



Education Act 1996

1996 CHAPTER 56

PART I **E+W**

GENERAL

CHAPTER I **E+W**

THE STATUTORY SYSTEM OF EDUCATION

General

1 The stages of education. **E+W**

- (1) The statutory system of public education consists of three progressive stages: primary education, secondary education and further education.
- (2) This Part—
 - (a) confers functions on the Secretary of State and local education authorities with respect to primary, secondary and further education; ^{F1} . . .
 - ^{F1}(b)
- (3) Part I of the ^{M1}Further and Higher Education Act 1992 [^{F2} makes provision with respect to further education.].
- (4) Apart from section 10 (general duty of Secretary of State), nothing in this Act confers any functions with respect to higher education.

Textual Amendments

- F1** S. 1(2)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 58, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1 (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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F2 Words in s. 1(3) substituted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 51** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Modifications etc. (not altering text)

C1 S. 1(4) excluded by 2002 c. 32, s. 28A(5) (as inserted (1.9.2005 for E., 1.9.2006 for W.) by **Education Act 2005 (c. 18), ss. 105, 125(4)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1)

Marginal Citations

M1 1992 c. 13.

2 Definition of primary, secondary and further education. E+W

[^{F3}(1) In this Act “primary education” means—

- (a) full-time or part-time education suitable to the requirements of children who have attained the age of two but are under compulsory school age;
- (b) full-time education suitable to the requirements of junior pupils of compulsory school age who have not attained the age of 10 years and six months; and
- (c) full-time education suitable to the requirements of junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with junior pupils within paragraph (b).]

(2) In this Act “secondary education” means—

- (a) full-time education suitable to the requirements of pupils of compulsory school age who are either—
 - (i) senior pupils, or
 - (ii) junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with senior pupils of compulsory school age; and
- (b) (subject to subsection (5)) full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19 which is provided at a school at which education within paragraph (a) is also provided.

[^{F4}(2A) Education is also secondary education for the purposes of this Act (subject to subsection (5)) if it is provided by an institution which—

- (a) is maintained by a local education authority [^{F5}or is an Academy], and
- (b) is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19.

(2B) Where—

- (a) a person is in full-time education,
- (b) he receives his education partly at a school and, by virtue of arrangements made by the school, partly at another institution [^{F6}or any other establishment], and
- (c) the education which he receives at the school would be secondary education if it was full-time education at the school,

the person’s education, both at the school and at the other institution [^{F7}or establishment], is secondary education for the purposes of this Act (subject to subsection (5)).]

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- (3) Subject to subsection (5), in this Act “further education” means—
- (a) full-time and part-time education suitable to the requirements of persons who are over compulsory school age [^{F8}(including vocational, social, physical and recreational training)], and
 - (b) organised leisure-time occupation provided in connection with the provision of such education,
- except that it does not include secondary education or (in accordance with subsection (7)) higher education.
- (4) Accordingly, unless it is education within subsection (2)(b) [^{F9}or (2A)], full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19 is further education for the purposes of this Act and not secondary education.
- (5) For the purposes of this Act education provided for persons who have attained the age of 19 is further education not secondary education; but where a person—
- (a) has begun a particular course of secondary education before attaining the age of 18, and
 - (b) continues to attend that course,
- the education does not cease to be secondary education by reason of his having attained the age of 19.
- (6) In subsection (3)(b) “organised leisure-time occupation” means leisure-time occupation, in such organised cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by facilities provided for that purpose.

[^{F10}(6A) In the context of the definitions of secondary education and further education, references in this section to education include vocational, social, physical and recreational training.]

(7) References in this section to education do not include references to higher education.

