



# Education Act 1996

## 1996 CHAPTER 56

### PART IX

#### ANCILLARY FUNCTIONS

#### CHAPTER II

##### ANCILLARY FUNCTIONS OF LOCAL EDUCATION AUTHORITIES

###### *Provision of services*

#### **508 Functions in respect of facilities for recreation and social and physical training.**

- (1) A local education authority shall secure that the facilities for primary, [<sup>F1</sup>and secondary education] provided for their area include adequate facilities for recreation and social and physical training.
- [<sup>F2</sup>(1A) A local education authority may provide facilities for recreation and social and physical training as part of the facilities for further education provided (whether or not by them) for their area.]
- (2) [<sup>F3</sup>For the purpose of subsection (1) or (1A)] a local education authority—
  - (a) may establish, maintain and manage, or assist the establishment, maintenance and management of,—
    - (i) camps, holiday classes, playing fields, play centres, and
    - (ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social and physical training are available for persons receiving primary, secondary or further education;
  - (b) may organise games, expeditions and other activities for such persons; and
  - (c) may defray, or contribute towards, the expenses of such games, expeditions and other activities.

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- (3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local education authority shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

#### Textual Amendments

- F1** Words in s. 508(1) substituted (1.4.2001) by 2000 c. 21, s. 137(2), (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F2** S. 508(1A) inserted (1.4.2001) by 2000 c. 21, s. 137(3) (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F3** Words in s. 508(2) substituted (1.4.2001) by 2000 c. 21, s. 137(4), (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

### 509 Provision of transport etc.

- (1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons [<sup>F4</sup>not of sixth form age] receiving education—
- (a) at schools,
  - (b) at any institution maintained or assisted by the authority which provides further education or higher education (or both), [<sup>F5</sup> or;]
  - (c) at any institution within the further education sector, <sup>F6</sup> . . .
  - <sup>F6</sup>(d) . . . . .
- [<sup>F7</sup>(1A) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons [<sup>F4</sup>not of sixth form age] receiving education or training at an institution outside both the further education and higher education sectors.
- (1B) Arrangements under subsection (1A) may be made in relation to a person only if the Learning and Skills Council for England or the National Council for Education and Training for Wales has secured for him—
- (a) the provision of education or training at the institution, and
  - (b) the provision of boarding accommodation under section 13 or 41 of the Learning and Skills Act 2000.]
- (2) Any transport provided in pursuance of arrangements under subsection (1) [<sup>F8</sup>or (1A)] shall be provided free of charge.
- (3) A local education [<sup>F9</sup>or training] authority may pay the whole or any part, as they think fit, of the reasonable travelling expenses of any person [<sup>F10</sup>not of sixth form age] receiving education—
- (a) at a school, or
  - (b) at any such institution as is mentioned in subsection (1) [<sup>F11</sup>or (1A)],
- for whose transport no arrangements are made under [<sup>F12</sup>either of those subsections].

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- (4) In considering whether or not they are required by subsection (1) [<sup>F13</sup>or (1A)] to make arrangements in relation to a particular person, a local education authority shall have regard (amongst other things)—
- (a) to the age of the person and the nature of the route, or alternative routes, which he could reasonably be expected to take; and
  - (b) to any wish of his parent for him to be provided with education [<sup>F14</sup>or training] at a school or institution in which the religious education provided is that of the religion or denomination to which his parent adheres.
- (5) Arrangements made by a local education authority under subsection (1) [<sup>F15</sup>or (1A)] shall—
- <sup>F16</sup>(a) .....
  - (b) make provision for persons receiving full-time education at any institution within the further education sector which is no less favourable than the provision made in pursuance of the arrangements for pupils of the same age at schools maintained by a local education authority; and
  - [<sup>F17</sup>(c) make provision for persons receiving full-time education or training at institutions mentioned in subsection (1A) which is no less favourable than the provision made in pursuance of the arrangements for persons of the same age with learning difficulties (within the meaning of section 13 of the Learning and Skills Act 2000) for whom the authority secures the provision of education at any other institution.]
- <sup>F18</sup>(6) .....
- [<sup>F19</sup>(7) References in this section to persons not of sixth form age shall be construed in accordance with subsection (1) of section 509AC.]

