



# Education Act 1996

## 1996 CHAPTER 56

### PART X **U.K.**

#### MISCELLANEOUS AND GENERAL

### CHAPTER I **E+W**

#### EDUCATIONAL PREMISES

##### *Required standards for educational premises*

#### **542 Prescribed standards for school premises. **E+W****

- (1) Regulations shall prescribe the standards to which the premises of schools maintained by local education authorities and of grant-maintained schools are to conform; and without prejudice to the generality of section 569(4) different standards may be prescribed for such descriptions of schools as are specified in the regulations.
- (2) Where a school is maintained by a local education authority, the authority shall secure that the school premises conform to the prescribed standards.
- (3) Where a school is a grant-maintained school, the governing body shall secure that the school premises conform to the prescribed standards.
- (4) Subsections (2) and (3) have effect subject to section 543.

#### **543 Relaxation of prescribed standards in special cases. **E+W****

- (1) Where subsection (2), (3) or (4) applies in relation to a school, the Secretary of State may direct that, despite the fact that the prescribed requirement referred to in that subsection is not satisfied, the school premises shall be taken, as respects the matters specified in the direction, to conform to the standards prescribed under section 542 so long as—

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- (a) the direction remains in force, and
  - (b) any conditions specified in the direction as respects those matters are observed.
- (2) This subsection applies if the Secretary of State is satisfied, having regard—
- (a) to the nature of the school’s existing site,
  - (b) to any existing buildings on the site, or
  - (c) to other special circumstances affecting the school premises,
- that it would be unreasonable to require conformity with any prescribed requirement as to any matter.
- (3) This subsection applies if—
- (a) the school is to have an additional or new site, and
  - (b) the Secretary of State is satisfied, having regard to the shortage of suitable sites, that it would be unreasonable to require conformity with any prescribed requirement relating to sites.
- (4) This subsection applies if—
- (a) the school is to have additional buildings, or is to be transferred to a new site,
  - (b) existing buildings not previously part of the school premises, or temporary buildings, are to be used for that purpose, and
  - (c) the Secretary of State is satisfied, having regard to the need to control public expenditure in the interests of the national economy, that it would be unreasonable to require conformity with any prescribed requirement relating to buildings.
- (5) In this section “prescribed requirement” means a requirement of regulations under section 542.

**544 Approval etc. of school premises and boarding hostels. E+W**

- (1) Regulations may make provision requiring the Secretary of State’s approval (or, in such cases as may be prescribed, the approval of the funding authority) to be obtained for the provision of new premises for, or the alteration of the premises of—
- (a) any school to which this section applies, or
  - (b) any boarding hostel provided by a local education authority for persons receiving education at any such school.
- (2) Regulations may make provision for the inspection of any such hostel.
- (3) The schools to which this section applies are—
- (a) any school maintained by a local education authority,
  - (b) any grant-maintained school, and
  - (c) any special school not maintained by a local education authority.

**545 Exemption from building byelaws of approved buildings. E+W**

- (1) Where plans for, or particulars in respect of, a building required for the purposes of any school or other educational institution are approved by the Secretary of State, he may by order direct that any provision of a local Act or of a byelaw made under such an Act—
- (a) shall not apply in relation to the building, or

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- (b) shall apply in relation to it with such modifications as may be specified in the order.
- (2) The reference in subsection (1) to plans or particulars approved by the Secretary of State includes a reference to—
  - (a) particulars submitted to and approved by him under regulations under section 544 or section 218(7) of the <sup>M1</sup>Education Reform Act 1988, or
  - (b) particulars given in pursuance of section 428(2)(b).

#### Marginal Citations

M1 1988 c. 40.

### *Control of potentially harmful materials and apparatus*

#### **546 Control of potentially harmful materials and apparatus in schools. E+W**

- (1) Regulations may make provision for requiring the Secretary of State's approval to be obtained for the use in schools to which this section applies of such materials or apparatus as may be specified in the regulations, being materials or apparatus which could or might involve a serious risk to health.
- (2) The schools to which this section applies are—
  - (a) any school maintained by a local education authority,
  - (b) any grant-maintained school, and
  - (c) any special school not maintained by a local education authority.

### *Nuisance or disturbance on school premises*

#### **547 Nuisance or disturbance on school premises. E+W**

- (1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation, of—
  - (a) any school maintained by a local education authority, or
  - (b) any grant-maintained school.
- (3) If—
  - (a) a police constable, or
  - (b) (subject to subsection (5)) a person whom a local education authority have authorised to exercise the power conferred by this subsection,has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.

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- (4) The power conferred by subsection (3) may also be exercised, in relation to premises of an aided, special agreement or grant-maintained school, by a person whom the governing body have authorised to exercise it.
- (5) A local education authority may not authorise a person to exercise the power conferred by subsection (3) in relation to premises of a voluntary or grant-maintained school without first obtaining the consent of the governing body.
- (6) Subject to subsection (7), no proceedings for an offence under this section shall be brought by any person other than—
  - (a) a police constable, or
  - (b) a local education authority.
- (7) Proceedings for an offence under this section committed on premises of an aided, special agreement or grant-maintained school may be brought by a person whom the governing body have authorised to bring such proceedings.
- (8) A local education authority may not bring proceedings for an offence under this section committed on premises of a voluntary or grant-maintained school without first obtaining the consent of the governing body.

## CHAPTER II E+W

### CORPORAL PUNISHMENT

#### 548 **No right to give corporal punishment.** E+W

- (1) Where, in any proceedings, it is shown that corporal punishment has been given to any pupil to whom this subsection applies by or on the authority of a member of the staff, giving the punishment cannot be justified on the ground that it was done in pursuance of a right exercisable by the member of the staff by virtue of his position as such.
- (2) Where, in any proceedings, it is shown that corporal punishment has been given to any pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if it was inhuman or degrading.
- (3) Subsection (1) applies to—
  - (a) any pupil for whom education is provided—
    - (i) at a school maintained by a local education authority,
    - (ii) at a special school not so maintained, or
    - (iii) at a grant-maintained school;
  - (b) any pupil for whom education is provided at an independent school—
    - (i) which is maintained or assisted by a Minister of the Crown (including a school of which a government department is a proprietor) or is assisted by a local education authority, and
    - (ii) which falls within a prescribed class;
  - (c) any pupil for whom education is provided by a local education authority otherwise than at a school; and
  - (d) any pupil who is an assisted person for the purposes of this paragraph and for whom education is provided at an independent school not falling within paragraph (b) above.

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- (4) A pupil is an assisted person for the purposes of subsection (3)(d) if—
  - (a) he holds an assisted place under the scheme operated by the Secretary of State under section 479;
  - (b) any of the fees or expenses payable in respect of his attendance at school are paid by—
    - (i) the Secretary of State under section 491, or
    - (ii) a local education authority under section 517, or
    - (iii) the funding authority or a local education authority under paragraph 9 or 10 of Schedule 4;
  - (c) any of the fees payable in respect of his attendance at school are paid by a local education authority under section 518; or
  - (d) he falls within a prescribed category of persons.
- (5) The Secretary of State may prescribe, for the purposes of subsection (4)(d), one or more categories of persons who appear to him to be persons in respect of whom any fees are paid out of public funds.
- (6) A person does not commit an offence by reason of any conduct relating to a pupil which would, apart from this section, be justified on the ground that it is done in pursuance of a right exercisable by a member of the staff by virtue of his position as such.

#### **549 Interpretation of section 548. E+W**

- (1) Subject to subsection (2), references in section 548 to giving corporal punishment are to doing anything for the purpose of punishing the pupil concerned (whether or not there are also other reasons for doing it) which, apart from any justification, would constitute battery.
- (2) A person is not to be taken for the purposes of section 548 as giving corporal punishment by virtue of anything done for reasons that include averting an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned).
- (3) In determining for the purposes of section 548(2) whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.
- (4) In section 548 “member of the staff” means—
  - (a) in relation to a person who is a pupil by reason of the provision of education for him at a school, any teacher who works at the school and any other person who has lawful control or charge of the pupil and works there; and
  - (b) in relation to a person who is a pupil by reason of the provision of education for him by a local education authority at a place other than a school, any teacher employed by the authority who works at that place and any other person employed by the authority who has lawful control or charge of the pupil and works there.
- (5) In section 548 and this section “pupil” does not include any person who has attained the age of 18.

