



# Education Act 1997

## 1997 CHAPTER 44

### PART VIII U.K.

#### MISCELLANEOUS AND GENERAL

##### *Exceptional educational provision*

#### 47 Functions of LEAs as regards exceptional educational provision. E+W

- (1) Section 19 of the <sup>M1</sup>Education Act 1996 (exceptional provision of education in pupil referral units or elsewhere) shall be amended as follows.
- (2) In subsection (1) (duty of local education authority to make arrangements for provision of suitable full-time or part-time education, at school or otherwise, for excluded children etc.), the words “full-time or part-time” shall be omitted.
- (3) In subsection (4) (power of local education authority to make arrangements for provision of suitable full-time or part-time education, otherwise than at school, for excluded young persons etc.), the words “full-time or part-time” shall be omitted.
- (4) After that subsection there shall be inserted—
  - “(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a local education authority shall have regard to any guidance given from time to time by the Secretary of State.”

#### Marginal Citations

M1 1996 c. 56.

*Status: Point in time view as at 02/01/2008.*

*Changes to legislation: Education Act 1997, Part VIII is up to date with all changes known to be in force on or before 31 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)*

### *Management committees for pupil referral units*

#### **48 Management committees for pupil referral units. E+W**

At the end of Schedule 1 to the Education Act 1996 (pupil referral units) there shall be added—

#### **Management committees**

- “15 (1) Regulations may make provision—
- (a) for requiring any local education authority who maintain a pupil referral unit to establish a committee to act as the management committee for the unit; and
  - (b) for that committee to discharge on behalf of the authority such of their functions in connection with the unit as are delegated by them to the committee in accordance with the regulations.
- (2) Regulations under this paragraph may in particular make provision—
- (a) for enabling a local education authority to establish a joint committee to act as the management committee for two or more pupil referral units maintained by the authority;
  - (b) for requiring the approval of the Secretary of State to be obtained before any such joint committee is established;
  - (c) as to the composition of a management committee established under the regulations and—
    - (i) the appointment and removal of its members, and
    - (ii) their terms of office,
 and in particular for requiring such a committee to include persons representing schools (including grant-maintained schools) situated in the area from which the unit or units in question may be expected to draw pupils;
  - (d) for requiring or (as the case may be) prohibiting the delegation by a local education authority to a management committee of such functions in connection with pupil referral units as are specified in the regulations;
  - (e) for authorising a management committee to establish sub-committees;
  - (f) for enabling (subject to any provisions of the regulations) a local education authority or a management committee to determine to any extent the committee’s procedure and that of any sub-committee;
  - (g) for limiting the personal liability of members of any such committee or sub-committee in respect of their acts or omissions as such members;
  - (h) for applying to any such committee or sub-committee, with or without modification—
    - (i) any provision of the Education Acts, or
    - (ii) any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority.”

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*Teachers not under contract of employment and persons having access to those under 19*

**F1 49 Power to make regulations: teachers not under contract of employment and persons having access to those under 19. E+W**

**Textual Amendments**

- F1** S. 49 repealed (31.3.2003 for W. for specified purposes, 1.6.2003 for E., 2.1.2008 for W. so far as not already in force) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 71, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

*Costs of teachers' premature retirement*

**F2 50 ..... E+W**

**Textual Amendments**

- F2** S. 50 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.218, Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch.1

*Definition of "school"*

**51 Definition of "school". E+W**

In section 4 of the Education Act 1996 (definition of "school"), for subsection (1) there shall be substituted—

“(1) In this Act “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 part-time education suitable to the requirements of junior pupils or further education.”

*Compulsory school age*

**52 Commencement of compulsory school age. E+W**

(1) Section 8 of the <sup>M2</sup>Education Act 1996 (compulsory school age) shall be amended in accordance with subsections (2) and (3).

(2) For subsection (2) there shall be substituted—

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- “(2) A person begins to be of compulsory school age—
- (a) when he attains the age of five, if he attains that age on a prescribed day, and
  - (b) otherwise at the beginning of the prescribed day next following his attaining that age.”

(3) For subsection (4) there shall be substituted—

- “(4) The Secretary of State may by order—
- (a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);
  - (b) determine the day in any calendar year which is to be the school leaving date for that year.”

<sup>F3</sup>(4) .....

<sup>F3</sup>(5) .....

