



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER VI

#### GENERAL

#### *Documents and evidence*

#### **563 Educational records.**

- (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; [<sup>F1</sup>and]
  - <sup>F2</sup>(b) .....
  - (c) any special school not maintained by a local education authority.

#### **Textual Amendments**

- F1** Word at the end of s. 563(3)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 172(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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**F2** S. 563(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch 30 para. 172(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

## 564 Certificates of birth and registrars' returns.

- (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>F3</sup>£3.50][<sup>F3</sup>£7.00],
 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>M1</sup>Births and Deaths Registration Act 1953, and

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

### Textual Amendments

**F3** S. 564(1)(b): fees of £3.50 and £7.00 made payable (1.4.2003) in respect of copies issued by (i) a registrar and (ii) a superintendent registrar respectively by virtue of [The Registration of Births, Deaths and Marriages \(Fees\) Order 2002 \(S.I. 2002/3076\)](#), arts. 1(1), 2, **Sch.**

### Marginal Citations

**M1** 1953 c. 20.

## 565 Evidence: presumption as to age.

- (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).

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## 566 Evidence: documents.

- (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 [<sup>F4</sup>a maintained 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.

### Textual Amendments

**F4** Words in s. 566(1)(b) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), 145(3), **Sch. 30 para.173** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### *Stamp duty*

<sup>F5</sup>**567** .....

### Textual Amendments

**F5** S. 567 repealed (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 174, **Sch.31** (with ss. 138(9), 144(6) and subject to savings in S.I. 1999/2323, **art. 13**); S.I. 1999/2323, art. 2(1), **Sch. 1**

### *Orders, regulations and directions*

## 568 Orders.

- (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.
- <sup>F6</sup>(2) For the purposes of subsection (1) “the excepted provisions” are—
- section 349;
  - <sup>F7</sup>...
  - section 489(3);
  - section 497; and
  - section 545.]

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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—
- [<sup>F8</sup>section 354(6), 355(2)(a), 356(2)(c) or 401,]  
<sup>F9</sup> . . .  
 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) [<sup>F10</sup>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, <sup>F11</sup> . . .
- <sup>F11</sup>(b) . . . . .
- 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.

#### Textual Amendments

- F6** S. 568(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 175(a)**, (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) as amended (31.8.1999) by S.I. 1999/2484, **reg. 3**
- F7** Words in s. 568(2) 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
- F8** Words in s. 568(3) repealed (1.10.2002 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. 2002/2439, art. 3; S.I. 2003/2961, art. 6, Sch. Pt. III
- F9** Words in s. 568(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**)
- F10** S. 568(4) repealed (1.10.2002 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. 2002/2439, art. 3; S.I. 2003/2961, art. 6, Sch. Pt. III
- F11** S. 568(5)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 175(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (subject to savings in S.I. 1999/2323, **art. 16(3)**) (as amended (31.8.1999) by S.I. 1999/2484, **art. 3**)

## 569 Regulations.

- (1) Any power of the Secretary of State to make regulations under this Act shall be exercised by statutory instrument.

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- (2) A statutory instrument containing regulations under this Act, other than regulations under <sup>F12</sup>section 492, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No regulations shall be made under <sup>F13</sup>section 492 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).

#### Textual Amendments

- F12** Words in s. 569(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 176(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F13** Words in s. 569(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 176(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

## 570 Revocation and variation of certain orders and directions.

- (1) This section applies to any order or directions made or given under this Act by—
  - (a) the Secretary of State, <sup>F14</sup>or]
  - <sup>F15</sup>(b) .....
  - (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, <sup>F16</sup>. . . 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.

#### Textual Amendments

- F14** Word at the end of s. 570(1)(a) inserted (1.4.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 177(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

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- F15** S. 570(1)(b) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 177(a)(ii), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F16** Words in s. 570(2) repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 177(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

### *Guidance*

#### **571 Publication of guidance.**

(1) The Secretary of State shall publish any guidance given by him for the purposes of any [<sup>F17</sup>provision of this Act] in such manner as he thinks fit.

<sup>F18</sup>(2) .....

#### **Textual Amendments**

- F17** 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.I**
- F18** 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.I**

### *Service of documents*

#### **572 Service of notices and other documents.**

Any order, notice or other document required or authorised by this Act to be [<sup>F19</sup>served on, or given to, any person may be served or given] —

- (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.

[<sup>F20</sup>(2) But such a document may not be served or given in an electronic communication to a person as a parent unless —

- (a) the person consents in writing to the receipt of documents of the kind in question from the sender in an electronic communication sent to a specified number or address, and
- (b) the communication is sent to the number or address in question.

(3) In subsection (2), “electronic communication” has the same meaning as in the Electronic Communications Act 2000.]

#### **Textual Amendments**

- F19** Words in s. 572 substituted (27.2.2004) by **Anti-social Behaviour Act 2003 (c. 38), ss. 23(2), 93**; S.I. 2003/3300, art. 3(a)(ii)
- F20** S. 572(2)(3) inserted (1.1.2005) by **The Education Act 1996 (Electronic Communications) Order 2004 (S.I. 2004/2521), arts. 1, 3**

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*Construction*

**573 Meaning of expressions relating to alteration etc. of premises or character of schools.**

- (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; <sup>F21</sup> . . . .
- (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.

