



# Education Act 1962

## 1962 CHAPTER 12

An Act to make further provision with respect to awards and grants by local education authorities and the Minister of Education in England and Wales, and by education authorities and the Secretary of State in Scotland, and to enable the General Grant Order, 1960, and the General Grant (Scotland) Order, 1960, to be varied so as to take account of additional or reduced expenditure resulting from action (including anticipatory action) taken in accordance with that provision; to make further provision as to school leaving dates; and for purposes connected with the matters aforesaid. [29th March, 1962]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Awards and grants by local education authorities  
and Minister of Education in England and Wales*

### **1 Local education authority awards for first degree university courses and comparable courses in United Kingdom**

- (1) It shall be the duty of every local education authority, subject to and in accordance with regulations made under this Act, to bestow awards on persons who—
  - (a) are ordinarily resident in the area of the authority, and
  - (b) possess the requisite educational qualifications,in respect of their attendance at courses to which this section applies.
- (2) This section shall apply to such full-time courses at universities, colleges or other institutions in Great Britain and Northern Ireland as may for the time being be designated by or under the regulations for the purposes of this section as being first degree courses or comparable to first degree courses; and for the purposes of the preceding subsection the requisite educational qualifications, in relation to any course, shall be such as may be prescribed by or under the regulations, either generally or with respect to that course or a class of courses which includes that course.

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- (3) Regulations made for the purposes of subsection (1) of this section shall prescribe the conditions and exceptions subject to which the duty imposed by that subsection is to have effect, and the descriptions of payments to be made in pursuance of awards bestowed thereunder, and, with respect to each description of payments, shall—
- (a) prescribe the circumstances in which it is to be payable, and the amount of the payment or the scales or other provisions by reference to which that amount is to be determined, and
  - (b) indicate whether the payment is to be obligatory or is to be at the discretion of the authority bestowing the award;
- and, subject to the exercise of any power conferred by the regulations to suspend or terminate awards, a local education authority by whom an award has been bestowed under subsection (1) of this section shall be under a duty, or shall have power, as the case may be, to make such payments as they are required or authorised to make in accordance with the regulations.
- (4) Without prejudice to the duty imposed by subsection (1) of this section, a local education authority shall have power to bestow an award on any person in respect of his attendance at a course to which this section applies, where he is not eligible for an award under subsection (1) of this section in respect of that course.
- (5) The provisions of subsection (3) of this section and of the regulations made in accordance with that subsection (except so much of those provisions as relates to the conditions and exceptions subject to which the duty imposed by subsection (1) of this section is to have effect) shall apply in relation to awards under the last preceding subsection as they apply in relation to awards under subsection (1) of this section.
- (6) Notwithstanding anything in subsection (1) of this section, that subsection. shall not have effect so as to require a local education authority—
- (a) to bestow awards in respect of any period beginning before the first day of September, nineteen hundred and sixty-two, or
  - (b) to bestow an award on a person in respect of any course, if a scholarship, exhibition, bursary or other allowance granted to him in respect of that course is in force on that day by virtue of regulations made under paragraph (c) of section eighty-one of the Act of 1944.
- (7) The reference in subsection (1) of this section to persons who are ordinarily resident in the area of a local education authority is a reference to persons who, in accordance with the provisions of the First Schedule to this Act, are to be treated as being so resident.

## **2 Local education authority awards for other courses of further education, and grants for training of teachers**

- (1) A local education authority shall have power to bestow awards on persons over compulsory school age (other than persons undergoing training as teachers) in respect of their attendance at courses to which this subsection applies, and to make such payments as are payable in pursuance of such awards.
- (2) The preceding subsection applies to any course of full-time or part-time education (whether held in Great Britain or elsewhere) which is not a course of primary or secondary education, or (in the case of a course held outside Great Britain) is not a course of education comparable to primary or secondary education in Great Britain, and is not a course to which section one of this Act applies.

- (3) A local education authority shall have power to pay grants to or in respect of persons undergoing training as teachers ; but the power conferred by this subsection shall not be exercisable by a local education authority except in accordance with such arrangements as may from time to time be submitted by the authority to the Minister and approved by him.

