



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER V

#### MISCELLANEOUS

#### *Charges in maintained schools*

#### **106 Prohibition of charges, etc., in maintained schools.**

(1) No charge shall be made in respect of admission to any maintained school.

[<sup>F1</sup>(1A) Subsection (1) above shall not apply to the admission of any person to any maintained school for the purpose of—

- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
- (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years]

(2) Subject to subsection (3) below and section 107 of this Act, no charge shall be made in respect of the education provided for registered pupils at any such school during school hours.

(3) Subsection (2) above shall not apply in relation to—

- (a) individual tuition in playing any musical instrument; or
- (b) any education provided at a grant-maintained school in pursuance of arrangements made under section 57(5) of this Act.

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*Status: Point in time view as at 01/08/1993. This version of this provision has been superseded.*

*Changes to legislation: Education Reform Act 1988, Section 106 is up to date with all changes known to be in force on or before 07 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)*

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- (4) No charge shall be made in respect of education provided for a registered pupil at any maintained school where the education is education to which subsection (2) above does not apply if it is—
- (a) required as part of any syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school; or
  - (b) provided in pursuance of any of the duties imposed by section 10(1)(b) or (2) (a) of this Act;
- but this subsection shall not apply in relation to education provided at a grant-maintained school in pursuance of arrangements made under section 57(5) of this Act.
- (5) No charge shall be made in respect of the entry of a registered pupil at any maintained school for any prescribed public examination in any syllabus for that examination for which the pupil has been prepared at the school.
- (6) Neither the parent of any such pupil nor the pupil himself shall be required to pay for or supply any materials, books, instruments or other equipment for use for the purposes of or in connection with—
- (a) education provided for the pupil at the school in respect of which by virtue of this section no charge may be made; or
  - (b) any syllabus for a prescribed public examination which is a syllabus for which the pupil has been prepared at the school.
- (7) No charge shall be made in respect of transport provided for a registered pupil at any such school where the transport is either—
- (a) incidental to education provided for the pupil at the school in respect of which by virtue of this section no charge may be made; or
  - (b) provided for the purpose of enabling him to meet any examination requirement for any syllabus for a prescribed public examination which is a syllabus for which he has been prepared at the school.
- (8) For the purposes of subsection (7)(a) above, transport is incidental to education provided for registered pupils at any such school if it is provided for the purpose of carrying such pupils—
- (a) to or from any part of the school premises in which education is provided for those pupils, from or to any other part of those premises; or
  - (b) to or from any place outside the school premises in which education is provided for those pupils under arrangements made by or on behalf of the governing body or the local education authority, from or to the school premises or any other such place.
- (9) Nothing in this section shall be read as prohibiting the making of a charge in respect of board and lodging provided for a registered pupil at any such school on a residential trip.
- (10) In this Chapter “residential trip ” means any trip—
- (a) which is arranged for registered pupils at any maintained school by or on behalf of the governing body or the local education authority; and
  - (b) which requires the pupils taking part to spend one or more nights away from their usual overnight accommodation.
- (11) For the purposes of this section, a pupil shall be regarded as having been prepared at a school for a syllabus for any prescribed public examination if any part of the education

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provided with a view to preparing him for that examination in that syllabus has been provided for him at that school.

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**Textual Amendments**

**F1** S. 106(1A) inserted (1. 8. 1993) by Further and Higher Education Act 1992 (c. 13), s. 12(9); S.I. 1992/831, art. 2, Sch.4.

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

**C1** S. 106 modified (*prosp.*) by 1993 c. 35, ss. 298, 308(3), Sch. 18, para. 9(1)

**Status:**

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**Changes to legislation:**

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