



Education Act 1996

1996 CHAPTER 56

PART II

SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

CHAPTER I

PRELIMINARY

31 County schools and voluntary schools

- (1) A primary or secondary school which is maintained by a local education authority is a county school if—
 - (a) it was established by a local education authority, or
 - (b) it was not so established but—
 - (i) it has been maintained as a county school since before the commencement of this Act, or
 - (ii) it is maintained as a county school in pursuance of proposals under section 35(1)(b), or
 - (iii) it is maintained as a county school in pursuance of an order under section 50.
- (2) A primary or secondary school which is maintained by a local education authority is a voluntary school if it is not within paragraph (a) or (b) of subsection (1).
- (3) Nothing in this section applies to—
 - (a) a nursery school;
 - (b) a special school; or
 - (c) a pupil referral unit within the meaning of section 19.

Status: This is the original version (as it was originally enacted).

32 Categories of voluntary schools: controlled, aided and special agreement schools

- (1) There are three categories of voluntary school—
 - (a) controlled schools,
 - (b) aided schools, and
 - (c) special agreement schools.
- (2) A voluntary school is a controlled school if no order such as is mentioned in subsection (3) or (4) is in force in respect of it.
- (3) A voluntary school is an aided school if there is in force an order to that effect made under section 48, 51, 54 or 58 of this Act (or under section 15 of the Education Act 1944, section 2 of the Education Act 1946 or section 54 of the Education (No. 2) Act 1986).
- (4) A voluntary school is a special agreement school if there is in force an order to that effect made under section 15 of the Education Act 1944 (which provided for the making of such an order where a special agreement had been made in respect of a school).
- (5) In this Act “special agreement” means an agreement made under Schedule 3 to the Education Act 1944 or deemed to have been so made by virtue of paragraph 11 of that Schedule (agreement providing for the making of a grant by a local education authority to persons specified in the agreement in consideration of their execution of proposals for the establishment of a school or the alteration of the premises of a school).
- (6) Schedule 5 to this Act (which reproduces certain of the provisions of Schedule 3 to that Act) has effect in relation to special agreements.

33 Maintained nursery schools and maintained special schools

- (1) In this Act—
 - “maintained nursery school” means a nursery school which is maintained by a local education authority; and
 - “maintained special school” means (in accordance with section 337(3)) a special school which is maintained by a local education authority.
- (2) Chapter II of Part IV (special educational needs) has effect in relation to the establishment and approval of schools as maintained special schools.

34 Meaning of “maintain” etc

- (1) In this Act—
 - (a) in relation to a school maintained (or proposed to be maintained) by a local education authority, “the local education authority” means that authority; and
 - (b) in relation to schools falling within subsections (2) to (5), “maintain” shall be read in accordance with those subsections.
- (2) In the case of a county school, a maintained nursery school or a maintained special school, the local education authority’s duty to maintain the school includes the duty of defraying all the expenses of maintaining it.
- (3) In the case of a controlled school, the local education authority’s duty to maintain the school includes—

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

- (a) the duty of defraying all the expenses of maintaining it, and
 - (b) the duty under section 60 of providing new premises for the school under and in accordance with that section.
- (4) In the case of an aided or special agreement school, the local education authority's duty to maintain the school includes—
- (a) the duty of defraying all the expenses of maintaining it, except any expenses that by virtue of section 59 or a special agreement are payable by the governing body, and
 - (b) the duty under section 61 of providing new premises for the school under and in accordance with that section.
- (5) It is hereby declared that for the purposes of this Act the expenses of maintaining a voluntary school include the payment of rates.