

Status: Point in time view as at 01/04/2012. This version of this cross heading contains provisions that are prospective.

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Education Act 1996 (c.56) is up to date with all changes known to be in force on or before 22 July 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)

SCHEDULES

SCHEDULE 30

MINOR AND CONSEQUENTIAL AMENDMENTS

Education Act 1996 (c.56)

- 57 The Education Act 1996 shall be amended as follows.
- 58 In section 1(2) (the stages of education), omit paragraph (b) and the “and” preceding it.
- F159

Textual Amendments

- F1 Sch. 30 para. 59 repealed (1.9.2005) by Education Act 2005 (c. 18), s. 125(4), Sch. 19 Pt. 2; S.I. 2006/2129, art. 4

- 60 In section 6(2) (nursery schools and special schools), for the words from “and” onwards substitute “ and (in the case of a school which is not maintained by a local education authority) is for the time being approved, as mentioned in section 337. ”
- 61 In section 9 (pupils to be educated in accordance with parents’ wishes), for the words from “State,” to “funding authorities” substitute “ State and local education authorities ”.
- 62 In section 14 (functions of [F2]local authorities] in respect of provision of primary and secondary schools), omit subsection (5).

Textual Amendments

- F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(3) (with Sch. 2 para. 10(4))

- 63 After section 15 insert—

“15A Functions in respect of full-time education for 16 to 18 year olds.

- (1) A local education authority may secure the provision for their area of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, including provision for persons from other areas.
- (2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section as they apply in relation to functions under that section.”

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^{F3}64

Textual Amendments

- F3** Sch. 30 para. 64 repealed (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 58(1)(b), 269(2), Sch. 16 Pt. 1

PROSPECTIVE

65 In section 17(2) (powers in respect of nursery education), for “establish, maintain and assist” substitute “ establish and maintain ”.

66 Omit sections 20 to 28 (the funding authorities).

Commencement Information

- II** Sch. 30 para. 66 wholly in force at 1.11.1999; Sch. 30 para. 66 not in force at Royal Assent see s. 145(3); Sch. 30 para. 66 in force for specified purposes at 1.4.1999 by [S.I. 1999/1016](#), art. 2(1), **Sch. 1** (with arts. 3-6, **Sch. 4**); Sch. 30 para. 66 in force at 1.11.1999 in so far as not already in force by [S.I. 1999/2323](#), art. 2(2), **Sch. 2** (with arts. 3-5, **Schs. 5-7**).

67 In section 29 (provision of information by [^{F2}local authorities])—
 (a) omit subsection (2), and
 (b) in subsection (3), omit the words “and the funding authority”.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(3)** (with Sch. 2 para. 10(4))

68 Omit section 30 (provision of information by funding authorities).

69 Part II (schools maintained by [^{F2}local authorities]) shall be omitted.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(3)** (with Sch. 2 para. 10(4))

Commencement Information

- I2** Sch. 30 para. 69 wholly in force at 1.9.1999; Sch. 30 para. 69 not in force at Royal Assent see s. 145(3); Sch. 30 para. 69 in force for specified purposes at 1.10.1998 and 1.4.1999 by [S.I. 1998/2212](#), art. 2, **Sch. 1 Pts. I** and IV; Sch. 30 para. 69 in force for specified purposes at 10.3.1999 by [S.I. 1999/120](#), art. 2(2), **Sch. 2**; Sch. 30 para. 69 in force for specified purposes at 1.4.1999 by [S.I. 1999/1016](#), art. 2(1), **Sch. 1** (with arts. 3-6, **Sch. 4**); Sch. 30 para 69 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), art. 2(1), **Sch. 1** (with arts. 3-5, **Schs. 5-7**).

70 Part III (grant-maintained schools) shall be omitted.

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Commencement Information

I3 Sch. 30 para. 70 partly in force; Sch. 30 para. 70 not in force at Royal Assent see s. 145(3); Sch. 30 para. 70 in force at 1.10.1998 for certain purposes by S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**; Sch. 30 para. 70 in force at 1.4.1999 for certain purposes by S.I. 1999/1016, art. 2(1), **Sch. 1** (with arts. 3-6, Sch. 4); Sch. 30 para. 70 in force for certain purposes at 1.9.1999 by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

- 71 In section 312 (definitions for purposes of Part IV)—
- (a) in subsection (4)(a) omit “or grant-maintained schools in their area”; and
 - (b) in subsection (5) for the definition of “maintained school” substitute—
““maintained school” means any community, foundation or voluntary school or any community or foundation special school not established in a hospital.”
- 72 In section 313(1) (code of practice on special educational needs), for “maintained or grant-maintained schools, or grant-maintained special schools,” substitute “maintained schools”.
- 73 In section 315(2) (review of arrangements for special educational provision), for the words from “the funding” onwards substitute “the governing bodies of community, foundation and voluntary and community and foundation special schools in their area.”
- 74 (1) Section 317 (duties of governing body or [^{F4}local authority] in relation to pupils with special educational needs) shall be amended as follows.
- ^{F5}(2)
- ^{F5}(3)
- (4) In subsection (3)—
- (a) in paragraph (a)—
 - (i) for “county, voluntary and grant-maintained schools” substitute “community, foundation and voluntary schools”, and
 - (ii) omit “, the funding authority”; ^{F6}...
 - ^{F6}(b)
- (5) In subsection (4), for “a county, voluntary or grant-maintained school” substitute “a community, foundation or voluntary school”.
- (6) In subsection (5), for “each county, voluntary, maintained special or grant-maintained school” substitute “each community, foundation or voluntary or community or foundation special school”.
- (7) In subsection (6), for “each county, voluntary or grant-maintained school” substitute “each community, foundation or voluntary school”.
- (8) In subsection (7), for the words from “the articles” onwards substitute “section 42 of the School Standards and Framework Act 1998.”

