



Education Act 1973

1973 CHAPTER 16

E+W

An Act to make provision for terminating and in part replacing the powers possessed by the Secretary of State for Education and Science and the Secretary of State for Wales under the Charities Act 1960 concurrently with the Charity Commissioners or under the Endowed Schools Acts 1869 to 1948, and enlarging certain other powers of modifying educational trusts, and for supplementing awards under section 1 and restricting awards under section 2 of the Education Act 1962, and for purposes connected therewith. [18th April 1973]

Modifications etc. (not altering text)

- C1** Act amended by [Local Government Act 1985](#) (c. 51, SIF 81:1), **s. 18(2)**
- C2** Act amended by [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 163(1), 231(7), 235(6)**
- C3** Act modified by [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 231(7), 235(6), 236(2)**
- C4** Act applied (Canterbury and York, except Channel Islands and Isle of Man) (1.8.1991) by [Diocesan Boards of Education Measure 1991](#) (No. 2, SIF 41:1), **s. 7(3)**; [Archbishops' Instrument](#) made 26.7.1991
Act applied (1.6.2001) by [S.I. 2001/1507](#), reg. 2, **Sch. 2 para. 2**
- C5** Act applied (1.4.2005) by [Central Sussex College \(Government\) Regulations 2005](#) (S.I. 2005/397), **reg. 1, Sch. 2 para. 2**
- C6** Act modified (7.4.2005) by [Education Act 2005](#) (c. 18), **ss. 96(2), 125(1)(b)**
- C7** Act modified (temp.) (1.4.2007) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), **Sch. 6 para. 3(3)**; [S.I. 2007/935](#), art. 5(bb)

Commencement Information

- II** Act partly in force at Royal Assent see s. 1(5); Act wholly in force at 1.2.1974

Educational trusts

1 General provisions as to educational trusts. **E+W**

- (1) There shall cease to have effect—

Status: Point in time view as at 01/04/2007.

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- (a) section 2 of the ^{M1}Charities Act 1960 (by which, as originally enacted, the powers of the Charity Commissioners were made exercisable concurrently by the Minister of Education); and
- (b) the Endowed Schools Acts 1869 to 1948 (which made provision for the modernisation of educational trusts by schemes settled and approved in accordance with those Acts).

^{F1}(2)

- (3) In connection with the operation of this section there shall have effect the transitional and other consequential or supplementary provisions contained in Schedule 1 to this Act.
- (4) The enactments mentioned in Schedule 2 to this Act (which includes in Part I certain enactments already spent or otherwise no longer required apart from the foregoing provisions of this section) are hereby repealed to the extent specified in column 3 of the Schedule.
- (5) Subsection (1)(a) above and Part III of Schedule 2 to this Act shall not come into force until such date as may be appointed by order made by statutory instrument by the Secretary of State.

Textual Amendments

F1 S. 1(2) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

Modifications etc. (not altering text)

C8 The text of s. 1(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C9 1.2.1974 appointed under s. 1(5) by **S.I. 1973/1661**

Marginal Citations

M1 1960 c. 58.

^{F2} **E+W**

Textual Amendments

F2 S. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

Awards

^{F3} **E+W**

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Textual Amendments

F3 S. 3 repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, **art. 2(1)(b)** (with **arts. 3, 4**); And words in s. 3 (to the extent that they continue in force by virtue of any savings made, in connection with their repeal by the Teaching and Higher Education Act 1998) substituted (5.5.2010) by **The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010** (S.I. 2010/1158), art. 1, Sch. 4 para. 5(1)**Sch. 4 para. 5(2)(b)**

4 ^{F4} **E+W**

Textual Amendments

F4 S. 4 repealed by **Education Act 1980** (c. 20, SIF 41:1), s. 38(7), **Sch. 7**

Supplementary

5 **Citation and extent.** **E+W**

- (1) This Act may be cited as the Education Act 1973 ^{F5}. . . .
- (2) Nothing in this Act extends to Scotland or to Northern Ireland.

