



# Education Act 1996

## 1996 CHAPTER 56

### PART I

#### GENERAL

### CHAPTER I

#### THE STATUTORY SYSTEM OF EDUCATION

##### *General*

#### **1 The stages of education.**

- (1) The statutory system of public education consists of three progressive stages: primary education, secondary education and further education.
- (2) This Part—
  - (a) confers functions on the Secretary of State and [<sup>F1</sup>local authorities] with respect to primary, secondary and further education; <sup>F2</sup> . . .
  - <sup>F2</sup>(b) . . . . .
- (3) Part I of the <sup>M1</sup>Further and Higher Education Act 1992 [<sup>F3</sup> makes provision with respect to further education.].
- (4) Apart from section 10 (general duty of Secretary of State), nothing in this Act confers any functions with respect to higher education.

#### **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))

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- F2** S. 1(2)(b) and preceding word repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 58, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
- F3** Words in s. 1(3) substituted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 51** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

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

- C1** S. 1(4) excluded by 2002 c. 32, s. 28A(5) (as inserted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), **ss. 105, 125(4)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1)

**Marginal Citations**

- M1** 1992 c. 13.

**2 Definition of primary, secondary and further education.**

[<sup>F4</sup>(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.

[<sup>F5</sup>(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 [<sup>F6</sup>local authority][<sup>F7</sup>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 [<sup>F8</sup>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,

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the person’s education, both at the school and at the other institution [<sup>F9</sup>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 [<sup>F10</sup>(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) [<sup>F11</sup>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.
- [<sup>F12</sup>(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.

#### Textual Amendments

- F4** 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
- F5** 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)
- F6** 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))
- F7** 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
- F8** 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
- F9** 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

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- F10** 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
- F11** 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
- F12** 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

### 3 Definition of pupil etc.

- (1) In this Act “pupil” means a person for whom education is being provided at a school, other than—
- (a) a person who has attained the age of 19 for whom further education is being provided, or
  - (b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is being provided.

[<sup>F13</sup>and references to pupils in the context of the admission of pupils to, or the exclusion of pupils from, a school are references to persons who following their admission will be, or (as the case may be) before their exclusion were, pupils as defined by this subsection.]

- [<sup>F14</sup>(1A) A person is not for the purposes of this Act to be treated as a pupil at a school merely because any education is provided for him at the school in the exercise of the powers conferred by section 27 of the Education Act 2002 (power of governing body of maintained school to provide community facilities etc.).]

- (2) In this Act—
- “junior pupil” means a child who has not attained the age of 12; and
- “senior pupil” means a person who has attained the age of 12 but not the age of 19.
- (3) The definition of “pupil” in [<sup>F15</sup>subsections (1) and (1A) also apply] (unless the context otherwise requires) for the purposes of any instrument made or having effect as if made under the Education Acts.

#### Textual Amendments

- F13** Words in s. 3(1) inserted (1.9.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 9(2)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F14** S. 3(1A) inserted (2.9.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 34(2)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F15** Words in s. 3(3) substituted (2.9.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 34(3)** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II

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

- C2** S. 3: 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)

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### *Educational institutions*

#### **4 Schools: general.**

[<sup>F16</sup>(1) In this Act [<sup>F17</sup>(subject to [<sup>F18</sup>subsections (1A) to (1C)])] “school” means an educational institution which is outside the further education sector and the [<sup>F19</sup>wider] higher education sector and is an institution for providing—

- (a) primary education,
- (b) secondary education, or
- (c) both primary and secondary education,

whether or not the institution also provides [<sup>F20</sup>part-time education suitable to the requirements of junior pupils or] further education.]

[<sup>F21</sup>(1A) An institution which—

- (a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and
- (b) is not a maintained nursery school,  
is not a school.]

[<sup>F22</sup>(1B) A 16 to 19 Academy is not a school.

(1C) An alternative provision Academy is a school.]

(2) [<sup>F23</sup>Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for] the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1) <sup>F24</sup> . . .

(3) For the purposes of this Act an institution is outside the further education sector if it is not—

- (a) an institution conducted by a further education corporation established under section 15 or 16 of the <sup>M2</sup>Further and Higher Education Act 1992, or
- (b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act) [<sup>F25</sup>, or
- (c) a sixth form college]

and references to institutions within that sector shall be construed accordingly.

[<sup>F26</sup>(4) For the purposes of this Act an institution is outside the wider higher education sector if —

- (a) in relation to England, it is not a registered higher education provider within the meaning given by section 3(10) of the Higher Education and Research Act 2017, or
- (b) in relation to Wales, it is not an institution within the higher education sector within the meaning given by section 91(5) of the Further and Higher Education Act 1992;

and references to institutions within the wider higher education sector are to be construed accordingly.]

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### Textual Amendments

- F16** S. 4(1) substituted (1.9.1997) by 1997 c. 44, s. 51; S.I. 1997/1468, art. 2, **Sch. 1 Pt. II**
- F17** Words in s. 4(1) inserted (1.9.2008) by **Childcare Act 2006 (c. 21)**, ss. **95(2)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)
- F18** Words in s. 4(1) substituted (1.4.2012) by **Education Act 2011 (c. 21)**, s. 82(3), **Sch. 13 para. 9(2)(a)**; S.I. 2012/924, art. 2
- F19** Word in s. 4(1) inserted (1.8.2019) by **The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027)**, regs. 1, **7(2)(a)**
- F20** Words in s. 4(1) repealed (1.10.2002 for E., 31.3.2004 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. 4, Sch. Pt. 1
- F21** S. 4(1A) inserted (1.9.2008) by **Childcare Act 2006 (c. 21)**, ss. **95(3)**, 109(2); S.I. 2008/2261, art. 2 (with **Sch. 1**)
- F22** S. 4(1B)(1C) inserted (1.4.2012) by **Education Act 2011 (c. 21)**, s. 82(3), **Sch. 13 para. 9(2)(b)**; S.I. 2012/924, art. 2
- F23** Words in s. 4(2) substituted (1.9.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 10(a)**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F24** Words in s. 4(2) repealed (1.9.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 10(b), **Sch. 8**; S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F25** S. 4(3)(c) and word inserted (1.4.2010) by **The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080)**, art. 1(2)(a), **Sch. 1 para. 97** (with art. 2(3))
- F26** S. 4(4) substituted (1.8.2019) by **The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027)**, regs. 1, **7(2)(b)**

### Modifications etc. (not altering text)

- C3** S. 4(1) restricted (1.9.2000 (E.) and 1.4.2001 (W.)) by 2000 c. 21, s. **110(3)** (with s. 150); S.I. 2000/2114, art. 2(3), **Sch. Pt. III**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

### Marginal Citations

- M2** 1992 c. 13.

