



# Education Act 1996

## 1996 CHAPTER 56

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

#### MISCELLANEOUS AND GENERAL

### CHAPTER VI **U.K.**

#### GENERAL

#### *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; <sup>F1</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>F2</sup>(4) . . . . .

<sup>F2</sup>(5) . . . . .

<sup>F2</sup>(6) . . . . .

#### **Textual Amendments**

**F1** Words in s. 573(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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**F2** S. 573(4)-(6) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 178(b), **Sch.31** (with ss. 138(9), 144(6) and subject to savings for s. 573(4)-(6) in S.I. 1999/2323,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. E+W**

- (1) For the purposes of this Act and any other enactment relating to the duties of a [<sup>F3</sup>local 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.

**Textual Amendments**

**F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

**575 E+W**

.....

**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 [<sup>F4</sup>section 499(8)] it only includes such a person if he is an individual.
- <sup>F5</sup>(2) .....
- (3) In subsection (1) “parental responsibility” has the same meaning as in the <sup>M1</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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#### Textual Amendments

- F4** 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**
- F5** 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 excluded (1.1.2014) by [The Education \(Information About Individual Pupils\) \(England\) Regulations 2013](#) (S.I. 2013/2094), reg. 1(1), **Sch. 1 para. 18(3)**
- C2** S. 576 applied (24.7.1998) by 1998 c. 31, **ss. 142(10), 145(4)** (with ss. 138(9), 144(6))
- C3** S. 576 applied (1.9.2001) by S.I. 2001/600, **reg. 30(10)**

#### Marginal Citations

- M1** 1989 c. 41.

**F6** 577 ..... **E+W**

#### Textual Amendments

- F6** 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** <sup>F7F8</sup> **Meaning of “the Education Acts”.** **E+W**

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

- F9**  
...  
**F10**  
...  
the <sup>M2</sup>Education Act 1973;  
the <sup>M3</sup>Education Act 1980;  
the <sup>M4</sup>Education (Fees and Awards) Act 1983;  
the <sup>M5</sup>Further Education Act 1985 (except sections 4 and 5);  
the <sup>M6</sup>Education Act 1986;  
the <sup>M7</sup>Education (No. 2) Act 1986;  
the <sup>M8</sup>Education Reform Act 1988;  
**F9**  
...  
**F11**  
...  
the <sup>M9</sup>Further and Higher Education Act 1992;  
the <sup>M10</sup>Education Act 1994;  
**F9**  
...  
**F10**  
...  
**F8**  
...  
[<sup>F12</sup>the <sup>M11</sup>Education Act 1997;]  
[<sup>F13</sup>the <sup>M12</sup> Education (Schools) Act 1997;]  
**F14**  
...  
[<sup>F15</sup>the <sup>M13</sup>Teaching and Higher Education Act 1998;]

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- [<sup>F16</sup>the School Standards and Framework Act 1998 (c. 31);]
- [<sup>F17</sup>the Education Act 2002 (c. 32)].
- [<sup>F18</sup>the Higher Education Act 2004 (c. 8)]
- [<sup>F19</sup>the Education Act 2005 (c. 18)]
- [<sup>F20</sup>the Education and Inspections Act 2006 (c. 40)]
- [<sup>F21</sup>the Education and Skills Act 2008 (c. 25)]
- [<sup>F22</sup>Learner Travel (Wales) Measure 2008 (nawm 2)]
- [<sup>F23</sup>Healthy Eating in Schools (Wales) Measure 2009 (nawm 3)]
- [<sup>F24</sup>Academies Act 2010 (c. 32)]
- [<sup>F25</sup>Education (Wales) Measure 2011]
- [<sup>F26</sup>Education Act 2011]
- [<sup>F27</sup>School Standards and Organisation (Wales) Act 2013]
- [<sup>F28</sup>Children and Families Act 2014, Pt. 3 and s. 100]
- [<sup>F29</sup>Education (Wales) Act 2014]