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**550 No avoidance of section 548 by refusing admission to school etc. E+W**

A person shall not be debarred from receiving education (whether by refusing him admission to a school, suspending his attendance or otherwise) by reason of the fact that any provision of section 548 applies in relation to him or, if he were admitted, might so apply.

**CHAPTER III E+W**

OTHER PROVISIONS ABOUT SCHOOLS

*Duration of school day etc.*

**551 Regulations as to duration of school day etc. E+W**

(1) Regulations may make provision with respect to the duration of the school day and school year at, and the granting of leave of absence from, any schools to which this section applies.

[<sup>F1</sup>(1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year.]

(2) The schools to which this section applies are—

- (a) any school maintained by a local education authority;
- (b) any grant-maintained school; and
- (c) any special school not maintained by a local education authority.

**Textual Amendments**

**F1** S. 551(1A) inserted (14.6.1997) by 1997 c. 44, s. 57(1), Sch. 7 para.39; S.I. 1997/1468, art. 2(1), Sch. 1 Pt.I

*Single-sex schools*

**552 Transitional exemption orders for purposes of Sex Discrimination Act 1975. E+W**

(1) Where—

- (a) by reason of section 37(7)(b), 43(4)(b), 169(6)(b) or 199(2) any proposals for a school to cease to be an establishment which admits pupils of one sex only may not be determined until the Secretary of State has made his determination with respect to any proposals for acquisition of grant-maintained status, and
- (b) the proposals for acquisition of grant-maintained status and the proposals for the school to cease to be such an establishment are approved (with or without modification),

paragraph 1 of Schedule 2 to the 1975 Act shall not apply but the new governing body shall be treated as having applied for the making by the Secretary of State of a transitional exemption order, and he may make such an order accordingly.

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- (2) Where the governing body of a grant-maintained school publish under section 259 proposals for the school to cease to be an establishment which admits pupils of one sex only and (by virtue of section 264(1)) Part III of this Act has effect with the modifications in section 264(2) to (7) in relation to the proposals, then—
- (a) paragraph 1 of Schedule 2 to the 1975 Act shall not apply unless the proposals require the approval of the Secretary of State, and
  - (b) in any other case, the governing body shall be treated as having applied for the making by the funding authority of a transitional exemption order, and the funding authority may make such an order accordingly.
- (3) Where under section 260 the funding authority submit to the Secretary of State a copy of proposals for a school to cease to be an establishment which admits pupils of one sex only, then—
- (a) if the proposals require the approval of the Secretary of State, the governing body shall be treated as having applied for the making by him of a transitional exemption order, and
  - (b) in any other case, the governing body shall be treated as having applied for the making by the funding authority of such an order,
- and the Secretary of State or, as the case may be, the funding authority may make such an order accordingly.
- (4) Where in pursuance of section 339(1)(b) a local education authority serve notice of proposals for a maintained special school to cease to be an establishment which admits pupils of one sex only, the responsible body shall be treated as having applied for the making by the Secretary of State of a transitional exemption order, and the Secretary of State may make such an order accordingly.
- (5) Where proposals made by the Secretary of State under section 502—
- (a) are for a school to cease to be an establishment which admits pupils of one sex only, and
  - (b) have effect as mentioned in section 504(3),
- the responsible body shall be treated as having applied for the making by the Secretary of State of a transitional exemption order, and the Secretary of State may make such an order accordingly.
- (6) In this section—
- “the 1975 Act” means the <sup>M2</sup>Sex Discrimination Act 1975,
  - “responsible body” has the same meaning as in section 22 of the 1975 Act, and
  - “transitional exemption order” has the same meaning as in section 27 of the 1975 Act,
- and references to proposals for a school to cease to be an establishment which admits pupils of one sex only are references to proposals which are or include proposals for such an alteration in a school’s admissions arrangements as is mentioned in section 27(1) of the 1975 Act (single-sex establishments becoming co-educational).

#### Marginal Citations

M2 1975 c. 65.



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### *Educational trusts*

#### **553 Schemes under the Endowed Schools Acts. E+W**

- (1) Where under any provision (however expressed) of a scheme made under the Endowed Schools Acts 1869 to 1948 the power of the trustees under the scheme to apply any property to which the scheme relates for purposes authorised by the scheme is subject to the approval or order of any other person, the scheme shall have effect as if no such approval or order was required.
- (2) The Secretary of State may, on the application of any person whose approval or order would apart from this section be required under such a scheme, direct that the requirement shall continue to have effect despite subsection (1); but no liability shall be taken to have been incurred in respect of any failure before the making of such a direction to obtain any such approval or order.

### *Religious educational trusts*

#### **554 Power to make new provision as to use of endowments. E+W**

- (1) This section applies where—
  - (a) the premises of a voluntary or grant-maintained school have ceased to be used for a voluntary or (as the case may be) grant-maintained school; or
  - (b) in the opinion of the Secretary of State it is likely such premises will cease to be so used.
- (2) In such a case the Secretary of State may (subject to sections 555 and 556(1) and (2)) by order make new provision as to the use of any endowment if it is shown either—
  - (a) that the endowment is or has been held wholly or partly for or in connection with the provision at the school of religious education in accordance with the tenets of a particular religion or religious denomination; or
  - (b) that the endowment is or has been used wholly or partly for or in connection with the provision at the school of such religious education and that (subject to subsection (4)) the requirements of subsection (3) are fulfilled.
- (3) The requirements of this subsection are—
  - (a) that the school was or has been maintained as a voluntary school since 1st April 1945 (the date when Part II of the <sup>M3</sup>Education Act 1944 came into force) or, in the case of a grant-maintained school, was so maintained from that date until immediately before it became a grant-maintained school; and
  - (b) that religious education in accordance with the tenets of the religion or denomination concerned—
    - (i) is, and has been from that date, provided at the school, or
    - (ii) where the premises have ceased to be used for the purposes of the school, was provided at the school from that date until immediately before the premises ceased to be so used,
 in pursuance of section 377 or 378 or section 380 or 381 (or any corresponding earlier enactment).
- (4) For the purposes of this section—
  - (a) where in the case of any school falling within subsection (3)(a) it is shown—



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- (i) that religious education in accordance with the tenets of a particular religion or denomination is provided at the school, or
    - (ii) if the premises have ceased to be used for the purposes of the school, such religious education was so provided immediately before the premises ceased to be so used,such religious education shall be taken to have been provided at the school from 1st April 1945, unless the contrary is shown; and
  - (b) where religious education in accordance with such tenets is shown to have been given to any pupils at a controlled school or a grant-maintained school which was a controlled school immediately before it became a grant-maintained school, the religious education shall be taken to have been given to them at the request of their parents, unless the contrary is shown.
- (5) For the purposes of this section—
- “endowment” includes property not subject to any restriction on the expenditure of capital; and
- “shown” means shown to the satisfaction of the Secretary of State.
- (6) This section applies where the premises of a non-provided public elementary school ceased before 1st April 1945 to be used for such a school as it applies where the premises of a voluntary school have ceased to be used for such a school.

#### Marginal Citations

M3 1944 c. 31.

### 555 Procedure applicable to orders under section 554. **E+W**

- (1) No order shall be made under section 554 except on the application of the persons appearing to the Secretary of State to be the appropriate authority of the religion or denomination concerned.
- (2) The Secretary of State shall, not less than one month before making an order under section 554, give notice of the proposed order and of the right of persons interested to make representations on it.
- (3) Such notice shall be given—
  - (a) by giving to any persons appearing to the Secretary of State to be trustees of an endowment affected by the proposed order a notice of the proposal to make it, together with a draft or summary of the provisions proposed to be included; and
  - (b) by publishing, in such manner as the Secretary of State thinks sufficient for informing any other persons interested, a notice of the proposal to make the order and of the place where any person interested may (during a period of not less than a month) inspect such a draft or summary, and by keeping a draft or summary available for inspection in accordance with the notice.
- (4) The Secretary of State shall take into account any representations made to him by any person interested before the order is made.
- (5) In this section “endowment” has the same meaning as in section 554.