#### Textual Amendments

- F4** Words in s. 509(1)(1A) inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 19 para. 2\(a\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, [Sch. Pt. II](#)
- F5** Word in s. 509(1)(b) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, [Sch. 9 para. 59\(2\)\(a\)](#) (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](#)
- F6** S. 509(1)(d) and preceding word repealed (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, [Sch. 9 para. 59\(2\)\(b\)](#), [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](#)
- F7** S. 509(1A)(1B) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, [Sch. 9 para. 59\(3\)](#) (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](#)
- F8** Words in s. 509(2) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, [Sch. 9 para. 59\(4\)](#) (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](#)
- F9** Words in s. 509(3) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, [Sch. 9 para. 59\(5\)\(a\)](#) (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](#)
- F10** Words in s. 509(3) inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 19 para. 2\(b\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, [Sch. Pt. II](#)

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- F11** Words in s. 509(3)(b) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(5)(b)** (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**
- F12** Words in s. 509(3) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(5)(c)** (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**
- F13** Words in s. 509(4) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(6)(a)** (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**
- F14** Words in s. 509(4) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(6)(b)** (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**
- F15** Words in s. 509(5) inserted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 59(7)(a)** (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**
- F16** S. 509(5)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 133(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F17** S. 509(5)(c) substituted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 2(c)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F18** S. 509(6) repealed (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F19** S. 509(7) inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 2(d)** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

## **[<sup>F20</sup>509A] Provision of transport etc. for persons of sixth form age**

- (1) A local education authority shall prepare for each academic year a transport policy statement complying with the requirements of this section.
- (2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—
  - (a) at schools,
  - (b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),
  - (c) at any institution within the further education sector, or
  - (d) at any establishment (not falling within paragraph (b) or (c)) which is supported by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
- (3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).
- (4) The statement shall specify the arrangements proposed to be made by the governing bodies of—
  - (a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and
  - (b) institutions within the further education sector in the authority's area,

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- for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.
- (5) Those governing bodies shall co-operate in giving the local education authority any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.
- (6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.
- (7) The authority shall—
- publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and
  - make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).
- (8) Nothing in this section prevents a local education authority from making, at any time in an academic year, arrangements—
- which are not specified in the transport policy statement published by the authority for that year, but
  - which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).
- (9) The Secretary of State may, if he considers it expedient to do so, direct a local education authority to make for any academic year—
- arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or
  - arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,
- which have not been specified in the transport policy statement published by the authority for that academic year.
- (10) The Secretary of State may by order amend subsection (7)(a) by substituting a different date for 31st May.]

#### Textual Amendments

**F20** S. 509AA inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 19 para. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952](#), art. 2; [S.I. 2003/1718](#), art. 5, Sch. Pt. II

#### [<sup>F21</sup>509A] Further provision about transport policy statements

- (1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties.
- (2) A statement prepared under that section shall—

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- (a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the local education authority which are no less favourable than the arrangements specified for pupils of the same age attending such schools, and
  - (b) specify arrangements for persons with learning difficulties receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties attending such schools.
- (3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the local education authority shall have regard (amongst other things) to—
- (a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,
  - (b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,
  - (c) the distance from the homes of persons of sixth form age in their area of establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and
  - (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.
- (4) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a local education authority shall have regard (amongst other things)—
- (a) to the nature of the route, or alternative routes, which he could reasonably be expected to take; and
  - (b) to any wish of his parent for him to be provided with education or training at a school, institution or other establishment in which the religious education provided is that of the religion or denomination to which his parent adheres.
- (5) In preparing a statement under section 509AA a local education authority shall have regard to any guidance issued by the Secretary of State under this section.
- (6) In preparing a statement under that section a local education authority shall consult—
- (a) any other local education authority that they consider it appropriate to consult,
  - (b) the governing bodies mentioned in subsection (4) of that section,
  - (c) the Learning and Skills Council for England (in the case of a local education authority in England) or the National Council for Education and Training for Wales (in the case of a local education authority in Wales), and
  - (d) any other person specified by the Secretary of State for the purposes of this section.
- (7) In preparing a statement under that section a local education authority shall also consult—
- (a) where they are the local education authority for a district in a metropolitan county, the Passenger Transport Authority for that county, and
  - (b) where they are the local education authority for a London borough or the City of London, Transport for London.]

