



# Education Act 1980

## 1980 CHAPTER 20

### *School government*

#### **1 Change of nomenclature.**

- (1) The members of the body constituted for a primary school under subsection (1) of section 17 of the <sup>M1</sup>Education Act 1944 (governing bodies of county and voluntary schools) shall be known as governors instead of managers and the instrument providing for the constitution of that body as an instrument of government instead of an instrument of management.
- (2) The rules in accordance with which a primary school is required to be conducted under subsection (3)(a) of that section shall be known as articles of government instead of rules of management.
- (3) The enactments mentioned in Schedule I to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of subsections (1) and (2) above.
- (4) For any reference in any other enactment or document to the managers, foundation managers, instrument of management or rules of management of any primary school to which the provisions of subsections (1) and (2) above apply there shall be substituted, as respects any time after the coming into force of those provisions, a reference to the governors, foundation governors, instrument of government or articles of government of the school.

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

- C1** The text of S. 1(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C2** In s. 1(4) “any other enactment” means any enactment not mentioned in Sch. 1
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#### **Marginal Citations**

- M1** 1944 c. 31.

*Status: Point in time view as at 01/10/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980. (See end of Document for details)*

2 ..... F1

**Textual Amendments**

**F1** Ss. 2, 3, 4 repealed (savings in S.I. 1987/344, **Sch. 3 para. 1(4)(d)** for ss. 2 and 3(4)) by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 67(6), **Sch. 6 Pt. I** and ss. 2,3,4 are expressed to be repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

3 ..... F2

**Textual Amendments**

**F2** Ss. 2, 3, 4 repealed (savings in S.I. 1987/344, **Sch. 3 para. 1(4)(d)** for ss. 2 and 3(4)) by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 67(6), **Sch. 6 Pt. I** and ss. 2, 3, 4 are expressed to be repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

4 ..... F3

**Textual Amendments**

**F3** Ss. 2, 3, 4 repealed (savings in S.I. 1987/344, **Sch. 3 para. 1(4)(d)** for ss. 2 and 3(4)) by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 67(6), **Sch. 6 Pt. I** and ss. 2, 3, 4 are expressed to be repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

**5 Governors as ex officio trustees.**

- (1) Where a trust deed or other instrument made before the coming into force of section 2 above contains a provision whereby the persons who are for the time being governors of a voluntary school are by virtue of their office trustees of any property held for the purposes of or in connection with the school, that provision shall have effect as if the governors of the school consisted only of the foundation governors and the governors appointed by the local education authority and any minor authority.
- (2) Subsection (1) above is without prejudice to any power to amend any such provision as is mentioned in that subsection.

*Admission to schools*

**6 Parental preferences.**

- (1) Every local education authority shall make arrangements for enabling the parent of a child in the area of the authority to express a preference as to the school at which he wishes education to be provided for his child in the exercise of the authority's functions and to give reasons for his preference.

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- (2) Subject to subsection (3) below, it shall be the duty of a local education authority and of the governors of a county or voluntary school to comply with any preference expressed in accordance with the arrangements.
- (3) The duty imposed by subsection (2) above does not apply—
  - (a) if compliance with the preference would prejudice the provision of efficient education or the efficient use of resources;
  - (b) if the preferred school is an aided or special agreement school and compliance with the preference would be incompatible with any arrangements between the governors and the local education authority [<sup>F4</sup>made under subsection (6) below]; or
  - (c) if the arrangement for admission to the preferred school are based wholly or partly on selection by reference to ability or aptitude and compliance with the preference would be incompatible with selection under the arrangements.
- (4) Where the arrangements for the admission of pupils to a school maintained by a local education authority provide for applications for admission to be made to, or to a person acting on behalf of, the governors of the school, a parent who makes such an application shall be regarded for the purposes of subsection (2) above as having expressed a preference for that school in accordance with arrangements made under subsection (1) above.
- (5) The duty imposed by subsection (2) above in relation to a preference expressed in accordance with arrangements made under subsection (1) above shall apply also in relation to—
  - (a) any application for the admission to a school maintained by a local education authority of a child who is not in the area of the authority; and
  - (b) any application made as mentioned in section 10(3) or 11(1) below;and references in subsection (3) above to a preference and a preferred school shall be construed accordingly.
- [<sup>F5</sup>(6) A local education authority shall, if so requested by the governors of an aided or special agreement school maintained by the authority, make arrangements with the governors in respect of the admission of pupils to the school for preserving the character of the school; and the terms of any such arrangements shall, in default of agreement between the authority and the governors, be determined by the Secretary of State.]
- [<sup>F6</sup>(7) If one of the parties to arrangements under subsection (6) above proposes that the arrangements should be modified or replaced by substitute arrangements but the other party does not agree, the party making the proposal may refer the matter to the Secretary of State.
- (8) On a reference under subsection (7) above, the Secretary of State may—
  - (a) direct that the arrangements shall remain as they are;
  - (b) direct that they shall be modified or replaced as proposed; or
  - (c) direct that they shall be modified in such other manner, or replaced by such other substitute arrangements, as may be specified in the direction.
- (9) Where the Secretary of State directs as mentioned in subsection (8)(b) or (c) above, the modification or, as the case may be, the substitute arrangements shall have effect, from such date as may be specified in the direction, as if agreed between the parties.]