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## **556 Content of orders under section 554. E+W**

- (1) An order under section 554—
  - (a) may require or authorise the disposal by sale or otherwise of any land or other property forming part of an endowment affected by the order, including the premises of the school and any teacher’s dwelling-house; and
  - (b) may consolidate any endowments to be dealt with by the scheme.
- (2) Subject to subsection (1), and to any provision affecting the endowments which is a provision of a public general Act of Parliament, an order under section 554 shall establish and give effect, with a view to enabling the religion or denomination concerned to participate more effectively in the administration of the statutory system of public education, to a scheme or schemes for the endowments dealt with by the order to be used for appropriate educational purposes either—
  - (a) in connection with schools which are voluntary schools or grant-maintained schools; or
  - (b) partly in connection with such schools (or either description of such schools) and partly in other ways related to the locality served by the voluntary or grant-maintained school at the premises that have gone or are to go out of use for such a school.
- (3) In subsection (2) “use for appropriate educational purposes” means use for educational purposes in connection with the provision of religious education in accordance with the tenets of the religion or denomination concerned (including in particular, but without prejudice to the generality of the foregoing, use for any purpose specified in Schedule 36).
- (4) A scheme given effect under section 554—
  - (a) may provide for the retention of the capital of any endowment and application of the accruing income; or
  - (b) may authorise the application or expenditure of capital to such extent and subject to such conditions as may be determined by or in accordance with the scheme;

and any such scheme may provide for the endowments dealt with by the scheme or any part of them to be added to any existing endowment applicable for any such purpose as is authorised for the scheme by subsection (2).
- (5) Where a scheme given effect under section 554 provides for the endowments dealt with by the order or any part of them to be used for the purposes specified in Schedule 36, any such scheme may provide for the endowments thereby dealt with or any part of them to be added to any existing endowment applicable for those purposes (whether it is so applicable by virtue of a scheme given effect to under that section or otherwise).
- (6) Section 568(5) does not apply to an order under section 554, but such an order may include such incidental or supplementary provisions as appear to the Secretary of State to be necessary or expedient either for the bringing into force or for the operation of any scheme established by it, including in particular provisions—
  - (a) for the appointment and powers of trustees of the property comprised in the scheme or, if the property is not all applicable for the same purposes, of any part of that property; and

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- (b) for the property or any part of it to vest by virtue of the scheme in the first trustees under the scheme or trustees of any endowment to which it is to be added or, if not so vested, to be transferred to them.
- (7) Any order under section 554 shall have effect despite any Act of Parliament (other than a public general Act), letters patent or other instrument relating to, or trust affecting, the endowments dealt with by the order.
- (8) In this section “endowment” has the same meaning as in section 554.

### **557 Adoption of statutory trusts. E+W**

- (1) This section applies to endowments which are—
  - (a) regulated by a qualifying scheme under the Endowed Schools Acts 1869 to 1948 as applied by section 86(1) of the <sup>M4</sup>Education Act 1944 or by an order under section 554 of this Act or section 2 of the <sup>M5</sup>Education Act 1973; and
  - (b) held under any such scheme or order on trusts which provide for capital or income or both to be applicable for or in connection with—
    - (i) the provision of religious education at relevant schools, or relevant schools of any description (but not only at a particular school or schools) in a diocese or other geographical area; or
    - (ii) the provision of premises for relevant schools, or relevant schools of any description (but not only at a particular school or schools) at which religious education is or is to be provided in a diocese or other geographical area;

but this section does not apply to an endowment if or in so far as it constitutes a religious education fund.
- (2) The trustees of any endowments to which this section applies may, by resolution complying with subsection (6), adopt the uniform statutory trusts as the trusts on which those endowments are to be held.
- (3) The uniform statutory trusts are those set out in Schedule 36.
- (4) On the adoption by trustees of the uniform statutory trusts in respect of any endowments the scheme or order which regulates the endowments shall have effect as if the uniform statutory trusts are incorporated in the scheme or order to the exclusion of the corresponding provisions of the scheme or order.
- (5) The trustees of two or more endowments which are held on the uniform statutory trusts may, by resolution complying with subsection (6), consolidate all or any of those endowments and, where they do so, the endowments shall be treated, for all purposes, as held for the purposes of a single charity.
- (6) For a resolution to comply with this subsection—
  - (a) it must be passed by a simple majority of the trustees or, if the trustees are a body corporate or a company, by a simple majority of the members of the body corporate or an ordinary resolution of the company; and
  - (b) it must be recorded in the records of the decisions of the trustees affecting the endowments of the trust.
- (7) Where trustees pass a resolution under subsection (2), it shall be their duty to send a copy of the resolution to the Secretary of State.

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(8) The uniform statutory trusts applicable to endowments to which this section applies shall not affect—

- (a) the rights of any person under the third proviso to section 2 of the <sup>M6</sup>School Sites Act 1841, under section 86(3) of the <sup>M7</sup>Education Act 1944 or under section 1 of the <sup>M8</sup>Reverter of Sites Act 1987 (rights replacing certain reversionary interests in land), or
- (b) the rights of any local education authority which have arisen under paragraph 7 or 8 of the First Schedule to the <sup>M9</sup>Education Act 1946 (rights in relation to school sites provided by such authorities) or which may arise under section 60(4) or 62(2),

except in so far as any right falling within paragraph (a) above is or has been extinguished by an order under section 554 of this Act or section 2 of the <sup>M10</sup>Education Act 1973 made by virtue of section 5 of the Reverter of Sites Act 1987.

(9) In this section—

- “company” means a company formed under the Companies Acts;
- “the Companies Acts” means the <sup>M11</sup>Companies Act 1985, the <sup>M12</sup>Companies Act 1948 or any Act repealed by that Act of 1948;
- “endowment” has the same meaning as in section 554;
- “provision”, in relation to premises, means provision by the purchase of a site, the erection of premises or the maintenance, improvement or enlargement of premises;
- “qualifying scheme” means a scheme in force on 1st January 1994 (the date when section 287 of the <sup>M13</sup>Education Act 1993 came into force);
- “relevant school” means a voluntary school or a grant-maintained school;
- “religious education” means religious education in accordance with the tenets of a particular religion or religious denomination; and
- “religious education fund” includes a Sunday school fund.

(10) In Schedule 36 as incorporated in any scheme or order—

- “the area” means the diocese or other geographical area within which the trust assets may be applied under the scheme or order, as the case may be;
- “relevant school” means a relevant school at which the religious education provided for in the scheme or order, as the case may be, is or is to be provided; and
- “the relevant trust assets” means the endowments in respect of which the trustees have adopted the uniform statutory trusts, including the income derived therefrom.

#### Marginal Citations

<b>M4</b>	1944 c. 31.
<b>M5</b>	1973 c. 16.
<b>M6</b>	1841 c. 38.
<b>M7</b>	1944 c. 31.
<b>M8</b>	1987 c. 15.
<b>M9</b>	1946 c. 50.
<b>M10</b>	1973 c. 16.
<b>M11</b>	1985 c. 6.
<b>M12</b>	1948 c. 38.

*Status: Point in time view as at 01/08/1997.*

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M13 1993 c. 35.

## CHAPTER IV **E+W**

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

#### **558 Meaning of “child” for purposes of enactments relating to employment of children or young persons. **E+W****

For the purposes of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not over compulsory school age shall be deemed to be a child within the meaning of that enactment.