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### Textual Amendments

**F21** S. 509AB inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 19 para. 4](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II

### [<sup>F22</sup>509A Interpretation of sections 509AA and 509AB

- (1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—
  - (a) is under the age of 19, or
  - (b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.
- (2) References in section 509AA to an establishment supported by the Learning and Skills Council for England are to any establishment at which education or training is provided by a person to whom that Council secures the provision of financial resources in any of the ways mentioned in section 5(2) of the Learning and Skills Act 2000.
- (3) References in section 509AA to an establishment supported by the National Council for Education and Training for Wales are to any establishment at which education or training is provided by a person to whom that Council secures the provision of financial resources in any of the ways mentioned in section 34(2) of the Learning and Skills Act 2000.
- (4) References in section 509AB to persons with learning difficulties are to be construed in accordance with section 13(5) and (6) of the Learning and Skills Act 2000.
- (5) In sections 509AA and 509AB and this section—
  - “academic year” means any period commencing with 1st August and ending with the next 31st July;
  - “disabled person” has the same meaning as in the Disability Discrimination Act 1995;
  - “establishment” means an establishment of any kind, including a school or institution;
  - “governing body”, in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.
- (6) The Secretary of State may by order amend the definition of “academic year” in subsection (5).]

### Textual Amendments

**F22** S. 509AC inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 19 para. 5](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II



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**[<sup>F23</sup>509A Travel arrangements for children receiving nursery education otherwise than at school.**

- (1) A local education authority may provide a child with assistance under this section if they are satisfied that, without such assistance, he would be prevented from attending at any premises—
  - (a) which are not a school or part of a school, but
  - (b) at which relevant nursery education is provided,
 for the purpose of receiving such education there.
- (2) The assistance which may be provided for a child under this section consists of either—
  - (a) making arrangements (whether for the provision of transport or otherwise) for the purpose of facilitating the child’s attendance at the premises concerned, or
  - (b) paying the whole or any part of his reasonable travel expenses.
- (3) When considering whether to provide a child with assistance under this section in connection with his attendance at any premises, a local education authority may have regard (among other things) to whether it would be reasonable to expect alternative arrangements to be made for him to receive relevant nursery education at any other premises (whether nearer to his home or otherwise).
- (4) Where the assistance to be provided for a child under this section consists of making arrangements for the provision of transport, the authority may, if they consider it appropriate to do so, determine that the assistance shall not be so provided unless—
  - (a) the child’s parent, or
  - (b) the person providing the relevant nursery education concerned,
 agrees to make to the authority such payments in respect of the provision of the transport (not exceeding the cost to the authority of its provision) as they may determine.

<sup>F24</sup>(4A) [ Regulations may require a local education authority to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority’s policy and arrangements relating to the making of provision under this section.]

- (5) In this section “relevant nursery education” means nursery education which is provided—
    - (a) by a local education authority, or
    - (b) by any other person—
      - (i) who is in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2) (a) of the School Standards and Framework Act 1998,<sup>F25</sup> ...
- <sup>F25</sup>(b) .....]

**Textual Amendments**

- F23** S. 509A inserted (1.4.1999) by 1998 c. 31, s. 124 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), Sch. 1 Pt. IV
- F24** S. 509A(4A) inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 19 para. 6 (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II



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**F25** S. 509A(5)(b)(ii) and word repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); S.I. 2003/124, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

## 510 Provision of clothing.

- (1) A local education authority may provide clothing for—
  - (a) any pupil who is a boarder at an educational institution maintained by the authority [<sup>F26</sup>or at a grant-maintained school],
  - (b) any pupil at a nursery school maintained by the authority, and
  - (c) any pupil in a nursery class at a school maintained by the authority [<sup>F26</sup>or at a grant-maintained school].
- (2) A local education authority may also provide clothing for any pupil—
  - (a) for whom they are providing board and lodging elsewhere than at an educational institution maintained by them, and
  - (b) for whom special educational provision is made in pursuance of arrangements made by them.
- (3) Where it appears to a local education authority, in a case where neither subsection (1) nor subsection (2) applies, that a pupil at—
  - (a) a school maintained by them [<sup>F27</sup>or a grant-maintained school], or
  - (b) a special school (whether maintained by them or not),is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as in their opinion is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.
- (4) A local education authority may provide—
  - (a) for pupils at a school maintained by them [<sup>F28</sup>, at a grant-maintained school] or at an institution maintained by them which provides further education or higher education (or both),
  - (b) for persons who have not attained the age of 19 and who are receiving education at an institution within the further education sector, and
  - (c) for persons who make use of facilities for physical training made available for them by the authority under section 508(2),such articles of clothing as the authority may determine suitable for the physical training provided at that school or institution or under those facilities.
- (5) A local education authority may—
  - (a) with the consent of the proprietor of a school not maintained by the authority, other than a [<sup>F29</sup>grant-maintained school or] special school, and
  - (b) on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor,

make arrangements, in the case of any pupil at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, for securing for the pupil the provision of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

