



# Education Act 1996

## 1996 CHAPTER 56

### PART I

#### GENERAL

### CHAPTER I

#### THE STATUTORY SYSTEM OF EDUCATION

##### *General*

## **1 The stages of education**

- (1) The statutory system of public education consists of three progressive stages: primary education, secondary education and further education.
- (2) This Part—
  - (a) confers functions on the Secretary of State and local education authorities with respect to primary, secondary and further education; and
  - (b) provides for functions with respect to primary and secondary education to be conferred on the funding authorities constituted under Chapter IV.
- (3) Part I of the Further and Higher Education Act 1992 confers functions with respect to further education on the further education funding councils established under section 1 of that Act.
- (4) Apart from section 10 (general duty of Secretary of State), nothing in this Act confers any functions with respect to higher education.

## **2 Definition of primary, secondary and further education**

- (1) In this Act “primary education” means —

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- (a) full-time education suitable to the requirements of junior pupils who have not attained the age of 10 years and six months; and
  - (b) full-time education suitable to the requirements of junior pupils who have attained that age and whom it is expedient to educate together with junior pupils within paragraph (a).
- (2) In this Act “secondary education” means—
- (a) full-time education suitable to the requirements of pupils of compulsory school age who are either—
    - (i) senior pupils, or
    - (ii) junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with senior pupils of compulsory school age; and
  - (b) (subject to subsection (5)) full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19 which is provided at a school at which education within paragraph (a) is also provided.
- (3) Subject to subsection (5), in this Act “further education” means—
- (a) full-time and part-time education suitable to the requirements of persons who are over compulsory school age (including vocational, social, physical and recreational training), and
  - (b) organised leisure-time occupation provided in connection with the provision of such education,
- except that it does not include secondary education or (in accordance with subsection (7)) higher education.
- (4) Accordingly, unless it is education within subsection (2)(b), full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19 is further education for the purposes of this Act and not secondary education.
- (5) For the purposes of this Act education provided for persons who have attained the age of 19 is further education not secondary education; but where a person—
- (a) has begun a particular course of secondary education before attaining the age of 18, and
  - (b) continues to attend that course,
- the education does not cease to be secondary education by reason of his having attained the age of 19.
- (6) In subsection (3)(b) “organised leisure-time occupation” means leisure-time occupation, in such organised cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by facilities provided for that purpose.
- (7) References in this section to education do not include references to higher education.

### **3 Definition of pupil etc**

- (1) In this Act “pupil” means a person for whom education is being provided at a school, other than—
- (a) a person who has attained the age of 19 for whom further education is being provided, or

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- (b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is being provided.
- (2) In this Act—
- “junior pupil” means a child who has not attained the age of 12; and
  - “senior pupil” means a person who has attained the age of 12 but not the age of 19.
- (3) The definition of “pupil” in subsection (1) also applies (unless the context otherwise requires) for the purposes of any instrument made or having effect as if made under the Education Acts.