#### Textual Amendments

- F7** Words in s. 578(1) repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))
- F8** Words in s. 578(1) omitted (1.9.2005 for E., 1.9.2006 for W.) by virtue of [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 9](#); [Sch. 19 Pt. 1](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, [Sch. 1](#)
- F9** 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](#))
- F10** 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.](#)
- F11** 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
- F12** 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](#)
- F13** Entry in s. 578 inserted (31.7.1997) by [1997 c. 59](#), [ss. 6\(2\), 7\(2\)\(3\)](#)
- F14** 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](#))
- F15** 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](#)
- F16** 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](#)
- F17** 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\(4\)](#))
- F18** S. 578 entry added (1.7.2004) by [Higher Education Act 2004 \(c. 8\)](#), ss. 52(1), [54\(2\)](#)
- F19** S. 578 entry added (7.4.2005) by [Education Act 2005 \(c. 18\)](#), ss. 125(1)(c), [128\(2\)](#)
- F20** S. 578 entry added (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 188(1), [191\(2\)](#)
- F21** S. 578 entry added (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 173(1)(f), [174\(2\)](#)
- F22** S. 578 entry added (10.2.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), ss. 28(1), [29\(2\)](#)
- F23** S. 578 entry added (15.10.2009) by [Healthy Eating in Schools \(Wales\) Measure 2009 \(nawm 3\)](#), s. 12(2)(4)
- F24** S. 578 entry added (27.7.2010) by [Academies Act 2010 \(c. 32\)](#), ss. 19(1), [20\(2\)](#)
- F25** S. 578 entry added (10.7.2011) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), ss. 33(1)(c), [34\(2\)](#)
- F26** S. 578 entry added (15.11.2011) by [Education Act 2011 \(c. 21\)](#), ss. 82(1)(h), [83\(2\)](#)
- F27** S. 578 entry added (4.3.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), ss. 100(1), [101\(2\)](#)

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- F28** S. 578 entry added (13.3.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. 139(1), **140(2)**  
**F29** S. 578 entry added (12.5.2014) by [Education \(Wales\) Act 2014 \(anaw 5\)](#), ss. **45**, 50(1)(b)

#### Marginal Citations

- M2** 1973 c. 16.  
**M3** 1980 c. 20.  
**M4** 1983 c. 40.  
**M5** 1985 c. 47.  
**M6** 1986 c. 40.  
**M7** 1986 c. 61.  
**M8** 1988 c. 40.  
**M9** 1992 c. 13.  
**M10** 1994 c. 30.  
**M11** 1997 c. 44.  
**M12** 1997 c. 59.  
**M13** 1998 c. 30.

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

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

- F30** .....  
[<sup>F31</sup>“Academy” means [<sup>F32</sup>an educational institution] to which Academy arrangements relate;]  
[<sup>F31</sup>“Academy arrangements” has the meaning given by section 1 of the Academies Act 2010;]  
[<sup>F31</sup>“Academy order” means an order under section 4 of that Act;]  
[<sup>F33</sup> “Academy school”, “Academy order” and “alternative provision Academy” have the meanings have the meanings given by sections 1A, 1B and 1C respectively of that Act; ]  
[<sup>F34</sup>“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;  
[<sup>F35</sup>“education functions” means the functions specified in Schedule 36A;]  
[<sup>F36</sup>“EHC plan” means a plan within section 37(2) of the Children and Families Act 2014;]  
**F30** .....  
“financial year” means a period of twelve months ending with 31st March;  
“functions” includes powers and duties;  
**F30** .....  
“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;  
[<sup>F37</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]  
“land” includes buildings and other structures, land covered with water, and any interest in land;

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“liability” includes obligation;

[<sup>F38</sup>“local authority” means—

- (a) a local authority in England;
- (b) a local authority in Wales;

“local authority in England” means—

- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council; and
- (e) the Common Council of the City of London (in their capacity as a local authority);

“local authority in Wales” means—

- (a) a county council in Wales; and
- (b) a county borough council;]

<sup>F30</sup>

“local government elector” has the meaning given by section 270(1) of the <sup>M14</sup>Local Government Act 1972;

[<sup>F39</sup>“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 [<sup>F3</sup>local 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;

[<sup>F40</sup>“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” [<sup>F41</sup>(except in Chapter 5A)] means prescribed by regulations;

“proprietor”, in relation to a school [<sup>F42</sup>or a 16 to 19 Academy] , means the person or body of persons responsible for the management of the school [<sup>F43</sup>or Academy] (so that, in relation to [<sup>F44</sup>a community, foundation or voluntary or community or foundation special school [<sup>F45</sup>or a maintained nursery school,] ,)[<sup>F46</sup>or a maintained nursery school,] it means the governing body);

<sup>F30</sup>

“regulations” [<sup>F47</sup>(except in Chapter 5A)] means regulations made by the Secretary of State;

<sup>F30</sup>

[<sup>F48</sup>“sex education” includes education about—

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

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“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 [<sup>F49</sup>for the carrying out of functions] under [<sup>F50</sup>paragraph 1 or 8 of Schedule 1 to the National Health Service Act 2006 (which relate to the provision of medical services for pupils), or]
- (d) to afford facilities for providing milk, meals or other refreshment for pupils in attendance at the school;

[<sup>F51</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>F52</sup>“special educational needs”—

- (a) in relation to a child or person over compulsory school age but under 25 in the area of a local authority in England, has the meaning given by section 20(1) of the Children and Families Act 2014;
- (b) in relation to a child in the area of a local authority in Wales, has the meaning given by section 312;

“special educational provision”—

- (a) in relation to a person in the area of a local authority in England, has the meaning given by section 21(1) and (2) of the Children and Families Act 2014;
- (b) in relation to a child in the area of a local authority in Wales, has the meaning given by section 312(4);]

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

[<sup>F53</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.

