



# Education Act 1996

## 1996 CHAPTER 56

### PART VII

#### INDEPENDENT SCHOOLS

#### CHAPTER I

##### PRELIMINARY

#### [<sup>F1</sup>463 Alteration to definition of “independent school”

(1) In this Act “independent school” means any school at which full-time education is provided for—

- (a) five or more pupils of compulsory school age, or
- (b) at least one pupil of that age for whom a statement is maintained under section 324, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989),

and which is not a school maintained by a local education authority or a special school not so maintained.

(2) For the purposes of subsection (1)(a) and (b) it is immaterial if full-time education is also provided at the school for pupils under or over compulsory school age.]

#### Textual Amendments

**F1** S. 463 substituted (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), **ss. 172**, 216(4) (with **ss. 210(8)**, 214(4)); [S.I. 2003/1667](#), art. 4; [S.I. 2003/2961](#), art. 6, Sch. Pt. III

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

**C1** S. 463 savings for effects of 2002 c. 32, s. 172 (W.) (19.11.2003) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(No.2\) \(Wales\) Regulations 2003 \(S.I. 2003/2959\)](#), regs. 1(1), **8(3)**

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## CHAPTER II

### REGISTRATION OF INDEPENDENT SCHOOLS

#### *Registration*

#### **F<sup>2</sup>464 Separate registration for England and for Wales.**

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##### **Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

#### **F<sup>2</sup>465 Provisional and final registration of a school.**

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##### **Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

#### **F<sup>2</sup>466 Enforcement of registration: offences.**

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##### **Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

#### **F<sup>2</sup>467 Provision of information about registered and provisionally registered schools.**

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##### **Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

#### **F<sup>2</sup>468 School may be struck off for contravention of regulations about employment of teachers.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

*Complaints about registered and provisionally registered schools*

**F2469 Notice of complaint by Secretary of State.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2470 Determination of complaint by an Independent Schools Tribunal.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2471 Determination of complaint by Secretary of State.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2472 Effect of personal disqualification.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2473 Enforcement of disqualification.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2 473A Removal of disqualification: persons no longer unsuitable to work with children.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2 473B Conditions for application under section 473A.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2 474 Removal of disqualification: other cases.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2 475 Duty of Registrar to comply with order for the deletion of a school from the register.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

*Independent Schools Tribunals*

**F2 476 Constitution and proceedings of Independent Schools Tribunals.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

*Supplementary*

**F2 477 Disqualification in Scotland.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**F2 478 Offences: institution of proceedings and punishment.**

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**Textual Amendments**

**F2** Ss. 464-478 repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

**CHAPTER III**

**ASSISTED PLACES AT INDEPENDENT SCHOOLS**

**F3 479** .....

**Textual Amendments**

**F3** S. 479 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3)(a), **Sch.**, Pt.I.

**F4 480** .....

**Textual Amendments**

**F4** S. 480 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3), **Sch. Pt.I.**

**F5 481** .....

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#### Textual Amendments

**F5** S. 481 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3), **Sch. Pt.I**.

## CHAPTER IV

### CITY COLLEGES

#### [<sup>F6</sup>482 Academies

- (1) The Secretary of State may enter into an agreement with any person under which—
  - (a) that person undertakes to establish and maintain, and to carry on or provide for the carrying on of, an independent school in England with the characteristics mentioned in subsection (2) and such other characteristics as are specified in the agreement, and
  - (b) the Secretary of State agrees to make payments to that person in consideration of those undertakings.
- (2) The characteristics mentioned above are that the school—
  - (a) has a curriculum satisfying the requirements of section 78 of the Education Act 2002, but with an emphasis on a particular subject area, or particular subject areas, specified in the agreement, and
  - (b) provides education for pupils of different abilities who are wholly or mainly drawn from the area in which the school is situated.
- (3) Before entering into an agreement under this section, the Secretary of State must consult the following about the establishment of the school—
  - (a) the local education authority in whose area the school is to be situated; and
  - (b) if the Secretary of State thinks a significant proportion of the pupils at the school is likely to be resident within the area of another local education authority, that authority.
- (4) An agreement under this section shall make any payments by the Secretary of State dependent on the fulfilment of—
  - (a) conditions and requirements imposed for the purpose of securing that no charge is made in respect of admission to (or attendance at) the school or, subject to such exceptions as may be specified in the agreement, in respect of education provided at the school, and
  - (b) such other conditions and requirements in relation to the school as are specified in the agreement.
- (5) A school to which an agreement under this section relates shall be known as an Academy.
- (6) Schedule 35A (which makes provision about land in relation to Academies) has effect.]