## 5 Primary schools, secondary schools and middle schools.

- (1) In this Act “primary school” means (subject to regulations under subsection (4)) a school for providing primary education, whether or not it also provides [<sup>F27</sup>part-time education suitable to the requirements of junior pupils or] further education.
- (2) In this Act “secondary school” means (subject to regulations under subsection (4)) a school for providing secondary education, whether or not it also provides further education.
- [<sup>F28</sup>(3) In this Act “middle school” means a school which, in pursuance of proposals published under any of the enactments specified in subsection (3A), has been established as, or altered so as to become, a school for providing full-time education suitable to the requirements of pupils who—
- (a) have attained a specified age below 10 years and six months, and
  - (b) are under a specified age above 12 years.
- (3A) The enactments mentioned in subsection (3) are—
- (a) in relation to England—

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- (i) section 28 or 28A of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998,
- (ii) section 66 of, or paragraph 7 of Schedule 11 to, the Education Act 2005, and
- (iii) section 7, 10, 11 or 19 of the Education and Inspections Act 2006;
- (b) in relation to Wales,
  - [<sup>F29</sup>(i)] section 28 of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998[<sup>F30</sup>, and
  - (ii) section 48, 59 or 68 of the School Standards and Organisation (Wales) Act 2013]]
- (4) The Secretary of State shall make regulations for determining, or enabling him to determine, whether a middle school is to be treated for the purposes of this Act and the other enactments relating to education as a primary school or as a secondary school.
- (5) [<sup>F31</sup>The powers conferred by the enactments mentioned in subsection (3) (so far as relating to the establishment of middle schools) and the powers conferred by subsection] (4) above are exercisable—
  - (a) notwithstanding anything in this Act (and in particular section 1); but
  - (b) without prejudice to the exercise of any other power conferred by this Act.

#### Textual Amendments

- F27** Words in s. 5(1) repealed (1.10.2002 for E., 31.3.2004 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. 4, Sch. Pt. 1
- F28** S. 5(3)(3A) substituted for s. 5(3) (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 7(2)**; S.I. 2007/935, art. 7(o)
- F29** Words in s. 5(3A)(b) renumbered as s. 5(3A)(b)(i) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 17(2)(a)**; S.I. 2013/1800, art. 3(j)
- F30** S. 5(3A)(b)(ii) and word inserted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 17(2)(b)**; S.I. 2013/1800, art. 3(j)
- F31** Words in s. 5(5) substituted (1.9.2006) by Education Act 2005 (c. 18), s. 125(4), **Sch. 12 para. 1(3)**; S.I. 2006/2129, art. 4

## 6 Nursery schools <sup>F32</sup>... .

- (1) A primary school is a nursery school if it is used [<sup>F33</sup>wholly or] mainly for the purpose of providing education for children who have attained the age of two but are under [<sup>F34</sup>compulsory school age].

<sup>F35</sup>(2) .....

#### Textual Amendments

- F32** Words in s. 6 title omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 2(3)**; 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)
- F33** Words in s. 6(1) inserted (1.10.2002 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), ss. 156(1), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 4, Sch. Pt. 1
- F34** Words in s. 6(1) substituted (1.8.1998) by 1997 c. 44, s. 51(1), **Sch. 7 para. 11**; S.I. 1998/386, art. 2, **Sch. 1 Pt. III**

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**F35** S. 6(2) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 2\(2\)](#); [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](#)))

### *Compulsory education*

## 7 **Duty of parents to secure education of children of compulsory school age.**

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and
  - (b) to any special educational needs [<sup>F36</sup>(in the case of a child who is in the area of a local authority in England) or additional learning needs (in the case of a child who is in the area of a local authority in Wales)] he may have,
- either by regular attendance at school or otherwise.

#### **Textual Amendments**

**F36** Words in [s. 7\(b\)](#) 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\(2\)](#); [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

## 8 **Compulsory school age.**

- (1) Subsections (2) and (3) apply to determine for the purposes of any enactment whether a person is of compulsory school age.

[<sup>F37</sup>(2) A person begins to be of compulsory school age—

- (a) when he attains the age of five, if he attains that age on a prescribed day, and
- (b) otherwise at the beginning of the prescribed day next following his attaining that age.]

- (3) A person ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year—

- (a) if he attains the age of 16 after that day but before the beginning of the school year next following,
- (b) if he attains that age on that day, or
- (c) (unless paragraph (a) applies) if that day is the school leaving date next following his attaining that age.

[<sup>F38</sup>(4) The Secretary of State may by order—

- (a) provide that such days in the year as are specified in the order shall be, for each calendar year, prescribed days for the purposes of subsection (2);
- (b) determine the day in any calendar year which is to be the school leaving date for that year.]



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### Textual Amendments

- F37** S. 8(2) substituted (1.8.1998) by 1997 c. 44, s. 52(2); S.I. 1998/386, art. 2, Sch. 1 Pt. III  
**F38** S. 8(4) substituted (1.8.1998) by 1997 c. 44, s. 52(3); S.I. 1998/386, art. 2, Sch. 1 Pt. III

## *Education in accordance with parental wishes*

### 9 Pupils to be educated in accordance with parents' wishes.

In exercising or performing all their respective powers and duties under the Education Acts, the Secretary of [<sup>F39</sup>State and [<sup>F1</sup>local authorities]] shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

### 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))  
**F39** Words in s. 9 substituted (1.4.1999) by 1998 c. 31, s. 140(1), Sch. 30 para. 61 (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), Sch. 1

## CHAPTER II

### FUNCTIONS OF THE SECRETARY OF STATE

### 10 General duty of Secretary of State.

The Secretary of State shall promote the education of the people of England and Wales.

### Modifications etc. (not altering text)

- C4** S. 10 amended (1.11.1996) by 1994 c. 30, s. 11A, as inserted by 1996 c. 56, ss. 582(1)(3), 583(2), Sch. 37 Pt. I para. 126 (with ss. 1(4), 561, 562, Sch. 39)

### 11 Duty in the case of primary, secondary and further education.

- (1) The Secretary of State shall exercise his powers in respect of those bodies in receipt of public funds which—
- (a) carry responsibility for securing that the required provision for primary, secondary or further education is made—
    - (i) in schools, <sup>F40</sup>...
    - (ii) in institutions within the further education sector, [<sup>F41</sup>or
    - (iii) in 16 to 19 Academies,]
 in or in any area of England or Wales, or

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- (b) conduct schools<sup>F42</sup>, institutions within the further education sector or 16 to 19 Academies] in England and Wales,  
 for the purpose of promoting primary, secondary and further education in England and Wales.
- (2) The Secretary of State shall, in the case of his powers to regulate the provision made in schools<sup>F43</sup>, institutions within the further education sector and 16 to 19 Academies] in England and Wales, exercise his powers with a view to (among other things) improving standards, encouraging diversity and increasing opportunities for choice.

