



Education Act 1996

1996 CHAPTER 56

PART IX

ANCILLARY FUNCTIONS

CHAPTER I

ANCILLARY FUNCTIONS OF SECRETARY OF STATE

General functions

497 General default powers.

- (1) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a body to which this section applies have failed to discharge any duty imposed on them by or for the purposes of this Act, he may make an order—
 - (a) declaring the body to be in default in respect of that duty, and
 - (b) giving such directions for the purpose of enforcing the performance of the duty as appear to him to be expedient.
- (2) The bodies to which this section applies are—
 - (a) any [^{F1}local authority][^{F2}in England], [^{F3}and]
 - ^{F4}(b) the governing body of any community, foundation or voluntary school [^{F5}in England][^{F6}, of any community or foundation special school [^{F5}in England], or of any maintained nursery school][^{F5}in England].]
- (3) Any directions given under subsection (1)(b) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

^{F7}(4)

^{F7}(5)

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[^{F8}(6) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).]

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(2)** (with Sch. 2 para. 7(4)(5))
- F2** Words in s. 497(2)(a) inserted (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 2(5)(a)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F3** Word in s. 497(2)(a) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 130(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** S. 497(2)(b)(c) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 130(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F5** Words in s. 497(2)(b) inserted (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 2(5)(b)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F6** Words in s. 497(2)(b) substituted (8.1.2007) by [Education and Inspections Act 2006](#) (c. 40), **ss. 168(2), 188(2)**
- F7** S. 497(4)(5) omitted (1.8.2012) by virtue of [Education Act 2011](#) (c. 21), **ss. 45(2)(c)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)
- F8** S. 497(6) inserted (12.1.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), **Sch. 2 para. 8**; S.I. 2009/3317, art. 2, Sch. (with art. 3); S.I. 2010/303, art. 3, Sch. 2

Modifications etc. (not altering text)

- C1** S. 497 applied (with modifications) (10.2.2009) (with application in accordance with reg. 1(2) of the amending S.I.) by [The School Admissions \(Co-ordination of Admission Arrangements\) \(England\) Regulations 2008](#) (S.I. 2008/3090), regs. 1(1), **10**
- C2** S. 497 modified (1.11.1996) by 1988 c. 40, **s. 219(3)** (as substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 77 (with ss. 1(4), 561, 562, **Sch. 39**))
S. 497 modified (1.9.1998) by 1997 c. 44, **s. 43(4)**; S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**
S. 497 modified (1.9.1999) by 1998 c. 31, **s. 44(7)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C3** S. 497: power to apply conferred (1.10.1998) by 1998 c. 31, **s. 105(7)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**
- C4** S. 497 applied (3.12.1998) by S.I. 1998/2876, **reg. 21**
S. 497 applied (7.8.2000 (E.), 1.11.2000 (W.)) by 2000 c. 22, s. 23, **Sch. 1 para. 10(b)**; S.I. 2000/2187, **art. 2(c)**, S.I. 2000/2948, art. 2
S. 497 applied (E.) (20.1.2003) by [The Education \(Co-ordination of Admission Arrangements\) \(Primary Schools\) \(England\) Regulations 2002](#) (S.I. 2002/2903), regs. 1(2), **8**
S. 497 applied (E.) (20.1.2003) by [The Education \(Co-ordination of Admission Arrangements\) \(Secondary Schools\) \(England\) Regulations 2002](#) (S.I. 2002/2904), regs. 1(2), **8** (with reg. 9)
- C5** S. 497 extended (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 10** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C6** S. 497 modified by 2000 c. 21, s. 113A(10) (as inserted (1.4.2003 for E., 1.8.2004 for W.) by [Education Act 2002](#) (c. 32), **ss. 72(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2004/1728, art. 4, Sch. Pt. 1)
- C7** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by [Education Act 2002](#) (c. 32), **ss. 34(7)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.
- C8** S. 497: power to apply conferred by 1998 c. 31, s. 89(2) (as inserted (1.10.2002 for E., 1.2.2006 for W.) by [Education Act 2002](#) (c. 32), **ss. 48**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2006/172, art. 4, Sch.)

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- C9** S. 497 applied (E.) (27.2.2007) by The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007 (S.I. 2007/194), regs. 1(1), **10**
- C10** S. 497 applied (1.4.2007) by Childcare Act 2006 (c. 21), **ss. 15(2)**, 109(2); S.I. 2007/1019, art. 3
- C11** S. 497 modified (E.) (25.5.2007) by The Education (Supply of Information about the School Workforce) (England) Regulations 2007 (S.I. 2007/1264), regs. 1(1), **10**
- C12** S. 497 modified (E.) (1.9.2007) by The Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007 (S.I. 2007/2260), regs. 1(1), **11**
- C13** S. 497 applied (with modifications) (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 6**
- C14** S. 497 applied (31.8.2008) by Childcare Act 2006 (c. 21), **ss. 29(2)**, 109(2); S.I. 2008/17, art. 2(a)
- C15** S. 497 restricted (1.10.2010) by Equality Act 2010 (c. 15), **ss. 87(2)**, 216(3) (with **ss. 6(4)**, 84, 89(2), 205); S.I. 2010/2317, art. 2(6)(a) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- C16** S. 497 applied (1.10.2010) by Equality Act 2010 (c. 15), **ss. 87(1)**, 216(3) (with **ss. 6(4)**, 84, 89(2), 205); S.I. 2010/2317, art. 2(6)(a) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- C17** S. 497 applied by 2000 c. 22, Sch. A1 para. 9(b) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 2**; S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))
- C18** S. 497 applied (1.2.2012) by The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (S.I. 2012/8), regs. 1(1), **32** (with reg. 1(3)(4))
- C19** Ss. 496, 497 modified by 2002 c. 32, s. 135C(4) (as inserted (1.4.2012) by Education Act 2011 (c. 21), **ss. 9**, 82(3); S.I. 2012/924, art. 2)
- C20** S. 497: transfer of functions (7.8.2013) by The Transfer of Functions (Youth Leisure-time Activities) Order 2013 (S.I. 2013/1721), arts. 1(2), **2(b)(ii)** (with art. 4)
- C21** S. 497 functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), **10(2)(d)** (with arts. 10(3), 11, 12)
- C22** S. 497(1)(3) modified (7.8.2013) by The Transfer of Functions (Youth Leisure-time Activities) Order 2013 (S.I. 2013/1721), arts. 1(2), **3(3)(b)** (with art. 4)

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[View outstanding changes](#)

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](#)