#### Textual Amendments

**F3** S. 52(4)(5) repealed (1.10.1998) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para.218, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch.1**, Pt. I

#### Commencement Information

**II** S. 52, as partially repealed, wholly in force at 1.10.1998; s. 52 not in force at Royal Assent see s. 58(3); s. 52(4) in force at 1.9.1997 by S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**; s. 52(1)-(3) in force at 1.8.1998 by S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

#### Marginal Citations

**M2** 1996 c. 56.

### *General provisions*

#### 53 Stamp duty. **E+W+N.I.**

- (1) Subject to subsection (2), stamp duty shall not be chargeable in respect of any transfer effected by virtue of section 30 or 34.
- (2) No instrument (other than a statutory instrument) made or executed in pursuance of either of the provisions mentioned in subsection (1) shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the <sup>M3</sup>Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the <sup>M4</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

#### Marginal Citations

**M3** 1982 c. 39.

**M4** 1891 c. 39.

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#### [<sup>F4</sup>53A. Stamp duty land tax **E+W+N.I.**

- (1) For the purposes of stamp duty land tax, a land transaction effected by virtue of section 30 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this paragraph—
  - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

- F4** S. 53A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 26**

#### 54 Orders and regulations. **E+W+N.I.**

- (1) Any power of the Secretary of State to make orders or regulations under this Act, except an order under section 25 or 31, shall be exercised by statutory instrument.
- (2) A statutory instrument containing any order or regulations under this Act, except an order under section 58, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any order or regulations under this Act may make in relation to Wales provision different from that made in relation to England.

#### Subordinate Legislation Made

- P1** S. 54(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)
- s. 54(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)
- S. 54(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)

#### 55 Financial provisions. **E+W**

There shall be paid out of money provided by Parliament—

- (a) any sums required for the payment by the Secretary of State of grants under this Act;
- (b) any administrative expenses incurred by the Secretary of State in consequence of this Act; and

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- (c) any increase attributable to this Act in the sums so payable under any other Act.

## 56 Construction. **E+W**

- (1) In this Act—  
“prescribed” means prescribed by regulations; and  
“regulations” means regulations made by the Secretary of State under this Act.
- (2) This Act shall be construed as one with the <sup>M5</sup>Education Act 1996.
- (3) Where, however, an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of that Act, the meaning given for the purposes of that provision shall apply instead of the one given for the purposes of that Act.

### Marginal Citations

**M5** 1996 c. 56.

## 57 Minor and consequential amendments, repeals etc. **E+W**

- (1) The minor and consequential amendments set out in Schedule 7 shall have effect.
- <sup>F5</sup>(2) .....
- <sup>F6</sup>(3) .....
- (4) The enactments specified in Schedule 8 are repealed to the extent specified.

### Textual Amendments

**F5** S. 57(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

**F6** S. 57(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para.220, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(3), **Sch.3**

### Commencement Information

**I2** S. 57 partly in force; S. 57(1) partly in force at Royal Assent see s. 58(4); s. 57(4) in force for certain purposes at 4.4.1997 by S.I. 1997/1153, **art. 2**; s. 57(1)(4) in force for certain purposes at 14.6.1997, 1.9.1997 and 1.10.1997 and s. 57(2)(3) in force at 1.9.1997 by S.I. 1997/1468, **art. 2**, **Sch. 1**, **Pts. I, II, III**; s. 57(1)(4) in force for certain purposes at 1.9.2001 by S.I. 2001/1215, **art. 2**

## 58 Short title, commencement and extent etc. **E+W+N.I.**

- (1) This Act may be cited as the Education Act 1997.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the <sup>M6</sup>Education Act 1996.

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- (3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—  
<sup>F7</sup>  
...  
section 54,  
paragraph 48(2) of Schedule 7 and section 57(1) so far as relating thereto, and this section.
- (5) Subject to subsections (6) and (7), this Act extends to England and Wales only.
- (6) The following provisions extend to Northern Ireland—  
sections 21 and 22,  
section 24(4),  
[<sup>F8</sup>sections 26 and 26A],  
sections 34 to 36,  
section 53,  
section 54,  
this section, and  
Schedule 4.
- (7) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

#### Subordinate Legislation Made

- P2** S. 58(3) power partly exercised (3.4.1997): 4.4.1997 appointed for specified provisions by [S.I. 1997/1153](#)  
S. 58(3) power partly exercised (5.6.1997): different dates appointed for specified provisions by [S.I. 1997/1468](#) (with savings and transitional provisions)  
S. 58(3) power partly exercised (24.2.1998): different dates appointed for specified provisions by [S.I. 1998/386](#) (with savings and transitional provisions)
- P3** S. 58(3) power partly exercised (26.3.2001): 1.9.2001 appointed for specified provisions by [S.I. 2001/1215](#), [art. 2](#)

#### Textual Amendments

- F7** Words in s. 58(4) repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.221](#), [Sch. 31](#) (with ss. [138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch.1](#)
- F8** Words in s. 58(6) substituted (1.10.2002) by [Education Act 2002 \(c. 32\)](#), s. 189, [Sch. 17 para. 9](#) (with ss. [210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 2](#)

#### Marginal Citations

- M6** [1996 c. 56](#).

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