



Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

[^{F1}CHAPTER III

CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS]

Prohibition of charges

450 Prohibition of charges for admission.

- (1) No charge shall be made in respect of admission to a maintained school.
- (2) Subsection (1) does not apply to the admission of any person to any maintained school for the purpose of—
 - (a) part-time education suitable to the requirements of persons of any age over compulsory school age;
 - (b) full-time education suitable to the requirements of persons who have attained the age of 19; or
 - (c) teacher training.

451 Prohibition of charges for provision of education.

- (1) ^{F1} . . . , this section applies in relation to education provided at any maintained school for a registered pupil at the school.
- (2) Where the education is provided for the pupil during school hours no charge shall be made in respect of it.

Status: Point in time view as at 19/11/2003.

Changes to legislation: Education Act 1996, Cross Heading: Prohibition of charges is up to date with all changes known to be in force on or before 07 August 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)

- (3) Subsection (2) does not apply in relation to tuition in playing a musical instrument where the tuition is provided either individually or to a group of not more than four pupils, unless the tuition is—
- (a) required as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school, or
 - (b) provided in pursuance of a duty imposed by [^{F2}section 88 or 109 of the Education Act 2002 (implementation of National Curriculum for England or National Curriculum for Wales)] or section 69 of the School Standards and Framework Act 1998 (duty to secure due provision of religious education).
- (4) Where the education is provided for the pupil outside school hours no charge shall be made in respect of it if it is—
- (a) required as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school, or
 - (b) provided in pursuance of a duty imposed by [^{F3}section 88 or 109 of the Education Act 2002] or [^{F4}section 69 of the School Standards and Framework Act 1998].
- ^{F5}(5)

Textual Amendments

- F1** Words in s. 451(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 120(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F2** Words in s. 451(3)(b) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 48(2)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F3** Words in s. 451(4)(b) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 48(3)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F4** Words in s. 451(4)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 120(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F5** S. 451(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 120(d), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

452 Application of section 451 where education is provided partly during and partly outside school hours etc.

- (1) Where a period allowed for any educational activity at a maintained school falls partly during school hours and partly outside school hours, then—
- (a) if 50 per cent. or more of the time occupied by that period together with any connected school travelling time falls during school hours, so much of the education provided during that period as is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and
 - (b) in any other case, so much of the education provided during that period as is provided during school hours shall be treated for those purposes as provided outside school hours.
- (2) In subsection (1) “connected school travelling time” means time spent during school hours by the pupils taking part in the educational activity concerned in getting to or from the place where the activity takes place.

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- (3) Where any education provided at a maintained school is provided on a residential trip, then—
 - (a) if the number of school sessions taken up by the trip is equal to or greater than 50 per cent. of the number of half days spent on the trip, any education provided on the trip which is provided outside school hours shall be treated for the purposes of section 451 as provided during school hours, and
 - (b) in any other case, any education provided on the trip which is provided during school hours shall be treated for those purposes as provided outside school hours.
- (4) In this section “half day” means any period of 12 hours ending with noon or midnight on any day.
- (5) For the purposes of subsection (3)—
 - (a) where 50 per cent. or more of a half day is spent on a residential trip, the whole of that half day shall be treated as spent on the trip, and
 - (b) a school session on any day on which such a session takes place at the school concerned shall be treated as taken up by a residential trip if the time spent on the trip occupies 50 per cent. or more of the time allowed for that session at the school.
- (6) Nothing in section 451 shall be read as prohibiting the making of a charge in respect of board and lodging provided for a registered pupil at a maintained school on a residential trip.

453 Examinations: prohibition of charges and recovery of wasted fees.

- (1) No charge shall be made in respect of the entry of a registered pupil at a maintained school for a prescribed public examination in any syllabus for that examination for which the pupil has been prepared at the school.
- (2) Despite subsection (1), where—
 - (a) the governing body of a maintained school or the local education authority have paid or are liable to pay a fee in respect of the entry of a registered pupil at the school for a public examination in any syllabus for that examination, and
 - (b) the pupil fails without good reason to meet any examination requirement for that syllabus,that body or authority may recover the amount of the fee from the pupil’s parent.
- (3) It shall be for the body or authority who have paid or are liable to pay the fee in question to determine for the purposes of this section any question whether a pupil who has failed to meet an examination requirement had good reason for the failure.

454 Prohibition of incidental charges.

- (1) Neither the parent of a registered pupil at a maintained school nor the pupil himself shall be required to pay for or supply any materials, books, instruments or other equipment for use for the purposes of or in connection with—
 - (a) education provided for the pupil at the school in respect of which, by virtue of section 451, no charge may be made, or
 - (b) a syllabus for a prescribed public examination which is a syllabus for which the pupil has been prepared at the school.

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- (2) Nothing in subsection (1) shall prevent the parent of a pupil from being required to pay for or supply any materials for use for the purposes of the production, in the course of the provision of education for the pupil at the school, of any article incorporating those materials, where the parent has indicated before that requirement is made that he wishes the article to be owned by him or by the pupil.
- (3) No charge shall be made in respect of transport provided for a registered pupil at a maintained school where the transport is either—
- (a) incidental to education provided for the pupil at the school in respect of which, by virtue of section 451, no charge may be made, or
 - (b) provided for the purpose of enabling him to meet any examination requirement for any syllabus for a prescribed public examination which is a syllabus for which he has been prepared at the school.
- (4) For the purposes of subsection (3)(a) transport is incidental to education provided for registered pupils at a school if it is provided for the purpose of carrying such pupils—
- (a) to or from any part of the school premises in which education is provided for those pupils, from or to any other part of those premises, or
 - (b) to or from any place outside the school premises in which education is provided for those pupils under arrangements made by or on behalf of the governing body or the local education authority, from or to the school premises or any other such place.

Status:

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