Textual Amendments

- F3** S. 2(1) substituted (1.10.2002 for E., 31.3.2004 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 156\(2\)](#), [216\(4\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2004/912](#), [art. 4](#), [Sch. Pt. 1](#)
- F4** S. 2(2A)(2B) inserted (1.9.2000 for E. for certain purposes and 1.4.2001 otherwise for E.W.) by [2000 c. 21](#), [s. 110\(1\)](#) (with [s. 150](#)); [S.I. 2000/2114](#), [art. 2\(3\)](#), [Sch. Pt. III](#); [S.I. 2001/654](#), [art. 2\(2\)](#), [Sch. Pt. II](#) (with [art. 3](#)); [S.I. 2001/1274](#), [art. 2\(1\)](#), [Sch. Pt. I](#) (with [art. 3](#))
- F5** Words in s. 2(2A)(a) inserted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), [ss. 65\(3\)](#), [216\(2\)](#), [Sch. 7 para. 6\(2\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2002](#), [art. 2](#)
- F6** Words in s. 2(2B)(b) inserted (1.10.2002 for E., 1.8.2004 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 177\(2\)\(a\)](#), [216\(4\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2004/912](#), [art. 5](#), [Sch. Pt. 2](#)
- F7** Words in s. 2(2B) inserted (1.10.2002 for E., 1.8.2004 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 177\(2\)\(b\)](#), [216\(4\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2004/912](#), [art. 5](#), [Sch. Pt. 2](#)
- F8** Words in s. 2(3)(a) repealed (1.10.2002 for E., 1.8.2004 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. 2004/912](#), [art. 5](#), [Sch. Pt. 2](#)
- F9** Words in s. 2(4) inserted (1.10.2002 for E., 19.12.2002 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 215\(1\)](#), [216\(4\)](#), [Sch. 21 para. 33](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)

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F10 S. 2(6A) inserted (1.10.2002 for E., 1.8.2004 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 177(3), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2

3 **Definition of pupil etc.** **E+W**

- (1) In this Act “pupil” means a person for whom education is being provided at a school, other than—
- (a) a person who has attained the age of 19 for whom further education is being provided, or
 - (b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is being provided.

[^{F11}and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.]

[^{F12}(1A) A person is not for the purposes of this Act to be treated as a pupil at a school merely because any education is provided for him at the school in the exercise of the powers conferred by section 27 of the Education Act 2002 (power of governing body of maintained school to provide community facilities etc.).]

- (2) In this Act—
- “junior pupil” means a child who has not attained the age of 12; and
- “senior pupil” means a person who has attained the age of 12 but not the age of 19.
- (3) The definition of “pupil” in [^{F13}Subsections (1) and (1A) also apply](unless the context otherwise requires) for the purposes of any instrument made or having effect as if made under the Education Acts.

Textual Amendments

- F11** Words in s. 3(1) inserted (1.9.1997) by [1997 c. 44, s. 57\(1\)](#), **Sch. 7 para. 9(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F12** S. 3(1A) inserted (2.9.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 34(2)** (with **ss. 210(8), 214(4)**); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F13** Words in s. 3(3) substituted (2.9.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 34(3)** (with **ss. 210(8), 214(4)**); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II

Educational institutions

4 **Schools: general.** **E+W**

- [^{F14}(1) In this Act [^{F15} (subject to subsection (1A))] “school” means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing—
- (a) primary education,
 - (b) secondary education, or
 - (c) both primary and secondary education,

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whether or not the institution also provides [^{F16}part-time education suitable to the requirements of junior pupils or] further education.]

[^{F17}(1A) An institution which—

(a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and

(b) is not a maintained nursery school,
is not a school.]

(2) [^{F18}Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for] the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) ^{F19} . . .

(3) For the purposes of this Act an institution is outside the further education sector if it is not—

(a) an institution conducted by a further education corporation established under section 15 or 16 of the ^{M2}Further and Higher Education Act 1992, or

(b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act);

and references to institutions within that sector shall be construed accordingly.