#### Textual Amendments

- F40** Word in s. 11(1)(a) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(3)(a)**; [S.I. 2012/924](#), art. 2
- F41** S. 11(1)(a)(iii) and word inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(3)(a)**; [S.I. 2012/924](#), art. 2
- F42** Words in s. 11(1)(b) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(3)(b)**; [S.I. 2012/924](#), art. 2
- F43** Words in s. 11(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(3)(c)**; [S.I. 2012/924](#), art. 2

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

- C5** S. 11 amended (1.11.1996) by [1994 c. 30, s. 11A](#), as inserted by [1996 c. 56, ss. 582\(1\)\(3\), 583\(2\)](#), **Sch. 37 Pt. I para.126** (with [ss. 1\(4\), 561, 562](#), [Sch. 39](#))

## CHAPTER III

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

#### *The authorities*

#### <sup>F44</sup>12 [<sup>F1</sup>Local authorities] and their areas.

.....

#### Textual Amendments

- F44** S. 12 repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 2, **Sch. 3 Pt. 1**

#### *General functions*

#### 13 General responsibility for education.

- (1) A [<sup>F6</sup>local authority] shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, [<sup>F45</sup>and secondary education][<sup>F46</sup>and, in the case of a [<sup>F6</sup>local authority] in England, further education,] are available to meet the needs of the population of their area.

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- (2) The duty imposed by subsection (1) does not extend to matters in respect of which any duty is imposed on—
- [<sup>F47</sup>(a) the [<sup>F48</sup>the Secretary of State under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009]<sup>F49</sup> ...]
  - [<sup>F50</sup>(aa) the National Assembly for Wales under Part 2 of the Learning and Skills Act 2000, or]
  - [<sup>F51</sup>(b) the Higher Education Funding Council for Wales, or
  - (c) the Office for Students.]
- [<sup>F52</sup>(3) The reference in subsection (1) to further education is to further education for persons—
- (none)                   “(a) who are over compulsory school age but under 19, or
  - (b) who are aged 19 or over [<sup>F53</sup>and for whom an EHC plan is maintained].”
- <sup>F54</sup>(4) .....
- <sup>F55</sup>(5) .....
- (6) For the purposes of subsection (1), persons who are subject to a detention order are to be regarded as part of the population of the area in which they are detained (and not any other area).]

#### Textual Amendments

- F6** 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))
- F45** Words in s. 13(1) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(2)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F46** Words in s. 13(1) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 2(2)**; S.I. 2010/303, art. 3, Sch. 2
- F47** S. 13(2)(a)(b) substituted (28.7.2000 for certain purposes, otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 52(3)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3)
- F48** Words in s. 13(2)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 43**
- F49** Words in s. 13(2)(a) omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 32(a)** (with art. 7)
- F50** S. 13(2)(aa) inserted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 32(b)** (with art. 7)
- F51** S. 13(2)(b)(c) substituted for s. 13(2)(b) (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 28**; S.I. 2018/241, reg. 2(s)
- F52** S. 13(3)-(6) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 2(3)**; S.I. 2010/303, art. 3, Sch. 2
- F53** Words in s. 13(3)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 3(2)**; 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))

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**F54** S. 13(4) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 3\(3\)](#); [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](#)))

**F55** S. 13(5) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 3\(3\)](#); [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](#)))

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

**C6** S. 13 modified (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), {ss. 36(1)(10)}, 162 (with s. 159)

**[<sup>F56</sup>13A Duty to promote high standards and fulfilment of potential**

- (1) A local education authority in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
  - (a) promoting high standards,
  - (b) ensuring fair access to opportunity for education and training, and
  - (c) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (2) Subsection (1) applies to the following—
  - (a) persons under the age of 20;
  - (b) persons aged 20 or over [<sup>F57</sup>and for whom an EHC plan is maintained].
- (3) A local education authority in Wales must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
  - (a) promoting high standards, and
  - (b) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (4) Subsection (3) applies to persons under the age of 20.
- (5) In this section—
 

“education” and “training” have the same meanings as in section 15ZA;

“relevant education function”, in relation to a local education authority in England, means a function relating to the provision of education for—

  - (a) persons of compulsory school age (whether at school or otherwise);
  - (b) persons (whether at school or otherwise) who are over compulsory school age and to whom subsection (1) applies;
  - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;

“relevant education function”, in relation to a local education authority in Wales, means a function relating to the provision of education for—

  - (a) persons of compulsory school age (whether at school or otherwise);
  - (b) persons (whether at school or otherwise) who are over compulsory school age but under the age of 20;
  - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;

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“relevant training function” means a function relating to the provision of training.]

#### Textual Amendments

- F56** S. 13A substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 2 para. 3](#); S.I. 2010/303, art. 3, Sch. 2
- F57** Words in s. 13A(2)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 4](#); 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))

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

- C7** S. 13A functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), [12\(1\)\(b\)\(2\)\(3\)](#)
- C8** S. 13A functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, [18](#) (with art. 28)
- C9** S. 13A: functions made exercisable concurrently (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, [5\(1\)\(2\)\(b\)\(3\)-\(5\)](#)
- C10** S. 13A: functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), [5\(1\)-\(5\)](#)

## 14 Functions in respect of provision of primary and secondary schools.

- (1) A [<sup>F6</sup>local authority] shall secure that sufficient schools for providing—
- primary education, and
  - education that is secondary education by virtue of section 2(2)(a), are available for their area.
- (2) The schools available for an area shall not be regarded as sufficient for the purposes of subsection (1) unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.
- (3) In subsection (2) “appropriate education” means education which offers such variety of instruction and training as may be desirable in view of—
- the pupils’ different ages, abilities and aptitudes, and
  - the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.
- [<sup>F58</sup>(3A) A [<sup>F6</sup>local authority] in England shall exercise their functions under this section with a view to—
- securing diversity in the provision of schools, and
  - increasing opportunities for parental choice.]
- (4) A [<sup>F6</sup>local authority] is not by virtue of subsection (1)(a) under any duty in respect of children under [<sup>F59</sup>compulsory school age].
- [<sup>F60</sup>(4A) A [<sup>F6</sup>local authority] for an area in Wales may secure that regional schools for providing—
- primary education, and

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(b) education that is secondary education by virtue of section 2(2)(a),  
 are available for Wales or any part of Wales that includes the area of the authority.

(4B) For this purpose a “regional school”, in relation to a [<sup>F61</sup>local authority], is a school maintained by that authority which provides education to meet both—

(a) the needs of pupils with particular [<sup>F61</sup>special educational needs][<sup>F61</sup>additional learning needs] in their area, and

(b) the needs of such pupils in the rest, or any other part, of Wales,  
 whether or not the institution also provides education suitable to the requirements of other pupils.]

<sup>F62</sup>(5) .....

