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Changes to legislation: Education Act 1997, Cross Heading: Education Act 1996 (c. 56) is up to date with all changes known to be in force on or before 14 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)

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

Education Act 1996 (c. 56)

- 9 (1) Section 3 of the Education Act 1996 (definition of pupil etc.) shall be amended as follows.
- (2) At the end of subsection (1) insert—
- “and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.”
- (3) In subsection (3), for “The definition of “pupil” in subsection” substitute “Subsection ”.

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- 10 In section 4(2) of that Act (schools: general)—
- (a) for “For” substitute “ 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 ”; and
- (b) omit “(pupil referral units)”.
- 11 In section 6(1) of that Act (nursery schools), for “the age of five” substitute “ compulsory school age ”.
- 12 In section 14(4) of that Act (functions of LEA in respect of provision of primary and secondary schools), for “the age of five” substitute “ compulsory school age ”.
- 13 In section 17(2) of that Act (powers of LEA in respect of nursery education), for “the age of five”, in both places, substitute “ compulsory school age ”.
- 14 In section 29(6)(b) of that Act (requirement of LEA to publish information as to their policy and arrangements for primary or secondary education not to apply in relation to nursery schools, etc.), for “the age of five” substitute “ compulsory school age ”.
- 15 In section 86(3)(b) of that Act (instrument of government to reflect current circumstances of school), after “82(3)(b)” insert “ or (c) ”.

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16 In section 156 of that Act (exclusion of pupils), for subsection (3) substitute—
 “(3) Subsection (2) has effect despite anything in the articles of government for the school.”

17 In section 231 of that Act (powers of governing body of grant-maintained school), in subsection (8)(b), for “the age of five” substitute “ compulsory school age ”.

18 In section 265(1)(a) of that Act (proposals for change of character approved before school becomes grant-maintained), for “35 or 41” substitute “ 37 or 43 ”.

19 In section 266(1)(b) of that Act (interpretation of Chapter VII of Part III), for “the age of five” substitute “ compulsory school age ”.

20 In section 290(9) of that Act (groups of grant-maintained schools)—
 (a) for first “(ii)” substitute “ (i) ”; and
 (b) for “307” substitute “ 306A, 307, 307A ”.

Commencement Information

II [Sch. 7 para. 20](#) wholly in force at 1.9.1998; [Sch. 7 para. 20](#) not in force at Royal Assent see [s. 58\(3\)](#); [Sch. 7 para. 20\(a\)](#) in force at 14.6.1997 by [S.I. 1997/1468, art. 2, Sch. 1 Pt. I](#); [Sch. 7 para. 20\(b\)](#) in force at 1.4.1998 except so far as it substitutes “307A” for “307” and in force at 1.9.1998 insofar as not already in force by [S.I. 1998/386, art. 2, Sch. 1 Pts. II, IV](#)

21 In section 292(2) of that Act (nursery education in grant-maintained schools), for “the age of five” substitute “ compulsory school age ”.

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22 In section 307 of that Act (exclusion of pupils), for subsection (2) substitute—
 “(2) Subsection (1) has effect despite anything in the articles of government for the school.”

23 In section 312(2)(c) of that Act (meaning of “learning difficulty” for the purposes of the Act)—
 (a) for “the age of five” substitute “ compulsory school age ”, and
 (b) omit “or over”.

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- 24 In section 332(1) of that Act (duty of Health Authority or National Health Service Trust to notify parent where child has special educational needs), for “the age of five” substitute “ compulsory school age ”.
- 25 In section 343(2) of that Act (nursery education in grant-maintained special schools), for “the age of five” substitute “ compulsory school age ”.
- 26 Omit sections 358 to 361 of that Act (provisions about Curriculum Authorities).

Commencement Information

- I2** Sch. 7 para. 26 wholly in force at 11.3.1998; Sch.7 para. 26 not in force at Royal Assent see s. 58(3); Sch. 7 para. 26 in force at 1.10.1997 insofar as it omits ss. 360, 361 by S.I. 1997/1468, art.2, Sch. 1 Pt. III and in force at 1.3.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pt. I

- 27 In section 362(7) of that Act (development work and experiments)—
- (a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and
 - (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.

Commencement Information

- I3** Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. III, Sch. 2 Pt. II (subject to transitional provisions in Sch. 2 Pt. II)

- 28 In section 368(10) of that Act (procedure for making certain orders and regulations)—
- (a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and
 - (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.

