

*Status: Point in time view as at 01/10/2002.*

*Changes to legislation: Education Act 2002, SCHEDULE 20 is up to date with all changes known to be in force on or before 19 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)*

## SCHEDULES

### SCHEDULE 20 **E+W**

Section 206

#### NUISANCE OR DISTURBANCE ON EDUCATIONAL PREMISES

- 1 (1) Section 547 of the Education Act 1996 (c. 56) (nuisance or disturbance on premises of a school maintained by a local education authority) is amended in accordance with sub-paragraphs (2) to (6).
- (2) In subsection (2), after paragraph (a) there is inserted—
- “(aa) any special school not so maintained, and
  - (ab) any independent school.”
- (3) After that subsection there is inserted—
- “(2A) This section also applies to any premises which are—
  - (a) provided by a local education authority under section 508, and
  - (b) used wholly or mainly in connection with the provision of instruction or leadership in sporting, recreational or outdoor activities.”
- (4) In subsection (3)(b) for “a local education authority have” there is substituted “ the appropriate authority has ”.
- (5) For subsection (4) there is substituted—
- “(4) In subsection (3) “the appropriate authority” means—
  - (a) in relation to premises of a foundation, voluntary aided or foundation special school, a local education authority or the governing body,
  - (b) in relation to—
  - (i) premises of any other school maintained by a local education authority, and
  - (ii) premises provided by a local education authority as mentioned in subsection (2A),
  - a local education authority, and
  - (c) in relation to premises of a special school which is not so maintained or of an independent school, the proprietor of the school.”
- (6) For subsections (6) and (7) there is substituted—
- “(6) No proceedings for an offence under this section shall be brought by any person other than—
  - (a) a police constable, or
  - (b) an authorised person.
- (7) In subsection (6) “authorised person” means—
- (a) in relation to an offence committed on premises of a foundation, voluntary aided or foundation special school, a local education

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- authority or a person whom the governing body have authorised to bring such proceedings,
- (b) in relation to an offence committed—
- (i) on premises of any other school maintained by a local education authority, or
- (ii) on premises provided by a local education authority as mentioned in subsection (2A),
- a local education authority, and
- (c) in relation to an offence committed on premises of a special school which is not so maintained or of an independent school, a person whom the proprietor of the school has authorised to bring such proceedings.”

#### Commencement Information

**II** Sch. 20 partly in force; Sch. 20 not in force at Royal Assent, see s. 216; Sch. 20 in force for E. at 1.10.2002 by S.I. 2002/2439, art. 3 (with transitional provisions and savings in art. 4, Sch.)

- 2 After section 85 of the Further and Higher Education Act 1992 (c. 13) there is inserted—

#### “85A Nuisance or disturbance on educational premises

- (1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) This section applies to premises, including playing fields and other premises for outdoor recreation, of—
- (a) any institution (other than a school) which is maintained by a local education authority and provides further education or higher education (or both), and
- (b) any institution within the further education sector.
- (3) If—
- (a) a police constable, or
- (b) a person whom the appropriate authority have authorised to exercise the power conferred by this subsection,
- has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.
- (4) In subsection (3) “the appropriate authority” means—
- (a) in relation to premises of an institution such as is mentioned in subsection (2)(a), a local education authority, and
- (b) in relation to premises of an institution within the further education sector, the governing body.
- (5) No proceedings under this section shall be brought by any person other than—

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- (a) a police constable, or
  - (b) an authorised person.
- (6) In subsection (5) “authorised person” means—
- (a) in relation to an offence committed on premises of an institution such as is mentioned in subsection (2)(a), a local education authority, and
  - (b) in relation to an offence committed on premises of an institution within the further education sector, a person whom the governing body have authorised to bring such proceedings.”

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**Commencement Information**

**I2** Sch. 20 partly in force; Sch. 20 not in force at Royal Assent, see s. 216; Sch. 20 in force for E. at 1.10.2002 by S.I. 2002/2439, art. 3 (with transitional provisions and savings in art. 4, Sch.)

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