#### **559 Power of local education authorities to prohibit or restrict employment of children. **E+W****

- (1) If it appears to a local education authority that a child who is a registered pupil at a county, voluntary or special school is being employed in such a manner as to be prejudicial to his health, or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority may serve a notice in writing on the employer—
  - (a) prohibiting him from employing the child, or
  - (b) imposing such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child.
- (2) A local education authority may serve a notice in writing on the parent or employer of a child who is a registered pupil at a county, voluntary or special school requiring the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.
- (3) A person who—
  - (a) employs a child in contravention of any prohibition or restriction imposed under subsection (1), or
  - (b) fails to comply with the requirements of a notice served under subsection (2),shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction—
  - (a) to a fine not exceeding level 1 on the standard scale, or
  - (b) to imprisonment for a term not exceeding one month,or both.
- (5) Section 28(1) and (3) of the <sup>M14</sup>Children and Young Persons Act 1933 (powers of entry for the enforcement of the provisions of Part II of that Act as to the employment of children) shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of Part II of that Act.

*Status: Point in time view as at 01/08/1997.*

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- (6) This section shall cease to have effect on the coming into force of section 2 of the <sup>M15</sup>Employment of Children Act 1973.

#### Marginal Citations

M14 1933 c. 12.

M15 1973 c. 24.

### 560 Work experience in last year of compulsory schooling. **E+W**

- (1) The enactments relating to the prohibition or regulation of the employment of children shall not apply to the employment of a child in his last year of compulsory schooling if the employment is in pursuance of arrangements made or approved—
- (a) by the local education authority, or
  - (b) in the case of a child at a grant-maintained school, by the governing body of the school,
- with a view to providing him with work experience as a part of his education.
- (2) For the purposes of subsection (1) a child shall be taken to be in his last year of compulsory schooling from the beginning of the term at his school which precedes the beginning of the school year in which he would cease to be of compulsory school age.
- (3) Subsection (1) shall not be taken to permit the employment of a person in any way contrary to—
- (a) an enactment which in terms applies to persons of less than, or not over, a specified age expressed as a number of years, or
  - (b) section 1(2) of the <sup>M16</sup>Employment of Women, Young Persons and Children Act 1920 or section 55(1) of the <sup>M17</sup>Merchant Shipping Act 1995 (which prohibit the employment of children in ships).
- (4) No arrangements shall be made under subsection (1) for a child to be employed in any way which would be contrary to an enactment prohibiting or regulating the employment of young persons if he were a young person (within the meaning of the enactment) and not a child.
- (5) Where a child is employed in pursuance of arrangements made under subsection (1), so much of any enactment as—
- (a) regulates the employment of young persons (whether by excluding them from any description of work, prescribing the conditions under which they may be permitted to do it or in any other way), and
  - (b) would apply in relation to him if he were of an age to be treated as a young person for the purposes of that enactment,
- shall apply in relation to him, in and in respect of the employment arranged for him, in all respects as if he were of an age to be so treated.
- (6) Nothing in section 495 or 496 applies in relation to any power conferred on a local education authority or the governing body of a grant-maintained school by subsection (1).
- (7) In this section “enactment” includes any byelaw, regulation or other provision having effect under an enactment.

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**Marginal Citations**

**M16** 1920 c. 65.

**M17** 1995 c. 21.

**CHAPTER V E+W**

**PERSONS NOT COVERED BY ACT**

**561 Act not to apply to persons in service of the Crown. E+W**

No power or duty conferred or imposed by this Act on—

- (a) the Secretary of State,
- (b) local education authorities, or
- (c) parents,

shall be construed as relating to any person who is employed by or under the Crown in any service or capacity with respect to which the Secretary of State certifies that, by reason of the arrangements made for the education of children and young persons so employed, the exercise and performance of those powers and duties with respect to such children and young persons is unnecessary.

**562 Act not to apply to persons detained under order of a court. E+W**

(1) No power or duty conferred or imposed by or under this Act on—

- (a) the Secretary of State,
- (b) local education authorities, or
- (c) parents,

shall be construed as relating to any person who is detained in pursuance of an order made by a court or of an order of recall made by the Secretary of State, but a local education authority may make arrangements for a person who is detained in pursuance of such an order to receive the benefit of educational facilities provided by the authority.

(2) A child or young person who is being educated as a boarder at a school shall not be regarded for the purposes of subsection (1) as detained in pursuance of an order made by a court by reason of the fact that he is required to be at the school—

- (a) by virtue of an order made by a court under the <sup>M18</sup>Children and Young Persons Act 1933 or by virtue of anything done under such an order; or
- (b) by virtue of a requirement of a probation order or by virtue of anything done under such a requirement.

**Marginal Citations**

**M18** 1933 c. 12.



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## CHAPTER VI U.K.

### GENERAL

#### *Documents and evidence*

#### 563 Educational records. E+W

- (1) Regulations may make provision as to—
  - (a) the keeping, disclosure and transfer of educational records about persons receiving education at schools to which this section applies; and
  - (b) the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.
- (2) The regulations may authorise persons who supply copies of such records in pursuance of the regulations to charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.
- (3) The schools to which this section applies are—
  - (a) any school maintained by a local education authority;
  - (b) any grant-maintained school; and
  - (c) any special school not maintained by a local education authority.

#### 564 Certificates of birth and registrars' returns. E+W

- (1) Where the age of any person is required to be proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar having the custody of the register of birth and deaths containing the entry relating to the birth of that person shall—
  - (a) on being presented by any person (“the applicant”) with a written requisition in such form and containing such particulars as may be determined by regulations, and
  - (b) on payment of a fee of [<sup>F2</sup>£2.50],
 supply the applicant with a copy of the entry certified under his hand.
- (2) A registrar shall, on being requested so to do, supply free of charge a form of requisition for the purposes of subsection (1).
- (3) A registrar shall supply to a local education authority such particulars of the entries contained in any register of births and deaths in his custody, and in such form, as (subject to regulations) the authority may from time to time require.
- (4) In this section—
 

“register of births and deaths” means a register of births and deaths kept under the <sup>M19</sup>Births and Deaths Registration Act 1953, and

“registrar” includes a registrar of births and deaths and a superintendent registrar.

#### **Textual Amendments**

- F2** Fee in s. 564(1)(b) substituted (1.4.1997) by [S.I. 1996/3152, art. 2, Sch.](#) (which S.I. was revoked (1.4.1998) by [S.I. 1997/2939, art. 3](#))

*Status: Point in time view as at 01/08/1997.*

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#### Marginal Citations

M19 1953 c. 20.

#### 565 Evidence: presumption as to age. **E+W**

- (1) Where in any proceedings under this Act the person by whom the proceedings are brought—
  - (a) alleges that any person whose age is material to the proceedings is under, of, or over, any age, and
  - (b) satisfies the court that, having used all reasonable diligence to obtain evidence as to the age of that person, he has been unable to do so,the court may, unless the contrary is proved, presume that person to be under, of, or (as the case may be) over, the age alleged.
- (2) This section has effect subject to section 445(3).

#### 566 Evidence: documents. **E+W**

- (1) In any legal proceedings, any of the following documents, namely—
  - (a) a document purporting to be a document issued by a local education authority, and to be signed by the clerk of that authority or by the chief education officer of that authority or by any other officer of the authority authorised to sign it,
  - (b) a document purporting to be an extract from the minutes of the proceedings of the governing body of a county or voluntary school, and to be signed by the chairman of the governing body or by their clerk,
  - (c) a document purporting to be a certificate giving particulars of the attendance of a child or young person at a school, and to be signed by the head teacher of the school, and
  - (d) a document purporting to be a certificate issued by a medical officer of a local education authority, and to be signed by such an officer,shall be received in evidence and shall be treated, without further proof, as the document which it purports to be and as having been signed by the person by whom it purports to have been signed, unless the contrary is proved.
- (2) In any legal proceedings, any such extract or certificate as is mentioned in subsection (1)(b), (c) or (d) shall be evidence of the matters stated in it.

