



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER VI

GENERAL

Construction

579 General interpretation.

(1) In this Act, unless the context otherwise requires—

^{F1}
...

[^{F2}“Academy” means [^{F3}an educational institution] to which Academy arrangements relate;]

[^{F2}“Academy arrangements” has the meaning given by section 1 of the Academies Act 2010;]

[^{F2}“Academy order” means an order under section 4 of that Act;]

[^{F4} “Academy school”, “Academy order” and “alternative provision Academy” have the meanings have the meanings given by sections 1A, 1B and 1C respectively of that Act;]

[^{F5}“additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;]

[^{F5}“additional learning provision” has the meaning given by section 3 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;]

[^{F6}“assist”, in relation to any school, institution or university, shall be construed in accordance with subsections (5) to (7) below;]

“boarder” includes a pupil who boards during the week but not at weekends;

“child” means a person who is not over compulsory school age;

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“clothing” includes footwear;

[^{F7}“education functions” means the functions specified in Schedule 36A;]

[^{F8}“EHC plan” means a plan within section 37(2) of the Children and Families Act 2014;]

^{F1} ...

“financial year” means a period of twelve months ending with 31st March;

“functions” includes powers and duties;

^{F1} ...

“head teacher” includes acting head teacher;

“higher education” means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;

[^{F9}“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

[^{F5}“individual development plan” means a plan within Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;]

“land” includes buildings and other structures, land covered with water, and any interest in land;

“liability” includes obligation;

[^{F10}“local authority” means—

- (a) a local authority in England;
- (b) a local authority in Wales;

“local authority in England” means—

- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council; and
- (e) the Common Council of the City of London (in their capacity as a local authority);

“local authority in Wales” means—

- (a) a county council in Wales; and
- (b) a county borough council;]

^{F1} ...

“local government elector” has the meaning given by section 270(1) of the ^{M1}Local Government Act 1972;

[^{F11}“maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998;]

“medical officer”, in relation to a [^{F12}local authority], means a registered medical practitioner who is employed or engaged (whether regularly or for the purposes of any particular case) by the authority or whose services are made available to the authority by the Secretary of State;

“modifications” includes additions, alterations and omissions and “modify” shall be construed accordingly;

[^{F13}“the National Curriculum”(without more) means—

- (a) [^{F14}in relation to England], the National Curriculum for England, [^{F15}and]
- (b) [^{F15}in relation to Wales, the National Curriculum for Wales;]]

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“premises”, in relation to a school, includes any detached playing fields but, except where otherwise expressly provided, does not include a teacher’s dwelling-house;

“prescribed” ^{F16}(except in Chapter 5A)] means prescribed by regulations;

“proprietor”, in relation to a school ^{F17}or a 16 to 19 Academy] , means the person or body of persons responsible for the management of the school ^{F18}or Academy] (so that, in relation to ^{F19}a community, foundation or voluntary or community or foundation special school ^{F20}or a maintained nursery school,] ^{F21}or a maintained nursery school,] it means the governing body);

^{F1} ...

“regulations” ^{F22}... means regulations made by the Secretary of State ^{F23}, except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales];

^{F1} ...

^{F24}“sex education” includes education about—

- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
- (b) any other sexually transmitted disease;]

“school buildings”, in relation to a school, means any building or part of a building forming part of the school premises, other than a building or part required only—

- (a) as a caretaker’s dwelling,
- (b) for use in connection with playing fields,
- (c) to afford facilities ^{F25}for the carrying out of functions] under ^{F26}paragraph 1 or 8 of Schedule 1 to the National Health Service Act 2006 (which relate to the provision of medical services for pupils), or]
- (d) to afford facilities for providing milk, meals or other refreshment for pupils in attendance at the school;

^{F27}“school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;]

^{F28}“special educational needs”—

- (a) in relation to a child or person over compulsory school age but under 25 in the area of a local authority in England, has the meaning given by section 20(1) of the Children and Families Act 2014;
- (b) ^{F29}in relation to a child in the area of a local authority in Wales, has the meaning given by section 312;]

“special educational provision”—

- (a) in relation to a person in the area of a local authority in England, has the meaning given by section 21(1) and (2) of the Children and Families Act 2014;
- (b) ^{F30}in relation to a child in the area of a local authority in Wales, has the meaning given by section 312(4);]

“school day”, in relation to a school, means any day on which at that school there is a school session;

^{F31}“trust deed” includes any instrument (other than an instrument of government) regulating the constitution of the school’s governing body or the maintenance, management or conduct of the school;]

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“young person” means a person over compulsory school age but under the age of 18.

[^{F32}(1A) For the purposes of this Act a person is subject to learning difficulty assessment if—

- (a) an assessment under section 140 of the Learning and Skills Act 2000 (learning difficulty assessments: Wales) has been conducted in respect of the person, or
- (b) arrangements for such an assessment to be conducted in respect of the person have been made or are required to be made.]

(2) References in this Act to an interest in land include any easement, right or charge in, to or over land.

^{F33}(3)

[^{F34}(3A) References in this Act to a person who is “in the area” of a local authority in England do not include a person who is wholly or mainly resident in the area of a local authority in Wales [^{F35}or who would be wholly or mainly resident in the area of a local authority in Wales were it not for provision secured for the person under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018].

