



# Education Act 1996

## 1996 CHAPTER 56

### PART I

#### GENERAL

### CHAPTER I

#### THE STATUTORY SYSTEM OF EDUCATION

##### *Educational institutions*

#### 4 Schools: general.

[<sup>F1</sup>(1) In this Act [<sup>F2</sup>(subject to [<sup>F3</sup>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 [<sup>F4</sup>part-time education suitable to the requirements of junior pupils or] further education.]

[<sup>F5</sup>(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.]

[<sup>F6</sup>(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*Status: Point in time view as at 01/08/2017. This version of this provision has been superseded.*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 08 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) <sup>F7</sup>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) <sup>F8</sup>. . . .
- (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 <sup>M1</sup>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) <sup>F9</sup>, 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) <sup>F10</sup>, or
  - (d) a university to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates.]
- 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))
- F10** S. 4(4)(d) and word inserted (1.8.2017) by **Higher Education (Wales) Act 2015** (anaw 1), s. 59(2), **Sch. para. 5**; S.I. 2017/239, art. 2

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**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**

**Marginal Citations**

**M1** 1992 c. 13.

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