#### *Stamp duty*

#### 567 Stamp duty. **E+W**

- (1) Subject to subsection (5), stamp duty shall not be chargeable in respect of any transfer effected under—
  - (a) section 201 (taken with section 198 of, and Schedule 10 to, the <sup>M20</sup>Education Reform Act 1988), or
  - (b) section 279(3) or (4).
- (2) Subject to subsection (5), stamp duty shall not be chargeable in respect of any transfer to a funding authority under section 277.

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- (3) Subject to subsection (5), stamp duty shall not be chargeable in respect of any transfer to a local education authority—
- (a) under or by virtue of section 277(1)(a) or 298(2) of property which immediately after the transfer is held by the authority for the purposes of a county or voluntary school or a maintained special school not established in a hospital, or
  - (b) by virtue of section 277(2) of property which immediately after the transfer is held by the authority for the purposes of a new county school.
- (4) Subject to subsection (5), stamp duty shall not be chargeable in respect of any transfer to the governing body of a grant-maintained school—
- (a) by virtue of section 277(2), or
  - (b) in the case of a school established under section 211(2) or 212, from the funding authority.
- (5) No instrument (other than a statutory instrument) made or executed under or in pursuance of any of the provisions mentioned in subsections (1) to (4) above shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the <sup>M21</sup>Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the <sup>M22</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

**Marginal Citations**

- M20** 1988 c. 40.  
**M21** 1982 c. 39.  
**M22** 1891 c. 39.

*Orders, regulations and directions*

**568 Orders.** E+W

- (1) Any power of the Secretary of State to make orders under this Act (other than an order under any of the excepted provisions) shall be exercised by statutory instrument.
- (2) For the purposes of subsection (1) “the excepted provisions” are—
- sections 24 and 27;
  - sections 46 to 48, 50, 51, 54, 55, 57, 58, 63, 64, 77(7), 85, 95(1), 104(1), 110(4), 112(4), 128(6) and 179;
  - sections 202, 220, 233, 274 and 302 and the definition of “Church in Wales school” in section 311(1);
  - section 349;
  - sections 420(2) and 427;
  - sections 468, 471(1) and 474;
  - section 489(3),
  - sections 497, 500, 501 and 516;
  - section 545; and
- paragraph 5 of Schedule 21 and paragraph 3 of Schedule 28.

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- (3) A statutory instrument containing any order made by the Secretary of State under this Act, other than an order under—  
section 354(6), 355(2)(a), 356(2)(c) or 401,  
section 517(6),  
section 554,  
section 583(3) or (4), or  
Schedule 40,  
shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) No order shall be made under section 354(6), 355(2)(a) or 401 unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Any order made—  
(a) by the Secretary of State under this Act by statutory instrument, or  
(b) by the funding authority under section 220, 233 or 302 or paragraph 5 of Schedule 21,  
may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (6) Without prejudice to the generality of subsection (5), an order made by the Secretary of State under this Act by statutory instrument may make in relation to Wales provision different from that made in relation to England.

## 569 Regulations. **E+W+S**

- (1) Any power of the Secretary of State to make regulations under this Act shall be exercised by statutory instrument.
- (2) A statutory instrument containing regulations under this Act, other than regulations under section 480 or 492 or paragraph 1(4) of Schedule 20, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No regulations shall be made under section 480 or 492 or paragraph 1(4) of Schedule 20 unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (5) Without prejudice to the generality of subsection (4), regulations under this Act may make in relation to Wales provision different from that made in relation to England.
- (6) Subsection (5) does not apply to regulations under section 579(4).

### Extent Information

**E1** S. 569 extends to Scotland so far as relating to regulations under s. 493 see s. 583(7).

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**570 Revocation and variation of certain orders and directions. E+W**

- (1) This section applies to any order or directions made or given under this Act by—
- (a) the Secretary of State,
  - (b) the funding authority, or
  - (c) a local education authority,
- other than an order to which section 568(1) applies.
- (2) Subject to subsection (3), any such order or directions may be varied or revoked by a further order or directions made or given by the Secretary of State, the funding authority or the local education authority, as the case may be.
- (3) Where the power to make or give any such order or directions is only exercisable—
- (a) on the application or with the consent of any person or body of persons, or
  - (b) after consultation with any person or body of persons, or
  - (c) subject to any other conditions,
- no order or directions made or given under that power may be varied or revoked under subsection (2) unless the same conditions are complied with.

*Guidance*

**571 Publication of guidance. E+W**

- (1) The Secretary of State shall publish any guidance given by him for the purposes of any [<sup>F3</sup>provision of this Act] in such manner as he thinks fit.

<sup>F4</sup>(2) .....

**Textual Amendments**

- F3** Words in s. 571(1) substituted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 41(a)**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt.1**
- F4** S. 571(2) repealed (14.6.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 41(b), **Sch.8**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt.1**

*Service of documents*

**572 Service of notices and other documents. E+W**

Any order, notice or other document required or authorised by this Act to be served on any person may be served—

- (a) by delivering it to that person, or
- (b) by leaving it at his usual or last known place of residence, or
- (c) by sending it in a prepaid letter addressed to him at that place.

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### Construction

#### 573 **Meaning of expressions relating to alteration etc. of premises or character of schools.** **E+W**

- (1) The following provisions apply for the purposes of this Act except where the context otherwise requires.
- (2) References to the alteration of school premises include making improvements, extensions or additions to the premises; and “alterations”, in relation to any school premises, shall be construed similarly except that it does not include a significant enlargement of the premises.
- (3) References to the enlargement of any school premises include any modification of the school’s existing premises which has the effect of increasing the number of pupils for whom accommodation can be provided.
- (4) Subject to section 41(4) and section 266(1), references to a change in the character of a school include, in particular, changes in character resulting from—
  - (a) education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as girls or for girls as well as boys, or
  - (b) the making or alteration of arrangements for the admission of pupils by reference to ability or aptitude.
- (5) In relation to a change in the character of a school or an enlargement of school premises, “significant” implies that there is a substantial change in the function or size of the school.
- (6) If a question arises whether a change in the character of a county, voluntary or grant-maintained school or an enlargement of its premises would be a significant change or enlargement, that question shall be determined by the Secretary of State.

#### 574 **Changes to school not amounting to discontinuance etc.** **E+W**

- (1) For the purposes of this Act and any other enactment relating to the duties of a local education authority neither—
  - (a) references in whatever terms to discontinuing a school (including those to a local authority ceasing to maintain a school), nor
  - (b) references in whatever terms to establishing a new school,shall be read as applying by reason only of a change such as is mentioned in subsection (2) being made to an existing school (so that, where such a change is made to an existing school, the school shall be regarded as continuing despite the change and as being the same school before and after it, unless for other reasons it is to be regarded as discontinued).
- (2) The changes are—
  - (a) education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as girls or for girls as well as boys;
  - (b) an enlargement or alteration of the school premises; and
  - (c) the transfer of the school to a new site.

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**575 Meaning, for certain purposes, of expressions relating to employment. E+W**

- (1) In the provisions to which this section applies—
  - (a) “contract of employment”, “employee” and “employer” have the same meaning as in the <sup>M23</sup>Employment Rights Act 1996, and
  - (b) “employed” means employed under a contract of employment.
- (2) This section applies to—
  - (a) the provisions of Chapter VI of Part II relating to schools with delegated budgets;
  - (b) Parts III and V; and
  - (c) Schedule 7.
- (3) For the purposes of the provisions to which this section applies—
  - (a) a person employed by a local education authority is to be regarded as employed to work at a school if his employment with the authority for the time being involves work at that school, and
  - (b) a person employed by a local education authority is to be regarded as employed to work solely at a school if his only employment with the authority (disregarding any employment under a separate contract with the authority) is for the time being at that school.
- (4) Subsection (1) also applies for construing references to “employed” in subsection (3).
- (5) Nothing in this section affects the construction of any of the expressions defined by this section where they occur in provisions of this Act other than those to which this section applies.