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Textual Amendments

- F4** 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), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F5** Sch. 30 para. 74(2)(3) repealed (1.9.2003 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. 2003/1667, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F6** Sch. 30 para. 74(4)(b) repealed (1.9.2003 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. 2003/1667, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

75 (1) Section 318 (provision of goods and services in connection with special educational needs) shall be amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), for “county, voluntary or grant-maintained schools” substitute “community, foundation or voluntary schools”, and
- (b) in paragraph (b), for “maintained or grant-maintained special schools” substitute “community or foundation special schools”.

(3) In subsection (2), for the words from “this section” to “in any other area” substitute “this section to the governing bodies of community, foundation or voluntary schools or community or foundation special schools in any other area”.

(4) For subsection (3) substitute—

“(3) A local education authority may supply goods and services to any authority or other person (other than a governing body within subsection (1)) for the purpose only of assisting them in making for any child to whom subsection (3A) applies any special educational provision which any learning difficulty of the child calls for.

(3A) This subsection applies to any child—

- (a) who is receiving relevant nursery education within the meaning of section 123 of the School Standards and Framework Act 1998, or
- (b) in respect of whose education grants are (or are to be) made under section 1 of the ^{M1}Nursery Education and Grant-Maintained Schools Act 1996.”

Commencement Information

- I4** Sch. 30 para. 75 wholly in force at 1.9.1999; Sch. 30 para. 75 not in force at Royal Assent see s. 145(3); Sch. 30 para. 75(4) in force at 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. 1**; Sch. 30 para. 75 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

Marginal Citations

- M1** 1996 c. 50.

76 In section 321(3) (general duty of [^{F4}local authority] towards children for whom they are responsible)—

- (a) in paragraph (a), for the words from “maintained” onwards substitute “maintained school”, and
- (b) for paragraph (b) substitute—

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“(b) education is provided for him at a school which is not a maintained school but is so provided at the expense of the authority.”.

Textual Amendments

F4 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), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

- 77 In section 324 (statement of special educational needs)—
- (a) in subsection (5)(b), for “maintained, grant-maintained or grant-maintained special school” substitute “ maintained school ”; and
 - (b) after subsection (5) insert—

“(5A) Subsection (5)(b) has effect regardless of any duty imposed on the governing body of a school by section 1(6) of the School Standards and Framework Act 1998.”

Commencement Information

I5 Sch. 30 para. 77 wholly in force at 1.9.1999; Sch. 30 para. 77 not in force at Royal Assent see s. 145(3); Sch. 30 para. 77(b) in force at 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**; Sch. 30 para. 77(a) in force at 1.9.1999 by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

- 78 In section 327 (access for [^{F4}local authority] to certain schools), for subsection (b) substitute—
- “(b) in pursuance of the statement education is provided for the child at a school maintained by another local education authority.”

Textual Amendments

F4 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), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

- 79 Omit section 330 (assessment of education needs at request of governing body of grant-maintained school).
- 80 For section 337 substitute—

“337 Special schools.

- (1) A school is a special school if it is specially organised to make special educational provision for pupils with special educational needs.
- (2) There are the following categories of special school—
 - (a) special schools maintained by local education authorities, comprising—
 - (i) community special schools, and
 - (ii) foundation special schools; and

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- (b) special schools which are not so maintained but are for the time being approved by the Secretary of State under section 342.”

81 Omit sections 338 to 341 (establishment of maintained and grant-maintained special schools).

Commencement Information

I6 Sch. 30 para. 81 wholly in force at 1.9.1999; Sch. 30 para. 81 not in force at Royal Assent see s. 145(3); Sch. 30 para. 81 in force for specified purposes at 1.4.1999 by [S.I. 1999/1016](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-6](#), [Sch. 4](#)); Sch. 30 para. 81 in force at 1.9.1999 in so far as it is not already in force by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Sch. 5-7](#)).

82 For section 342 substitute—

“ Approval of non-maintained special schools

342 Approval of non-maintained special schools.

- (1) The Secretary of State may approve under this section any school which—
 - (a) is specially organised to make special educational provision for pupils with special educational needs, and
 - (b) is not a community or foundation special school,
 and may give his approval before or after the school is established.
- (2) Regulations may make provision as to the requirements which are to be complied with as a condition of approval under subsection (1) above.
- (3) Any school which was a special school immediately before 1st April 1994 shall be treated, subject to subsection (4) below, as approved under this section.
- (4) Regulations may make provision as to—
 - (a) the requirements which are to be complied with by a school while approved under this section, and
 - (b) the withdrawal of approval from a school (including approval treated as given under subsection (3)) at the request of the proprietor or on the ground that there has been a failure to comply with any prescribed requirement.
- (5) Without prejudice to the generality of subsections (2) and (4), the requirements which may be imposed by the regulations include requirements—
 - (a) which call for arrangements to be approved by the Secretary of State, or
 - (b) as to the organisation of any special school as a primary school or as a secondary school.
- (6) Regulations shall make provision for securing that, so far as practicable, every pupil attending a special school approved under this section—
 - (a) receives religious education and attends religious worship, or

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(b) is withdrawn from receiving such education or from attendance at such worship in accordance with the wishes of his parent.”