Textual Amendments

F5 Words in s. 5(1) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

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SCHEDULES

SCHEDULE 1 E+W

TRANSITIONAL AND SUPPLEMENTARY PROVISIONS AS TO CHARITIES ETC.

- 1 ^{F6}(1)
- (2) Section 210(3) of the ^{M2}Local Government Act 1972 (which makes special provision for certain charitable property to vest in local education authorities, if it is held for purposes of a charity registered in a part of the charities register maintained by the Secretary of State by virtue of section 2 of the ^{M3}Charities Act 1960) shall have effect, unless the appointed day is later than the end of March 1974, as if the reference to a charity registered in a part of the register which is maintained by the Secretary of State were a reference to a charity so registered immediately before the appointed day.
- ^{F6}(3)
- (4) The repeal by this Act of section 2(1) of the ^{M4}Charities Act 1960 shall not affect the operation of section 2(1)—
 - (a) in conferring on the Charity Commissioners functions belonging at the passing of that Act to the Minister of Education; or
 - (b) in extending to the Charity Commissioners references to the Secretary of State for Education and Science or the Secretary of State for Wales (or references having effect as if either of them were mentioned) so as to enable the Commissioners to discharge any such functions as aforesaid or to act under or for the purposes of the trusts of a charity;
 but on the appointed day any functions so conferred and any reference so extended shall, subject to sub-paragraph (5) below, cease to be functions of or to extend to either Secretary of State.
- ^{F7}(5) Where it appears to the Secretary of State that any reference, which in accordance with sub-paragraph (4) above ceased on the appointed day to extend to the Secretary of State for Education and Science or the Secretary of State for Wales, was not related (or not wholly related) to the functions ceasing to belong to that Minister by the repeal of section 2(1) of the Charities Act 1960, he may by order exclude the operation of that sub-paragraph in relation to the reference and make such modifications of the relevant instrument as appear to him appropriate in the circumstances.]
- (6) The repeal of section 2(1) of the ^{M5}Charities Act 1960 shall not affect the validity of anything done (or having effect as if done) before the appointed day by or in relation to the Secretary of State for Education and Science or the Secretary of State for Wales, and anything so done (or having effect as if so done) in so far as it could by virtue of section 2(1) have been done by or in relation to the Charity Commissioners shall thereafter have effect as if done by or in relation to them.
- (7) In this paragraph “appointed day” means the day appointed under section 1(5) of this Act.

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Textual Amendments

- F6** Sch. 1 para. 1(1) and (3) repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7**
F7 Sch. 1 para. 1(5) substituted (1.1.1996) by S.I. 1995/2986, art. 11, **Sch. para. 7**

Marginal Citations

- M2** 1972 c. 70.
M3 1960 c. 58.
M4 1960 c. 58.
M5 1960 c. 58.

- 2 (1) Where before the passing of this Act a scheme under the Endowed Schools Acts 1869 to 1948 has been published as required by section 13 of the ^{M6}Endowed Schools Act 1873, the scheme may be proceeded with as if section 1 of this Act had not been passed.
- (2) Where before the passing of this Act a draft scheme under the ^{M7}Endowed Schools Acts 1869 to 1948 has been prepared in a case in which effect might be given to the scheme by order under section 2 of this Act, and the draft scheme has been published as required by section 33 of the Endowed Schools Act 1869, the scheme may be proceeded with in pursuance of section 2 of this Act as if section 2(2)(a) and (b) had been complied with on the date this Act is passed.

Marginal Citations

- M6** 1873 c. 86.
M7 1869 c. 56.