(4) For the purposes of this Act an institution is outside the higher education sector if it is not—

(a) a university receiving financial support under section 65 of that Act,

(b) an institution conducted by a higher education corporation within the meaning of that Act, or

(c) a designated institution for the purposes of Part II of that Act (defined in section 72(3) of that Act);

and references to institutions within that sector shall be construed accordingly.

Textual Amendments

F14 S. 4(1) substituted (1.9.1997) by 1997 c. 44, s. 51; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**

F15 Words in s. 4(1) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(2)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)

F16 Words in s. 4(1) repealed (1.10.2002 for E., 31.3.2004 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. 2004/912, art. 4, **Sch. Pt. 1**

F17 S. 4(1A) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(3)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)

F18 Words in s. 4(2) substituted (1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 10(a)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

F19 Words in s. 4(2) repealed (1.9.1998) by 1997 c. 44, s. 57(1)(4), **Sch. 7 para. 10(b)**, **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**

Modifications etc. (not altering text)

C2 S. 4(1) restricted (1.9.2000 (E.) and 1.4.2001 (W.)) by 2000 c. 21, s. 110(3) (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

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Marginal Citations

M2 1992 c. 13.

5 Primary schools, secondary schools and middle schools. **E+W**

- (1) In this Act “primary school” means (subject to regulations under subsection (4)) a school for providing primary education, whether or not it also provides [^{F20}part-time education suitable to the requirements of junior pupils or] further education.
- (2) In this Act “secondary school” means (subject to regulations under subsection (4)) a school for providing secondary education, whether or not it also provides further education.
- [^{F21}(3) In this Act “middle school” means a school which, in pursuance of proposals published under any of the enactments specified in subsection (3A), has been established as, or altered so as to become, a school for providing full-time education suitable to the requirements of pupils who—
- (a) have attained a specified age below 10 years and six months, and
 - (b) are under a specified age above 12 years.
- (3A) The enactments mentioned in subsection (3) are—
- (a) in relation to England—
 - (i) section 28 or 28A of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998,
 - (ii) section 66 of, or paragraph 7 of Schedule 11 to, the Education Act 2005, and
 - (iii) section 7, 10, 11 or 19 of the Education and Inspections Act 2006;
 - (b) in relation to Wales, section 28 of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998.]

(4) The Secretary of State shall make regulations for determining, or enabling him to determine, whether a middle school is to be treated for the purposes of this Act and the other enactments relating to education as a primary school or as a secondary school.

(5) [^{F22}The powers conferred by the enactments mentioned in subsection (3) (so far as relating to the establishment of middle schools) and the powers conferred by subsection] (4) above are exercisable—

 - (a) notwithstanding anything in this Act (and in particular section 1); but
 - (b) without prejudice to the exercise of any other power conferred by this Act.

Textual Amendments

- F20** Words in s. 5(1) repealed (1.10.2002 for E., 31.3.2004 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. 2004/912, art. 4, [Sch. Pt. 1](#)
- F21** S. 5(3)(3A) substituted for s. 5(3) (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 7\(2\)](#); S.I. 2007/935, art. 7(o)
- F22** Words in s. 5(5) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 12 para. 1\(3\)](#); S.I. 2006/2129, art. 4

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6 Nursery schools and special schools. **E+W**

- (1) A primary school is a nursery school if it is used [^{F23}wholly or] mainly for the purpose of providing education for children who have attained the age of two but are under [^{F24}compulsory school age].
- (2) A school is a special school if it is specially organised, [^{F25}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.].

Textual Amendments

- F23** Words in s. 6(1) inserted (1.10.2002 for E., 31.3.2004 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 156\(1\), 216\(4\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2004/912](#), [art. 4](#), [Sch. Pt. 1](#)
- F24** Words in s. 6(1) substituted (1.8.1998) by [1997 c. 44](#), [s. 51\(1\)](#), [Sch. 7 para. 11](#); [S.I. 1998/386](#), [art. 2](#), [Sch. 1 Pt. III](#)
- F25** Words in s. 6(2) substituted (1.9.1999) by [1998 c. 31](#), [s. 141\(1\)](#), [Sch. 30 para.60](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with savings in [Sch. 7 paras. 2-4, 6, 7, 10, 12](#))

Compulsory education

7 Duty of parents to secure education of children of compulsory school age. **E+W**

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and
 - (b) to any special educational needs he may have,
- either by regular attendance at school or otherwise.