83 Omit sections 343 to 346 (government etc. of special schools).

Commencement Information

I7 Sch. 30 para. 83 wholly in force at 1.9.1999; Sch. 30 para. 83 not in force at Royal Assent see s. 145(3); Sch. 30 para. 83 in force for certain purposes at 1.10.1998 by [S.I. 1998/2212](#), [art. 2](#), [Sch. 1 Pt. 1](#); Sch. 30 para. 83 partly in force for certain purposes at 1.4.1999 by [S.I. 1999/1016](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-6](#), [Sch. 4](#)); Sch. 30 para. 83 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

84 In section 348 (provision of special education at non-maintained schools), for subsection (3) substitute—

“(3) In this section “maintained school” means a school maintained by a local education authority.”

F785

Textual Amendments

F7 Sch. 30 paras. 85-90 repealed (1.10.2002 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. 2002/2439](#), [art. 3](#); [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

F786

Textual Amendments

F7 Sch. 30 paras. 85-90 repealed (1.10.2002 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. 2002/2439](#), [art. 3](#); [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

F787

Textual Amendments

F7 Sch. 30 paras. 85-90 repealed (1.10.2002 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. 2002/2439](#), [art. 3](#); [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

F788

Textual Amendments

F7 Sch. 30 paras. 85-90 repealed (1.10.2002 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. 2002/2439](#), [art. 3](#); [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

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Textual Amendments

- F7** Sch. 30 paras. 85-90 repealed (1.10.2002 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. 2002/2439, art. 3; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

^{F7}90

Textual Amendments

- F7** Sch. 30 paras. 85-90 repealed (1.10.2002 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. 2002/2439, art. 3; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

91 Omit sections 370 to 374 (functions of [^{F4}local authority] etc. in relation to curriculum).

Textual Amendments

- F4** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's [Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

Commencement Information

- I8** Sch. 30 para. 91 wholly in force at 1.9.1999; Sch. 30 para. 91 not in force at Royal Assent see s. 145(3); Sch. 30 para. 91 in force for certain purposes at 1.10.1998 by [S.I. 1998/2212](#), art. 2, **Sch. 1 Pt. I**; Sch. 30 para. 91 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

92 Omit sections 376 to 389 (religious education and worship).

93 In section 390 (constitution of advisory councils), for subsection (2) substitute—
 “(2) The council shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).”

94 (1) Section 391 (functions of advisory councils) shall be amended as follows.

(2) In subsection (1), for paragraph (a) substitute—

“(a) to advise the local education authority on such matters connected with—

(i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and

(ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,

as the authority may refer to the council or as the council may see fit, and”.

(3) Omit subsections (8) and (9).

95 In section 392 (advisory councils: supplementary provisions), omit subsection (4).

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- 96 Omit section 393 (duty to constitute new standing advisory council).
- 97 (1) Section 394 (determination of cases in which requirement for Christian worship is not to apply) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “county school” substitute “community school”;
- (b) for paragraph (b) substitute—
- “(b) any foundation school which has not been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character.”; and
- (c) for “section 386(2)” substitute “paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship)”.
- (3) In subsection (4), for “section 387” substitute “paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998 (disapplication of requirement for Christian collective worship)”.
- (4) In subsection (8), for “a school which becomes a grant-maintained school” substitute “a community school which becomes a foundation school (by virtue of section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998)”.
- 98 In section 395(1) (review of determinations under section 394), for “section 386(2)” substitute “paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998”.
- 99 In section 396(1) (power of Secretary of State to direct council to revoke determination or discharge duty), for “section 386(2)” substitute “paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998”.
- 100 In section 399 (determination of question whether religious education in accordance with trust deed), for “a voluntary or grant-maintained school” substitute “a foundation or voluntary school”.
- 101 In section 402(6) (obligation to enter pupils for public examinations), for “a maintained special school” substitute “a community or foundation special school”.
- 102 In section 403(2) (sex education: manner of provision), for “a maintained special school” substitute “a community or foundation special school”.
- 103 In section 404 (sex education: statements of policy)—
- (a) in subsection (2), for “a maintained special school” substitute “a community or foundation special school”; and
- (b) omit subsection (3).

Commencement Information

- 19** Sch. 30 para. 103 wholly in force at 1.9.1999; Sch. 30 para. 103 not in force at Royal Assent see s. 145(3); Sch. 30 para. 103(b) in force at 1.10.1998 by S.I.1998/2212, art. 2, Sch. 1 Pt. I; Sch. 30 para. 103(a) in force at 1.9.1999 by S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-5, Schs. 5-7).

- 104 In section 406(3) (political indoctrination), for “a maintained special school” substitute “a community or foundation special school”.

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- 105 In section 407(2) (duty to secure balanced treatment of political issues), for “a maintained special school” substitute “a community or foundation special school”.
- 106 In section 408 (provision of information)—
- (a) omit subsection (1)(b);
 - (b) in subsection (2)(d), for “pupils at such categories of school” substitute “such classes or descriptions of pupils”;
 - (c) omit subsection (3); and
 - (d) in subsection (4)—
 - (i) omit paragraphs (b) and (c); and
 - (ii) in paragraph (d), for “389” substitute “390”.