**Marginal Citations**

**M23** 1996 c. 18.

**576 Meaning of “parent”. E+W**

- (1) In this Act, unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person—
  - (a) who is not a parent of his but who has parental responsibility for him, or
  - (b) who has care of him,
 except that in the provisions mentioned in subsection (2) it only includes such a person if he is an individual.
- (2) Those provisions are—
  - (a) sections 78(3), 81(4), 162, 186 to 188, 190, 200, 223, 226 and 228; and
  - (b) paragraph 7(2) and (7) of Schedule 8, paragraph 7(1) of Schedule 9, Schedule 18, paragraph 8 of Schedule 23 and Schedule 24.
- (3) In subsection (1) “parental responsibility” has the same meaning as in the <sup>M24</sup>Children Act 1989.
- (4) In determining for the purposes of subsection (1) whether an individual has care of a child or young person, any absence of the child or young person at a hospital or boarding school and any other temporary absence shall be disregarded.



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

**C1** S. 576(1) applied (with modifications) (24.7.1998) by 1998 c. 31, ss. 142(10), 145(4) (with ss. 138(9), 144(6))

**Marginal Citations**

**M24** 1989 c. 41.

**577 Minor authorities.** **E+W**

- (1) For the purposes of this Act a school maintained by a local education authority serves an area for which there is a minor authority if the area served by the school is—
  - (a) a parish or community;
  - (b) an area in England which is not within a parish and is not situated in—
    - (i) a county for which there is no council, or
    - (ii) a county in which there are no district councils; or
  - (c) an area comprising two or more areas each of which falls within paragraph (a) or (b).
- (2) Where the area served by the school is a parish, the minor authority in relation to the school is—
  - (a) the parish council (if there is one), or
  - (b) the parish meeting (if there is no parish council).
- (3) Where the area served by the school is a community, the minor authority in relation to the school is the community council.
- (4) Where the area served by the school is an area falling within subsection (1)(b), the minor authority in relation to the school is the district council for the area.
- (5) Where the area served by the school is an area falling within subsection (1)(c), the relevant authorities acting jointly are the minor authority in relation to the school.
- (6) In subsection (5) “the relevant authorities” means the bodies which, if the two or more constituent areas referred to in subsection (1)(c) were taken separately, would be the minor authorities for those areas.
- (7) References in this section to the area served by a school are references to the area appearing to the local education authority to be served by the school.

**578 Meaning of “the Education Acts”.** **E+W**

In this Act “the Education Acts” means this Act together with the following Acts—  
the <sup>M25</sup>Education Act 1962;  
the <sup>M26</sup>Education Act 1967;  
the <sup>M27</sup>Education Act 1973;  
the <sup>M28</sup>Education Act 1980;  
the <sup>M29</sup>Education (Fees and Awards) Act 1983;  
the <sup>M30</sup>Further Education Act 1985 (except sections 4 and 5);  
the <sup>M31</sup>Education Act 1986;  
the <sup>M32</sup>Education (No. 2) Act 1986;

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the <sup>M33</sup>Education Reform Act 1988;  
 the <sup>M34</sup>Education (Student Loans) Act 1990;  
 the <sup>M35</sup>School Teachers' Pay and Conditions Act 1991;  
 the <sup>M36</sup>Further and Higher Education Act 1992;  
 the <sup>M37</sup>Education Act 1994;  
 the <sup>M38</sup>Education (Student Loans) Act 1996;  
 the <sup>M39</sup>Nursery Education and Grant-Maintained Schools Act 1996;  
 the <sup>M40</sup>School Inspections Act 1996.  
 [<sup>F5</sup>the <sup>M41</sup>Education Act 1997.]  
 [<sup>F6</sup>the <sup>M42</sup> Education (Schools) Act 1997]

#### Textual Amendments

- F5** Entry in s. 578 added (14.6.1997) by 1997 c. 44, ss. 57(1), 58(2), **Sch. 7 para. 42**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**
- F6** Entry in s. 578 inserted (31.7.1997) by 1997 c. 59, ss. **6(2)**, 7(2)(3)

#### Marginal Citations

- M25** 1962 c. 12.  
**M26** 1967 c. 3.  
**M27** 1973 c. 16.  
**M28** 1980 c. 20.  
**M29** 1983 c. 40.  
**M30** 1985 c. 47.  
**M31** 1986 c. 40.  
**M32** 1986 c. 61.  
**M33** 1988 c. 40.  
**M34** 1990 c. 6.  
**M35** 1991 c. 49.  
**M36** 1992 c. 13.  
**M37** 1994 c. 30.  
**M38** 1996 c. 9.  
**M39** 1996 c. 50.  
**M40** 1996 c. 57.  
**M41** 1997 c. 44.  
**M42** 1997 c. 59

### 579 General interpretation. **E+W**

- (1) In this Act, unless the context otherwise requires—
- “the appropriate further education funding council” has the meaning given by section 1(6) of the Further and Higher Education Act 1992;
  - “boarder” includes a pupil who boards during the week but not at weekends;
  - “child” means a person who is not over compulsory school age;
  - “clothing” includes footwear;
  - “exclude”, in relation to the exclusion of a pupil from a school (otherwise than under section 524), means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly);

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*Status: Point in time view as at 01/08/1997.*

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“financial year” means a period of twelve months ending with 31st March;

“functions” includes powers and duties;

“governing body” or “governors” (without more), in relation to a voluntary school and any function conferred or imposed by this Act exclusively on the foundation governors of such a school, means the foundation governors of the school;

“head teacher” includes acting head teacher;

“higher education” means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;

“land” includes buildings and other structures, land covered with water, and any interest in land;

“liability” includes obligation;

“local authority” means a county council, a county borough council, a district council, a London borough council or the Common Council of the City of London;

“the local education authority”—

(a) in relation to a school maintained (or proposed to be maintained) by a local authority, means (in accordance with section 34(1)) that authority; and

(b) in relation to a grant-maintained school, means the local education authority for the area in which the school is situated;

“local government elector” has the meaning given by section 270(1) of the <sup>M43</sup>Local Government Act 1972;

“medical officer”, in relation to a local education authority, means a registered medical practitioner who is employed or engaged (whether regularly or for the purposes of any particular case) by the authority or whose services are made available to the authority by the Secretary of State;

“modifications” includes additions, alterations and omissions and “modify” shall be construed accordingly;

“premises”, in relation to a school, includes any detached playing fields but, except where otherwise expressly provided, does not include a teacher’s dwelling-house;

“prescribed” means prescribed by regulations;

“proprietor”, in relation to a school, means the person or body of persons responsible for the management of the school (so that, in relation to a county, voluntary or grant-maintained school, it means the governing body);

“reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate with pupils of that age;

“regulations” means regulations made by the Secretary of State;

“relevant age group”, in relation to a school, means an age group in which pupils are normally admitted (or, as the case may be, will normally be admitted) to the school;

“school buildings”, in relation to a school, means any building or part of a building forming part of the school premises, other than a building or part required only—

(a) as a caretaker’s dwelling,

(b) for use in connection with playing fields,

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(c) to afford facilities for enabling the Secretary of State facilities to carry out his functions under section 5(1) or (1A) of, and Schedule 1 to, the <sup>M44</sup>National Health Service Act 1977 (which relate to the provision of medical and dental services for pupils), or

(d) to afford facilities for providing milk, meals or other refreshment for pupils in attendance at the school;

“school day”, in relation to a school, means any day on which at that school there is a school session;

[<sup>F7</sup>“school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;]

“trust deed”, in relation to a voluntary school, includes any instrument (other than an instrument of government or articles of government made under this Act) regulating the constitution of the school’s governing body or the maintenance, management or conduct of the school;

“young person” means a person over compulsory school age but under the age of 18.

