



Education Act 1996

1996 CHAPTER 56

PART VII

INDEPENDENT SCHOOLS

CHAPTER I

PRELIMINARY

[^{F1}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 [^{F2}an EHC plan is maintained or 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 [^{F3}or section 74 of the Social Services and Well-being (Wales) Act 2014]), and which is not a school maintained by a [^{F4}local authority][^{F5}non-maintained special school].
- (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](#)
- F2** Words in s. 463(1)(b) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 43(a)**; [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

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- F3** Words in s. 463(1)(b) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **154**
- F4** 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))
- F5** Words in s. 463(1) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 43(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

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)**

CHAPTER II

REGISTRATION OF INDEPENDENT SCHOOLS

Registration

F⁶464 Separate registration for England and for Wales.

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Textual Amendments

- F6** 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

F⁶465 Provisional and final registration of a school.

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Textual Amendments

- F6** 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

F⁶466 Enforcement of registration: offences.

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Textual Amendments

- F6** 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

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F6467 Provision of information about registered and provisionally registered schools.

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Textual Amendments

F6 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

F6468 School may be struck off for contravention of regulations about employment of teachers.

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Textual Amendments

F6 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

F6469 Notice of complaint by Secretary of State.

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Textual Amendments

F6 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

F6470 Determination of complaint by an Independent Schools Tribunal.

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Textual Amendments

F6 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

F6471 Determination of complaint by Secretary of State.

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Textual Amendments

F6 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

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F6472 Effect of personal disqualification.

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Textual Amendments

F6 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

F6473 Enforcement of disqualification.

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Textual Amendments

F6 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

F6473A Removal of disqualification: persons no longer unsuitable to work with children.

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Textual Amendments

F6 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

F6473B Conditions for application under section 473A.

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Textual Amendments

F6 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

F6474 Removal of disqualification: other cases.

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Textual Amendments

F6 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

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F6 475 Duty of Registrar to comply with order for the deletion of a school from the register.

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Textual Amendments

F6 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

F6 476 Constitution and proceedings of Independent Schools Tribunals.

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Textual Amendments

F6 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

F6 477 Disqualification in Scotland.

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Textual Amendments

F6 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

F6 478 Offences: institution of proceedings and punishment.

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Textual Amendments

F6 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

F7 479

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Textual Amendments

F7 S. 479 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3)(a), **Sch.**, Pt.I.

F8 **480**

Textual Amendments

F8 S. 480 repealed (1.9.1997) by 1997 c. 59, ss. 1(1)(a)(b)(3), 6(3), 7(3), **Sch. Pt.I.**

F9 **481**

Textual Amendments

F9 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

F10 **482 Academies**
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Textual Amendments

F10 S. 482 repealed (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 16**; S.I. 2012/84, art. 3 (with art. 5)

F11 **483 City colleges: financial provisions.**
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Textual Amendments

F11 S. 483 repealed (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 2 para. 5**; S.I. 2010/1937, art. 2, Sch. 1

[F12 **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—

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- (a) he is a child for whom [^{F13}an EHC plan or a statement under section 324 is maintained], 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 [^{F14}an Academy] .
- (3) The condition in this subsection is satisfied if—
- [^{F15}(a) [^{F16}the EHC plan] is maintained by a local authority in England, or
 - (b) the statement is maintained by a local authority in Wales and the Welsh Ministers consent to the child being educated at the school.]
- (4) [^{F17}The appropriate national authority] may by regulations make provision for securing that arrangements are made—
- (a) for making the special educational provision specified in [^{F18}the plan or] the statement;
 - (b) for making any non-educational provision specified in [^{F19}the plan or] the statement.
- (5) Regulations under subsection (4) may require or authorise a [^{F4}local 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 [^{F4}local authority] making payments or providing assistance by virtue of subsection (5).
- [In subsection (4) “the appropriate national authority” means—
- ^{F20}(6A) (a) in relation to a school in England, the Secretary of State;
- (b) in relation to a school in Wales, the Welsh Ministers.]
- (7) [^{F21}This section does not apply to schools in Wales.]]

Textual Amendments

- F4** 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))
- F12** 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**
- F13** Words in s. 483A(2)(a) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 44(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F14** 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**
- F15** S. 483A(3)(a)(b) substituted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 147(5)**, 173(4); S.I. 2009/1513, art. 3
- F16** Words in s. 483A(3)(a) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 44(3)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F17** Words in s. 483A(4) substituted (1.9.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 147(6)**, 173(4); S.I. 2009/1513, art. 3
- F18** Words in s. 483A(4)(a) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 44(4)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

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- F19** Words in s. 483A(4)(b) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 44\(4\)](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F20** S. 483A(6A) added (1.9.2009) by [Education and Skills Act 2008 \(c. 25\), ss. 147\(7\), 173\(4\)](#); S.I. 2009/1513, art. 3
- F21** 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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