person.
- (3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—
  - (a) to him, or
  - (b) to any prescribed person.
- (4) The Secretary of State may provide any individual pupil information—
  - (a) to any information collator,
  - (b) to any prescribed person, or
  - (c) to any person falling within a prescribed category.
- (5) Any information collator—
  - (a) may provide any individual pupil information—
    - (i) to the Secretary of State,
    - (ii) to any other information collator, or
    - (iii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and
  - (b) may, at such times as the Secretary of State may determine, provide such individual pupil information as may be prescribed—
    - (i) to any prescribed person, or
    - (ii) to any person falling within a prescribed category.
- (6) Any person holding any individual pupil information (other than the Secretary of State or an information collator) may provide that information to—
  - (a) the Secretary of State,
  - (b) any information collator, or
  - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.

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(8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.

(9) In this section—

“individual pupil information” means information relating to and identifying individual pupils or former pupils at any school within subsection (1), whether obtained under subsection (1) or otherwise;

“information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to pupils.]

#### Textual Amendments

**F144** S. 537A substituted (20.11.1998 with savings as mentioned in art. 5 of the [S.I. 1998/2791](#)) by 1998 c. 31, s. 140(1), [Sch. 30 para.153](#) (with ss. 138(9), 144(6)); [S.I. 1998/2791](#), [arts.3, 5](#)

#### [<sup>F145</sup>537B] **Provision of information about children receiving funded education outside school**

(1) Regulations may make provision requiring a person who provides funded education to provide to the relevant person such individual child information as may be prescribed.

(2) In subsection (1), “the relevant person” means one or more of the following—

- (a) the Secretary of State, and
- (b) any prescribed person.

(3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—

- (a) to him, or
- (b) to any prescribed person.

(4) The Secretary of State may provide any individual child information—

- (a) to any information collator,
- (b) to any prescribed person, or
- (c) to any person falling within a prescribed category.

(5) Any information collator—

- (a) may provide any individual child information—
  - (i) to the Secretary of State,
  - (ii) to any other information collator, or
  - (iii) to the person who provides the funded education for the child or children to whom the information relates, and
- (b) may, at such times as the Secretary of State may determine, provide such individual child information as may be prescribed—
  - (i) to any prescribed person, or
  - (ii) to any person falling within a prescribed category.

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- (6) Any person holding any individual child information (other than the Secretary of State or an information collator) may provide that information to—
- (a) the Secretary of State,
  - (b) any information collator, or
  - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.
- (8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.
- (9) In this section—
- “child” means a person under the age of 19;
- “funded education” means education provided under arrangements made by a local education authority in pursuance of the duties imposed by section 19(1) and (4) (duty to make special arrangements for provision of education for children of compulsory school age and young persons who may otherwise not receive suitable education), other than such education provided at a school;
- “individual child information” means information relating to and identifying individual children for whom funded education is being or has been provided, whether obtained under subsection (1) or otherwise;
- “information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to funded education, is responsible for collating or checking information relating to children for whom such education is provided.]

#### Textual Amendments

**F145** S. 537B inserted (28.3.2007 for E., 1.9.2009 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. [164](#), [188\(3\)](#); S.I. 2007/935, art. 2; S.I. 2009/1027, art. 3(b)

#### **538 Provision of information to Secretary of State by governing bodies of maintained schools.**

The governing body or temporary governing body of [<sup>F146</sup>a community, foundation or voluntary school or a community or foundation special school] shall make such reports and returns, and give such information, to the Secretary of State as he may require for the purpose of the exercise of his functions in relation to education.

#### Textual Amendments

**F146** Words in s. 538 substituted (1.9.1999) by [1998 c. 31](#), s. [140\(1\)](#), [Sch. 30 para.154](#) (with ss. [138\(9\)](#), [144\(6\)](#)); S.I. 1999/2323, art. 2(1), [Sch. 1](#).

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<sup>F147</sup> 539 .....

**Textual Amendments**

**F147** S. 539 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 155, **Sch.31** (with ss. 138(9), 144(6) and subject to savings by S.I. 1999/2323, art. 21); S.I. 1999/2323, art. 2(2), **Sch. 2**.

**540 Distribution of information about schools providing secondary education.**

- (1) Where the governing body of any school providing primary education receive a request which—
- (a) is made by the governing body of any school providing secondary education, and
  - (b) relates to the distribution of information about the school providing secondary education to parents of pupils at the school providing primary education without charge to those parents,

the governing body of that school shall secure that the request is treated no less favourably (whether as to services provided or as to the terms on which they are provided) than any such request made by the governing body of any other school providing secondary education.

<sup>F148</sup>(2) In this section “school” means—

- (a) any community, foundation or voluntary school, or
- (b) any community or foundation special school (which is not established in a hospital).]

**Textual Amendments**

**F148** S. 540(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.156** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**541 Distribution of information about further education institutions.**

- (1) The Secretary of State may by regulations require—
- (a) the governing body of any school providing secondary education, and
  - (b) the proprietor of any city technology college [<sup>F149</sup>, city college for the technology of the arts or [<sup>F150</sup>Academy]],

to provide such persons as may be prescribed with such categories of information falling within subsection (2) as may be prescribed.

- (2) Information falls within this subsection if it is—
- (a) published under section 50 of the <sup>M6</sup>Further and Higher Education Act 1992 (information with respect to institutions within the further education sector), and
  - (b) made available to governing bodies and proprietors for distribution.

- (3) Information provided under subsection (1) shall be provided in such form and manner as may be prescribed.

<sup>F151</sup>(4) In this section “school” means—

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- (a) any community, foundation or voluntary school, or
- (b) any community or foundation special school (which is not established in a hospital).]

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**Textual Amendments**

- F149** Words in s. 541(1)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 61** (with s. 150)
- F150** Words in s. 541(1)(b) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(6)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F151** S. 541(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 157** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
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**Marginal Citations**

- M6** 1992 c. 13.

**Status:**

Point in time view as at 01/04/2007.

**Changes to legislation:**

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