[<sup>F54</sup>(1A) For the purposes of this Act a person is subject to learning difficulty assessment if—

- (a) an assessment under section 140 of the Learning and Skills Act 2000 (learning difficulty assessments: Wales) has been conducted in respect of the person, or
- (b) arrangements for such an assessment to be conducted in respect of the person have been made or are required to be made.]

(2) References in this Act to an interest in land include any easement, right or charge in, to or over land.

<sup>F55</sup>(3) .....

[<sup>F56</sup>(3A) References in this Act to a person who is “in the area” of a local authority in England do not include a person who is wholly or mainly resident in the area of a local authority in Wales.

(3B) References in this Act to a person who is “in the area” of a local authority in Wales do not include a person who is wholly or mainly resident in the area of a local authority in England.]

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- (4) For the purposes of this Act a person shall be treated as belonging, or as not belonging, to the area of a particular [F3local 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.
- [F57(4A) For the purposes of this Act the area of the Common Council of the City of London shall be treated as including the Inner Temple and the Middle Temple.]
- (5) For the purposes of this Act a school shall be regarded as “assisted” by a [F3local 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 [F3local 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 [F3local 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

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))
- F30** 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**
- F31** Words in s. 579(1) inserted (29.7.2010) by [Academies Act 2010 \(c. 32\)](#), s. 19(2), **Sch. 2 para. 6**; [S.I. 2010/1937, art. 2, Sch. 1](#)
- F32** Words in s. 579(1) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(17)(a)**; [S.I. 2012/924, art. 2](#)
- F33** Words in s. 579(1) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(17)(b)**; [S.I. 2012/924, art. 2](#)
- F34** 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**
- F35** Words in s. 579(1) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, **3(2)(a)**
- F36** Words in s. 579(1) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 59(a)**; [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F37** Words in s. 579(1) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 16(4)**; [S.I. 2008/787, art. 2\(4\)\(f\)](#)
- F38** Words in s. 579(1) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, **3(2)(b)**



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- F39** 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.
- F40** 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
- F41** Words in s. 579(1) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 12(a)**; S.I. 2010/303, art. 6, Sch. 5
- F42** Words in s. 579(1) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(17)(c)(i)**; S.I. 2012/924, art. 2
- F43** Words in s. 579(1) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(17)(c)(ii)**; S.I. 2012/924, art. 2
- F44** 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**
- F45** Words in s. 579(1) inserted (W.) (31.10.2005) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), regs. 1(1), **4**
- F46** 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)
- F47** Words in s. 579(1) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 12(b)**; S.I. 2010/303, art. 6, Sch. 5
- F48** 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
- F49** Words in s. 579(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 80**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F50** Words in s. 579 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 185** (with Sch. 3 Pt. 1)
- F51** 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**
- F52** Words in s. 579(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 59(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F53** 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**
- F54** S. 579(1A) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 59(c)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F55** 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**
- F56** S. 579(3A)(3B) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 59(d)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F57** S. 579(4A) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, **3(3)**

## Marginal Citations

**M14** 1972 c. 70.

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**F58 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>
[ <sup>F59</sup> Academy]	[ <sup>F60</sup> section 579(1)]
[ <sup>F61</sup> Academy arrangements]	[ <sup>F61</sup> Section 579(1)]
[ <sup>F61</sup> Academy order]	[ <sup>F61</sup> Section 579(1)]
[ <sup>F62</sup> Academy school]	Section 579(1)]
[ <sup>F62</sup> 16 to 19 Academy]	Section 579(1)]
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)
[ <sup>F62</sup> alternative provision Academy]	Section 579(1)]
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)
F63	F63
...	...
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)

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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)
F64	...
...	
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 [F3]local 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)
[F65(in Chapter I of Part VI except sections 431 to 433)	section 411(8)]
child for whom a [F3]local authority] are responsible (in Part IV)	section 321(3)
Church in Wales school	section 311(1)
Church of England school	section 311(1)
[F66]city academy]	[F66]section 482]
[F66]city college for the technology of the arts]	[F66]section 482(3)]
[F66]city technology college]	[F66]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)

