



# Education Act 1996

## 1996 CHAPTER 56

### PART I

#### GENERAL

#### CHAPTER III

#### [<sup>F1</sup>LOCAL AUTHORITIES]

*Other arrangements for provision of education*

**19 Exceptional provision of education in pupil referral units or elsewhere [<sup>F1</sup>: England]**

- (1) Each [<sup>F2</sup>local authority][<sup>F3</sup>in England] shall make arrangements for the provision of suitable <sup>F4</sup> . . . education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

[<sup>F5</sup>(1A) <sup>F6</sup> . . . Subsection (1) does not apply in the case of a child—

- (a) who will cease to be of compulsory school age within the next six weeks, and
- (b) does not have any relevant examinations to complete.

In paragraph (b) “relevant examinations” means any public examinations or other assessments for which the child has been entered.]

<sup>F7</sup>(2) . . . . .

<sup>F7</sup>[<sup>F8</sup>(2A) . . . . .

- (2B) Any school established in England (whether before or after the commencement of this Act) and maintained by a [<sup>F2</sup>local authority][<sup>F9</sup>in England] which—

- (a) is specially organised to provide education for such children, and

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- (b) is not a community or foundation school, a community or foundation special school, or a maintained nursery school,  
 shall be known as a “pupil referral unit”.]
- (3) A [F2]local authority][F10]in England] may secure the provision of boarding accommodation at any pupil referral unit.
- [F11][F12](3A) F13 ... The education to be provided for a child in pursuance of arrangements made by a local authority under subsection (1) shall be—
- (a) full-time education, or
  - (b) in the case of a child within subsection (3AA), education on such part-time basis as the authority consider to be in the child's best interests.
- (3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child's best interests for full-time education to be provided for the child.]
- (3B) [F14]Regulations may provide that the education to be provided for a child in pursuance of arrangements made by a local authority in England under subsection (1)] must be provided from a day that, in relation to the pupil concerned, is determined in accordance with [F15]the regulations] .]
- (4) A [F2]local authority][F16]in England] may make arrangements for the provision of suitable F4 . . . education otherwise than at school for those young persons who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.
- [F17](4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a [F2]local authority] shall have regard to any guidance given from time to time by the Secretary of State.]
- (5) Any child for whom education is provided otherwise than at school in pursuance of this section, and any young person for whom full-time education is so provided in pursuance of this section, shall be treated for the purposes of this Act as a pupil.
- [F18](6) In this section—
- “relevant school” means—
  - (a) a maintained school,
  - (b) an Academy,
  - (c) a city technology college, or
  - (d) a city college for the technology of the arts;
- “suitable education”, in relation to a child or young person [F19]in the area of a local authority in England], means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have [F20]and in relation to a child or young person in the area of a local authority in Wales, means efficient education suitable to the child's or young person's age, ability and aptitude and to any additional learning needs the child or young person may have] (and “suitable full-time education” is to be read accordingly).]
- (7) Schedule 1 has effect in relation to pupil referral units [F21]maintained by a local authority in England].

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## Textual Amendments

- F1** Word in s. 19 heading inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(2)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F2** 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))
- F3** Words in s. 19(1) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(3)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F4** Words in s. 19(1) and (4) repealed (1.9.1998) by 1997 c. 44, ss. 47(2)(3), 57(4), **Sch.8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F5** S. 19(1A) inserted (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), **ss. 3(2)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F6** Words in s. 19(1A) omitted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(4)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F7** S. 19(2)(2A) omitted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(5)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F8** S. 19(2A)(2B) inserted (2.7.2007) by The Education Act 1996 (Amendment of Section 19) (England) Regulations 2007 (S.I. 2007/1507), regs. 1, 2
- F9** Words in s. 19(2B) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(6)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F10** Words in s. 19(3) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(7)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F11** S. 19(3A)(3AA) substituted for s. 19(3A) (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), **ss. 3(3)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F12** S. 19(3A)(3B) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 101(2)**, 188(3); S.I. 2007/1801, art. 4(g)
- F13** Words in s. 19(3A) omitted (30.4.2021) by virtue of Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(8)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F14** Words in s. 19(3B) substituted (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), **ss. 3(4)(a)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F15** Words in s. 19(3B) substituted (1.9.2011) by Children, Schools and Families Act 2010 (c. 26), **ss. 3(4)(b)**, 29(5) (with s. 27); S.I. 2011/1100, art. 2
- F16** Words in s. 19(4) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(9)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F17** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, **s. 47(4)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F18** S. 19(6) substituted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 101(3)**, 188(3); S.I. 2007/1801, art. 4(g)
- F19** Words in s. 19(6) inserted (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), s. 100(3), **Sch. 1 para. 4(7)(a)**; 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
- F20** Words in s. 19(6) inserted (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), s. 100(3), **Sch. 1 para. 4(7)(b)**; 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.

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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

**F21** Words in s. 19(7) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 3(10)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

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**Modifications etc. (not altering text)**

**C1** S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5)(c)(10)**, 162 (with s. 159)

**C2** S. 19: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 17 para. 5** (with ss. 88-90)

**C3** S. 19(3A) modified (18.5.2012) by The Wiltshire Council (Arrangements for the Provision of Suitable Education) Order 2012 (S.I. 2012/1107), arts. 1(2)(a), **6(2)** (with art. 5)

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**Changes and effects yet to be applied to :**

- s. 19 excluded by [2002 c. 41 s. 36\(5\)\(c\)\(10\)](#)
- s. 19(2)(a) words substituted by [2010 c. 26 Sch. 3 para. 1](#)
- s. 19(2B)(a) words substituted by [2010 c. 26 Sch. 3 para. 1](#)
- s. 19(6) words repealed by [2010 c. 26 Sch. 4 Pt. 1](#)

**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](#)