### **3 State grants for training of teachers and awards for postgraduate courses and students over prescribed age**

Provision may be made by regulations under this Act for authorising the Minister—

- (a) to pay grants to or in respect of persons undergoing training as teachers;
- (b) to bestow awards on persons in respect of their attendance at such courses at universities, colleges or other institutions (whether in Great Britain or elsewhere) as may for the time being be designated by or under the regulations for the purposes of this section as being postgraduate courses or comparable to postgraduate courses;
- (c) to bestow awards on persons who, at such time as may be prescribed by the regulations, have attained such age as may be so prescribed, being awards in respect of their attendance at such courses at universities, colleges or other institutions (whether in Great Britain or elsewhere) as may for the time being be designated by or under the regulations for the purposes of this section as being first degree courses or comparable to first degree courses;

and, in the case of awards bestowed in accordance with paragraph (b) or paragraph (c) of this section, for authorising the Minister to make such payments as are payable in pursuance of the awards.

### **4 Provisions supplementary to ss. 1 to 3**

- (1) For the purposes of the exercise of any power or the performance of any duty conferred or imposed by or under any of the provisions of sections one to three of this Act, it is immaterial—
- (a) whether an award is designated by that name or as a scholarship, studentship, exhibition or bursary or by any similar description, or
  - (b) in what terms the bestowal of an award is expressed.
- (2) Any enactment contained in those sections which requires or authorises the making of regulations shall be construed as requiring or authorising regulations to be made by the Minister ; and regulations made for the purposes of any such enactment may make different provision for different cases to which that enactment is applicable.
- (3) Any power to make regulations under those sections shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subject to the next following subsection, sections one and two of this Act shall have effect in substitution for the following provisions, that is to say—
- (a) the provisions of section eighty-one of the Act of 1944 in so far as they require regulations to be made for the purpose of empowering local education authorities to grant scholarships, exhibitions, bursaries and other allowances in respect of pupils over compulsory school age in connection with their attendance at courses to which section one or subsection (1) of section two of

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this Act applies, or in connection with their undergoing training as teachers, and

- (b) the provisions of any regulations made under the said section eighty-one in so far as they provide for the granting of such scholarships, exhibitions, bursaries and other allowances,

and (subject to the next following subsection) those provisions shall cease to have effect in so far as they impose any such requirement or make any such provision as is mentioned in paragraph (a) or paragraph (b) of this subsection.

- (5) Nothing in the last preceding subsection shall affect or prevent—
- (a) the making of any payment in respect of a period ending before the first day of September, nineteen hundred and sixty-two, or the granting of any scholarship, exhibition, bursary or other allowance at any time before that day, or the making of any payment (whether before or after that day) in pursuance of a scholarship, exhibition, bursary or other allowance so granted, or
- (b) the revocation of any regulations made under section eighty-one of the Act of 1944, or
- (c) the variation of any such regulations in so far as they relate to matters not falling within paragraphs (a) and (b) of the last preceding subsection, or in so far as they relate to payments or grants falling within paragraph (a) of this subsection.
- (6) In sections two and three of this Act and in this section " training " (in relation to training as a teacher) includes further training, whether the person undergoing the further training is already qualified as a teacher or not; and any reference to a person undergoing training includes a person admitted or accepted by the appropriate university, college or other authorities for undergoing that training.

*Grants and other payments by education authorities and Secretary of State in Scotland*

## 5 Amendment of s. 43 of Scottish Act of 1946

- (1) For section forty-three of the Scottish Act of 1946 there shall be substituted the following section, that is to say—

**“43 Power of education authorities to assist persons to take advantage of educational facilities.**

- (1) Subject to the following provisions of this section an education authority shall have power to grant, on such conditions as may be prescribed, and make payments in pursuance of, bursaries, scholarships or other allowances to persons over school age attending courses of full-time or part-time education (whether held in Great Britain or elsewhere) which are not courses of primary or secondary education or (in the case of courses held outside Great Britain) are not courses of education comparable to primary or secondary education in Great Britain.
- (2) Subject to the following provisions of this section an education authority shall have power, for the purpose of enabling persons to take advantage without hardship to themselves or their parents of the facilities for primary or secondary education available to them, to grant, on such conditions as may be

prescribed, and make payments in pursuance of, allowances for the purpose of defraying in whole or in part—

- (a) such expenses of persons attending any school as may be expedient to enable them to take full part in the activities of the school;
- (b) the fees and expenses payable in respect of persons attending schools at which fees are payable;
- (c) the maintenance expenses of persons over school age who are attending schools.

