



Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER V

ALLOCATION OF RESPONSIBILITY FOR EDUCATION AT SCHOOL BETWEEN LEA AND FUNDING AUTHORITY

27 Responsibility for providing sufficient school places

- (1) In respect of the area of any local education authority, the Secretary of State may—
- (a) where he wishes responsibility for providing sufficient school places to be held by the funding authority as well as the local education authority, make an order under this paragraph, and
 - (b) where he wishes that responsibility to be held by the funding authority alone, make an order under this paragraph;
- and such an order may relate to primary education, to secondary education or to both.
- (2) An order under subsection (1) shall state—
- (a) the local education authority area to which the order applies;
 - (b) whether the order is made under paragraph (a) or (b) of that subsection;
 - (c) the kind (that is primary or secondary) or kinds of education to which the order relates; and
 - (d) the date as from which the order is to have effect.
- (3) No order may be made in respect of any area under subsection (1) unless—
- (a) in the case of an order under subsection (1)(a) or (b), it appears to the Secretary of State that subsection (4) is, or has at any time been, satisfied, or

Status: This is the original version (as it was originally enacted).

- (b) in the case of an order under subsection (1)(b), the local education authority have at any time requested the Secretary of State to make the order and subsection (4) is, or has at any time been, satisfied,
- in relation to the kind of education to which the order relates or, as the case may be, each of the kinds of education to which the order relates.
- (4) This subsection is satisfied—
- (a) for the purposes of—
- (i) subsection (3)(a) in its application to an order under subsection (1)(a), or
- (ii) subsection (3)(b),
- if not less than 10 per cent. of the pupils for whom education is provided in county, voluntary and grant-maintained schools in the area are registered pupils at grant-maintained schools;
- (b) for the purposes of subsection (3)(a) in its application to an order under subsection (1)(b), if not less than 75 per cent. of the pupils for whom education is provided in county, voluntary and grant-maintained schools in the area are registered pupils at grant-maintained schools.
- (5) For the purposes of subsection (3) the kind of education to which an order relates—
- (a) where an order is expressed to relate only to primary education, includes any secondary education provided in a primary school and excludes any primary education provided in a secondary school, and
- (b) where an order is expressed to relate only to secondary education, includes any primary education provided in a secondary school and excludes any secondary education provided in a primary school.
- (6) The effect of an order under this section is set out in Schedule 4.
- (7) The kind or kinds of education to which an order under subsection (1)(a) or (b) relates are referred to in this Act, in relation to such an order, as “relevant education”.