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- (6) Any arrangements made under subsection (5) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any article under the arrangements does not exceed the expense which would have been incurred by them in the provision of it if the pupil had been a pupil at a school maintained by them.

#### Textual Amendments

- F26** Words in s. 510(1)(a)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F27** Words in s. 510(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F28** Words in s. 510(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F29** Words in s. 510(5)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(d), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

#### 511 Provisions supplementary to section 510.

- (1) Provision of clothing under section 510 may be made in such way as to confer either a right of property in the clothing or a right of user only (at the option of the providing authority), except in any circumstances for which the adoption of one or other of those ways of making such provision is prescribed.
- (2) Where a local education authority have provided a person with clothing under section 510, then, in such circumstances respectively as may be prescribed—
- (a) the authority shall require his parent to pay to them in respect of its provision such sum (if any) as in their opinion he is able to pay without financial hardship, not exceeding the cost to the authority of its provision;
  - (b) the authority may require his parent to pay to them in respect of its provision such sum as is mentioned in paragraph (a) or any lesser sum; or
  - (c) his parent shall not be required to pay any sum in respect of its provision.
- (3) Any sum which a parent is duly required to pay by virtue of subsection (2)(a) or (b) may be recovered summarily as a civil debt.
- (4) Where a person who has attained the age of 18 (other than a registered pupil at a school) is provided with clothing under section 510, any reference in subsection (2) or (3) to his parent shall be read as a reference to him.

#### <sup>F30</sup><sup>F31</sup> 512 LEA functions concerning provision of meals, etc.

- (1) A local education authority may provide—
- (a) registered pupils at any school maintained by the authority,
  - (b) other persons who receive education at such a school, and
  - (c) children who receive relevant funded nursery education,
- with milk, meals and other refreshments.
- (2) Where provision is made under subsection (1), it shall be made—
- (a) in a case within paragraph (a) or (b) of that subsection, either on the school premises or at any other place where education is being provided, and

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- (b) in a case within paragraph (c) of that subsection, at any place where education is being provided.
- (3) A local education authority shall exercise their power under subsection (1) to provide school lunches for any person within paragraph (a) or (c) of that subsection if—
- (a) any prescribed requirements are met,
  - (b) a request for the provision of school lunches has been made by or on behalf of that person to the authority, and
  - (c) either—
    - (i) that person is eligible for free lunches (within the meaning of section 512ZB(2)), or
    - (ii) in the case of a person within subsection (1)(a), it would not be unreasonable for the authority to provide the lunches.
- (4) Subject to section 114(2) of the School Standards and Framework Act 1998 (c. 31) (lunches provided by LEAs to meet nutritional standards), any school lunches provided by a local education authority pursuant to subsection (3) may take such form as the authority think fit.
- (5) A local education authority shall provide at any school maintained by them such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.
- (6) In this section—
- “prescribed” means prescribed by the Secretary of State by order;
  - “relevant funded nursery education”, in relation to a local education authority, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—
    - (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and
    - (b) in consideration of financial assistance provided by the authority under those arrangements;
  - “school lunch”—
    - (a) in relation to a pupil, means food made available for consumption by the pupil as his midday meal on a school day, and
    - (b) in relation to a child receiving relevant funded nursery education at an establishment other than a school, means food made available for consumption by the child as his midday meal on a day on which he receives that education,
- whether involving a set meal or the selection of items by him or otherwise; and references, in relation to a local education authority, to a school maintained by the authority are to a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit maintained by the authority.]