F8₃

Textual Amendments

- F8** Sch. 1 para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

SCHEDULE 2 **E+W**

REPEALS

Modifications etc. (not altering text)

- C10** The text of Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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REPEALS

PART I

REPEALS OF SPENT ETC. ENACTMENTS

Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 5. c. 39.	The Education Act 1918.	Section 14. In section 47, the words from "except" to "direct" and the words from "and the Board" onwards. Section 52(1) from the first "and" onwards.
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	Section 119. Section 121, except proviso (c). Schedule 9.
1 & 2 Eliz. 2. c. 33.	The Education (Miscellaneous Provisions) Act 1953.	Section 14. Section 17(2). Schedule 2.
2 & 3 Eliz. 2. c. 70.	The Mines and Quarries Act 1954.	In section 166 the words "section 14 of the Education Act 1918", and the words "the said section 14". In Schedule 4 the entry relating to the Education Act 1918.
8 & 9 Eliz. 2. c. 58.	The Charities Act 1960.	Section 4(5). Section 38(1) and (2). Section 39(1). Section 44(3). Section 48(2). Section 49(3). In Schedule 1, paragraph 1(6) and paragraph 2(3). Schedule 5. In Schedule 6 the entry for the Reorganisation Areas Measure 1964.
9 & 10 Eliz. 2. c. 34. 1963 c. 33.	The Factories Act 1961. The London Government Act 1963.	Schedule 7. In section 167 the words "section 14 of the Education Act 1918". In section 81, subsections (1) to (8) (but not so as to alter the charity trustees of any charity) and subsection (10).

PART II

GENERAL

Chapter	Short Title	Extent of repeal
32 & 33 Vict. c. 56.	The Endowed Schools Act 1869.	The whole Act.
36 & 37 Vict. c. 86.	The Endowed Schools Act 1873.	The whole Act.
12 & 13 Geo. 5. c. 50.	The Expiring Laws Continuance Act 1922.	In Schedule 1, the entry for the Endowed Schools Act 1869.
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	In section 17(6) (as added by the Education Act 1953) the words from "or such modifications" to "trust deed". Section 86. Section 100(4).
11 & 12 Geo. 6. c. 40.	The Education (Miscellaneous Provisions) Act 1948.	In section 11(1) the words from the first "and" to the following "Schedule". In section 14, in subsection (2) the words from "(except" to the following "1908)" and the words from "and the said" onwards, and in subsection (3) the words from "(other" to the following "provisions)" and the words from "and the said" onwards. In Schedule 1, Part II.
8 & 9 Eliz. 2. c. 58. 1968 c. 17	The Charities Act 1960. The Education Act 1968.	In Schedule 1, in paragraph 2, the words from "or such modifications" to "trust deed".
1967 No. 2.	<i>Church Assembly Measure</i> The Extra-Parochial Ministry Measure 1967.	In section 2(5), the words "and section 53 of the Endowed Schools Act 1869" and the words "and endowed".

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Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 44. 8 & 9 Eliz. 2. c. 58.	The Crown Proceedings Act 1947. The Charities Act 1960.	Section 23(3)(e). Section 2(1), (2), (3) and (5). Section 3(8). In section 4(8) the words " or of the Minister of Education ". In section 10(6) the words " and to the Minister of Education ". Section 18(13). Section 19(9). Section 20(11). Section 22(12). In section 44, in subsection (1)(b) the words " the Minister of Education " and in subsection (2) the words " by the Minister of Education or ". In Schedule 6, in the entry relating to section 31 of the New Parishes Measure 1943 the words " or Minister of Education ".
1969 ^{c.} 22.	The Redundant Churches and other Religious Buildings Act 1969.	In section 4, in subsection (3) the words " and the Secretary of State for Education and Science " and in subsection (4) the words " and (13) ".
<i>Church Assembly Measures</i>		
6 & 7 Geo. 6. No. 1.	The New Parishes Measure 1943.	In section 31 the words " or of the Board of Education " and the words " or Minister of Education " inserted by the Charities Act 1960.
1968 No. 1.	The Pastoral Measure 1968.	Section 90(3).

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