



# Education Act 1996

## 1996 CHAPTER 56

### PART VII

#### INDEPENDENT SCHOOLS

#### CHAPTER I

##### PRELIMINARY

#### **[<sup>F1</sup>463 Alteration to definition of “independent school”**

- (1) In this Act “independent school” means any school at which full-time education is provided for—
- (a) five or more pupils of compulsory school age, or
  - (b) at least one pupil of that age for whom [<sup>F2</sup>an EHC plan [<sup>F3</sup>is maintained or for whom] a statement is maintained under section 324][<sup>F3</sup>or an individual development plan is maintained], or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989 [<sup>F4</sup>or section 74 of the Social Services and Well-being (Wales) Act 2014]),
- and which is not a school maintained by a [<sup>F5</sup>local authority][<sup>F6</sup>non-maintained special school].
- (2) For the purposes of subsection (1)(a) and (b) it is immaterial if full-time education is also provided at the school for pupils under or over compulsory school age.]

#### **Textual Amendments**

- F1** S. 463 substituted (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 172, 216\(4\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/1667, art. 4](#); [S.I. 2003/2961, art. 6, Sch. Pt. III](#)
- F2** Words in s. 463(1)(b) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), [s. 139\(6\)](#), [Sch. 3 para. 43\(a\)](#); [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

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*Changes to legislation: Education Act 1996, Section 463 is up to date with all changes known to be in force on or before 16 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F3** Words in s. 463(1)(b) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(20)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F4** Words in s. 463(1)(b) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **154**
- F5** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F6** Words in s. 463(1) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 43(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

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

- C1** S. 463 savings for effects of 2002 c. 32, s. 172 (W.) (19.11.2003) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003 (S.I. 2003/2959), regs. 1(1), **8(3)**

**Changes to legislation:**

Education Act 1996, Section 463 is up to date with all changes known to be in force on or before 16 September 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)