(3) The Secretary of State may make regulations providing that the powers conferred on an education authority by subsections (1) and (2) of this section—

- (a) shall be exercised in accordance with such provisions as may be prescribed by or under the regulations ; and
- (b) shall not be exercised in relation to a person who does not fulfil such requirements as to residence in the area of the authority, or as to other matters, as may be specified in the regulations;

and regulations made under this subsection may contain provision for the determination by the Secretary of State of any question whether any such requirements are fulfilled in any particular case.”

(2) Any scholarship, bursary or other allowance granted under the said section forty-three before the date of commencement of this Act and any regulations made under that section before that date, if in force at the commencement of this Act, shall continue to have effect as if granted or made under the said section forty-three as amended by this section.

## **6 Amendment of s. 70 of Scottish Act of 1946**

Paragraph (10) of section seventy of the Scottish Act of 1946 (which empowers the Secretary of State to make payments for the purpose of enabling persons to take advantage of educational facilities) shall have effect with the substitution, for the words from " for the purpose of " to the end of the paragraph, of the words " to persons attending courses of education ".

### *Consequential variation of general grants*

## **7 Variation of General Grant Order, 1960**

(1) The Minister of Housing and Local Government shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of the General Grant Order, 1960, in accordance with the following provisions of this section.

(2) Any order made by virtue of this section shall be made in respect of either or both of the years 1961-62 and 1962-63 as may be specified in the order, and in respect of the year or years so specified shall—

- (a) increase the annual aggregate amount of the general grants, and
- (b) vary any other matter prescribed by the General Grant Order, 1960,

to such extent and in such manner as may appear to the Minister of Housing and Local Government to be appropriate having regard to any additional expenditure incurred

or likely to be incurred by local education authorities in consequence of any change in the relevant arrangements.

- (3) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by subsection (4) of section two of the Local Government Act, 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).
- (4) In this section any reference to the year 1961-62 or to the year 1962-63 or to a general grant order shall be construed as if this section were contained in Part I of the Local Government Act, 1958.
- (5) In this section " the relevant arrangements " means the arrangements which, at the time when the General Grant Order, 1960, was made, were in force with respect to the exercise by local education authorities of their powers in relation to the matters referred to in paragraph (c) of section eighty-one of the Act of 1944; and any reference in this section to a change in the relevant arrangements is a reference to either of the following, that is to say—
  - (a) the coming into operation, before the passing of this Act, of any arrangements relating to the exercise of those powers which differed from the relevant arrangements, and
  - (b) the coming into operation of sections one and two of this Act or of any regulations made for the purposes thereof.

## **8 Variation of General Grant (Scotland) Order, 1960**

- (1) The Secretary of State shall have power, by an order made in the like manner and subject to the like provisions as a general grant order under section one of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, to vary the provisions of the General Grant (Scotland) Order, 1960, in accordance with the following provisions of this section.
- (2) Any order made by virtue of this section shall be made in respect of either or both of the years 1961-62 and 1962-63 as may be specified in the order, and in respect of the year or years so specified shall decrease the annual aggregate amount of the general grants to such extent as may appear to the Secretary of State to be appropriate having regard to any reduction of expenditure effected or likely to be effected by education authorities in consequence of any change in the relevant arrangements.
- (3) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by subsection (2) of section two of the said Act of 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).
- (4) In this section—
  - (a) the expression " the relevant arrangements " means the arrangements which, at the time when the General Grant (Scotland) Order, 1960, was made, were in force with respect to the exercise by education authorities of their powers in relation to the matters referred to in subsection (1) of section forty-three of the Scottish Act of 1946 (as it then had effect); and
  - (b) references to the year 1961-62 and to the year 1962-63 shall be construed respectively as references to the year beginning on the sixteenth day of May, nineteen hundred and sixty-one, and the year beginning on the sixteenth day of May, nineteen hundred and sixty-two, so however that subsection (2) of

section twenty-one of the said Act of 1958 (which relates to authorities whose financial year begins on a day other than the sixteenth day of May) shall apply to this paragraph as it applies to the provisions of that Act.

