



# Education Act 1996

## 1996 CHAPTER 56

### PART I

#### GENERAL

### CHAPTER I

#### THE STATUTORY SYSTEM OF EDUCATION

##### *Educational institutions*

#### **4 Schools: general.**

[<sup>F1</sup>(1) In this Act “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,

whether or not the institution also provides [<sup>F2</sup>part-time education suitable to the requirements of junior pupils or] further education.]

(2) [<sup>F3</sup>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) <sup>F4</sup>. . . .

(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 <sup>M1</sup>Further and Higher Education Act 1992, or

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- (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

- F1** S. 4(1) substituted (1.9.1997) by 1997 c. 44, s. 51; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F2** Words in s. 4(1) repealed (1.10.2002 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I.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**
- F3** 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**
- F4** 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)

- C1** 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**

#### Marginal Citations

- M1** 1992 c. 13.

## 5 Primary schools, secondary schools and middle schools.

- (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 [<sup>F5</sup>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.
- (3) In this Act “middle school” means a school in respect of which proposals authorised by [<sup>F6</sup>section 28(4) of the School Standards and Framework Act 1998] are implemented (that is, a school providing full-time education suitable to the requirements of pupils who have attained a specified age below 10 years and six months and are under a specified age above 12 years).
- (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) The powers conferred by [<sup>F6</sup>section 28(4) of the School Standards and Framework Act 1998] and subsection (4) above are exercisable—

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- (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

- F5** 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
- F6** Words in s. 5(3) and (5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), [Sch. 30 para. 59\(a\)\(b\)](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#) (with savings in art. 18, Sch. 7 paras. 2-4, 6, 7, 10, 12)

## 6 Nursery schools and special schools.

- (1) A primary school is a nursery school if it is used [<sup>F7</sup>wholly or] mainly for the purpose of providing education for children who have attained the age of two but are under [<sup>F8</sup>compulsory school age].
- (2) A school is a special school if it is specially organised, [<sup>F9</sup>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

- F7** 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
- F8** 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](#)
- F9** 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)

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