



# Education Act 1996

## 1996 CHAPTER 56

### PART IX

#### ANCILLARY FUNCTIONS

#### CHAPTER III

##### ANCILLARY FUNCTIONS OF GOVERNING BODIES

###### *Provision of services*

### 533 [F<sup>1</sup>Functions] of governing bodies of maintained schools with respect to provision of school meals etc.

- (1) The governing body of any school maintained by a [F<sup>2</sup>local authority] shall—
  - (a) afford the authority such facilities as they require to enable them to perform their functions under section 512, and
  - (b) allow the authority to make such use of the premises and equipment of the school, and such alterations to the school buildings, as the authority consider necessary for that purpose.
- (2) Nothing in subsection (1) shall require the governing body of [F<sup>3</sup>any such] school to incur any expenditure.
- (3) Where the governing body of a school which has a delegated budget (within the meaning of Part II [F<sup>4</sup>of the School Standards and Framework Act 1998]) provide pupils or other persons who receive education at the school with milk, meals or other refreshment, they [F<sup>5</sup>may charge for anything so provided.]
- [F<sup>6</sup>(4) Where the governing body of a school exercise the power to charge under subsection (3), they must charge every person the same price for the same quantity of the same item.]

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#### Textual Amendments

- F1** Word in s. 533 heading substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 87(2)(c)**, 188(1)
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F3** Words in s. 533(2) substituted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 148(a)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.
- F4** Words in s. 533(3) inserted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 148(b)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**.
- F5** Words in s. 533(3) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 87(2)(a)**, 188(1)
- F6** S. 533(4) inserted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 87(2)(b)**, 188(1)

**F7** 534 .....

#### Textual Amendments

- F7** S. 534 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 149**, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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

- (1) Subject to subsection (2), the governing body of [<sup>F8</sup>a community, foundation or voluntary primary school] having one or more nursery classes may, in accordance with arrangements made by them for that purpose, make available to a day nursery [<sup>F9</sup> in England or Wales or to a registered early years provider in England] the services of any teacher who is employed by them in the school and has agreed to provide his services for the purposes of the arrangements.
- (2) No arrangements shall be made under subsection (1) except at the request of the [<sup>F2</sup>local authority] and on terms approved by them.
- (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 [<sup>F10</sup> or (as the case may be) the registered early years provider] , and
  - (c) for any supplementary or incidental matters connected with the arrangements, [<sup>F11</sup>including—
    - (i) in relation to England, any charges to be imposed in connection with the arrangements, and
    - (ii) in relation to Wales, where the teacher's school and the day nursery are in the areas of different [<sup>F12</sup>local authorities] , financial adjustments between those authorities.]

[<sup>F13</sup>(4) In this section—

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“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);

“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.]

- (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.

#### Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F8** Words in s. 535(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.150** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F9** Words in s. 535(1) inserted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 26(2)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F10** Words in s. 535(3)(b) inserted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 26(3)(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F11** Words in s. 535(3)(c) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 26(3)(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F12** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F13** S. 535(4) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 26(4)**; S.I. 2008/2261, art. 2 (with Sch. 1)

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