(6) In exercising their functions under this section, a [<sup>F61</sup>local authority] shall in particular have regard to—

(a) the need for securing that primary and secondary education are provided in separate schools;

(b) the need for securing that special educational provision is made for pupils who have special educational needs [<sup>F63</sup>(in the case of a local authority in England) or the need for securing that additional learning provision is made for pupils who have additional learning needs (in the case of a local authority in Wales)]; and

(c) the expediency of securing the provision of boarding accommodation (in boarding schools or otherwise) for pupils for whom education as boarders is considered by their parents and the authority to be desirable.

(7) The duty imposed by subsection (6)(a) does not apply in relation to middle schools or special schools.

#### Textual Amendments

- F6** 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))
- F58** S. 14(3A) inserted (25.5.2007) by [Education and Inspections Act 2006](#) (c. 40), **ss. 2**, 188(3); S.I. 2007/935, **art. 7(a)**
- F59** Words in s. 14(4) substituted (1.8.1998) by 1997 c. 44, s. 57(1), **Sch. 7 para. 12**; S.I. 1998/386, **art. 2**, **Sch. 1 Pt. III**
- F60** S. 14(4A)(4B) inserted (19.12.2002) by [Education Act 2002](#) (c. 32), **ss. 194(1)**, 216(3) (with ss. 210(8), 214(4)); S.I. 2002/3185, **arts. 2, 4**, Sch. Pt. 1
- F61** Words in s. 14(4B) substituted (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(3)(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**
- F62** S. 14(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 62, **Sch.31** (with 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
- F63** Words in s. 14(6)(b) 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](#)

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2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(3)(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

#### [<sup>F64</sup>14A Duty of [<sup>F6</sup>local authority] to consider parental representations

- (1) Where a [<sup>F6</sup>local authority] in England receive any representation from a parent of a qualifying child as to the exercise by the authority of their functions under section 14, the authority shall—
  - (a) consider the representation and what action (if any) to take in response to it, and
  - (b) within a reasonable time provide the parent with a statement setting out—
    - (i) any action which the authority propose to take in response to the representation, or
    - (ii) where the authority are of the opinion that no such action is necessary, their reasons for being of that opinion.
- (2) In subsection (1) “qualifying child”, in relation to a [<sup>F6</sup>local authority], means any child in the authority's area who is of or under compulsory school age.
- (3) Subsection (1) does not apply in relation to any representation which—
  - (a) appears to the [<sup>F6</sup>local authority] to be frivolous or vexatious, or
  - (b) is the same as, or similar to, a representation previously received by the authority from the same person.
- (4) In exercising their functions under this section, a [<sup>F6</sup>local authority] must have regard to any guidance given from time to time by the Secretary of State.]

#### Textual Amendments

- F6** 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))
- F64** S. 14A inserted (25.5.2007) by [Education and Inspections Act 2006](#) (c. 40), **ss. 3**, 188(3); S.I. 2007/935, art. 7(a)

#### <sup>F65</sup>15 Functions in respect of provision of further education.

#### Textual Amendments

- F65** S. 15 repealed (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, **ss. 149, 153, 154**, **Sch. 9 para. 53**, **Sch. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

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**[<sup>F66</sup>15ZA Duty in respect of education and training for persons over compulsory school age: England**

- (1) A [<sup>F66</sup>local authority in England must secure that enough suitable education and training is provided to meet the reasonable needs of—
  - (a) persons in their area who are over compulsory school age but under 19, and
  - (b) persons in their area who are aged 19 or over [<sup>F67</sup>and for whom an EHC plan is maintained].
- (2) A [<sup>F66</sup>local authority] may comply with subsection (1) by securing the provision of education or training outside as well as within their area.
- (3) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons' reasonable needs, a [<sup>F66</sup>local authority] must (in particular) have regard to—
  - (a) the persons' ages, abilities and aptitudes;
  - (b) any learning difficulties [<sup>F68</sup>or disabilities] the persons may have;
  - (c) the quality of the education or training;
  - (d) the locations and times at which the education or training is provided.
- (4) In performing the duty imposed by subsection (1) a [<sup>F66</sup>local authority] must—
  - (a) act with a view to encouraging diversity in the education and training available to persons;
  - (b) act with a view to increasing opportunities for persons to exercise choice;
  - (c) act with a view to enabling persons to whom Part 1 of the Education and Skills Act 2008 applies to fulfil the duty imposed by section 2 of that Act;
  - (d) take account of education and training whose provision the authority think might reasonably be secured by other persons.
- (5) A [<sup>F66</sup>local authority] must, in—
  - (a) making any determination as to the provision of apprenticeship training that should be secured under subsection (1), or
  - (b) securing the provision of any apprenticeship training under that subsection, co-operate with [<sup>F69</sup>the Secretary of State].
- (6) For the purposes of this section a person has a learning difficulty [<sup>F70</sup>or disability] if—
  - (a) the person has a significantly greater difficulty in learning than the majority of persons of the same age, or
  - (b) the person has a disability which either prevents or hinders the person from making use of facilities of a kind generally provided by institutions providing education or training for persons who are over compulsory school age.
- (7) But a person is not to be taken to have a learning difficulty [<sup>F71</sup>or disability] solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.
- (8) In this section—
 

“apprenticeship training” means training provided in connection with—

  - (aa) [<sup>F72</sup>an approved English apprenticeship agreement (within the meaning given in section A1(3) of that Act),]



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- (a) an apprenticeship agreement (within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009),
- (b) any other contract of employment, <sup>F73</sup> ...
- (c) any other kind of working in relation to which alternative English completion conditions apply under section 1(5) of that Act (meaning of “completing an English apprenticeship”);
- (d) [<sup>F74</sup>an alternative English apprenticeship (within the meaning given in section A1(4) of that Act);  
“education” includes full-time and part-time education;  
“training” includes—
  - (a) full-time and part-time training;
  - (b) vocational, social, physical and recreational training;
  - (c) apprenticeship training.

[<sup>F75</sup>(9) The duty in subsection (1) does not apply in relation to persons in a local authority's area who are subject to a detention order.]