Commencement Information

- I10** Sch. 30 para. 106 wholly in force at 1.9.1999; Sch. 30 para. 106 not in force at Royal Assent see s. 145(3); Sch. 30 para. 106(b) in force at 1.10.1998 by [S.I. 1998/2212, art. 2](#), [Sch. 1 Pt. I](#); Sch. 30 para. 106 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323, art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

- 107 In section 409 (complaints and enforcement: maintained schools)—
- (a) in subsection (1), for “of aided schools and of special agreement schools,” substitute “of foundation and voluntary aided schools,”;
 - (b) in subsection (2), for the words from “any county” to “special school” substitute “any community, foundation or voluntary school maintained by the authority or any community or foundation special school”;
 - (c) in subsection (3)(b), omit “other than grant-maintained schools”; and
 - (d) for the sidenote substitute “Complaints and enforcement: maintained schools.”
- 108 For the cross-heading “SCHOOL ADMISSIONS” preceding section 411 substitute — “ADMISSION, REGISTRATION AND WITHDRAWAL OF PUPILS”.
- 109 Omit sections 411 to 432 (admission of pupils: general).

Commencement Information

- I11** Sch. 30 para. 109 partly in force; Sch. 30 para. 109 not in force at Royal Assent see s. 145(3); Sch. 30 para. 109 in force for certain purposes at 1.4.1999 by [S.I. 1999/1016, art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-6](#), [Sch. 4](#)); Sch. 30 para. 109 in force for certain purposes at 1.9.1999 by [S.I. 1999/1016, art. 2\(3\)](#), [Sch. 3](#) (with [arts. 3-6](#), [Sch. 4](#)).

- 110 Omit section 433(4) (time for admission of pupils: admission for nursery education).
- 111 In section 434(4)(c) (registration of pupils: returns)—
- (a) at the end of sub-paragraph (i) insert “and”;
 - (b) omit sub-paragraph (ii).
- 112 Omit section 436 (effect of admission for nursery education).
- 113 In section 437 (school attendance orders)—
- (a) in each of subsections (5) and (6), omit “or grant-maintained”;
 - (b) in subsection (8), for the definition of “maintained school” substitute—

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““maintained school” means any community, foundation or voluntary school or any community or foundation special school not established in a hospital; and”.

114 In section 438 (choice of school: child without statement of special educational needs)—

(a) for subsection (4)(a) substitute—

“(a) within the period mentioned in subsection (3) the parent applies for the child to be admitted to a school maintained by a local education authority and, where that authority are not the authority by whom the notice was served, notifies the latter authority of the application, and”;

(b) for subsection (5) substitute—

“(5) If—

(a) within the period mentioned in subsection (3), the parent applies to the local education authority by whom the notice was served for education to be provided at a school which is not a school maintained by a local education authority, and

(b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school,

that school shall be named in the order.”; and

(c) in subsection (6)(a)(i), omit “and is not a grant-maintained school”.

Commencement Information

112 Sch. 30 para. 114 partly in force; Sch. 30 para. 114 not in force at Royal Assent see s. 145(3); Sch. 30 para. 114 in force at 1.9.1999 for certain purposes by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

115 (1) Section 439 (specification of schools in notices under section 438(2)) shall be amended as follows.

(2) In subsection (2), for the words from “fixed” to “as the number” substitute “ fixed in accordance with section 93 of the School Standards and Framework Act 1998 (fixing admission numbers) as the number ”.

(3) In subsections (3), (5) and (6), omit “or grant-maintained” wherever occurring.

(4) After subsection (4) insert—

“(4A) A local education authority shall not specify a school in a notice under section 438(2) if the admission of the child concerned would result in prejudice of the kind referred to in section 86(3)(a) of the School Standards and Framework Act 1998 (parental preferences) by reason of measures required to be taken as mentioned in subsection (4) of that section.”

116 In section 440 (amendment of order at request of parent: child without statement of special educational needs)—

(a) in subsection (2)(a), omit “or grant-maintained school”;

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- (b) in subsection (3), for paragraphs (a) and (b) substitute—
 - “(a) the parent applies to the authority for education to be provided for the child at a school which is not a school maintained by a local education authority and which is different from the school named in the order,
 - (b) the child is offered a place at the school and the authority are required by virtue of regulations under section 18(3) to pay the fees payable in respect of the education provided for him at the school, and”;
- (c) in subsection (4)(a), omit “and is not a grant-maintained school”.

Commencement Information

I13 Sch. 30 para. 116 partly in force; Sch. 30 para. 116 not in force at Royal Assent see s. 145(3); Sch. 30 para. 116 in force for certain purposes at 1.9.1999 by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

- 117 In section 444(4)(b) (offence: failure to secure regular attendance at school of registered pupil), omit the words “or the funding authority”.
- 118 Omit section 448 (exemption where child becomes five during term).
- 119 For section 449 and the cross-headings preceding it substitute—

“CHAPTER III

CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS

Preliminary

449 Meaning of “maintained school” in Chapter III.

In this Chapter “maintained school” means any school maintained by a local education authority.”

- 120 In section 451 (prohibition of charges for provision of education)—
 - (a) in subsection (1), omit “Subject to subsection (5)”,
 - (b) in subsection (3)(b), for the words from “or 384” onwards substitute “ (implementation of National Curriculum) or section 69 of the School Standards and Framework Act 1998 (duty to secure due provision of religious education). ”,
 - (c) in subsection (4)(b), for “384” substitute “ section 69 of the School Standards and Framework Act 1998 ”, and
 - (d) omit subsection (5).
- 121 In section 456(1) (regulation of permitted charges), omit the words from “, other than” to “section 231(8)”.
- 122 In section 457 (charges and remissions policies)—
 - (a) in subsection (1), omit the words from “This subsection” onwards; and
 - (b) in subsection (3), omit “other than a grant-maintained school”.