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#### Textual Amendments

- F30** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 5](#), **Sch. Pt. II**; [S.I. 2003/124, art. 5](#) (with [art. 6](#))
- F31** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 5](#), **Sch. Pt. II**; [S.I. 2003/124, art. 5](#) (with [art. 6](#))

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

- C1** S. 512: certain functions transferred (with modifications) (1.4.1999) by [S.I. 1999/610, arts. 2, 3](#)

### <sup>F30</sup><sup>F32</sup> **512ZA Duty to charge for meals etc.**

- (1) A local education authority shall charge for anything provided by them under subsection (1) or (3) of section 512.
- (2) A local education authority shall charge every person the same price for the same quantity of the same item.
- (3) This section is subject to section 512ZB.

#### Textual Amendments

- F30** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 5](#), **Sch. Pt. II**; [S.I. 2003/124, art. 5](#) (with [art. 6](#))
- F32** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 5](#), **Sch. Pt. II**; [S.I. 2003/124, art. 5](#) (with [art. 6](#))

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

- C2** S. 512ZA(1)(2) modified (temp. until 31.3.2007) (31.3.2004) by [The Kingston-upon-Hull City Council \(School Meals\) Order 2004 \(S.I. 2004/592\)](#), [arts. 1\(1\), 2](#)

### <sup>F30</sup> **512ZB Provision of free school lunches and milk**

- (1) Where the local education authority provide a school lunch in accordance with section 512(3) to a person who is eligible for free lunches, the authority shall provide the meal free of charge.
- (2) For this purpose a person is eligible for free lunches if—
  - (a) he is within subsection (4), and
  - (b) a request that the school lunches be provided free of charge has been made by him or on his behalf to the authority.
- (3) Where a local education authority exercise their power under subsection (1) of section 512 to provide a person within paragraph (a) or (c) of that subsection with milk, the authority shall provide the milk free of charge if—
  - (a) the person is within subsection (4), and

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- (b) a request that the milk be provided free of charge has been made by him or on his behalf to the authority.
- (4) A person is within this subsection if—
- (a) his parent is—
- (i) in receipt of income support,
  - (ii) in receipt of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995 (c. 18)),
  - (iii) in receipt of support provided under Part 6 of the Immigration and Asylum Act 1999 (c. 33), or
  - (iv) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed, or
- (b) he, himself, is—
- (i) in receipt of income support,
  - (ii) in receipt of an income-based jobseeker’s allowance, or
  - (iii) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed.
- (5) In this section “prescribed” and “school lunch” have the same meaning as in section 512.]

#### Textual Amendments

- F30** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 5, Sch. Pt. II](#); [S.I. 2003/124, art. 5](#) (with [art. 6](#))
- F32** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1), 216(4)** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 5, Sch. Pt. II](#); [S.I. 2003/124, art. 5](#) (with [art. 6](#))

#### [<sup>F33</sup>512A Transfer of functions under section 512 to governing bodies.

- (1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the local education authority which are mentioned in subsection (2).
- (2) Those duties are—
- <sup>F34</sup>(a) the duty to provide school lunches in accordance with [<sup>F35</sup>section 512(3) and (4)];
  - <sup>F36</sup>(b) the duty to provide school lunches free of charge in accordance with [<sup>F37</sup>section 512ZB(1)]; and
  - <sup>F38</sup>(c) the duty to provide milk free of charge in accordance with [<sup>F39</sup>section 512ZB(3)].
- (3) An order under this section may (subject to subsection (6)) apply to—
- (a) all maintained schools; or

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- (b) any specified class of such schools; or
  - (c) all such schools, or any specified class of such schools, maintained by specified local education authorities.
- (4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—
- (a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the local education authority in relation to the school; and
  - (b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c), section 533(3) shall not apply to any school lunches or milk provided by the governing body in pursuance of the order.
- (5) An order under this section may provide for section 513(2) not to apply—
- (a) to local education authorities generally, or
  - (b) to any specified local education authority,
- either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.
- <sup>F40</sup>(6) An order under this section shall not operate to—
- (a) impose any duty on the governing body of a school, or
  - (b) relieve a local education authority of any duty in relation to a school,
- at any time when the school does not have a delegated budget; and such an order may provide for [<sup>F41</sup>section 512ZA(2)] above to have effect, in relation to any provision made at any such time by the local education authority for pupils at the school, with such modifications as may be specified.
- (7) In this section—
- [<sup>F42</sup>“delegated budget” has the same meaning as in the School Standards and Framework Act 1998;
  - “maintained school” means a maintained school as defined by section 20(7) of the School Standards and Framework Act 1998 or a maintained nursery school;]
  - “school lunch” has the same meaning as in section 512 above;
  - “specified” means specified in an order under this section.]

