



Education Act 1996

CHAPTER 56

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- 11.—(1) The Secretary of State shall exercise his powers in respect of those bodies in receipt of public funds which—
- Duty in the case of primary, secondary and further education.
- (a) carry responsibility for securing that the required provision for primary, secondary or further education is made—
 - (i) in schools, or
 - (ii) in institutions within the further education sector, in or in any area of England or Wales, or
 - (b) conduct schools or institutions within the further education sector 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 and institutions within the further education sector in England and Wales, exercise his powers with a view to (among other things) improving standards, encouraging diversity and increasing opportunities for choice.

General functions

General responsibility for education.

13.—(1) A local education 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, secondary education and further education are available to meet the needs of the population of their area.

(2) The duty imposed by subsection (1) does not extend to matters in respect of which any duty is imposed on—

1992 c. 13.

(a) the further education funding councils established under section 1 of the Further and Higher Education Act 1992, or

(b) the higher education funding councils established under section 62 of that Act.

Functions in respect of provision of primary and secondary schools.

14.—(1) A local education authority shall secure that sufficient schools for providing—

(a) primary education, and

(b) 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—

(a) the pupils’ different ages, abilities and aptitudes, and

(b) the different periods for which they may be expected to remain at school,

including practical instruction and training appropriate to their different needs.

(4) A local education authority is not by virtue of subsection (1)(a) under any duty in respect of children under the age of five.

(5) A local education authority may secure the provision for their area of full-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.

(6) In exercising their functions under this section, a local education 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; 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.