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- 123 In section 458 (charges for board and lodging at boarding schools)—
- (a) in subsection (1)—
 - (i) for the words from “pupil concerned” to “charges” substitute “pupil concerned, to the local education authority, charges ”, and
 - (ii) omit “or governing body”;
 - (b) in subsection (2)—
 - (i) omit paragraph (a), and
 - (ii) in paragraph (b), for “for his area” substitute “ for that pupil’s area ”;
 - (c) omit subsection (3); and
 - (d) in subsection (4)(b), omit “or to the governing body of a grant-maintained school”.
- 124 In section 463 (meaning of “independent school”)—
- (a) at the end of paragraph (b) insert “ or ”; and
 - (b) omit paragraph (c) and the “or” preceding it.
- 125 In section 484 (grants for education support and training)—
- (a) in subsection (1), for “grants for education support and training,” substitute “ education standards grants, ”;
 - (b) in subsections (3) and (4), for “any grant for education support and training” substitute “ any education standards grant ”; and
 - (c) for the sidenote substitute “ Education standards grants. ”
- 126 In section 489 (conditions as to payment of grants under sections 484 to 488), in subsection (2)(a) for “grant for education support and training,” substitute “ education standards grant, ”.
- 127 In section 490(1) (grants in respect of special provision for ethnic minorities), omit paragraph (a).
- 128 For section 494 substitute—

“494 Recoupment: excluded pupils.

- (1) Subsection (2) applies where a pupil is permanently excluded from any school maintained by a local education authority (“the old authority”) and, in the financial year in which the exclusion first takes effect, he is subsequently provided with education by another local education authority (“the new authority”), whether at a school maintained by that authority or otherwise than at school.
- (2) The old authority shall pay to the new authority, in connection with the provision of education for that pupil in that financial year, such amount, if any, as is payable in accordance with regulations.
- (3) Where a pupil is permanently excluded from any school maintained by a local education authority and, in the financial year in which the exclusion first takes effect, the following events subsequently occur—
 - (a) he is first provided by another local education authority (“the intermediate authority”) with education in a pupil referral unit or otherwise than at school, and

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- (b) at any time afterwards he is provided with education by a local education authority other than the intermediate authority (“the last authority”), whether at a school maintained by that authority or otherwise than at school,
 then, in connection with the provision of the education mentioned in paragraph (b), subsection (2) shall apply to the intermediate authority and the last authority as if they were an old authority and a new authority respectively.
- (4) Any dispute as to whether any local education authority are entitled to be paid any amount under this section by any other such authority shall be determined by the Secretary of State.
- (5) Regulations may prescribe the time when the permanent exclusion of a pupil is to be regarded as taking effect for the purposes of this section.”
- 129 In section 496 (power of Secretary of State to prevent unreasonable use of functions), in subsection (2)—
 - (a) at the end of paragraph (a) insert “ and ”; and
 - (b) for paragraphs (b) and (c) substitute—
 - “(b) the governing body of any community, foundation or voluntary school or any community or foundation special school.”
- 130 In section 497 (general default powers of the Secretary of State), in subsection (2)—
 - (a) at the end of paragraph (a) insert “ and ”; and
 - (b) for paragraphs (b) and (c) substitute—
 - “(b) the governing body of any community, foundation or voluntary school or any community or foundation special school.”
- 131 In section 498 (powers of Secretary of State where no properly constituted governing body), for subsection (2) substitute—
 - “(2) This section applies to any community, foundation or voluntary school or any community or foundation special school.”
- 132 Omit sections 500 to 505 (rationalisation of school places).

Commencement Information

I14 Sch. 30 para. 132 wholly in force at 1.9.1999; Sch. 30 para. 132 not in force at Royal Assent see s. 145(3); Sch. 30 para. 132 in force for certain purposes at 1.4.1999 by [S.I. 1999/1016, art. 2\(1\), Sch. 1](#) (with arts. 3-6, [Sch. 4](#)); Sch. 30 para. 132 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323, art. 2\(1\), Sch. 1](#) (with arts. 3-5, [Schs. 5-7](#)).

^{F8}31

Textual Amendments

F8 Sch. 30 para. 133 repealed (W.) (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), s. 28\(2\), Sch. 2; S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)

134 In section 510 (provision of clothing)—

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- (a) in subsection (1)(a) and (c), omit “or at a grant-maintained school” wherever occurring;
 - (b) in subsection (3)(a), omit “or a grant-maintained school”;
 - (c) in subsection (4)(a), omit “, at a grant-maintained school”; and
 - (d) in subsection (5)(a), omit “grant-maintained school or”.
- 135 In section 514 (provision of board and lodging otherwise than at school), in subsection (1)(a), for the words from “particular” onwards substitute “ particular community, foundation or voluntary or community or foundation special school, but ”.
- 136 In section 515(2) (provision of teaching services for day nurseries), for “voluntary school” substitute “ foundation or voluntary school ”.
- 137 Omit section 516 (supply by [^{F4}local authority] of goods and services to grant-maintained schools).

Textual Amendments

- F4** 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), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

PROSPECTIVE

- 138 Omit section 517 (payment of fees at schools not maintained by a [^{F4}local authority]).

