



# Education Act 1996

## 1996 CHAPTER 56

### PART IX

#### ANCILLARY FUNCTIONS

#### CHAPTER II

#### ANCILLARY FUNCTIONS OF [F<sup>1</sup>LOCAL AUTHORITIES]

#### *Payment of fees*

#### **517 Payment of fees at schools not maintained by a [F<sup>1</sup>local authority].**

- (1) Where, in pursuance of arrangements made under section 18 or Part IV (special educational needs), primary or secondary education is provided for a pupil at a school not maintained by them or another [F<sup>1</sup>local authority], the [F<sup>1</sup>local authority] by whom the arrangements are made shall—
  - (a) if subsection (2), (3) or (4) applies, pay the whole of the fees payable in respect of the education provided in pursuance of the arrangements; and
  - (b) if board and lodging are provided for the pupil at the school and subsection (5) applies, pay the whole of the fees payable in respect of the board and lodging.
- (2) This subsection applies where—
  - (a) the pupil fills a place in the school which the proprietor of the school has put at the disposal of the authority; and
  - (b) the school is one in respect of which grants are made by the Secretary of State under section 485.
- (3) This subsection applies where the authority are satisfied that, by reason of a shortage of places in every school maintained by them or another [F<sup>1</sup>local authority] to which the pupil could be sent with reasonable convenience, education suitable—
  - (a) to his age, ability and aptitude, and

*Status: Point in time view as at 15/11/2011. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Section 517 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. (See end of Document for details)*

- (b) to any special educational needs he may have, cannot be provided by them for him except at a school not maintained by them or another [F1local authority].
- (4) This subsection applies where (in a case in which neither subsection (2) nor subsection (3) applies) the authority are satisfied—
- (a) that the pupil has special educational needs, and
  - (b) that it is expedient in his interests that the required special educational provision should be made for him at a school not maintained by them or another [F1local authority].
- (5) This subsection applies where the authority are satisfied that education suitable—
- (a) to the pupil’s age, ability and aptitude, and
  - (b) to any special educational needs he may have,
- cannot be provided by them for him at any school unless board and lodging are also provided for him (either at school or elsewhere)
- (6) As from such day as the Secretary of State may by order appoint this section shall have effect with the following modifications—
- (a) in subsections (1) and (3), for “not maintained by them or another [F1local authority]” substitute “which is neither a maintained nor a grant-maintained school”;
  - (b) in subsection (3), for “every school maintained by them or another [F1local authority]” substitute “every maintained or grant-maintained school”;
  - (c) in subsections (3) and (5), for “provided by them” substitute “provided”;
  - (d) omit subsection (4) and the reference to it in subsection (1); and
  - (e) at the end add—
- “(7) In this section “grant-maintained school” includes a grant-maintained special school, and subsection (5) does not apply where section 348(2) applies.”
- (7) An order under subsection (6) may appoint different days for different provisions and for different purposes.

#### Subordinate Legislation Made

P1 S. 517(6) power fully exercised (30.6.1997): 1.9.1997 appointed day by [S.I. 1997/1623](#).

#### Textual Amendments

F1 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. 517 modified (1.9.1999) (the modification as mentioned in s. 517(6) has effect from 1.9.1997 as mentioned in [S.I. 1997/1623](#)) by [S.I. 1999/2260](#), [reg. 2\(1\)](#)

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