8 Compulsory school age. **E+W**

- (1) Subsections (2) and (3) apply to determine for the purposes of any enactment whether a person is of compulsory school age.
- [^{F26}(2) A person begins to be of compulsory school age—
 - (a) when he attains the age of five, if he attains that age on a prescribed day, and
 - (b) otherwise at the beginning of the prescribed day next following his attaining that age.]
 - (3) A person ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year—
 - (a) if he attains the age of 16 after that day but before the beginning of the school year next following,
 - (b) if he attains that age on that day, or
 - (c) (unless paragraph (a) applies) if that day is the school leaving date next following his attaining that age.
 - [^{F27}(4) The Secretary of State may by order—
 - (a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);

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- (b) determine the day in any calendar year which is to be the school leaving date for that year.]

Textual Amendments

- F26** S. 8(2) substituted (1.8.1998) by 1997 c. 44, s. 52(2); S.I. 1998/386, art. 2, Sch. 1 Pt. III
F27 S. 8(4) substituted (1.8.1998) by 1997 c. 44, s. 52(3); S.I. 1998/386, art. 2, Sch. 1 Pt. III

Education in accordance with parental wishes

9 Pupils to be educated in accordance with parents' wishes. E+W

In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of [F28State and local education authorities] shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

Textual Amendments

- F28** Words in s. 9 substituted (1.4.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 61 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1

CHAPTER II E+W

FUNCTIONS OF THE SECRETARY OF STATE

10 General duty of Secretary of State. E+W

The Secretary of State shall promote the education of the people of England and Wales.

Modifications etc. (not altering text)

- C3** S. 10 amended (1.11.1996) by 1994 c. 30, s. 11A, as inserted by 1996 c. 56, ss. 582(1)(3), 583(2), Sch. 37 Pt. I para. 126 (with ss. 1(4), 561, 562, Sch. 39)

11 Duty in the case of primary, secondary and further education. E+W

- (1) The Secretary of State shall exercise his powers in respect of those bodies in receipt of public funds which—
- (a) carry responsibility for securing that the required provision for primary, secondary or further education is made—
 - (i) in schools, or
 - (ii) in institutions within the further education sector,
 in or in any area of England or Wales, or
 - (b) conduct schools or institutions within the further education sector in England and Wales,

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for the purpose of promoting primary, secondary and further education in England and Wales.

- (2) The Secretary of State shall, in the case of his powers to regulate the provision made in schools and institutions within the further education sector in England and Wales, exercise his powers with a view to (among other things) improving standards, encouraging diversity and increasing opportunities for choice.

Modifications etc. (not altering text)

- C4 S. 11 amended (1.11.1996) by 1994 c. 30, s. 11A, as inserted by 1996 c. 56, ss. 582(1)(3), 583(2), Sch. 37 Pt. I para.126 (with ss. 1(4), 561, 562, Sch. 39)

CHAPTER III E+W

LOCAL EDUCATION AUTHORITIES

The authorities

12 Local education authorities and their areas. E+W

- (1) The local education authority for a county in England having a county council is the county council.
- (2) The local education authority for a district in England which is not in a county having a county council is the district council.
- (3) The local education authority for a London borough is the borough council.
- (4) The local education authority for the City of London (which for the purposes of this Act shall be treated as including the Inner Temple and the Middle Temple) is the Common Council of the City of London (in their capacity as a local authority).
- (5) As respects Wales—
- (a) the local education authority for a county is the county council; and
 - (b) the local education authority for a county borough is the county borough council.
- (6) Any reference in this Act to the area of a local education authority shall be construed in accordance with the preceding provisions of this section.