### *School leaving dates*

## **9 School leaving dates in England and Wales**

- (1) The provisions of subsections (2) to (4) of this section shall have effect in relation to any person who on a date when either—
  - (a) he is a registered pupil at a school, or
  - (b) not being such a pupil, he has been a registered pupil at a school within the preceding period of twelve months,attains an age which (apart from this section) would in his case be the upper limit of the compulsory school age.
- (2) If he attains that age on any date from the beginning of September to the end of January, he shall be deemed not to have attained that age until the end of the appropriate spring term at his school.
- (3) If he attains that age on any date on or after the beginning of February but before the end of the appropriate summer term at his school, he shall be deemed not to have attained that age until the end of that summer term.
- (4) If he attains that age on any date between the end of the appropriate summer term at his school and the beginning of September next following the end' of that summer term (whether another term has then begun or not) he shall be deemed to have attained that age at the end of that summer term.
- (5) The provisions of this section shall have effect for the purposes of the Act of 1944, and for the purposes of any enactment whereby the definition of compulsory school age in that Act is applied or incorporated; and for references in any enactment to section eight of the Education Act, 1946, there shall, in relation to compulsory school age, be substituted references to this section:

Provided that for the purposes of any enactment relating to family allowances or national insurance (including industrial injuries insurance) the provisions of this section shall have effect as if subsection (4) thereof were omitted.
- (6) This section shall not apply where the date referred to in subsection (1) thereof is a date before the beginning of September, nineteen hundred and sixty-three.
- (7) In this section " the appropriate spring term ", in relation to a person, means the last term at his school which ends before the month of May next following the date on which he attains the age in question, and " the appropriate summer term ", in relation to a person, means the last term at his school which ends before the month of September next following that date; and any reference to a person's school is a reference to the last school at which he is a registered pupil for a term ending before the said month of May or month of September (as the case may be) or for part of such a term.

## **10 School leaving dates in Scotland**

- (1) Section thirty-three of the Scottish Act of 1946 (which relates among other things to the fixing of school leaving dates) shall have effect as if.—

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- (a) in subsection (1) thereof, for paragraph (b) there were substituted the following paragraph, that is to say:—
  - “(b) two school leaving dates”;
- (b) at the end of the said subsection (1) there were added the following proviso, that is to say:—

“Provided that—

- (i) in pursuance of any requirement under paragraph (b) of this subsection an education authority may fix different dates for different schools in their area; and
  - (ii) if the Secretary of State is satisfied, on the application of the education authority for any area, that, having regard to all the circumstances, it is desirable that for any school in that area three school leaving dates should be fixed, he may require the authority to fix three (but not more than three) school leaving dates for that school.”;
- (c) subsection (4) were omitted; and
- (d) for subsection (5) there were substituted the following subsections, that is to say:—

“(4) A pupil who was at any time within the period of twelve months preceding the fifteenth anniversary of his birth in attendance at school and who does not attain the age of fifteen years on a school leaving date shall be deemed to be of school age until the school leaving date next following the fifteenth anniversary of his birth or, where that school leaving date falls within a holiday period, until the first day of that holiday period or the fifteenth anniversary of his birth, whichever is the later.

(5) In the last foregoing subsection ' school leaving date' and ' holiday period' in relation to any person mean respectively a school leaving date and a holiday period fixed for the school at which the person was last in attendance before attaining the age of fifteen; and the said subsection shall apply to a person for whom the upper limit of school age is sixteen, with the substitution for the words ' fifteen ' and ' fifteenth', wherever those words occur, of the words ' sixteen' and ' sixteenth' respectively.”

- (2) This section shall come into operation on the first day of August, nineteen hundred and sixty-three.

#### *Supplementary provisions*

## 11 Financial provisions

There shall be paid out of moneys provided by Parliament—

- (a) any expenditure incurred by the Minister in consequence of regulations made for the purposes of section three of this Act;
- (b) any increase in the sums payable out of moneys provided by Parliament in respect of general grants, under the enactments relating to local government in England and Wales, or in Scotland, being an increase arising—



- (i) from the inclusion, in the expenditure relevant to the fixing of the aggregate amounts of those grants, of expenditure under section one or section two of this Act, or
- (ii) from any increase in the expenditure relevant to the fixing of the aggregate amounts of those grants which is attributable to the provisions of section five of this Act, or
- (iii) from the provisions of section seven of this Act;
- (c) any increase attributable to the provisions of section six of this Act in the sums payable out of moneys provided by Parliament under section seventy of the Scottish Act of 1946;
- (d) any increase in the sums payable out of moneys provided by Parliament under any enactment not contained in this Act, being an increase attributable to the provisions of section nine or section ten of this Act;
- (e) any increase attributable to this Act in the sums payable out of moneys provided by Parliament by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