Textual Amendments

- F4** 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), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

- 139 (1) Section 519 (allowances for governors, etc.) shall be amended as follows.
- (2) In subsection (1), for the words from “travelling” to “section 115);” substitute “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);”.
- (3) In subsection (3), for “travelling and subsistence allowances” substitute “ such allowances as may be prescribed ”.
- (4) After subsection (6) add—
- “(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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Commencement Information

I15 Sch. 30 para. 139 wholly in force; Sch. 30 para. 139 not in force at Royal Assent see s. 145(3); Sch. 30 para. 139 in force at 20.11.1998 for certain purposes and at 1.4.1999 for all other purposes by [S.I. 1998/2791](#), [art. 2](#)

- 140 Omit section 520(3) (medical inspection and treatment of pupils: grant-maintained schools excluded).
- 141 In section 521 (examination of pupils for cleanliness), in subsection (4), omit paragraph (b) and the “and” preceding it.
- 142 In section 524 (removal of pupil at direction of medical officer)—
- (a) in subsection (1), for “excluded” substitute “suspended”;
 - (b) omit subsection (3)(b) and the “or” preceding it; and
 - (c) for the sidenote substitute “Suspension of a pupil pending examination or cleansing.”
- 143 In section 525 (offence of neglecting the cleanliness of a pupil), in subsection (3), omit “or a grant-maintained school”.
- ^{F9}144

Textual Amendments

F9 Sch. 30 para. 144 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. 2\(3\)\(b\)](#)

- 145 In section 529 (power to accept gifts on trust for educational purposes)—
- ^{F10}(a)
 - (b) in subsection (3) for “a county school” substitute “a community school”.

Textual Amendments

F10 Sch. 30 para. 145(a) repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 2](#); [S.I. 2006/2129](#), [art. 4](#)

- 146 In section 530 (compulsory purchase of land)—
- (a) in subsection (2) for “voluntary school” substitute “foundation, voluntary or foundation special school”; and
 - ^{F11}(b)

Textual Amendments

F11 Sch. 30 para. 146(b) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), [art. 7\(q\)](#)

- 147 In section 531(2) (acquisition of land by agreement) for “voluntary school” substitute “foundation, voluntary or foundation special school”.
- 148 In section 533 (duties of governing bodies of maintained schools with respect to provision of school meals etc.)—

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- (a) in subsection (2), for “a voluntary” substitute “ any such ”; and
 - (b) in subsection (3), after “Part II” insert “ of the School Standards and Framework Act 1998 ”.
- 149 Omit section 534 (duties of governing bodies of grant-maintained schools with respect to school meals).
- 150 In section 535(1) (provision of teaching services for day nurseries), for “a county or voluntary primary school” substitute “ a community, foundation or voluntary primary school ”.
- 151 Omit section 536 (medical inspection and treatment of pupils at grant-maintained schools).
- 152 In section 537 (power of Secretary of State to require information from governing bodies etc.)—
- (a) for subsection (1) substitute—
 - “(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.”; and
 - (b) in subsection (7)(a), omit “or which is a grant-maintained school”.
- 153 For section 537A substitute—

“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—

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- (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.
- (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.”
- 154 In section 538 (provision of information to Secretary of State by governing bodies of maintained schools), for “a county, voluntary or maintained special school” substitute “ a community, foundation or voluntary school or a community or foundation special school ”.
- 155 Omit section 539 (provision of information by governing body of grant-maintained schools).
- 156 In section 540 (distribution of information about schools providing a secondary education), for subsection (2) substitute—
- “(2) In this section “school” means—
 - (a) any community, foundation or voluntary school, or

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- (b) any community or foundation special school (which is not established in a hospital).”
- 157 In section 541 (distribution of information about further education institutions), for subsection (4) substitute—
- “(4) 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).”
- 158 In section 542 (prescribed standards for school premises)—
- (a) in subsection (1), omit “and of grant-maintained schools”;
- (b) omit subsection (3); and
- (c) in subsection (4), for “subsections (2) and (3) have” substitute “subsection (2) has”.
- 159 In section 543 (relaxation of prescribed standards in special cases)—
- (a) in subsection (1), for “or (4)” substitute “, (4) or (4A)”; and
- (b) after subsection (4) insert—
- “(4A) This subsection applies, in relation to any playing fields used by the school for the purposes of the school, if the Secretary of State is satisfied that, having regard to other facilities for physical education available to the school, it would be unreasonable to require conformity with any prescribed requirement relating to playing fields.
- In this subsection “playing fields” has the same meaning as in section 77 of the School Standards and Framework Act 1998 (control of disposals or changing use of school playing fields).”
- 160 In section 544 (approval etc. of school premises and boarding houses)—
- (a) in subsection (1), omit the words from “(or,” to “authority)”; and
- (b) in subsection (3)—
- (i) at the end of paragraph (a) insert “ and ”, and
- (ii) omit paragraph (b).

Commencement Information

I16 Sch. 30 para. 160 wholly in force at 1.9.1999; Sch. 30 para. 160 not in force at Royal Assent see s. 145(3); Sch. 30 para. 160(a) in force at 1.4.1999 by S.I. 1999/1016, art. 2(1), Sch. 1 (with arts. 3-6, Sch. 4); Sch. 30 para. 160(b) in force at 1.9.1999 by S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-5, Schs. 5-7).

- 161 In section 545(2) (exemption from building byelaws of approved buildings), omit paragraph (b) and the “or” preceding it.
- 162 In section 546(2) (control of potentially harmful materials and apparatus in schools)—
- (a) at the end of paragraph (a) insert “ and ”; and
- (b) omit paragraph (b).
- 163 In section 547 (nuisance or disturbance on school premises)—
- (a) in subsection (2), omit paragraph (b) and the “or” preceding it;

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- (b) in each of subsections (4) and (7), for “an aided, special agreement or grant-maintained school” substitute “a foundation, voluntary aided or foundation special school”; and
 - (c) in each of subsections (5) and (8), for “a voluntary or grant-maintained school” substitute “a foundation, voluntary or foundation special school”.
- 164 Omit sections 549 and 550 (provisions about corporal punishment).
- 165 In section 550B(2) (detention), as inserted by section 5 of the ^{M2}Education Act 1997, omit “(b) a grant-maintained or grant-maintained special school;”.