General functions

13 General responsibility for education. E+W

- (1) A local education authority shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, [^{F29}and secondary education] are available to meet the needs of the population of their area.

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- (2) The duty imposed by subsection (1) does not extend to matters in respect of which any duty is imposed on—
- [^{F30}(a) the Learning and Skills Council for England ^{F31} ...
 - [^{F32}(aa) the National Assembly for Wales under Part 2 of the Learning and Skills Act 2000, or]
 - (b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.]

Textual Amendments

- F29** Words in s. 13(1) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(2)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F30** S. 13(2)(a)(b) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(3)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3)
- F31** Words in s. 13(2)(a) omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 32(a)** (with art. 7)
- F32** S. 13(2)(aa) inserted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3238), art. 1(1), **Sch. 1 para. 32(b)** (with art. 7)

Modifications etc. (not altering text)

- C5** S. 13 modified (prosp.) by [Nationality, Immigration and Asylum Act 2002](#) (c. 41), {ss. 36(1)(10), 162 (with s. 159)}

[^{F33}[^{F34}13] **Duty to promote high standards and the fulfilment of potential** **E+W**

- (1) A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards,
 - (b) in the case of a local education authority in England, ensuring fair access to educational opportunity, and
 - (c) promoting the fulfilment by every child concerned of his educational potential.
- (2) This section applies to education for—
- (a) children of compulsory school age (whether at school or otherwise); and
 - (b) children under or over that age who are registered as pupils at schools maintained by the authority,
- and in subsection (1) “functions” means functions of whatever nature.
- (3) In this section “child” means a person under the age of 20.]]

Textual Amendments

- F33** S. 13A inserted (1.10.1998) by 1998 c. 31, s. 5 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**.

Status: Point in time view as at 12/01/2010.

Changes to legislation: Education Act 1996, Part I is up to date with all changes known to be in force on or before 28 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)

F34 S. 13A substituted (25.5.2007 for E., 30.6.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 1, 188\(3\)](#); [S.I. 2007/935](#), [art. 6\(a\)](#); [S.I. 2008/1429](#), [art. 3\(1\)](#), [Sch. Pt. 1](#)

14 Functions in respect of provision of primary and secondary schools. **E+W**

- (1) A local education authority shall secure that sufficient schools for providing—
 - (a) primary education, and
 - (b) education that is secondary education by virtue of section 2(2)(a),are available for their area.
- (2) The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.
- (3) In subsection (2) “appropriate education” means education which offers such variety of instruction and training as may be desirable in view of—
 - (a) the pupils’ different ages, abilities and aptitudes, and
 - (b) the different periods for which they may be expected to remain at school,including practical instruction and training appropriate to their different needs.

[^{F35}(3A) A local education authority in England shall exercise their functions under this section with a view to—

- (a) securing diversity in the provision of schools, and
- (b) increasing opportunities for parental choice.]

- (4) A local education authority is not by virtue of subsection (1)(a) under any duty in respect of children under [^{F36}compulsory school age].

[^{F37}(4A) A local education authority for an area in Wales may secure that regional schools for providing—

- (a) primary education, and
- (b) education that is secondary education by virtue of section 2(2)(a),

are available for Wales or any part of Wales that includes the area of the authority.

- (4B) For this purpose a “regional school”, in relation to a local education authority, is a school maintained by that authority which provides education to meet both—
 - (a) the needs of pupils with particular special educational needs in their area, and
 - (b) the needs of such pupils in the rest, or any other part, of Wales,whether or not the institution also provides education suitable to the requirements of other pupils.]

^{F38}(5)

- (6) In exercising their functions under this section, a local education authority shall in particular have regard to—
 - (a) the need for securing that primary and secondary education are provided in separate schools;
 - (b) the need for securing that special educational provision is made for pupils who have special educational needs; and
 - (c) the expediency of securing the provision of boarding accommodation (in boarding schools or otherwise) for pupils for whom education as boarders is considered by their parents and the authority to be desirable.

