

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: Education and Skills Act 2008, Cross Heading: Education Act 1996 (c. 56) is up to date with all changes known to be in force on or before 13 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) View outstanding changes

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGULATION AND INSPECTION

PROSPECTIVE

Education Act 1996 (c. 56)

- 5 The Education Act 1996 is amended as follows.
- 6 For section 6(2) (reference to definition of special school) substitute—
- “(2) A school is a special school if—
- (a) it is specially organised, and
 - (b) in the case of a school that is not maintained by a [F1local authority], it is approved,
- as mentioned in section 337.”

Textual Amendments

F1 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. 15(2)**

- 7 In section 313(5) (codes of practice) for “Part” substitute “ Chapter ”.
- 8 After section 537A insert—

“537AA Application of sections 537 and 537A to certain part-time educational institutions in England

- (1) Sections 537 and 537A (powers of the Secretary of State to require information from governing bodies etc) apply in relation to a relevant part-time educational institution as they apply in relation to an independent school.
- (2) In the application of sections 537 and 537A by virtue of this section—
 - (a) references to a pupil at an independent school are to be read as references to a student at a relevant part-time educational institution;

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- (b) references to the proprietor of an independent school are to be read as references to the person or body of persons responsible for the management of a relevant part-time educational institution.
- (3) In this section—
- (a) “relevant part-time educational institution” means an independent educational institution in England that is not an independent school;
- (b) “independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008 (see section 92 of that Act);
- (c) “student” has the same meaning as in that Chapter (see section 138 of that Act).”
- 9 (1) Section 548 (no right to give corporal punishment) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “school” substitute “ relevant educational institution ”;
- (b) in paragraphs (b) and (c), for “school” substitute “ a relevant educational institution ”.
- (3) In subsection (2) for “school” substitute “ relevant educational institution ”.
- (4) In subsection (6)—
- (a) in paragraph (a) for “school” substitute “ relevant educational institution ”;
- (b) in paragraph (b)(i) for “school” substitute “ institution ”.
- (5) After subsection (7) insert—
- “(7A) “Relevant educational institution” means—
- (a) a school, or
- (b) an independent educational institution in England other than a school.
- (7B) In subsection (7A)(b) “independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008 (see section 92 of that Act).”
- 10 In the table in section 580 (index), in the entry for “the Tribunal” for “(in Part IV)” substitute “(in Chapter 1 of Part 4).
- 11 In that table insert the following entries at the appropriate places—
- | | |
|--|----------------|
| F2 | F2 |
| “ . . . | . . . ” |
| “a non-maintained special school (in Chapter 2 of Part 4). | section 337A.” |

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Textual Amendments

- F2** Sch. 1 para. 11 entry omitted (1.9.2021) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 6(1)(iii)**; S.I. 2021/373, art. 8(j)(xviii)

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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. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)