#### Textual Amendments

- F6** 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))
- F66** Ss. 15ZA, 15ZB inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 41**, 269(4); S.I. 2010/303, art. 3, Sch. 2
- F67** Words in s. 15ZA(1) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 5(2)**; 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))
- F68** Words in s. 15ZA(3)(b) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 5(3)**; 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))
- F69** Words in s. 15ZA(5) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 44**
- F70** Words in s. 15ZA(6) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 5(4)**; 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))
- F71** Words in s. 15ZA(7) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 5(4)**; 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))
- F72** Words in s. 15ZA(8) inserted (24.11.2015) by [The English Apprenticeships \(Consequential Amendments to Primary Legislation\) Order 2015 \(S.I. 2015/1852\)](#), arts. 1, **2(2)(a)**
- F73** Word in s. 15ZA(8) omitted (24.11.2015) by virtue of [The English Apprenticeships \(Consequential Amendments to Primary Legislation\) Order 2015 \(S.I. 2015/1852\)](#), arts. 1, **2(2)(b)**
- F74** Words in s. 15ZA(8) inserted (24.11.2015) by [The English Apprenticeships \(Consequential Amendments to Primary Legislation\) Order 2015 \(S.I. 2015/1852\)](#), arts. 1, **2(2)(b)**
- F75** S. 15ZA(9) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 5(5)**; 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))

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

- C11** S. 15ZA(6)(7) applied (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 83(4)**, 269(4); S.I. 2010/303, art. 3, Sch. 2

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- C12** S. 15ZA functions made exercisable concurrently (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 10, **Sch. 3 para. 6**
- C13** S. 15ZA functions made exercisable concurrently (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), art. 1, **Sch. 2 para. 4**
- C14** S. 15ZA functions made exercisable concurrently (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), art. 1, **Sch. 2 para. 3** (with art. 8(4))
- C15** S. 15ZA functions made exercisable concurrently (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, 12(1), **Sch. 2 para. 3**
- C16** S. 15ZA functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, **Sch. 2 para. 3**
- C17** Ss. 15ZA-15ZC functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), **Sch. 3 para. 3**
- C18** S. 15ZA functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), 25(1), Sch. 5 paras. 1, 3
- C19** S. 15ZA functions made exercisable (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **10(b)**
- C20** S. 15ZA functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **18** (with art. 28)

## **15ZB Co-operation in performance of section 15ZA duty**

[<sup>F1</sup>Local authorities] in England must co-operate with each other in performing their duties under section 15ZA(1).]

### **Textual Amendments**

- F66** Ss. 15ZA, 15ZB inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 41**, 269(4); S.I. 2010/303, art. 3, Sch. 2

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

- C17** Ss. 15ZA-15ZC functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), **Sch. 3 para. 3**
- C21** S. 15ZB functions made exercisable concurrently (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 10, **Sch. 3 para. 6**
- C22** S. 15ZB functions made exercisable concurrently (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), art. 1, **Sch. 2 para. 3** (with art. 8(4))
- C23** S. 15ZB functions made exercisable concurrently (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), art. 1, **Sch. 2 para. 4**
- C24** S. 15ZB functions made exercisable concurrently (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, 12(1), **Sch. 2 para. 3**
- C25** S. 15ZB functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, **Sch. 2 para. 3**
- C26** S. 15ZB functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), 25(1), Sch. 5 paras. 1, 3
- C27** S. 15ZB functions made exercisable (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **10(b)**

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**C28** S. 15ZB functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, **18** (with art. 28)

[<sup>F76</sup>**15ZC**Encouragement of education and training for persons over compulsory school age: England

- (1) A [<sup>F6</sup>local authority] in England must—
- (a) encourage participation in education and training by persons in their area who are within section 15ZA(1)(a) or (b);
  - (b) encourage employers to participate in the provision of education and training for such persons.
- (2) For the purposes of subsection (1)(b), participating in the provision of training includes participating by entering into—
- (a) an apprenticeship agreement (within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009), <sup>F77</sup>...
  - [<sup>F78</sup>(aa) an approved English apprenticeship agreement (within the meaning given in section A1(3) of that Act), or]
  - (b) any other contract of employment in connection with which training is provided.
- (3) In this section “education” and “training” have the same meanings as in section 15ZA.]

**Textual Amendments**

- F6** 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))
- F76** S. 15ZC inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 42, 269(4)**; S.I. 2010/303, art. 3, Sch. 2
- F77** Word in s. 15ZC(2)(a) omitted (24.11.2015) by virtue of [The English Apprenticeships \(Consequential Amendments to Primary Legislation\) Order 2015 \(S.I. 2015/1852\)](#), arts. 1, **2(3)**
- F78** S. 15ZC(2)(aa) inserted (24.11.2015) by [The English Apprenticeships \(Consequential Amendments to Primary Legislation\) Order 2015 \(S.I. 2015/1852\)](#), arts. 1, **2(3)**

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

- C17** Ss. 15ZA-15ZC functions made exercisable concurrently (17.6.2016) by [The West Midlands Combined Authority Order 2016 \(S.I. 2016/653\)](#), art. 1(2), **Sch. 3 para. 3**
- C29** S. 15ZC functions made exercisable concurrently (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, 10, **Sch. 3 para. 6**
- C30** S. 15ZC functions made exercisable concurrently (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\)](#), art. 1, **Sch. 2 para. 3** (with art. 8(4))
- C31** S. 15ZC functions made exercisable concurrently (1.4.2014) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 \(S.I. 2014/863\)](#), art. 1, **Sch. 2 para. 4**
- C32** S. 15ZC functions made exercisable concurrently (15.4.2014) by [The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 \(S.I. 2014/1012\)](#), arts. 1, 12(1), **Sch. 2 para. 3**
- C33** S. 15ZC functions made exercisable concurrently (1.4.2016) by [The Tees Valley Combined Authority Order 2016 \(S.I. 2016/449\)](#), arts. 1(a), 7, **Sch. 2 para. 3**

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- C34** S. 15ZC functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), 25(1), Sch. 5 paras. 1, 3
- C35** S. 15ZC functions made exercisable (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\)](#), arts. 1(2)(b), **10(b)**
- C36** S. 15ZC functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, **18** (with art. 28)

**[<sup>F79</sup>15ZD Sections 15ZA to 15ZC: duty to have regard to guidance**

In performing the duties imposed by sections 15ZA(1), 15ZB and 15ZC(1)(b) (duties in relation to education and training for persons over compulsory school age), a local authority in England must have regard to any guidance issued by the Secretary of State.]

**Textual Amendments**

- F79** S. 15ZD inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 11**; S.I. 2012/924, art. 2

**[<sup>F81</sup>15A [<sup>F80</sup>Powers in respect of education and training] for 16 to 18 year olds.**

- (1) A [<sup>F6</sup>local authority][<sup>F82</sup>in Wales] may secure the provision for their area of full-time [<sup>F83</sup>or part-time] education suitable to the requirements of persons over compulsory school age who have not attained the age of 19, including provision for persons from other areas.
- [ A [<sup>F6</sup>local authority] in England may secure the provision for their area of full-time or <sup>F84</sup>(1ZA) part-time education suitable to the requirements of persons from other areas who are over compulsory school age but have not attained the age of 19.]
- [ The power under [<sup>F86</sup>subsections (1) and (1ZA)] to secure the provision of education <sup>F85</sup>(1A) includes power to secure the provision—
- (a) of training, including vocational, social, physical and recreational training, and
  - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).]
- (2) Subsections (6) and (7) of section 14 shall apply in relation to functions under this section [in respect of secondary education] as they apply in relation to functions under that section.]
- [<sup>F87</sup>(3) In exercising their functions under this section in respect of further education][<sup>F88</sup>—
- (a) a local authority in England must in particular have regard to the needs of persons with learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7));
  - (b) a local authority in Wales must in particular have regard to the needs of persons with [<sup>F89</sup>learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)][<sup>F89</sup>additional learning needs].]