Marginal Citations

M2 1997 c. 44.

- 166 In section 551(2) (regulations as to duration of school day etc.)—
- (a) at the end of paragraph (a) insert “ and ”; and
 - (b) omit paragraph (b).
- 167 Omit section 552 (transitional exemption orders for purposes of Sex Discrimination Act 1975).

Commencement Information

I17 Sch. 30 para. 167 wholly in force at 1.9.1999; Sch. 30 para. 167 not in force at Royal Assent see s. 145(3); Sch. 30 para. 167 in force for certain purposes at 1.4.1999 by [S.I. 1999/1016](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-6](#), [Sch. 4](#)); Sch. 30 para. 167 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

- 168 (1) Section 554 (power to make new provision as to use of endowments) shall be amended as follows.
- (2) For subsection (1) substitute—
- “(1) This section applies where—
- (a) in relation to any time before the appointed day, the premises of a voluntary or grant-maintained school (within the meaning of this Act) have ceased to be used for such a voluntary or (as the case may be) grant-maintained school; or
 - (b) in relation to any time on or after the appointed day—
 - (i) the premises of a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) have ceased to be used for such a foundation or (as the case may be) voluntary school; or
 - (ii) in the opinion of the Secretary of State it is likely such premises will cease to be so used;
- and in this subsection “the appointed day” has the meaning given by section 20(7) of the School Standards and Framework Act 1998.”
- (3) In subsection (3)—
- (a) for paragraph (a) substitute—
 - “(a) that the school was or has been maintained as a voluntary or grant-maintained school (within the meaning of this Act)

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- or as a foundation or voluntary school (within the meaning of the ^{M3}School Standards and Framework Act 1998) since 1st April 1945 (the date when Part II of the Education Act 1944 came into force); and”;
- (b) in paragraph (b), for “(or any corresponding earlier enactment)”, substitute “of this Act (or any corresponding earlier enactment) or paragraph 3 or 4 of Schedule 19 to the School Standards and Framework Act 1998”.
- (4) For subsection (4)(b) substitute—
- “(b) where religious education in accordance with such tenets is shown to have been given to any pupils at—
- (i) a controlled school (within the meaning of this Act),
- (ii) a grant-maintained school (within the meaning of this Act) which was a controlled school immediately before it became a grant-maintained school, or
- (iii) a foundation or voluntary controlled school with a religious character (within the meaning of Part II of the School Standards and Framework Act 1998),
- the religious education shall be taken to have been given to them at the request of their parents, unless the contrary is shown.”

Marginal Citations

M3 1944 c. 31.

- 169 In section 556(2) (content of orders under section 554)—
- (a) in paragraph (a), for “voluntary schools or grant-maintained schools” substitute “ foundation schools or voluntary schools ”; and
- (b) in paragraph (b), for “voluntary” onwards substitute “ school at the premises referred to in section 554(1). ”
- 170 In section 557(9) (adoption of statutory trusts), in the definition of “relevant school” for “a voluntary school or a grant-maintained school” substitute “ a foundation or voluntary school ”.
- 171 In section 559 (power of [^{F2}local authorities] to prohibit or restrict employment of children)—
- (a) in subsection (1), for “county” substitute “ community, foundation ”; and
- (b) in subsection (2), for “county” substitute “ community, foundation ”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(3)** (with Sch. 2 para. 10(4))

- 172 In section 563(3) (educational records)—
- (a) at the end of paragraph (a) insert “ and ”; and
- (b) omit paragraph (b).
- 173 In section 566(1)(b) (evidence: documents), for “a county or voluntary school” substitute “ a maintained school ”.

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- 174 Omit section 567 (stamp duty).
- 175 In section 568 (orders)—
- (a) for subsection (2) substitute—
- “(2) For the purposes of subsection (1) “the excepted provisions” are—
section 349;
sections 468, 471(1) and 474;
section 489(3);
section 497; and
section 545.”;
- (b) in subsection (3), omit “section 517(6),”; and
- (c) omit subsection (5)(b) and the “or” preceding it.
- 176 In section 569 (regulations)—
- (a) in subsection (2), for “section 480 or 492 or paragraph 1(4) of Schedule 20,” substitute “ section 492, ”; and
- (b) in subsection (3), for “section 480 or 492 or paragraph 1(4) of Schedule 20” substitute “ section 492 ”.
- 177 In section 570 (revocation and variation of certain orders and directions)—
- (a) in subsection (1)—
- (i) at the end of paragraph (a) insert “ or ”, and
- (ii) omit paragraph (b); and
- (b) in subsection (2), omit “, the funding authority”.
- 178 In section 573 (meaning of expressions relating to alteration etc. of premises or character of schools)—
- (a) in subsection (2), omit the words from “and “alterations”” onwards; and
- (b) omit subsections (4) to (6).
- 179 Omit section 575 (meaning of expressions relating to employment).
- 180 In section 576 (meaning of “parent”)—
- (a) in subsection (1), for “the provisions mentioned in subsection (2)” substitute “ section 499(8) ”; and
- (b) omit subsection (2).
- 181 Omit section 577 (minor authorities).
- 182 In section 578 (meaning of “the Education Acts”), insert at the appropriate place—
- “ the School Standards and Framework Act 1998 ”.
- 183 In section 579 (general interpretation)—
- (a) in subsection (1)—
- (i) at the appropriate place insert—
- ““assist”, in relation to any school, institution or university, shall be construed in accordance with subsections (5) to (7) below;”,
- (ii) omit the definitions of “the appropriate further education funding council”, “exclude”, “governing body” (and “governors”), “the local education authority”, “reception class” and “relevant age group”,

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(iii) in the definition of “proprietor”, for “a county, voluntary or grant-maintained school,” substitute “ a community, foundation or voluntary or community or foundation special school, ”, and

(iv) for the definition of “trust deed” substitute—

““trust deed” includes any instrument (other than an instrument of government) regulating the constitution of the school’s governing body or the maintenance, management or conduct of the school;”;
and

(b) omit subsection (3).