Commencement Information

- I4** Sch. 7 paras. 27, 28 wholly in force at 1.10.1997 see s. 58(3) and S.I. 1997/1468, arts. 2, 4, Sch. 1 Pt. III, Sch. 2 Pt. II (subject to transitional provisions in Sch. 2 Pt. II)

- 29 In section 391(10) of that Act (functions of advisory councils)—
- (a) for “the School Curriculum and Assessment Authority” substitute “ the Qualifications and Curriculum Authority ”; and
 - (b) for “the Curriculum and Assessment Authority for Wales” substitute “ the Qualifications, Curriculum and Assessment Authority for Wales ”.
- 30 In section 408 of that Act (provision of information)—
- (a) in subsection (1)(a), after “this Part” insert “ or Part V of the Education Act 1997 ”; and

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(b) in subsection (4)(f), omit “, 400, 401”.

Commencement Information

I5 Sch. 7 para. 30 wholly in force; Sch. 7 para. 30 not in force at Royal Assent see s. 58(3); Sch. 7 para. 30(a) in force at 1.10.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pt. III; Sch. 7 para. 30(b) in force at 1.9.2001 by S.I. 2001/1215, art. 2

31 (1) Section 411 of that Act (duty to comply with parental preferences) shall be amended as follows.

(2) In subsection (2), after “Subject to subsection (3)” there shall be inserted “, section 411A (pupils excluded from two or more schools), section 413B(3) (home-school partnership documents) ”.

(3) In subsection (8), for “this section” substitute “ this Chapter (apart from sections 431 to 433) ”.

(4) After that subsection insert—

“(9) Where the arrangements for the admission of pupils to a school provide for all pupils admitted to the school to be selected by reference to ability or aptitude, those arrangements shall be taken for the purposes of this Chapter to be wholly based on selection by reference to ability or aptitude, whether or not they also provide for the use of additional criteria in circumstances where the number of children in a relevant age group who are assessed to be of the requisite ability or aptitude is greater than the number of pupils which it is intended to admit to the school in that age group.”

Commencement Information

I6 Sch. 7 para. 31 partly in force; Sch. 7 para. 31 not in force at Royal Assent see s. 58(3); Sch. 7 para. 31 in force at 1.9.1997 except so far as sub-paragraph (2) inserts the words “section 413B(3) (home-school partnership documents)” by S.I. 1997/1468, art. 2, Sch. 1 Pt. II

32 In section 422(6) of that Act (admission of pupils to new schools), for “411, 413, 414 and 423” substitute “ 411, 411A, 413 to 414, 423 and 423A ”.

33 In section 423 of that Act (appeal arrangements), omit subsection (6).

34 In section 424 of that Act (admission of pupils to nursery schools and special schools)—

(a) in subsection (1), for “411, 413, 414 or 423” substitute “ 411, 411A, 413A, 413B, 414, 423 or 423A ”;

(b) in subsection (1)(b), for “the age of five” substitute “ compulsory school age ”;

(c) in subsection (2), for “the age of five” substitute “ compulsory school age ”; and

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- (d) in subsection (3), for “411, 413, 414 and 423” substitute “ 411, 411A, 413 to 414, 423 and 423A ”.

Commencement Information

- I7** Sch. 7 para. 34 partly in force; Sch. 7 para. 34 not in force at Royal Assent see s. 58(3); Sch. 7 para. 34 in force at 1.9.1997 except so far as substituting the words “413A and 413B” for the word “413” and except for sub paragraphs (b) and (c) by S.I. 1997/1468, art. 2, Sch. 1 Pt. II; Sch. 7 para. 34(b)(c) in force at 1.8.1998 by S.I. 1998/386, art. 2, Sch. 1 Pt. III

- 35 In section 448 of that Act (exemption where child becomes 5 during term), for “the age of five” substitute “ compulsory school age ”.
- 36 In section 492(2) of that Act (adjustment of amounts eligible for recoupment as between local education authorities), for “the age of five” substitute “ compulsory school age ”.
- 37 In section 537(4) of that Act (power of Secretary of State to require information from governing bodies etc.), at the end add “ ; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State. ”

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- 38 For the cross-heading “CORPORAL PUNISHMENT” preceding section 548 of that Act substitute—

“ PUNISHMENT AND RESTRAINT OF PUPILS

Corporal punishment”.

- 39 In section 551 of that Act (regulations as to the duration of the school day, etc.), after subsection (1) insert—

“(1A) In subsection (1) the reference to the duration of the school year at any such schools is a reference to the number of school sessions that must be held during any such year.”