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- (4) A <sup>[F6]</sup>local authority] may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.]

#### Textual Amendments

- F6** 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))
- F80** Words in s. 15A title substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(6)**; S.I. 2010/303, art. 3, Sch. 2
- F81** S. 15A inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 63** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)
- F82** Words in s. 15A(1) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(2)**; S.I. 2010/303, art. 3, Sch. 2
- F83** Words in s. 15A(1) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(2)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F84** S. 15A(1ZA) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(3)**; S.I. 2010/303, art. 3, Sch. 2
- F85** S. 15A(1A) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(3)** (with s. 150) S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F86** Words in s. 15A(1A) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 4(4)**; S.I. 2010/303, art. 3, Sch. 2
- F87** S. 15A(3)(4) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(5)** (with s. 150) S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F88** S. 15A(3)(a)(b) substituted for words (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 6**; 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)
- F89** Words in s. 15A(3)(b) substituted (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(4)**; 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

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

- C37** S. 15A restricted (1.4.2001 (W.) and 1.8.2002 (E.)) by 2000 c. 21, s. 110(4) (with s. 150); S.I. 2001/1274, art. 2(1), Sch. Pt. I; S.I. 2002/279, art. 2(3)(b)
- C38** S. 15A functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **12(1)(c)(2)(3)**
- C39** S. 15A: functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **5(1)(2)(c)(3)-(5)**
- C40** Words in s. 15A(2) inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154(5), **Sch. 9 para. 54(4)** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

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**[<sup>F90</sup>15B Functions in respect of education for persons over 19.**

- (1) A [<sup>F6</sup>local authority] may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.
- (2) The power under subsection (1) to secure the provision of education includes power to secure the provision—
  - (a) of training, including vocational, social, physical and recreational training, and
  - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).
- (3) In exercising their functions under this section [<sup>F91</sup>—
  - (a) a local authority in England must in particular have regard to the needs of persons with learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7));
  - (b) a local authority in Wales must in particular have regard to the needs of persons with [<sup>F92</sup>learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)] [<sup>F92</sup>additional learning needs].]
- (4) A [<sup>F6</sup>local authority] may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.
- (5) This section does not apply to higher education.]

**Textual Amendments**

- F6** 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))
- F90** S. 15B inserted (28.7.2000 for certain purposes otherwise 1.4.2001) by [2000 c. 21, ss. 149, 154\(5\), Sch. 9 para. 55](#) (with s. 150); S.I. 2001/654, **art. 2(2)**, **Sch. Pt. II** (with art. 3); S.I. 2001/1274, **art. 2(1)**, **Sch. Pt. I**
- F91** S. 15B(3)(a)(b) substituted for words (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 7**; 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))
- F92** Words in s. 15B(3)(b) substituted (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(5)**; 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**

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

- C41** S. 15B functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016](#) (S.I. 2016/1267), **arts. 1(2), 12(1)(d)(2)(3)**

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**C42** S. 15B: functions made exercisable concurrently (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, [5\(1\)\(2\)\(d\)\(3\)-\(5\)](#)

*Establishment etc. of schools*

**16 Power to establish, maintain and assist primary and secondary schools.**

- (1) For the purpose of fulfilling their functions under this Act, a <sup>F6</sup>local authority] may—
- (a) establish primary schools and secondary schools;
  - (b) maintain primary and secondary schools, whether established by them or not; and
  - (c) assist any primary or secondary school which is not maintained by them.
- (2) A <sup>F6</sup>local authority] may under subsection (1) establish, maintain and assist schools outside as well as inside their area.
- (3) A <sup>F6</sup>local authority] may not under subsection (1) establish a school to provide—
- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
  - (b) full-time education suitable to the requirements of persons who have attained the age of 19.

<sup>F93</sup>(3A) A local authority] in England may not under subsection (1) establish a school which is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under 19.]

**Textual Amendments**

- F6** 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))
- F93** S. 16(3A) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 126(1), 269(4)**; S.I. 2009/3317, art. 2, Sch.

**17 Powers in respect of <sup>F94</sup>nursery schools] .**

- (1) A <sup>F6</sup>local authority] may—
- (a) establish nursery schools;
  - (b) maintain nursery schools established by them or by an authority which was a <sup>F6</sup>local authority] within the meaning of any enactment repealed by the <sup>M3</sup>Education Act 1944 or an earlier Act; and
  - (c) assist any nursery school not so established.
- (2) Section 14(4) does not affect a <sup>F6</sup>local authority]'s power under section 16(1) to establish, maintain and assist schools at which education is provided both for children under <sup>F95</sup>compulsory school age] and for older pupils (including schools at which there are nursery classes for children under <sup>F95</sup>compulsory school age]).

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#### Textual Amendments

- F6** 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))
- F94** Words in s. 17 heading substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 20**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F95** Words in s. 17(2) substituted (1.8.1998) by [1997 c. 44](#), s. 57(1), **Sch. 7 para.13**; S.I. 1998/386, art. 2, **Sch. 1 Pt.III**

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

- C43** S. 17 functions made exercisable concurrently (1.4.2016) by [The Tees Valley Combined Authority Order 2016 \(S.I. 2016/449\)](#), arts. 1(a), 7, **Sch. 2 para. 3**
- C44** S. 17 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), 25(1), Sch. 5 paras. 1, 3
- C45** S. 17 functions made exercisable (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\)](#), arts. 1(2)(b), **10(b)**

#### Marginal Citations

- M3** 1944 c. 31.

### *Other arrangements for provision of education*

## 18 Power to arrange provision of education at non-maintained schools.

A [<sup>F6</sup>local authority] may make arrangements for the provision of primary and secondary education for pupils at schools not maintained by them or another [<sup>F6</sup>local authority].