184 In Schedule 1 (pupil referral units)—

(a) in paragraph 6—

(i) for sub-paragraphs (1) and (2) substitute—

“(1) In relation to every pupil referral unit, the local education authority, the management committee (where applicable) and the teacher in charge shall exercise their functions with a view to securing that the curriculum for the unit satisfies the requirements of section 351(1) (balanced and broadly based curriculum).

(2) Regulations may make provision for the determination and organisation of the curriculum in relation to every pupil referral unit, including provision as to making, and keeping up to date, a written statement of the policy in relation to that curriculum for the unit; and such regulations may require—

(a) the local education authority, the management committee (where applicable), or the teacher in charge to exercise, or

(b) such of them as may be prescribed to collaborate with each other in exercising,

such functions in relation to the curriculum as may be prescribed.”, and

(ii) in sub-paragraph (3)(a), for “or under any enactment referred to in sub-paragraph (2)” substitute “ sub-paragraph (1) or (2) ”;

(b) omit paragraphs 12 and 13; and

(c) in paragraph 15(2)(c) omit the words “(including grant-maintained schools)”.

Commencement Information

I18 Sch. 30 para. 184 wholly in force at 1.9.1999; Sch. 30 para. 184 not in force at Royal Assent see s. 145(3); Sch. 30 para. 184(a) in force at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I; Sch. 30 para. 184 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-5, Schs. 5-7).

185 Schedules 2 to 25A shall be omitted.

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Commencement Information

I19 Sch. 30 para. 185 partly in force; Sch. 30 para. 185 not in force at Royal Assent see s. 145(3); Sch. 30 para. 185 in force for certain purposes at 1.10.1998 and 1.4.1999 by S.I. 1998/2212, art. 2, Sch. 1 Pts. I and IV; Sch. 30 para. 185 in force for certain purposes at 1.4.1999 by S.I. 1999/1016, art. 2(1), Sch. 1 (with arts. 3-6, Sch. 4); Sch. 30 para. 185 in force for certain purposes at 1.9.1999 by S.I. 1999/2323, art. 2(1), Sch. 1 (with arts. 3-5, Schs. 5-7); Sch. 30 para. 185 in force for certain purposes at 1.11.1999 by S.I. 1999/2323, art. 2(2), Sch. 2 (with arts. 3-5, Schs. 5-7).

- 186 (1) Schedule 27 (making and maintenance of statements under section 324) shall be amended as follows.
- (2) In paragraph 3—
- (a) in sub-paragraph (1), for “the maintained, grant-maintained or grant-maintained special school” substitute “ the maintained school ”; and
- ^{F12}(b)
- (3) In paragraph 8(1)(a), for “a maintained, grant-maintained or grant-maintained special school” substitute “ a maintained school ”.

Textual Amendments

F12 Sch. 30 para. 186(2)(b) repealed (1.1.2002 for E. and 1.4.2002 for W.) by 2001 c. 10, s. 42(1)(6), Sch. 8 Pt. 2 para. 23(4), Sch. 9; S.I. 2001/2217, art. 5, Sch. Pt. II (which S.I. was amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, art. 5, Sch. Pt. II

- 187 Schedule 28 (government and conduct of grant-maintained special schools) shall be omitted.
- 188 In Schedule 31 (agreed syllabuses of religious education), omit paragraphs 11 and 15.
- 189 The following provisions shall be omitted—
- (a) Schedule 32 (reduction of standard number for admission of pupils);
- (b) Schedule 33 (admission appeals);
- (c) Schedule 33A (children to whom section 411A(2) applies: appeals by governing bodies);
- (d) Schedule 33B (restrictions on admissions to grant-maintained schools);
- (e) in Schedule 37 (consequential amendments), paragraphs 9, 27, 33, 37(a), 41, 42(4)(b), 75, 82(1)(b) and the “and” preceding it, 82(2)(a), 82(2)(c) and the “and” preceding it, 82(3), 96(2), 97, 102, 103, 104(3), 105 to 108, 110(2) and (3)(a), 122 and 125(c) and (d);
- (f) in Schedule 39 (transitional provisions and savings), paragraphs 2(3) and 15; and
- (g) Schedule 40 (transitory provisions).

Commencement Information

I20 Sch. 30 para. 189 wholly in force at 1.9.1999; Sch. 30 para. 189 not in force at Royal Assent see s. 145(3); Sch. 30 para. 189(g) in force at 1.10.1998 by S.I. 1998/2212, art. 2, Sch. 1 Pt. I; Sch. 30 para. 189(a)-

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(d) in force at 1.9.1999 by S.I. 1999/1016, art. 2(3), **Sch. 3** (with arts. 3-6, **Sch. 4**); Sch. 30 para. 189(e)
(f) in force at 1.9.1999 by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

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