(3B) References in this Act to a person who is “in the area” of a local authority in Wales do not include a person who is wholly or mainly resident in the area of a local authority in England [^{F36}or who would be wholly or mainly resident in the area of a local authority in England were it not for provision secured for the person under Part 3 of the Children and Families Act 2014].]

[^{F37}(3C) The Welsh Ministers may make further provision by regulations about the meaning of references in this Act to a person who is “in the area” of a local authority in Wales.]

(4) For the purposes of this Act a person shall be treated as belonging, or as not belonging, to the area of a particular [^{F121}local authority] in accordance with regulations; and any question under the regulations shall, in the case of a dispute, be determined by the Secretary of State.

[^{F38}(4A) For the purposes of this Act the area of the Common Council of the City of London shall be treated as including the Inner Temple and the Middle Temple.]

(5) For the purposes of this Act a school shall be regarded as “assisted” by a [^{F12}local authority] who do not maintain it if the authority make to its proprietor any grant in respect of the school or any payment in consideration of the provision of educational facilities there.

(6) Subject to subsection (7), an institution other than a school shall be regarded for the purposes of this Act as “assisted” by a [^{F12}local authority] if the authority make to the persons responsible for its maintenance any grant in respect of the institution or any payment in consideration of the provision of educational facilities there.

(7) Neither—

- (a) a university, nor
- (b) any institution within the further education sector or within the higher education sector other than a university,

shall be regarded for the purposes of this Act as “assisted” by a [^{F12}local authority] by virtue of the making by the authority to the persons responsible for the maintenance of the university or institution of any grant or payment such as is mentioned in subsection (6).

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Textual Amendments

- F1** S. 579(1): definitions of "the appropriate further education funding council", "exclude", "governing body" (and "governors"), "the local education authority", "reception class" and "relevant age group" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(a)(ii), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F2** Words in s. 579(1) inserted (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 2 para. 6**; S.I. 2010/1937, art. 2, Sch. 1
- F3** Words in s. 579(1) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(17)(a)**; S.I. 2012/924, art. 2
- F4** Words in s. 579(1) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(17)(b)**; S.I. 2012/924, art. 2
- F5** Words in s. 579(1) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(32)(a)(iii)**; S.I. 2021/373, art. 8(j)(xii)
- F6** Definition in s. 579(1) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(i)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F7** Words in s. 579(1) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, **3(2)(a)**
- F8** Words in s. 579(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 59(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended) (1.4.2015) by S.I. 2015/505)
- F9** Words in s. 579(1) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 16(4)**; S.I. 2008/787, art. 2(4)(f)
- F10** Words in s. 579(1) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, **3(2)(b)**
- F11** Words in s. 579(1) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 57(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F12** 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))
- F13** S. 579(1): definition of "the National Curriculum" 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. 57(b)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F14** Words in s. 579(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(13)(a)**
- F15** Words in s. 579(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(13)(b)**
- F16** Words in s. 579(1) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 12(a)**; S.I. 2010/303, art. 6, Sch. 5
- F17** Words in s. 579(1) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(17)(c)(i)**; S.I. 2012/924, art. 2
- F18** Words in s. 579(1) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(17)(c)(ii)**; S.I. 2012/924, art. 2
- F19** Words in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iii)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F20** Words in s. 579(1) inserted (W.) (31.10.2005) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913), regs. 1(1), 4
- F21** Words in s. 579(1) inserted (E.) (1.9.2003) by The Education Act 2002 (Modification and Transitional Provisions) (England) Regulations 2003 (S.I. 2003/2045), regs. 1(1), 3 (with reg. 6)

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- F22** Words in s. 579(1) omitted (30.4.2021) by virtue of Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 23(a)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F23** Words in s. 579(1) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 23(b)** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)
- F24** S. 579(1): definition of "sex education" 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. 57(c)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F25** Words in s. 579(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 80**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F26** Words in s. 579 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 185** (with Sch. 3 Pt. 1)
- F27** Definition in s. 579(1) inserted (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 43**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. 1**
- F28** Words in s. 579(1) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 59(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F29** Words in s. 579(1) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(32)(a)(i)**; 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
- F30** Words in s. 579(1) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(32)(a)(ii)**; 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
- F31** Definition in s. 579(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 183(a)(iv)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F32** S. 579(1A) omitted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by virtue of Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(32)(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. 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
- F33** S. 579(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 183(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F34** S. 579(3A)(3B) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 59(d)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F35** Words in s. 579(3A) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 95(a)**, 100(3); S.I. 2020/1182, reg. 3(1)(m); S.I. 2021/373, art. 8(h)
- F36** Words in s. 579(3B) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), **ss. 95(b)**, 100(3); S.I. 2020/1182, reg. 3(1)(m); S.I. 2021/373, art. 8(h)

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- F37** S. 579(3C) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\), ss. 95\(c\), 100\(3\)](#); S.I. 2020/1182, reg. 3(1)(m); S.I. 2021/373, art. 8(h)
- F38** S. 579(4A) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), arts. 1, 3\(3\)](#)

Marginal Citations

- M1** 1972 c. 70.

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Changes and effects yet to be applied to :

- s. 579(1) words repealed by [2012 c. 5 Sch. 14 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](#)