- 40 (1) Section 568 of that Act (orders) shall be amended as follows.
- (2) In subsection (1) (orders required to be made by statutory instrument unless made under excepted provisions), after “excepted provisions” insert “ or one falling within subsection (2A) ”.
- (3) After subsection (2) (the excepted provisions) insert—

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“(2A) An order falls within this subsection if it is made under section 413A(4) or paragraph 1(4) of Schedule 33B and applies only to one or more schools specified in the order.”

- 41 In section 571 of that Act (publication of guidance)—
- (a) in subsection (1) for “of the provisions mentioned in subsection (2) below” substitute “provision of this Act”; and
 - (b) omit subsection (2).

- 42 At the end of section 578 of that Act (“the Education Acts”) add—
- “the Education Act 1997.”

- 43 In section 579(1) of that Act (general interpretation), after the definition of “school day” insert—

““school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;”.

- 44 In section 580 of that Act (the index) at the appropriate places insert—
- (in the entry relating to “child”)

“(in Chapter I of Part VI except sections section 411(8)”.
431 to 433)

“school year section 579(1)”.

“wholly based on selection by reference section 411(9)”.
to ability or aptitude (in Chapter I of
Part VI)

Commencement Information

- 18** [Sch. 7 para. 44](#) wholly in force at 1.9.1997; [Sch. 7 para. 44](#) not in force at Royal Assent see [s. 58\(3\)](#); [Sch. 7 para. 44](#) in force at 14.6.1997 to the extent that it inserts the reference to “school year” into section 580 of the 1996 Act and in force at 1.9.1997 insofar as not already in force by [S.I. 1997/1468, art. 2, Sch. 1 Pts. I, II](#)

- 45 In Schedule 2 to that Act (the funding authorities), paragraph 9(2) (superannuation of employees) shall have effect (and be deemed always to have had effect) with the following amendments, namely—

- (a) for “the Treasury”, in the first place where it occurs, substitute “ the Minister for the Civil Service ”; and
- (b) for “the Treasury”, in the other places where it occurs, substitute “ he ”.

- 46 (1) Schedule 4 to that Act (distribution of functions where order made under section 27) shall be amended as follows.

- (2) In paragraph 18, for “the age of five” substitute “ compulsory school age ”.

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- 47 In Schedule 16 to that Act (appeals against exclusion or reinstatement of pupil)—
- (a) in paragraph 14, after “relevant person,” insert “ the head teacher, ”; and
 - (b) in paragraph 15(1), omit the words from “, including” to “brought,”.

- 48 (1) Schedule 19 to that Act (conduct and staffing of new county, voluntary and maintained special schools) shall be amended as follows.

- (2) In paragraph 22 (application of provisions in respect of staffing of new schools)—
- (a) after “(5)” insert “ to (5B) ”; and
 - (b) after “dismissal” insert “ or premature retirement ”.

- (3) For paragraph 27 substitute—

“27 Section 154 (responsibility for discipline) applies to a new school as if references to the school’s governing body were references to the temporary governing body.”

Commencement Information

- 19** Sch. 7 para. 48 wholly in force at 1.4.1998; Sch. 7 para. 48(2) in force at Royal Assent, see s. 58(4); Sch.7 para. 48(1)(3) in force at 1.4.1998 by S.I.1998/386, art. 2, Sch.1 Pt. II

- 49 (1) Schedule 23 to that Act (contents of articles of grant-maintained schools) shall be amended as follows.

- (2) In paragraph 4(1) omit “, 400”.

- (3) After paragraph 6(2) insert—

“(2A) Sub-paragraphs (1) and (2), so far as they apply in relation to arrangements in respect of appeals—

- (a) do not require the articles to provide for any matter for which provision is made by Schedule 25A (exclusion appeals); and
- (b) have effect subject to paragraph 4(2) of Schedule 33B (refusal of admission in case of children permanently excluded from two or more schools).”

Commencement Information

- 110** Sch. 7 para. 49 partly in force; Sch. 7 para. 49 not in force at Royal Assent see s. 58(3); Sch. 7 para. 49(1) and para 49(3) except for paragraph (a) of paragraph 6(2A) to be inserted into Schedule 23 to the 1996 Act in force at 1.9.1997 by S.I. 1997/1468, art. 2, Sch. 1 Pt. II; Sch. 7 para. 49(3) in force at 1.9.1998 insofar as not already in force by S.I. 1998/386, art. 2, Sch. 1 Pt. IV

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- 50 In Schedule 28 to that Act (government and conduct of grant-maintained special schools), in paragraph 14 after “regulations may” insert “, subject to the following paragraphs of this Schedule, ”.

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