#### Textual Amendments

- F33** S. 512A inserted (1.2.1999) by 1998 c. 31, s. 116 (with ss. 138(9), 144(6)); S.I. 1998/3198, art. 2(2), Sch.
- F34** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(i), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F35** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(i), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F36** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(ii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F37** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by Education Act 2002 (c. 32), ss. 201(2)(a)(ii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)

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- F38** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 201(2)(a)(iii), 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 5, Sch. Pt. II; [S.I. 2003/124](#), art. 5 (with art. 6)
- F39** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 201(2)(a)(iii)**, 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 5, Sch. Pt. II; [S.I. 2003/124](#), art. 5 (with art. 6)
- F40** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 201(2)(b)**, 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 5, Sch. Pt. II; [S.I. 2003/124](#), art. 5 (with art. 6)
- F41** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 201(2)(b)**, 216(4) (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 5, Sch. Pt. II; [S.I. 2003/124](#), art. 5 (with art. 6)
- F42** Words in s. 512A(7) substituted (1.9.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 52** (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), art. 4; [S.I. 2005/2910](#), art. 4, Sch.

### **513 Provision of meals etc. at schools not maintained by local education authorities.**

- (1) A local education authority may, with the consent of the proprietor of a school in their area which is not maintained by them, make arrangements for securing the provision of milk, meals and other refreshment for pupils in attendance at the school.
- (2) Any arrangements under this section—
- (a) shall be on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school; and
  - (b) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or item under the arrangements shall not exceed the expense which would have been incurred by them in providing it if the pupil had been a pupil at a school maintained by them.

### **514 Provision of board and lodging otherwise than at school.**

- (1) Where a local education authority are satisfied with respect to any pupil—
- (a) that primary or secondary education suitable to his age, ability and aptitude and to any special educational needs he may have can best be provided for him at a [<sup>F43</sup>particular community, foundation or voluntary or community or foundation special school, but]
  - (b) that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school,
- they may provide such board and lodging for him under such arrangements as they think fit.
- (2) Where a local education authority are satisfied with respect to a pupil with special educational needs that provision of board and lodging for him is necessary for enabling him to receive the required special educational provision, they may provide such board and lodging for him under such arrangements as they think fit.
- (3) In making any arrangements under this section, a local education authority shall, so far as practicable, give effect to the wishes of the pupil's parent as to the religion or religious denomination of the person with whom the pupil will reside.



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- (4) Subject to subsection (5), where a local education authority have provided a pupil with board and lodging under arrangements under this section, they shall require the pupil's parent to pay them such sums, if any, in respect of the board and lodging as in their opinion he is able to pay without financial hardship.
- (5) No sum is recoverable under subsection (4) if the arrangements were made by the authority on the ground that in their opinion education suitable to the pupil's age, ability and aptitude or special educational needs could not otherwise be provided for him.
- (6) The sums recoverable under subsection (4) shall not exceed the cost to the authority of providing the board and lodging.
- (7) Any sum payable under subsection (4) may be recovered summarily as a civil debt.

#### Textual Amendments

**F43** Words in s. 514(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.135** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

### 515 Provision of teaching services for day nurseries.

- (1) Subject to subsection (2), a local education authority may, in accordance with arrangements made by them for that purpose, make available to a day nursery the services of any teacher who—
  - (a) is employed by them in a nursery school or in a primary school having one or more nursery classes, and
  - (b) has agreed to provide his services for the purposes of the arrangements.
- (2) Arrangements under subsection (1) in respect of a teacher in a [<sup>F44</sup>foundation or voluntary school] require the concurrence of the governing body of the school.
- (3) Arrangements under this section may make provision—
  - (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements;
  - (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery; and
  - (c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.
- (4) In this section “day nursery” means a day nursery provided under section 18 of the <sup>M1</sup>Children Act 1989 (provision by local authorities of day care for pre-school and other children).
- (5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

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**Textual Amendments**

**F44** Words in s. 515(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.136** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

**Marginal Citations**

**M1** 1989 c. 41.

<sup>F45</sup> **516** .....

**Textual Amendments**

**F45** S. 516 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 137, Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch.1 Pt. IV**.

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