Status: Point in time view as at 12/01/2010.

Changes to legislation: Education Act 1996, Part I is up to date with all changes known to be in force on or before 28 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)

- (7) The duty imposed by subsection (6)(a) does not apply in relation to middle schools or special schools.

Textual Amendments

- F35** S. 14(3A) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 2**, 188(3); S.I. 2007/935, art. 7(a)
- F36** Words in s. 14(4) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 12**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**
- F37** S. 14(4A)(4B) inserted (19.12.2002) by [Education Act 2002 \(c. 32\)](#), **ss. 194(1)**, 216(3) (with **ss. 210(8)**, 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F38** S. 14(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 62, **Sch.31** (with 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

^{F39} 14A Duty of local education authority to consider parental representations **E+W**

- (1) Where a local education authority in England receive any representation from a parent of a qualifying child as to the exercise by the authority of their functions under section 14, the authority shall—
- (a) consider the representation and what action (if any) to take in response to it, and
 - (b) within a reasonable time provide the parent with a statement setting out—
 - (i) any action which the authority propose to take in response to the representation, or
 - (ii) where the authority are of the opinion that no such action is necessary, their reasons for being of that opinion.
- (2) In subsection (1) “qualifying child”, in relation to a local education authority, means any child in the authority's area who is of or under compulsory school age.
- (3) Subsection (1) does not apply in relation to any representation which—
- (a) appears to the local education authority to be frivolous or vexatious, or
 - (b) is the same as, or similar to, a representation previously received by the authority from the same person.
- (4) In exercising their functions under this section, a local education authority must have regard to any guidance given from time to time by the Secretary of State.]

Textual Amendments

- F39** S. 14A inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 3**, 188(3); S.I. 2007/935, art. 7(a)

^{F40} 15 Functions in respect of provision of further education. **E+W**

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Status: Point in time view as at 12/01/2010.

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Textual Amendments

- F40** S. 15 repealed (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, 154, Sch. 9 para. 53, **Sch. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

[^{F41}15A Functions in respect of full-time education for 16 to 18 year olds. **E+W**

- (1) A local education authority may secure the provision for their area of full-time [^{F42}or part-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.

[The power under subsection (1) to secure the provision of education includes power ^{F43}(1A) to secure the provision—

- (a) of training, including vocational, social, physical and recreational training, and
- (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).]
- (2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section [in respect of secondary education] as they apply in relation to functions under that section.]
- [^{F44}(3) In exercising their functions under this section in respect of further education a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
- (4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.]

Textual Amendments

- F41** S. 15A inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 63** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
- F42** Words in s. 15A(1) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(2)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F43** S. 15A(1A) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(3)** (with s. 150) S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F44** S. 15A(3)(4) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(5)** (with s. 150) S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Modifications etc. (not altering text)

- C6** S. 15A restricted (1.4.2001 (W.) and 1.8.2002 (E.)) by 2000 c. 21, s. 110(4) (with s. 150); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**; S.I. 2002/279, **art. 2(3)(b)**

Status: Point in time view as at 12/01/2010.

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C7 Words in s. 15A(2) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(4)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

[^{F45}15B Functions in respect of education for persons over 19. E+W

- (1) A local education authority may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.
- (2) The power under subsection (1) to secure the provision of education includes power to secure the provision—
 - (a) of training, including vocational, social, physical and recreational training, and
 - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).
- (3) In exercising their functions under this section a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
- (4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.
- (5) This section does not apply to higher education.]