- <sup>F22</sup>(4) . . . . .
- <sup>F22</sup>(5) . . . . .
- <sup>F22</sup>(6) . . . . .

**Textual Amendments**

- F21** Words in s. 573(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F22** S. 573(4)-(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(b), **Sch.31** (with ss. 138(9), 144(6) and subject to savings for s. 573(4)-(6) in S.I. 1999/2323, **art. 19**); S.I. 1999/2323, art. 2(1), **Sch. 1**

**574 Changes to school not amounting to discontinuance etc.**

- (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.

**575** . . . . .

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**576 Meaning of “parent”.**

- (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 [<sup>F23</sup>section 499(8)] it only includes such a person if he is an individual.

<sup>F24</sup>(2) .....

- (3) In subsection (1) “parental responsibility” has the same meaning as in the <sup>M2</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.

**Textual Amendments**

**F23** Words in s. 576(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 180(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F24** S. 576(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 180(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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

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

**C2** S. 576 applied (1.9.2001) by S.I. 2001/600, **reg. 30(10)**

**Marginal Citations**

**M2** 1989 c. 41.

<sup>F25</sup>**577** .....

**Textual Amendments**

**F25** S. 577 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 181, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**578 Meaning of “the Education Acts”.**

In this Act “the Education Acts” means this Act together with the following Acts—

<sup>F26</sup> . . .

<sup>F27</sup> . . .

- the <sup>M3</sup>Education Act 1973;
- the <sup>M4</sup>Education Act 1980;
- the <sup>M5</sup>Education (Fees and Awards) Act 1983;
- the <sup>M6</sup>Further Education Act 1985 (except sections 4 and 5);
- the <sup>M7</sup>Education Act 1986;
- the <sup>M8</sup>Education (No. 2) Act 1986;



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the <sup>M9</sup>Education Reform Act 1988;  
F26  
...  
F28  
...  
the <sup>M10</sup>Further and Higher Education Act 1992;  
the <sup>M11</sup>Education Act 1994;  
F26  
...  
F27  
...  
the <sup>M12</sup>School Inspections Act 1996;  
[<sup>F29</sup>the <sup>M13</sup>Education Act 1997;]  
[<sup>F30</sup>the <sup>M14</sup> Education (Schools) Act 1997;]  
F31  
...  
[<sup>F32</sup>the <sup>M15</sup>Teaching and Higher Education Act 1998;]  
[<sup>F33</sup>the School Standards and Framework Act 1998 (c. 31);]  
[<sup>F34</sup>the Education Act 2002 (c. 32)].  
[<sup>F35</sup>the Higher Education Act 2004 (c. 8)]

#### Textual Amendments

- F26** Entries in s. 578 repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, **art. 2(1)** (subject to **arts. 3, 4**)
- F27** Entries in s. 578 repealed (1.4.2003 for E.; 2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with **ss. 210(8), 214(4)**); S.I. 2003/124, **art. 4**; S.I. 2007/3611, **art. 4(1)**, **Sch.**
- F28** Words in s. 578 repealed (1.8.2003) by Education Act 2002 (c. 32), s. 216(2), **Sch. 21 para. 56, Sch. 22 Pt. 3** (with **ss. 210(8), 214(4)**); S.I. 2003/1667, **art. 2**
- F29** Entry in s. 578 added (14.6.1997) by virtue of 1997 c. 44, **ss. 57(1), 58(2), Sch. 7 para. 42**; S.I. 1997/1468, **art. 2(1), Sch. 1 Pt. 1**
- F30** Entry in s. 578 inserted (31.7.1997) by 1997 c. 59, **ss. 6(2), 7(2)(3)**
- F31** Entry in s. 578 (as inserted (27.1.1998) by 1998 c. 1, **ss. 6(1), 7(2)**) repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, **art. 2(1)** (subject to **arts. 3, 4**)
- F32** Entry in s. 578 inserted (1.10.1998) by 1998 c. 30, **ss. 44(1), 46(2), Sch. 3 para. 15** (with s. 42(8)); S.I. 1998/2215, **art. 2**
- F33** Entry in s. 578 inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.182** (with **ss. 138(9), 144(6)**); S.I. 1999/120, **art. 2(1), Sch. 1**
- F34** Entry in s. 578 inserted (24.7.2002) by virtue of Education Act 2002 (c. 32), **ss. 216(1), 217(2)** (with **ss. 210(8), 214(4)**)
- F35** S. 578 entry added (1.7.2004) by Higher Education Act 2004 (c. 8), **ss. 52(1), 54(2)**

#### Marginal Citations

- M3** 1973 c. 16.  
**M4** 1980 c. 20.  
**M5** 1983 c. 40.  
**M6** 1985 c. 47.  
**M7** 1986 c. 40.  
**M8** 1986 c. 61.  
**M9** 1988 c. 40.  
**M10** 1992 c. 13.  
**M11** 1994 c. 30.  
**M12** 1996 c. 57.  
**M13** 1997 c. 44.  
**M14** 1997 c. 59