#### Textual Amendments

- F6** 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))

## [<sup>F96</sup>18A Provision of education for persons subject to youth detention

- (1) A local authority must secure that—
- (a) enough suitable education is provided to meet the reasonable needs of children subject to youth detention in their area;
  - (b) enough suitable education and training is provided to meet the reasonable needs of persons who are—
    - (i) over compulsory school age but under 19, and
    - (ii) subject to youth detention in their area.
- (2) In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons' reasonable needs, a local authority [<sup>F97</sup>in England] must (in particular) have regard to—
- (a) the persons' ages, abilities and aptitudes;



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- (b) [<sup>F98</sup>in the case of a local authority in England,] any special educational needs  
<sup>F99</sup>... the persons may have;
  - <sup>F100</sup>(ba) [<sup>F101</sup>in the case of a local authority in England,] any learning difficulties or disabilities (within the meaning of section 15ZA(6) and (7)) the persons may have;
  - (bb) [<sup>F102</sup>in the case of a local authority in Wales, [<sup>F103</sup>any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)] [<sup>F103</sup>any additional learning needs] the persons may have;]
  - (c) the desirability of enabling persons to complete programmes of study or training which they have begun;
  - (d) any relevant curriculum and the desirability that education received by persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;
  - (e) the desirability of the core entitlement being satisfied in relation to persons over compulsory school age but under 19.
- (3) In subsection (2)(d), “relevant curriculum” means—
- (a) [<sup>F104</sup>in relation to a local authority in England,] the National Curriculum for England established under section 87 of the Education Act 2002 as subsisting for the time being;
  - (b) [<sup>F105</sup>in relation to a local authority in Wales—
    - (i) the National Curriculum for Wales established under section 108 of that Act as subsisting for the time being, or
    - (ii) any local curriculum formed by the authority under section 116A of the Education Act 2002 (formation of local curricula for pupils in Key Stage 4) or for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).]
- (4) Section 17C (the core entitlement) applies for the purposes of subsection (2)(e).
- <sup>F106</sup>(4A) [In deciding for the purposes of subsection (1) whether education or training is suitable to meet persons’ reasonable needs, a local authority in Wales must (in particular) have regard to—
- (a) the persons’ ages, abilities and aptitudes;
  - (b) any additional learning needs the persons may have;
  - (c) the desirability of enabling persons to complete programmes of study or training which they have begun;
  - (d) the desirability that education received by young persons subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum;
  - (e) the desirability that education received by children subject to youth detention should—
    - (i) enable them to develop in the ways described in the four purposes,
    - (ii) offer them appropriate progression,
    - (iii) be broad and balanced, so far as is appropriate for them, and
    - (iv) provide teaching and learning that encompasses the areas of learning and experience (including the mandatory elements within those areas) and develops the cross-curricular skills.

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- (4B) In subsection (4A)(d), “relevant curriculum”, in relation to a local authority in Wales, means any local curriculum formed by the authority for their area under section 33A of the Learning and Skills Act 2000 (formation of local curricula for students aged 16 to 18).
- (4C) In subsection (4A)(e), expressions that are defined in, or are given a meaning by, the Curriculum and Assessment (Wales) Act 2021 have the same meaning as in that Act.]
- (5) Any arrangements made by a local authority under subsection (1) for the provision by another person (the “learning provider”) of education or training must require the learning provider, in making any determination as to the education or training to be provided for a particular person (“P”), to have regard to any information within subsection (6).
- (6) The information within this subsection is—
- (a) information provided under section 562F by a local authority as to the level of P's literacy and numeracy skills;
  - (b) any other information provided under section 562F by P's home authority (within the meaning of Chapter 5A of Part 10) for the purpose of assisting a determination such as is mentioned in subsection (5).
- (7) In performing the duty imposed by subsection (1), a local authority must have regard to any guidance issued—
- (a) in the case of a local authority in England, by the Secretary of State;
  - (b) in the case of a local authority in Wales, by the Welsh Ministers.
- (8) For the purposes of subsection (1), a person is subject to youth detention in the area of a local authority if—
- (a) subject to a detention order, and
  - (b) detained in relevant youth accommodation in the area of the authority.]

#### Textual Amendments

- F96** S. 18A inserted (1.9.2010 for E. for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 48, 269(3)(4)** (as amended (15.1.2012) by 2011 c. 21, s. 30(7)); [S.I. 2010/303](#), art. 6, Sch. 5
- F97** Words in s. 18A(2) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(2)(a)(i)**
- F98** Words in s. 18A(2)(b) 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(6)(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
- F99** Words in s. 18A(2)(b) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 8(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](#)))
- F100** S. 18A(2)(ba)(bb) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 8(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](#)))

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- F101** Words in s. 18A(2)(ba) 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(2)(a)(ii)**
- F102** S. 18A(2)(bb) 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(2)(a)(iii)**
- F103** Words in s. 18A(2)(bb) substituted (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(6)(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
- F104** Words in s. 18A(3)(a) 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(2)(b)(i)**
- F105** S. 18A(3)(b) 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(2)(b)(ii)**
- F106** S. 18A(4A)-(4C) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(2)(c)**

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

- C46** S. 18A(1)(b) functions made exercisable concurrently (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 10, **Sch. 3 para. 6**
- C47** S. 18A(1)(b) functions made exercisable concurrently (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), art. 1, **Sch. 2 para. 4**
- C48** S. 18A(1)(b) functions made exercisable concurrently (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), art. 1, **Sch. 2 para. 3** (with art. 8(4))
- C49** S. 18A(1)(b) functions made exercisable concurrently (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, 12(1), **Sch. 2 para. 3**
- C50** S. 18A(1)(b) functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, **Sch. 2 para. 3**
- C51** S. 18A(1)(b) functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), **Sch. 3 para. 3**
- C52** S. 18A(1)(b) functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), 25(1), Sch. 5 paras. 1, 3
- C53** S. 18A(1)(b) functions made exercisable (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **10(b)**
- C54** S. 18A(1)(b) functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **18** (with art. 28)

## 19 Exceptional provision of education in pupil referral units or elsewhere <sup>F107</sup>: England]

- (1) Each [<sup>F6</sup>local authority][<sup>F108</sup>in England] shall make arrangements for the provision of suitable <sup>F109</sup> . . . education at school or otherwise than at school for those children of

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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>F110</sup>(1A) <sup>F111</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>F112</sup>(2) .....

<sup>F112</sup><sup>F113</sup>(2A) .....

(2B) Any school established in England (whether before or after the commencement of this Act) and maintained by a <sup>F6</sup>local authority<sup>F114</sup> in England] which—

- (a) is specially organised to provide education for such children, and
- (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 <sup>F6</sup>local authority<sup>F115</sup> in England] may secure the provision of boarding accommodation at any pupil referral unit.

<sup>F116</sup><sup>F117</sup>(3A) <sup>F118</sup>... 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) <sup>F119</sup>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 <sup>F120</sup>the regulations] .]

(4) A <sup>F6</sup>local authority<sup>F121</sup> in England] may make arrangements for the provision of suitable <sup>F109</sup> . . . 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.

<sup>F122</sup>(4A) In determining what arrangements to make under subsection (1) or (4) in the case of any child or young person a <sup>F6</sup>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.

<sup>F123</sup>(6) In this section—

“relevant school” means—

- (a) a maintained school,

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- (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 [<sup>F124</sup>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 [<sup>F125</sup>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 [<sup>F126</sup>maintained by a local authority in England].

