



Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER I

THE STATUTORY SYSTEM OF EDUCATION

Educational institutions

4 Schools: general.

[^{F1}(1) In this Act [^{F2}(subject to [^{F3}subsections (1A) to (1C)])] “school” means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing—

- (a) primary education,
- (b) secondary education, or
- (c) both primary and secondary education,

whether or not the institution also provides [^{F4}part-time education suitable to the requirements of junior pupils or] further education.]

[^{F5}(1A) An institution which—

- (a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and
 - (b) is not a maintained nursery school,
- is not a school.]

[^{F6}(1B) A 16 to 19 Academy is not a school.

(1C) An alternative provision Academy is a school.]

Status: Point in time view as at 01/04/2012. This version of this provision has been superseded.

Changes to legislation: Education Act 1996, Section 4 is up to date with all changes known to be in force on or before 19 July 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. (See end of Document for details)

- (2) ^{F7}Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for] the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) ^{F8}. . . .
- (3) For the purposes of this Act an institution is outside the further education sector if it is not—
- (a) an institution conducted by a further education corporation established under section 15 or 16 of the ^{M1}Further and Higher Education Act 1992, or
 - (b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act) ^{F9}, or
 - (c) a sixth form college]
- and references to institutions within that sector shall be construed accordingly.
- (4) For the purposes of this Act an institution is outside the higher education sector if it is not—
- (a) a university receiving financial support under section 65 of that Act,
 - (b) an institution conducted by a higher education corporation within the meaning of that Act, or
 - (c) a designated institution for the purposes of Part II of that Act (defined in section 72(3) of that Act);
- and references to institutions within that sector shall be construed accordingly.

Textual Amendments

- F1** S. 4(1) substituted (1.9.1997) by 1997 c. 44, s. 51; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F2** Words in s. 4(1) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(2)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)
- F3** Words in s. 4(1) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(2)(a)**; S.I. 2012/924, art. 2
- F4** Words in s. 4(1) repealed (1.10.2002 for E., 31.3.2004 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. 2004/912, art. 4, **Sch. Pt. 1**
- F5** S. 4(1A) inserted (1.9.2008) by Childcare Act 2006 (c. 21), **ss. 95(3)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)
- F6** S. 4(1B)(1C) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(2)(b)**; S.I. 2012/924, art. 2
- F7** Words in s. 4(2) substituted (1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 10(a)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F8** Words in s. 4(2) repealed (1.9.1998) by 1997 c. 44, s. 57(1)(4), **Sch. 7 para. 10(b)**, **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F9** S. 4(3)(c) and word inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 97** (with art. 2(3))

Modifications etc. (not altering text)

- C1** S. 4(1) restricted (1.9.2000 (E.) and 1.4.2001 (W.)) by 2000 c. 21, s. 110(3) (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

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Marginal Citations

M1 1992 c. 13.

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