



# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

#### <sup>F1</sup>[CHAPTER III

#### CHARGES IN CONNECTION WITH EDUCATION AT MAINTAINED SCHOOLS]

#### *Permitted charges*

#### **456 Regulation of permitted charges.**

- (1) This section applies in relation to any charge permitted under section 455 <sup>F1</sup>. . . ; and a charge to which this section applies is referred to in this section as a “regulated charge”.
- (2) The amount of any regulated charge shall be payable by the parent of the pupil concerned.
- (3) A regulated charge <sup>F2</sup>, except any charge permitted by virtue of section 455(1)(ba), ] shall not exceed the cost of the provision of the optional extra or the board and lodging in question.
- (4) Without prejudice to the generality of subsection (3), the cost of the provision of an optional extra includes costs, or an appropriate proportion of the costs—
  - (a) incurred in respect of the provision of any materials, books, instruments or other equipment used for the purposes of or in connection with the provision of the optional extra, or
  - <sup>F3</sup>(aa) attributable to the provision of the buildings and accommodation used in connection with the provision of the optional extra, or]
  - (b) attributable to the provision of non-teaching staff for any purpose connected with the provision of the optional extra, or

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Education Act 1996, Section 456 is up to date with all changes known to be in force on or before 11 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. (See end of Document for details)*

- (c) attributable to the provision of teaching staff engaged under contracts for services for the purpose of providing it.
- (5) Subject to <sup>F4</sup>subsections (6) and (6A)], the cost of the provision of an optional extra shall not be taken to include any costs attributable to the provision of teaching staff other than staff engaged as mentioned in subsection (4)(c).
- (6) Where the optional extra in question consists of tuition in <sup>F5</sup>singing or in] playing a musical instrument, the cost of its provision shall include costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the tuition.
- <sup>F6</sup>(6A) Where the optional extra in question consists of education which is early years provision (as defined by section 20 of the Childcare Act 2006), the cost of its provision includes the costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the education.]
- (7) Where charging is permitted under section 455 and the charge would be a regulated charge, the question whether any charge should be made, and the amount of any charge to be made, shall be determined—
- (a) in a case where the cost of the provision of the optional extra or board and lodging in question is met by or from funds at the disposal of the governing body, by the governing body, and
  - (b) in any other case, by the <sup>F7</sup>local authority].
- (8) The whole or any part of the amount of any charge which the <sup>F7</sup>local authority] determine under subsection (7)(b) to make—
- (a) shall, if the governing body so determine, be met by or from funds at the disposal of the governing body, and
  - (b) to the extent that it is so met, shall not be payable by the parent of the pupil concerned.

#### Textual Amendments

- F1** Words in s. 456(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 121, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F2** Words in s. 456(3) inserted (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), **ss. 22(3), 28(2)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F3** S. 456(4)(aa) inserted (15.1.2012) by Education Act 2011 (c. 21), **ss. 48(2), 82(2)(d)**
- F4** Words in s. 456(5) substituted (15.1.2012) by Education Act 2011 (c. 21), **ss. 48(3), 82(2)(d)**
- F5** Words in s. 456(6) inserted (25.5.2007 for E.) by Education and Inspections Act 2006 (c. 40), **ss. 56(2), 188(3)**; S.I. 2007/935, art. 6(b)
- F6** S. 456(6A) inserted (15.1.2012) by Education Act 2011 (c. 21), **ss. 48(4), 82(2)(d)**
- F7** 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))

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

- C1** S. 456 applied (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), **ss. 6(3), 28(2)**; S.I. 2009/371, art. 2(1), Sch. Pt. 1

**Status:**

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**Changes to legislation:**

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