- (2) References in this Act to an interest in land include any easement, right or charge in, to or over land.
- (3) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if they are or are to be placed on admission in a nursery class.
- (4) For the purposes of this Act a person shall be treated as belonging, or as not belonging, to the area of a particular local education authority in accordance with regulations; and any question under the regulations shall, in the case of a dispute, be determined by the Secretary of State.
- (5) For the purposes of this Act a school shall be regarded as “assisted” by a local education authority who do not maintain it if the authority make to its proprietor any grant in respect of the school or any payment in consideration of the provision of educational facilities there.
- (6) Subject to subsection (7), an institution other than a school shall be regarded for the purposes of this Act as “assisted” by a local education authority if the authority make to the persons responsible for its maintenance any grant in respect of the institution or any payment in consideration of the provision of educational facilities there.
- (7) Neither—
- (a) a university, nor
  - (b) any institution within the further education sector or within the higher education sector other than a university,

shall be regarded for the purposes of this Act as “assisted” by a local education authority by virtue of the making by the authority to the persons responsible for the maintenance of the university or institution of any grant or payment such as is mentioned in subsection (6).

#### **Textual Amendments**

- F7** Definition in s. 579(1) inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para.43**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**

*Status: Point in time view as at 01/08/1997.*

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### Marginal Citations

**M43** 1972 c. 70.

**M44** 1977 c. 49.

## 580 Index. **E+W**

The expressions listed in the left-hand column below are defined by, or (as the case may be) are to be interpreted in accordance with, the provisions of this Act listed in the right-hand column in relation to those expressions.

<i>Expression</i>	<i>Relevant provision</i>
admission authority (in Chapter I of Part VI)	section 415
admitted to a school for nursery education	section 579(3)
aggregated budget (in Part II)	sections 101(3) and 105
agreed syllabus	section 375(2) and (4)
aided school	section 32(1) and (3)
allocation formula (in Part II)	section 106(2)
alteration (of school premises) and alterations (in relation to such premises)	section 573(2)
annual parents' meeting (in Chapter VI of Part II)	section 162(1)
appropriate diocesan authority (in Part III in relation to a Church of England, Church in Wales or Roman Catholic Church school)	section 311(1)
appropriate further education funding council	section 579(1)
area (of a local education authority)	section 12(6)
articles of government	
(in relation to a county, voluntary or maintained special school)	section 127(1)
(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28
(in relation to a group of grant-maintained schools)	section 280(2)
assess (in Part V)	section 350(2)
assessment arrangements (in Part V)	section 353
assisted (in relation to a school or other institution)	section 579(5) to (7)

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assisted places scheme (in Part VII)	section 479(1)
attainment targets (in Part V)	section 353
authority responsible for election arrangements (in Chapter V of Part III)	section 243(2)
belonging to the area of a local education authority (in relation to a person)	section 579(4)
boarder	section 579(1)
budget share (in Part II)	section 101(3) and (6)
capital grant (in relation to grant-maintained schools)	section 246(1) (or section 252)
cease to maintain (in relation to a school)	section 574
the chairmen's panel (in Part IV)	section 333(2)
change in character (in relation to a school)	section 573(4)
character (of a school) (in Part III)	section 311(4)
child	
(generally)	section 579(1)
(in Part IV)	section 312(5)
child for whom a local education authority are responsible (in Part IV)	section 321(3)
Church in Wales school	section 311(1)
Church of England school	section 311(1)
city college for the technology of the arts	section 482(3)
city technology college	section 482(3)
clothing	section 579(1)
commencement of this Act	section 583(2)
compulsory school age	section 8 (or paragraph 1 of Schedule 40)
contract of employment (in relation to provisions specified in section 575(2))	section 575(1)
controlled school	section 32(1) and (2)
co-opted governor (in relation to a county, voluntary or maintained special school)	section 78(1)
core governor	section 285 and Schedule 25
county school	section 31(1)
date of implementation	
(in Part III in relation to proposals for acquisition of grant-maintained status)	section 200(2)

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(in Part III in relation to a new grant-maintained school)	section 217
date of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
delegation requirement (in Part II)	section 107(2)
discontinue (in relation to a school)	section 574
disposal of premises (in sections 297 to 300)	section 301(3)
dissolution date (in sections 274 to 279)	section 274(6)
the Education Acts	section 578
eligible for grant-maintained status (in Part III)	section 184
eligible governor (in Part III)	paragraph 4 of Schedule 24
eligible to vote in a ballot held in accordance with section 189 (in Chapter II of Part III)	section 190(1)
employed, employee, employer (in relation to provisions specified in section 575(2))	section 575(1)
employed to work, or to work solely, at a school (in relation to provisions specified in section 575(2))	section 575(3)
employee (in sections 469 to 473)	section 469(6)
enlargement (in relation to school premises)	section 573(3)
establish (in relation to a new school)	section 574
examination requirement (in Chapter III of Part VI)	section 462(1)
exclude, exclusion (except in section 524)	section 579(1)
financial year	section 579(1)
first governor (in relation to a grant-maintained school)	paragraphs 7 and 12 of Schedule 24
foundation governor	
(in relation to a voluntary school)	section 78(2)
(in relation to a grant-maintained school)	paragraphs 8 and 13 of Schedule 24
foundation subjects	section 354(1) and (2)
functions	section 579(1)
funding authority	section 26



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further education	section 2(3) to (5)
general schools budget (in Part II)	section 101(3)
governing body, governor	
(in Chapters IV to VI of Part II)	section 182
(in relation to a school grouped for purposes of Chapter IV of Part II)	section 89(6)
(in relation to a voluntary school and functions of foundation governors)	section 579(1)
governing body in liquidation (in sections 274 to 279)	section 274(3)
governor of an elected category (in Part III)	paragraph 3 of Schedule 24
governors' report (in Chapter VI of Part II)	section 161(1)
grant-maintained school	
(generally)	section 183(1)
(in sections 500 to 504)	section 505(8)
grant-maintained school formerly conducted by a governing body in liquidation (in sections 274 to 279)	section 274(5)
grant-maintained special school	sections 337(4) and 346(3)
grant regulations (in Chapter VI of Part III)	section 244(2)
grants for education support and training	section 484(1)
group (of schools)	
(in Part II)	section 89(5)
(in Chapter IX of Part III)	section 280(7)
head teacher	
(generally)	section 579(1)
(in relation to a county, voluntary or maintained special school organised into separate departments)	section 132
higher education	section 579(1)
incorporation date	
(in Chapter II of Part III)	section 200(5)
(in Chapter IV of Part III)	section 217
(in Part IV)	section 345(3)
independent school	section 463

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initial governor (in Part III)	paragraph 2 of Schedule 24
institution outside (or within) the further education sector	section 4(3)
institution outside (or within) the higher education sector	section 4(4)
instrument of government	
(in relation to a county, voluntary or maintained special school)	section 76(1)
(in relation to a grant-maintained school)	section 218(1)
(in relation to a grant-maintained special school)	paragraph 1 of Schedule 28
(in relation to a group of grant-maintained schools)	section 280(2)
interest in land	section 579(2)
junior pupil	section 3(2)
key stage	section 355(1)
land	section 579(1)
the lay panel (in Part IV)	section 333(2)
learning difficulty	section 312(2) and (3)
liability	section 579(1)
local authority	section 579(1)
local education authority	section 12(1) to (5)
the local education authority	
(generally)	section 579(1)
(in relation to a scheme under Part II)	section 101(2)
local government elector	
(generally)	section 579(1)
(in Part III in relation to an area)	section 311(7)
maintain (in relation to a school maintained by a local education authority)	section 34
maintained school	
(in Part IV)	section 312(5)
(in Part V)	section 350(1)
(in Chapter II of Part VI)	section 437(8)
(in Chapter III of Part VI)	section 449
(in sections 500 to 504)	section 505(8)

