



Education Act 1996

1996 CHAPTER 56

PART I

GENERAL

CHAPTER I

THE STATUTORY SYSTEM OF EDUCATION

General

2 Definition of primary, secondary and further education.

[^{F1}(1) In this Act “primary education” means—

- (a) full-time or part-time education suitable to the requirements of children who have attained the age of two but are under compulsory school age;
- (b) full-time education suitable to the requirements of junior pupils of compulsory school age who have not attained the age of 10 years and six months; and
- (c) full-time education suitable to the requirements of junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with junior pupils within paragraph (b).]

(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.

Changes to legislation: *Education Act 1996, Section 2 is up to date with all changes known to be in force on or before 18 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*

- [^{F2}(2A) Education is also secondary education for the purposes of this Act (subject to subsection (5)) if it is provided by an institution which—
- (a) is maintained by a [^{F3}local authority][^{F4}or is an Academy], and
 - (b) is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19.
- (2B) Where—
- (a) a person is in full-time education,
 - (b) he receives his education partly at a school and, by virtue of arrangements made by the school, partly at another institution [^{F5}or any other establishment], and
 - (c) the education which he receives at the school would be secondary education if it was full-time education at the school,
- the person’s education, both at the school and at the other institution [^{F6}or establishment], is secondary education for the purposes of this Act (subject to subsection (5)).]
- (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 [^{F7}(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) [^{F8}or (2A)], 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.
- [^{F9}(6A) In the context of the definitions of secondary education and further education, references in this section to education include vocational, social, physical and recreational training.]
- (7) References in this section to education do not include references to higher education.

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Textual Amendments

- F1** S. 2(1) substituted (1.10.2002 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), **ss. 156(2), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 4, Sch. Pt. 1
- F2** S. 2(2A)(2B) inserted (1.9.2000 for E. for certain purposes and 1.4.2001 otherwise for E.W.) by 2000 c. 21, **s. 110(1)** (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (with art. 3)
- F3** 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))
- F4** Words in s. 2(2A)(a) inserted (26.7.2002) by Education Act 2002 (c. 32), **ss. 65(3), 216(2), Sch. 7 para. 6(2)** (with **ss. 210(8), 214(4)**); S.I. 2002/2002, **art. 2**
- F5** Words in s. 2(2B)(b) inserted (1.10.2002 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 177(2)(a), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2
- F6** Words in s. 2(2B) inserted (1.10.2002 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 177(2)(b), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2
- F7** Words in s. 2(3)(a) repealed (1.10.2002 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2
- F8** Words in s. 2(4) inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), **ss. 215(1), 216(4), Sch. 21 para. 33** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F9** S. 2(6A) inserted (1.10.2002 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), **ss. 177(3), 216(4)** (with **ss. 210(8), 214(4)**); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 5, Sch. Pt. 2

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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](#)