#### Textual Amendments

- F6** 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))
- F107** 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)
- F108** 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)
- F109** 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**
- F110** 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
- F111** 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)
- F112** 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)
- F113** 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
- F114** 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)
- F115** 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)
- F116** 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
- F117** 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)
- F118** 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)
- F119** 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
- F120** 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
- F121** 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)
- F122** S. 19(4A) inserted (1.9.1998) by 1997 c. 44, s. 47(4); S.I. 1998/386, art. 2, **Sch. 1 Pt. IV**
- F123** 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)

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- F124** 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
- F125** 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. 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
- F126** 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)

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

- C55** S. 19 excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5)(c)(10)**, 162 (with s. 159)
- C56** 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)
- C57** 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)

**[<sup>F127</sup>19A Exceptional provision of education in pupil referral units or elsewhere: Wales**

- (1) Each local authority in Wales must make arrangements for the provision of suitable education at school or otherwise than at school for children within the authority's area who—
  - (a) are of compulsory school age, and
  - (b) by reason of illness, exclusion from school or otherwise, may not receive suitable education for a period unless such arrangements are made for them.
- (2) A school established (whether before or after the commencement of this Act) and maintained by a local authority in Wales which—
  - (a) is specially organised to provide education for children falling within subsection (1), and
  - (b) is not a special school,
 is to be known as a “pupil referral unit”.
- (3) A local authority in Wales may secure the provision of boarding accommodation at any pupil referral unit.
- (4) A local authority in Wales may make arrangements for the provision of suitable education otherwise than at a school for young persons within the authority's area who, by reason of illness, exclusion from school or otherwise, may not receive a suitable education for a period unless such arrangements are made for them.

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- (5) In this section, “suitable education”, in relation to a child or young person means efficient education suitable to [<sup>F128</sup>the child’s or] the young person’s age, ability and aptitude and to any additional learning needs the child or young person may have.
- (6) The following persons are to be treated as pupils for the purposes of this Act—
- (a) any child for whom education is provided otherwise than at school under this section, and
  - (b) any young person for whom full-time education is provided otherwise than at school under this section.
- (7) Schedule 1 has effect in relation to pupil referral units maintained by local authorities in Wales.]

**Textual Amendments**

**F127** S. 19A inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), s. 84(1), **Sch. 2 para. 4** (with savings and transitional provisions in S.I. 2022/111, regs. 1, 3)

**F128** Words in s. 19A(5) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(3)**

**CHAPTER IV**

**THE FUNDING AUTHORITIES**

*The Authorities*

<sup>F129</sup>**20** .....

**Textual Amendments**

**F129** S. 20 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

<sup>F130</sup>**21** .....

**Textual Amendments**

**F130** S. 21 repealed (1.4.1999) by 1998 c. 31, ss. 133, 140(1)(3), Sch. 30 para. 66, **Sch.31**; S.I. 1999/1016, art. 2(1), **Sch. 1**

*Functions*

<sup>F131</sup>**22** .....

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**Textual Amendments**

**F131** S. 22 repealed (1.4.1999 in relation to s. 22 except s. 22(1)(a) and otherwise 1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

<sup>F132</sup>**23** .....

**Textual Amendments**

**F132** S. 23 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

<sup>F133</sup>**24** .....

**Textual Amendments**

**F133** S. 24 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

*Supplemental*

<sup>F134</sup>**25** .....

**Textual Amendments**

**F134** S. 25 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

<sup>F135</sup>**26** .....

**Textual Amendments**

**F135** S. 26 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)



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**CHAPTER V**

**ALLOCATION OF RESPONSIBILITY FOR EDUCATION AT SCHOOL BETWEEN LEA AND FUNDING AUTHORITY**

**F136** 27 .....

**Textual Amendments**

**F136** S. 27 repealed (1.4.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

**CHAPTER VI**

**SUPPLEMENTAL**

*Allocation of functions*

**F137** 28 .....

**Textual Amendments**

**F137** S. 28 repealed (1.11.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 66, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 12)

*Provision of information*

**29 Provision of information by [F1local authorities] .**

- (1) A [F6local authority] shall—
  - (a) make such reports and returns to the Secretary of State, and
  - (b) give to the Secretary of State such information,
 as he may require for the purpose of the exercise of his functions under this Act.

**F138** (2) .....

- (3) A [F6local authority] shall—
  - (a) compile such information, and
  - (b) make such provision for conducting, or assisting the conduct of, research,
 as may be required for the purpose of providing the Secretary of State <sup>F139</sup> . . . , in such form and at such times as may be prescribed, with such information relating to the provision of primary or secondary education in the area of the [F6local authority] as may be prescribed.

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- (4) The Secretary of State shall exercise his powers under subsection (3) so as to secure, in particular, the provision of information relating to the provision of education for children with special educational needs.
- [<sup>F140</sup>(4A) In subsection (4) as it applies in relation to the Welsh Ministers, the reference to special educational needs is to be interpreted as a reference to additional learning needs.]
- (5) A [<sup>F6</sup>local authority] shall, at such time or times and in such manner as may be required by regulations, publish such information as may be so required with respect to their policy and arrangements in respect of any matter relating to primary or secondary education.
- <sup>F141</sup>(6) .....
- [<sup>F142</sup>(6A) The Welsh Ministers may, by regulations, require local authorities in Wales to publish prescribed information, at such times and in such manner as may be prescribed, for the purpose of providing information to the public about whether, and if so how, local authority education functions are being exercised to promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).]

**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))
- F6** 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))
- F138** S. 29(2) repealed (1.11.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 67\(a\)](#), **Sch.31** (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(2\)](#), **Sch. 2** (with savings in [Sch. 7 paras. 2-4, 6, 7, 10, 12](#))
- F139** Words in s. 29(3) repealed (1.11.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 67\(b\)](#), **Sch.31**; [S.I. 1999/2323, art. 2\(2\)](#), **Sch. 2** (with savings in [Sch. 7 paras. 2-4, 6, 7, 10, 12](#))
- F140** [S. 29\(4A\)](#) 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(8)**; [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](#)
- F141** S. 29(6) repealed (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 35](#), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2003/1667, art. 4](#); [S.I. 2005/2910, art. 4](#), [Sch. 21 para. 35](#), **Sch. 22 Pt. 3**
- F142** [S. 29\(6A\)](#) inserted (5.10.2015) by [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015 \(anaw 3\)](#), **ss. 9(2), 25(3)**; [S.I. 2015/1680, art. 2\(d\)](#)

<sup>F143</sup>30 .....

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### Textual Amendments

**F143** S. 30 repealed (1.11.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 68, **Sch.31**; S.I. 1999/2323, art. 2(2), **Sch. 2** (with savings in Sch. 7 paras. 2-4, 6, 7, 10, 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](#)