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maintained nursery school	sections 6(1) and 33(1)
maintained special school	sections 6(2), 33(1) and 337(3)
maintenance grant (in relation to grant-maintained schools)	section 244(1) (or section 250(1))
medical officer (in relation to a local education authority)	section 579(1)
minor authority	section 577
middle school	section 5(3)
modifications, modify	section 579(1)
the National Curriculum	sections 352(1) and 353
new governing body (in Part III)	section 195(2)
new school (in Part II)	section 181(1)
nursery school	section 6(1)
optional extra (in Chapter III of Part VI)	section 455(3)
parent	section 576
parent governor (in relation to a county, voluntary or maintained special school)	section 78(3)
(in relation to a grant-maintained school)	paragraphs 5 and 10 of Schedule 24
participating school (in Part VII)	section 479(2)
participation agreement (in Part VII)	section 479(2)
pending (in Part III in relation to proposals published under section 193)	section 193(4)
(in Chapter III of Part III in relation to the procedure for acquisition of grant-maintained status)	section 203(1)
powers to make proposals for the alteration of their school (in sections 500 to 504 in relation to the governing body of a voluntary school)	section 505(7)
powers to make proposals for the establishment, alteration or discontinuance of schools (in sections 500 to 504)	section 505(8)
premises (in relation to a school)	section 579(1)
(in Part III)	section 311(1)
prescribed	section 579(1)

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the President (in Part IV)	section 333(2)
primary education	section 2(1)
primary school	section 5(1)
programmes of study (in Part V)	section 353
proceeds of disposal (in sections 297 to 300)	section 301(3)
procedure applicable under Chapter IV of Part II (in Chapter V of Part III)	section 243(3)
promoters (in Part III)	section 212(1)
proposals (in Chapter VII of Part III)	section 266(2)
proposals for acquisition of grant-maintained status (in Part III)	section 183(2)
proposals for the establishment of a new grant-maintained school (in Part III)	section 183(2)
proprietor (in relation to a school)	section 579(1)
prospectively disqualified (in Chapter V of Part III)	section 243(4)
provisionally registered school (in Part VII)	section 465(4)
pupil	sections 3(1) and 19(5)
reception class	section 579(1)
register, registration (in Part VII in relation to independent schools)	section 464(4)
registered (in relation to parents or pupils)	section 434(5)
registered school (in Part VII)	section 465(4)
Registrar of Independent Schools (or the Registrar in Part VII)	section 464(4)
regulations	section 579(1)
relevant age group	section 579(1)
relevant education (in relation to an order under section 27(1))	section 27(7)
relevant particulars (in relation to a proposed initial governor of a grant-maintained school)	section 200(4)
relevant proposals (in Part II)	section 181(2)
relevant standard number (in Chapter I of Part VI)	section 411(7)
required to be covered by a scheme (in Part II in relation to a school)	section 102

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reserved teacher (in Chapter VI of Part II in relation to a controlled school)	section 143(2)
reserved teacher (in Chapter VI of Part II in relation to a special agreement school)	section 144(1)
residential trip (in Chapter III of Part VI)	section 462(2)
responsible for a child (in Part IV in relation to a local education authority)	section 321(3)
right to a delegated budget (in Part II)	section 115(a)
Roman Catholic Church school	section 311(1)
scheme (in Part II)	section 101(1)
school	section 4(1) and (2)
school in respect of which financial delegation is required (in Part II)	section 115
school which has a delegated budget (in Part II)	section 115
school attendance order	section 437(3)
school buildings	section 579(1)
school day	section 579(1)
school property (in sections 274 to 279)	section 274(4)
[ <sup>F8</sup> school year	section 579(1)]
secondary education	section 2(2) and (5)
secondary school	section 5(2)
section 67 loan liabilities (in sections 274 to 279)	section 274(7)
senior pupil	section 3(2)
sex education	section 352(3)
significant (in relation to a change in character or enlargement of premises of a school)	section 573(5)
special agreement	section 32(5)
special agreement school	section 32(1) and (4)
special educational needs	section 312(1)
special educational provision	section 312(4)
special purpose grant (in relation to grant-maintained schools)	section 245(1) (or section 251)
special school	sections 6(2) and 337
sponsor governor (in Part III)	paragraphs 9 and 14 of Schedule 24

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suitable education (in Chapter II of Part VI)	section 437(8)
teacher governor	
(in relation to a county, voluntary or maintained special school)	section 78(4)
(in relation to a grant-maintained school)	paragraphs 6 and 11 of Schedule 24
temporary governing body, temporary governor (in Part II)	section 181(3)
time of publication of proposals (in Part III in relation to proposals under that Part)	section 311(6)
the Tribunal (in Part IV)	section 313(5)
trust deed (in relation to a voluntary school)	section 579(1)
trustees of the school (in sections 296 to 300)	section 301(2)
voluntary school	sections 31(2) and 32
young person	section 579(1)

#### Textual Amendments

- F8** S. 580: entry inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para.44**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt.I**

#### *Final provisions*

#### **581 Application to Isles of Scilly. E+W**

This Act shall apply to the Isles of Scilly—

- (a) as if the Isles were a separate non-metropolitan county (and the Council of the Isles of Scilly were accordingly a county council), and
- (b) subject to such other modifications as are specified in an order made by the Secretary of State.

#### **582 Consequential amendments, repeals, transitional provisions etc. U.K.**

- (1) The enactments specified in Schedule 37 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.
- (2) The enactments and instruments specified in Schedule 38 are repealed or revoked to the extent specified.
- (3) The transitional and saving provisions contained in Schedule 39 shall have effect.
- (4) The transitory provisions contained in Schedule 40 shall have effect.

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### Commencement Information

- II** [S. 582](#) wholly in force at 1.9.1997; [s. 582\(1\)](#) in force at 1.11.1996 so far as relating to Sch. 37 Pt. I; [s. 582\(2\)](#) in force at 1.11.1996 so far as relating to Sch. 38 Pts. I, III; [s. 582\(3\)\(4\)](#) in force at 1.11.1996 see [s. 583\(2\)](#); [S. 582\(1\)](#) in force at 1.9.1997 so far as relating to Sch. 37 Pt. II and [s. 583\(2\)](#) in force at 1.9.1997 so far as relating to Sch. 38 Pt. II by [S.I. 1997/1623](#), [art. 2\(2\)](#)

### 583 Short title, commencement and extent. **U.K.**

- (1) This Act may be cited as the Education Act 1996.
- (2) Subject to subsection (3), this Act shall come into force on 1st November 1996 (and references to the commencement of this Act are to its coming into force on that date).
- (3) The following provisions—
  - section 8,
  - section 317(6),
  - section 348,
  - section 528,
  - Part II of Schedule 37 and section 582(1) so far as relating thereto, and
  - Part II of Schedule 38 and section 582(2) so far as relating thereto,
 shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions and for different purposes.
- (4) The Secretary of State may by order make such incidental, supplemental, saving or transitional provision as he thinks fit in connection with the coming into force in accordance with subsection (2) of any provision of this Act reproducing the effect of a provision of the <sup>M45</sup>Education Act 1993 which has not previously been brought into force by an order under section 308(3) of that Act (commencement).
- (5) Where an order under subsection (3) brings into force any provision of section 317(6) or 528, then in relation to the coming into force of that provision—
  - (a) section 568(5) and (6) shall not apply to the order, but
  - (b) the order may make such provision as is authorised to be made, by virtue of section 67(2) and (3) of the <sup>M46</sup>Disability Discrimination Act 1995 (regulations and orders), by an order under section 70(3) of that Act (commencement).
- (6) Subject to subsections (7) and (8), this Act extends to England and Wales only.
- (7) This section, section 493 and section 569 so far as relating to regulations under section 493 extend also to Scotland; and this section extends also to Northern Ireland.
- (8) Section 582 and Schedules 37 to 40 have the same extent as the enactments to which they relate.

### Subordinate Legislation Made

- P1** [S. 583\(3\)](#) power partly exercised (19.11.1996); 1.1.1997 appointed for specified provisions by [S.I. 1996/2904](#), [art. 2](#)
- [S. 583\(3\)](#) power partly exercised (30.6.1997); 1.9.1997 appointed for specified provisions by [S.I. 1997/1623](#), [arts. 2, 3](#)



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**Status:** Point in time view as at 01/08/1997.

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S. 583(3) power partly exercised (20.10.1997); 30.9.1997 appointed for specified provisions by S.I. 1997/2352, **art. 2**

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**Marginal Citations**

**M45** 1993 c. 35.

**M46** 1995 c. 50.

**Status:**

Point in time view as at 01/08/1997.

**Changes to legislation:**

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