## **12 Interpretation**

- (1) In this Act " the Act of 1944 " means the Education Act, 1944, and " the Scottish Act of 1946 " means the Education (Scotland) Act, 1946.
- (2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

## **13 Repeals, transitional provisions and savings**

- (1) Subject to the following provisions of this section, the enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (2) Any regulations relating to the training of teachers, in so far as they were made by virtue of the repealed grant provisions, shall continue to have effect notwithstanding the repeal, and may be revoked or varied as if this Act had not been passed.
- (3) Any other regulations, in so far as they were made by virtue of the repealed grant provisions, shall continue to have effect notwithstanding the repeal in so far as—
  - (a) they authorise the making of any payment in respect of a period ending before the first day of September, nineteen hundred and sixty-two, or
  - (b) they enable scholarships, exhibitions, bursaries or other allowances to be awarded at any time before that day, or authorise the making of any payment (whether before or after that day) in pursuance of a scholarship, exhibition, bursary or other allowance so awarded ;and in so far as any regulations continue to have effect by virtue of this subsection, they may be revoked, or (within the limits subject to which they continue so to have effect) may be varied, as if this Act had not been passed.
- (4) Subsection (1) of this section, in so far as it repeals any of the provisions of section eight of the Education Act, 1946, shall have effect subject to the provisions of

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subsections (5) and (6) of section nine of this Act as if it were contained in the said section nine.

- (5) In this section " the repealed grant provisions " means so much of section one hundred of the Act of 1944 as is repealed by this Act.

#### **14 Short title, citation, construction and extent**

- (1) This Act may be cited as the Education Act, 1962.
- (2) The Education Acts, 1944 to 1959, and this Act (except sections five, six, eight and ten thereof) may be cited together as the Education Acts, 1944 to 1962.
- (3) The Education (Scotland) Acts, 1939 to 1956, and this Act (except sections one to four and sections seven, nine and thirteen thereof and the Schedules thereto) may be cited together as the Education (Scotland) Acts, 1939 to 1962.
- (4) This Act shall, in its application to England and Wales, be construed as one with the Education Acts, 1944 to 1953.
- (5) Sections one to four and sections seven, nine and thirteen of this Act, and the Schedules to this Act, shall not extend to Scotland; and sections five, six, eight and ten of this Act shall not extend to England and Wales.
- (6) This Act shall not extend to Northern Ireland.

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### ORDINARY RESIDENCE

- 1 The provisions of this Schedule shall have effect for the purposes of section one of this Act.
- 2 Subject to the following provisions of this Schedule, a person shall be treated for those purposes as ordinarily resident in the area of a local education authority if he would fall to be treated as belonging to that area for the purposes of section seven of the Education (Miscellaneous Provisions) Act, 1953 (which provides for recouping to a local education authority the cost of providing further education for persons not belonging to their area); and the provisions of subsection (4) of the said section seven and any regulations made for the purposes of that section, and any determination of the Minister under subsection (5) thereof, shall have effect accordingly.
- 3
  - (1) Regulations made under this Act may modify the operation of the last preceding paragraph in relation to cases where a person applies for an award under section one of this Act in respect of a course, and, at any time within the period of twelve months ending with the date on which that course is due to begin, a change occurs or has occurred in the circumstances by reference to which (apart from this paragraph) his place of ordinary residence would fall to be determined.
  - (2) Subsections (1) to (3) of section four of this Act shall have effect in relation to this paragraph as they have effect in relation to section one of this Act.
- 4
  - (1) Where in accordance with the provisions mentioned in paragraph 2 of this Schedule (including any determination of the Minister under those provisions) a person would fall to be treated for the purposes of section one of this Act as not being ordinarily resident in any area, the Minister may direct that he shall be treated for those purposes as being ordinarily resident in the area of such local education authority as may be specified in the direction.
  - (2) In the exercise of the power to give a direction in respect of any person under this paragraph, the Minister shall have regard to the nature and extent of that person's association with the area in question and to any other material considerations.

### SECOND SCHEDULE

Section 13.

#### ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	In section one hundred, in paragraph (c) of subsection (1), the words

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Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 50.	The Education Act, 1946.	from " and of sums by way of scholarships " to the end of the subsection.  In section eight- subsections (1) and (2).

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education Act, 1946	9 & 10 Geo. 6. c. 50.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Education (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 33.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.
Local Government Miscellaneous Financial Provisions (Scotland) Act, 1958	6 & 7 Eliz. 2. c. 64.