Textual Amendments

F45 S. 15B inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 55** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

Establishment etc. of schools

16 Power to establish, maintain and assist primary and secondary schools. E+W

- (1) For the purpose of fulfilling their functions under this Act, a local education authority may—
 - (a) establish primary schools and secondary schools;
 - (b) maintain primary and secondary schools, whether established by them or not; and
 - (c) assist any primary or secondary school which is not maintained by them.
- (2) A local education authority may under subsection (1) establish, maintain and assist schools outside as well as inside their area.
- (3) A local education authority may not under subsection (1) establish a school to provide—
 - (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or

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- (b) full-time education suitable to the requirements of persons who have attained the age of 19.

[^{F46}(3A) A local education authority in England may not under subsection (1) establish a school which is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under 19.]

Textual Amendments

F46 S. 16(3A) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 126\(1\), 269\(4\)](#); [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

17 Powers in respect of [^{F47}nursery schools] . **E+W**

- (1) A local education authority may—
- (a) establish nursery schools;
 - (b) maintain nursery schools established by them or by an authority which was a local education authority within the meaning of any enactment repealed by the ^{M3}Education Act 1944 or an earlier Act; and
 - (c) assist any nursery school not so established.
- (2) Section 14(4) does not affect a local education authority's power under section 16(1) to establish, maintain and assist schools at which education is provided both for children under [^{F48}compulsory school age] and for older pupils (including schools at which there are nursery classes for children under [^{F48}compulsory school age]).

Textual Amendments

F47 Words in s. 17 heading substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), [s. 109\(2\)](#), [Sch. 2 para. 20](#); [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

F48 Words in s. 17(2) substituted (1.8.1998) by [1997 c. 44](#), [s. 57\(1\)](#), [Sch. 7 para.13](#); [S.I. 1998/386](#), [art. 2](#), [Sch. 1 Pt.III](#)

Marginal Citations

M3 [1944 c. 31](#).

Other arrangements for provision of education

18 Power to arrange provision of education at non-maintained schools. **E+W**

A local education authority may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another local education authority.

19 Exceptional provision of education in pupil referral units or elsewhere. **E+W**

- (1) Each local education authority shall make arrangements for the provision of suitable ^{F49} . . . education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

Status: Point in time view as at 12/01/2010.

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- (2) Any school established (whether before or after the commencement of this Act) and maintained by a local education authority which—
- (a) is specially organised to provide education for such children, and
 - (b) is not a county school or a special school,
- shall be known as a “pupil referral unit”.
- [^{F50}(2A) Subsection (2) does not apply in relation to schools in England.
- (2B) Any school established in England (whether before or after the commencement of this Act) and maintained by a local education authority which—
- (a) is specially organised to provide education for such children, and
 - (b) is not a community or foundation school, a community or foundation special school, or a maintained nursery school,
- shall be known as a “pupil referral unit”.]
- (3) A local education authority may secure the provision of boarding accommodation at any pupil referral unit.
- [^{F51}(3A) In relation to England, the duty imposed by subsection (1) includes, except in prescribed cases, a duty to make arrangements for the provision of suitable full-time education at school or otherwise than at school for—
- (a) children of compulsory school age who have been permanently excluded on disciplinary grounds from relevant schools or pupil referral units, and have not subsequently been admitted to schools other than pupil referral units, and
 - (b) children of compulsory school age who are excluded for a fixed period on disciplinary grounds from any pupil referral unit maintained by the authority.
- (3B) The education referred to in subsection (3A) must be provided from a day that, in relation to the pupil concerned, is determined in accordance with regulations.]
- (4) A local education authority may make arrangements for the provision of suitable ^{F49} . . . education otherwise than at school for those young persons who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.
- [^{F52}(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a local education authority shall have regard to any guidance given from time to time by the Secretary of State.]
- (5) Any child for whom education is provided otherwise than at school in pursuance of this section, and any young person for whom full-time education is so provided in pursuance of this section, shall be treated for the purposes of this Act as a pupil.
- [^{F53}(6) In this section—
- “relevant school” means—
- (a) a maintained school,
 - (b) an Academy,
 - (c) a city technology college, or
 - (d) a city college for the technology of the arts;
- “suitable education”, in relation to a child or young person, means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have (and “suitable full-time education” is to be read accordingly).]