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**M15** 1998 c. 30

## 579 General interpretation.

(1) In this Act, unless the context otherwise requires—

F36

.....  
 [F37“assist”, in relation to any school, institution or university, shall be construed in accordance with subsections (5) to (7) below;]

“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;

F36

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

“functions” includes powers and duties;

F36

.....  
 “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;

F36

.....  
 “local government elector” has the meaning given by section 270(1) of the M16 Local Government Act 1972;

[F38“maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998;]

“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;

[F39“the National Curriculum”(without more) means—

(a) in relation to England, the National Curriculum for England, and

(b) in relation to Wales, the National Curriculum for Wales;]

“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 [F40a community, foundation or voluntary or community or foundation special school,][F41or a maintained nursery school,] it means the governing body);

F36

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

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F36

[<sup>F42</sup>“sex education” includes education about—

- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease;]

“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,
- (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>M17</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>F43</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;]

[<sup>F44</sup>“trust deed” includes any instrument (other than an instrument of government) 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.

<sup>F45</sup>(3) .....

- (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,

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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

- F36** S. 579(1): definitions of "the appropriate further education funding council", "exclude", "governing body" (and "governors"), "the local education authority", "reception class" and "relevant age group" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(a)(ii), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F37** Definition in s. 579(1) inserted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 183(a)(i) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F38** Words in s. 579(1) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 57(a) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F39** S. 579(1): definition of "the National Curriculum" inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), Sch. 21 para. 57(b) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F40** Words in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 183(a)(iii) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F41** Words in s. 579(1) inserted (E.) (1.9.2003) by The Education Act 2002 (Modification and Transitional Provisions) (England) Regulations 2003 (S.I. 2003/2045), regs. 1(1), 3 (with reg. 6)
- F42** S. 579(1): definition of "sex education" inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), Sch. 21 para. 57(c) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F43** 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
- F44** Definition in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 183(a)(iv) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1
- F45** S. 579(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(b), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

#### Marginal Citations

- M16** 1972 c. 70.  
**M17** 1977 c. 49.

#### <sup>F46</sup>580 Index.

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>
[ <sup>F47</sup> Academy]	[ <sup>F47</sup> section 482]
admission authority (in Chapter I of Part VI)	section 415
admitted to a school for nursery education	section 579(3)

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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)
F48	...
...	
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

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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)
<sup>F49</sup> (in Chapter I of Part VI except sections 431 to 433)	section 411(8)]
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)
<sup>F50</sup> city academy]	<sup>F50</sup> section 482]
<sup>F50</sup> city college for the technology of the arts]	<sup>F50</sup> section 482(3)]
<sup>F50</sup> city technology college]	<sup>F50</sup> 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)
(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

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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 F51 ...
functions	section 579(1)
funding authority	section 26
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

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(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 group (of schools)	section 484(1)
(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
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)



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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)
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))

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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
F48	...
...	
F48	...
...	
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)
the President (in Part IV)	section 333(2)
primary education	section 2(1)

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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
reserved teacher (in Chapter VI of Part II in relation to a controlled school)	section 143(2)

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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>F52</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
suitable education (in Chapter II of Part VI)	section 437(8)
teacher governor	

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(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
[ <sup>F49</sup> wholly based on selection by reference to ability or aptitude (in Chapter I of Part VI)	section 411(9)]
young person	section 579(1)

#### Textual Amendments

- F46** Words in s. 580 repealed (26.7.2002 for E. for specified purposes, 1.8.2003 for W. for specified purposes, 1.1.2004 for W. In so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I; S.I. 2003/2961, art. 6, Sch. Pt. III
- F47** S. 580 table: entry inserted (26.7.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216(4), [Sch. 7 para. 6\(8\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 2](#)
- F48** S. 580 table: entry repealed (1.9.1997) by [1997 c. 59](#), ss. 6(3), 7(3)(a), [Sch. Pt. I](#)
- F49** S. 580 table: entry inserted (1.9.1997) by [1997 c. 44](#), s. 57(1), [Sch. 7 para. 44](#); S.I. 1997/1468, art. 2(2), [Sch. 1 Pt. II](#)
- F50** Words in s. 580 repealed (26.7.2002 for E. for specified purposes, 1.8.2003 for W. for specified purposes) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F51** S. 580 table: words in the entry relating to "foundation subjects" omitted (2.5.2000 for E. and 20.7.2000 for W.) by virtue of S.I. 2000/1146, [art. 3](#) and S.I. 2000/1882, [art. 2](#)
- F52** S. 580 table: 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.

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

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- (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.

- (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.

### 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.

- (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>M18</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>M19</sup>Disability Discrimination Act 1995 (regulations and orders), by an order under section 70(3) of that Act (commencement).

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- (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.

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**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](#)
- 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**

- M18** 1993 c. 35.
- M19** 1995 c. 50.

**Status:**

Point in time view as at 04/04/2005.

**Changes to legislation:**

Education Act 1996, Chapter VI is up to date with all changes known to be in force on or before 24 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.