#### Textual Amendments

**F6** S. 482 substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(1), 216(2) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2

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

- C2** S. 482(3) excluded (1.6.2003) by [Education Act 2002 \(c. 32\)](#), s. 216(2), **Sch. 8 para. 9(1)** (with ss. 210(8), 214(4)); [S.I. 2003/1115](#), art. 2
- C3** S. 482(3) excluded (prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 70, 216(2), **Sch. 8 para. 9(1)** (with ss. 210(8), 214(4))

### 483 City colleges: financial provisions.

- (1) Payments under an agreement under section 482 may be in respect of capital or current expenditure.
- (2) In so far as such payments relate to current expenditure, the agreement shall provide for their continuance (subject to the fulfilment of the conditions and requirements falling within section 482(4))—
- for a period of not less than seven years, or
  - for an indefinite period terminable by the Secretary of State by not less than seven years' written notice.
- (3) Where such payments relate to capital expenditure, the agreement [<sup>F7</sup>may] provide for the repayment to the Secretary of State, in the event of the school at any time discontinuing or ceasing to have the characteristics specified in the agreement and in section 482(2), of sums determined by reference to—
- the value at that time of the school premises and other assets held for the purposes of the school, and
  - the extent to which expenditure incurred in providing those assets was met by payments under the agreement.
- <sup>F8</sup>[<sup>F9</sup>(3A) [<sup>F10</sup>If the school is a city academy, subsection (3) shall apply with such modifications (if any) as may be specified by the Secretary of State by order.]]
- (4) Without prejudice to subsection (1), an agreement under section 482 may provide for indemnifying a person, in the event of the agreement being terminated by the Secretary of State, for expenditure—
- incurred by that person in carrying out the undertakings mentioned in section 482(1), or
  - incurred by that person (otherwise than by virtue of subsection (3)) in consequence of the termination of the agreement.

#### Textual Amendments

- F7** Word in s. 483(3) substituted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), ss. 65(2), 216(2) (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 2
- F8** S. 483(3A) repealed (1.10.2002 for E., 1.8.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 4, Sch. Pt. I
- F9** S. 483(3A) inserted (1.10.2000) by [2000 c. 21](#), s. 132 (with s. 150); [S.I. 2000/2559](#), art. 2(1), **Sch. Pt. I**
- F10** S. 483(3A) repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3

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

- C4** S. 483(3) modified (E.) (12.11.2001) by [S.I. 2001/3445](#), art. 2

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**[<sup>F11</sup>483A City colleges and academies: special educational needs.**

- (1) This section applies in relation to any child falling within subsection (2) if the condition in subsection (3) is satisfied.
- (2) A child falls within this subsection if—
  - (a) he is a child for whom a statement is maintained under section 324, and
  - (b) he attends (or proposes to attend) a school which is a city technology college, a city college for the technology of the arts or [<sup>F12</sup>an Academy].
- (3) The condition in this subsection is satisfied if—
  - (a) the school is approved by the Secretary of State under section 347(1), or
  - (b) the Secretary of State consents to the child being educated at the school.
- (4) The Secretary of State may by regulations make provision for securing that arrangements are made—
  - (a) for making the special educational provision specified in the statement;
  - (b) for making any non-educational provision specified in the statement.
- (5) Regulations under subsection (4) may require or authorise a local education authority—
  - (a) to make payments to the school in respect of the child, or
  - (b) to provide any other assistance to the school in respect of the child.
- (6) No condition or requirement imposed by virtue of section 482(4)(a) is to prevent a local education authority making payments or providing assistance by virtue of subsection (5).
- (7) [<sup>F13</sup>This section does not apply to schools in Wales.]]

**Textual Amendments**

- F11** S. 483A inserted (1.10.2000) by 2000 c. 21, s. 133 (with s. 150); S.I. 2000/2559, art. 2(1), **Sch. Pt. I**
- F12** Words in s. 483A(2)(b) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65, 216; Sch. 7 Pt. 2 para. 6(4)(a); (with savings in ss. 210(8), 214(4)) S.I. 2002/2002, **art. 2**
- F13** S. 483A(7) ceased to have effect (26.7.2002) and repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 65(3), 215, 216(4), **Sch. 7 para. 6(4)(b)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**; S.I. 2002/2439, **art. 3**



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