Status: Point in time view as at 12/01/2010.

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(7) Schedule 1 has effect in relation to pupil referral units.

Textual Amendments

- F49** Words in s. 19(1) and (4) repealed (1.9.1998) by 1997 c. 44, ss. 47(2)(3), 57(4), **Sch.8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F50** S. 19(2A)(2B) inserted (2.7.2007) by The Education Act 1996 (Amendment of Section 19) (England) Regulations 2007 (S.I. 2007/1507), regs. 1, 2
- F51** S. 19(3A)(3B) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), ss. 101(2), 188(3); S.I. 2007/1801, art. 4(g)
- F52** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, s. 47(4); S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F53** S. 19(6) substituted (1.9.2007) by Education and Inspections Act 2006 (c. 40), ss. 101(3), 188(3); S.I. 2007/1801, art. 4(g)

Modifications etc. (not altering text)

- C8** S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 36(5)(c)(10), 162 (with s. 159)

CHAPTER IV **E+W**

THE FUNDING AUTHORITIES

The Authorities

F54 **20** **E+W**

Textual Amendments

- F54** S. 20 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F55 **21** **E+W**

Textual Amendments

- F55** S. 21 repealed (1.4.1999) by 1998 c. 31, ss. 133, 140(1)(3), Sch. 30 para. 66, **Sch.31**; S.I. 1999/1016, art. 2(1), **Sch. 1**

Functions

F56 **22** **E+W**

Status: Point in time view as at 12/01/2010.

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Textual Amendments

F56 S. 22 repealed (1.4.1999 in relation to s. 22 except s. 22(1)(a) and otherwise 1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

^{F57}**23** **E+W**

Textual Amendments

F57 S. 23 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

^{F58}**24** **E+W**

Textual Amendments

F58 S. 24 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Supplemental

^{F59}**25** **E+W**

Textual Amendments

F59 S. 25 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

^{F60}**26** **E+W**

Textual Amendments

F60 S. 26 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

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CHAPTER V E+W

ALLOCATION OF RESPONSIBILITY FOR EDUCATION AT SCHOOL BETWEEN LEA AND FUNDING AUTHORITY

F61 27 **E+W**

Textual Amendments

F61 S. 27 repealed (1.4.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

CHAPTER VI E+W

SUPPLEMENTAL

Allocation of functions

F62 28 **E+W**

Textual Amendments

F62 S. 28 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Provision of information

29 Provision of information by local education authorities. E+W

- (1) A local education authority shall—
 - (a) make such reports and returns to the Secretary of State, and
 - (b) give to the Secretary of State such information,
 as he may require for the purpose of the exercise of his functions under this Act.

F63 (2)

- (3) A local education authority shall—
 - (a) compile such information, and
 - (b) make such provision for conducting, or assisting the conduct of, research,
 as may be required for the purpose of providing the Secretary of State ^{F64} . . . , in such form and at such times as may be prescribed, with such information relating to the provision of primary or secondary education in the area of the local education authority as may be prescribed.

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- (4) The Secretary of State shall exercise his powers under subsection (3) so as to secure, in particular, the provision of information relating to the provision of education for children with special educational needs.
- (5) A local education authority shall, at such time or times and in such manner as may be required by regulations, publish such information as may be so required with respect to their policy and arrangements in respect of any matter relating to primary or secondary education.

^{F65}(6)

Textual Amendments

F63 S. 29(2) repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 67(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F64 Words in s. 29(3) repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 67(b), **Sch.31**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

F65 S. 29(6) repealed (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 35, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

^{F66}**30** **E+W**

Textual Amendments

F66 S. 30 repealed (1.11.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 68, **Sch.31**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

Status:

Point in time view as at 12/01/2010.

Changes to legislation:

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