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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
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
[ <sup>F67</sup> education functions]	[ <sup>F67</sup> section 579(1)]
[ <sup>F68</sup> EHC plan]	section 579(1)]
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)

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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 F69
	. . .
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
(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)

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(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)
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)
[ <sup>F70</sup> in the area of a local authority in England	section 579(3A)
in the area of a local authority in Wales	section 579(3B)]
junior pupil	section 3(2)
key stage	section 355(1)
land	section 579(1)
the lay panel (in Part IV)	section 333(2)
[ <sup>F71</sup> learning difficulty (in relation to a child in the area of a local authority in Wales)	section 312(2) and (3) (subject to subsection (3A))]
liability	section 579(1)

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local authority	section 579(1)
[ <sup>F67</sup> local authority in England]	[ <sup>F67</sup> section 579(1)]
[ <sup>F67</sup> local authority in Wales]	[ <sup>F67</sup> section 579(1)]
<sup>F72</sup>	<sup>F72</sup>
. . .	. . .
<sup>F73</sup>	
. . .	
(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 [ <sup>F3</sup> local 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))
medical officer (in relation to a [ <sup>F3</sup> local 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	

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(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
F64	...
...	
F64	...
...	
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)
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)



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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)
[ <sup>F74</sup> relevant upper age (in relation to a middle school)]	section 5(3)(b)]
[ <sup>F75</sup> relevant young adult (in sections 508F, 508G and 508I)]	section 508F(9)
relevant youth accommodation	section 562(1A)]
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)
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 [ <sup>F3</sup> local 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)

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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>F76</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	[ <sup>F77</sup> section 579(1)]
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	[ <sup>F78</sup> section 579(1)]
special educational provision	[ <sup>F79</sup> section 579(1)]
special purpose grant (in relation to grant-maintained schools)	section 245(1) (or section 251)
special school	[ <sup>F80</sup> section] 337
sponsor governor (in Part III)	paragraphs 9 and 14 of Schedule 24
[ <sup>F75</sup> subject to a detention order	section 562(1A)
subject to learning difficulty assessment	[ <sup>F81</sup> section 579(1A)]
suitable education (in Chapter II of Part VI)	[ <sup>F82</sup> section 436A(3)]
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)

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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>F65</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

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F58** 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
- F59** 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**
- F60** Words in s. 580 substituted (29.7.2010) by [Academies Act 2010](#) (c. 32), s. 19(2), **Sch. 2 para. 7(a)**; S.I. 2010/1937, art. 2, Sch. 1
- F61** Words in s. 580 inserted (29.7.2010) by [Academies Act 2010](#) (c. 32), s. 19(2), **Sch. 2 para. 7(b)**; S.I. 2010/1937, art. 2, Sch. 1
- F62** Words in s. 580 inserted (1.4.2012) by [Education Act 2011](#) (c. 21), s. 82(3), **Sch. 13 para. 9(18)**; S.I. 2012/924, art. 2
- F63** S. 580 entry repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, Sch. 2 para. 7(14)(a)(i), **Sch. 3 Pt. 1**
- F64** S. 580 table: entry repealed (1.9.1997) by 1997 c. 59, ss. 6(3), 7(3)(a), **Sch. Pt. I**
- F65** 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**
- F66** 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
- F67** S. 580 entries inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 7(14)(b)**
- F68** Words in s. 580 inserted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 60(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F69** 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**

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- F70** Words in s. 580 inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 60(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F71** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 60(c)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F72** S. 580 entry repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 7(14)(a)(ii), **Sch. 3 Pt. 1**
- F73** S. 580 entry repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 7(14)(a)(iii), **Sch. 3 Pt. 1**
- F74** Words in s. 580 inserted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 12 para. 4**; S.I. 2006/2129, art. 4
- F75** Words in s. 580 inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 13**; S.I. 2010/303, art. 6, Sch. 5
- F76** 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. 1**
- F77** Words in s. 580 substituted (19.7.2010) by [Children, Schools and Families Act 2010 \(c. 26\)](#), s. 29(4)(b), **Sch. 3 para. 2(2)** (with s. 27); S.I. 2010/1817, art. 2
- F78** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 60(d)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F79** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 60(e)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F80** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 60(f)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F81** Words in s. 580 substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 60(g)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F82** Words in s. 580 substituted (27.2.2007 for E., 1.9.2009 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 4(3)**, 188(3); S.I. 2006/3400, art. 6(a); S.I. 2009/1027, art. 3(a)

**Status:**

Point in time view as at 01/09/2014.

**Changes to legislation:**

Education Act 1996, Cross Heading: Construction is up to date with all changes known to be in force on or before 20 June 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.