



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER V

PERSONS NOT COVERED BY ACT

561 Act not to apply to persons in service of the Crown.

No power or duty conferred or imposed by this Act on—

- (a) the Secretary of State,
- (b) [^{F1}local authorities], or
- (c) parents,

shall be construed as relating to any person who is employed by or under the Crown in any service or capacity with respect to which the Secretary of State certifies that, by reason of the arrangements made for the education of children and young persons so employed, the exercise and performance of those powers and duties with respect to such children and young persons is unnecessary.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))

Modifications etc. (not altering text)

- C1** S. 561 excluded (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 168(5)**, 173(1)(c)

Changes to legislation: Education Act 1996, Chapter V is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

562 Act not to apply to ^{F2}certain] persons detained under order of a court.

(1) No power or duty conferred or imposed by or under this Act on—

- (a) the Secretary of State,
- (b) ^{F1}local authorities], or
- (c) parents,

shall be construed as relating to any person who is ^{F3}detained in pursuance of an order made by a court or of an order of recall made by the Secretary of State]^{F3}subject to a detention order and is detained in accommodation that is not relevant youth accommodation], but a ^{F4}local authority] may make arrangements for ^{F3}a person who is detained in pursuance of such an order]^{F3}such a person] to receive the benefit of educational facilities provided by the authority.

^{F5}(1A) For the purposes of this Act—

- (a) a person is subject to a detention order if detained in pursuance of—
 - (i) an order made by a court, or
 - (ii) an order of recall made by the Secretary of State, and
- (b) relevant youth accommodation is accommodation which—
 - (i) is youth detention accommodation (within the meaning given by ^{F6}section 248(1) of the Sentencing Code], and
 - (ii) is not in a young offender institution, or part of such an institution, that is used wholly or mainly for the detention of persons aged 18 and over.]

(2) A child or young person who is being educated as a boarder at a school shall not be regarded for the purposes of ^{F7}subsection (1)]^{F7}this section] as detained in pursuance of an order made by a court by reason of the fact that he is required to be at the school—

- (a) by virtue of an order made by a court under the ^{M1}Children and Young Persons Act 1933 or by virtue of anything done under such an order; or
- (b) by virtue of a requirement of a ^{F8}youth rehabilitation order under ^{F9}Chapter 1 of Part 9 of the Sentencing Code]] or by virtue of anything done under such a requirement.

^{F10}(3) A child or young person who is being kept in accommodation provided for the purpose of restricting liberty is not to be regarded for the purposes of this section as detained in pursuance of an order made by a court by reason of the fact that a court has authorised the person to be kept in such accommodation under section 25(4) of the Children Act 1989 [^{F11}or section 119(4) of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty)] (use of accommodation for restricting liberty).]

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F2** Word in s. 562 heading inserted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 49(6)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F3** Words in s. 562(1) substituted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 49(2)(a)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)

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- F4** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F5** S. 562(1A) inserted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 49(3)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F6** Words in s. 562(1A)(b)(i) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 142(2)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F7** Words in s. 562(2) substituted (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 49(4)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F8** Words in s. 562(2)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 47** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(p)(v)
- F9** Words in s. 562(2)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 142(3)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F10** S. 562(3) added (1.9.2010 for E. for specified purposes, 1.4.2011 for W. for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 49(5)**, 269(3)(4); S.I. 2010/303, art. 6, Sch. 5; S.I. 2011/829, art. 2(a)
- F11** Words in s. 562(3) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), **regs. 2(1)**, 157

Modifications etc. (not altering text)

- C2** S. 562 excluded (26.11.2008) by Education and Skills Act 2008 (c. 25), **ss. 168(5)**, 173(1)(c)
- C3** S. 562 excluded (12.11.2009) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 264(4)**, 269(1)
- C4** S. 562 modified (temp.) (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 44(5)-(7)**, 100(3); S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

Marginal Citations

- M1** 1933 c. 12.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)