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**Textual Amendments**

- F4** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 30(2)**, 231(7), 235(6)
- F5** [S. 6 \(6\)](#) inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 30(3)**, 231(7), 235(6)
- F6** [S. 6\(7\)-\(9\)](#) inserted (1.10.1993) by [1993 c. 35, s.270](#); [S.I. 1993/1975](#), **art. 9 Sch.1**

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

- C3** [S. 6](#) modified by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), s. 12(10), **Sch. 2 para. 19(6)**
- C4** [S. 6](#) modified by [S.I. 1989/1135](#) art. 3(1)(b), Sch. 2
- C5** [S. 6](#) excluded (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 30(1), 36(10), Sch. 3 Part III para. 13(2)(b)(iii), **Sch. 14 para. 1(1)**; [S.I. 1991/828](#) art. 3(2)
- C6** [S. 6\(2\)](#) excluded (1.10.1993) by [1993 c. 35, 260\(2\)](#); [S.I. 1993/1975](#), **art. 9 Sch. 1**
- C7** [S. 6 \(3\)\(a\)](#) amended (1.8.1992) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **s. 26(9)**, with ss. 231(7), 235(6), (s. 26 is brought into force as follows; 1.9.1989 and 4.8.1990 for certain purposes by [S.I. 1988/1459](#), **art. 2**, gb 1.9.1991 for certain purposes and 1.8.1992 for all remaining purposes by [1991/409](#) art. 2)

**7 Appeals against admission decisions.**

- (1) Every local education authority shall make arrangements for enabling the parent of a child to appeal against—
  - (a) any decision made by or on behalf of the authority as to the school at which education is to be provided for the child in the exercise of the authority’s functions; and
  - (b) any decision made by or on behalf of the governors of a county or controlled school maintained by the authority refusing the child admission to such a school.
- (2) The governors of every aided or special agreement school shall make arrangements for enabling the parent of a child to appeal against any decision made by or on behalf of the governors refusing the child admission to the school.
- (3) Joint arrangements may be made under subsection (2) above by the governors of two or more aided or special agreement schools maintained by the same local education authority.
- (4) Any appeal by virtue of this section shall be to an appeal committee constituted in accordance with Part I of Schedule 2 to this Act; and Part II of that Schedule shall have effect in relation to the procedure on any such appeal.
- (5) The decision of an appeal committee on any such appeal shall be binding on the local education authority or governors by or on whose behalf the decision under appeal was made and, in the case of a decision made by or on behalf of a local education authority, on the governors of any county or controlled school at which the committee determines that a place should be offered to the child in question.
- <sup>F7</sup>(6) .....
- (7) In section 25 of the Local Government Act 1974 (authorities subject to investigation by Local Commissioner) after subsection (4) there shall be inserted—

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“(5) Any reference to an authority to which this Part of this Act applies also includes a reference to any appeal committee constituted in accordance with paragraph I of Schedule 2 to the Education Act 1980.”

#### Textual Amendments

**F7** S. 7(6) repealed (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(2), 19(2), [Sch. 4 Pt. I](#)

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

**C8** S. 7 modified by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), s. 12(10), [Sch. 2 para. 19\(6\)](#)

**C9** S. 7 excluded (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 30(1), 36(10), [Sch. 3 Part III para. 13\(2\)\(b\)\(iii\)](#), [Sch. 14 para. 1\(1\)](#); S.I. 1991/828 art. 3(2)

**C10** The text of S. 7(7) 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.

## 8 Information as to schools and admission arrangements.

- (1) Every local education authority shall, for each school year, publish particulars of—
  - (a) the arrangements for the admission of pupils to schools maintained by the authority, other than aided or special agreement schools;
  - (b) the authority’s arrangements for the provision of education at schools maintained by another local education authority or not maintained by a local education authority; and
  - (c) the arrangements made by the authority under sections 6(1) and 7(1) above.
- (2) The governors of every aided or special agreement school shall, for each school year, publish particulars of—
  - (a) the arrangements for the admission of pupils to the school; and
  - (b) the arrangements made by them under section 7(2) above.
- (3) The particulars to be published under subsections (1)(a) and (2)(a) above shall include particulars of—
  - <sup>[F8]</sup>(a) in the case of each school to which the arrangements relate, the admission number applicable in each school year in relation to the age group in which pupils are normally admitted or, if there is more than one such group, the admission number so applicable in relation to each such group;]
  - (b) the respective admission functions of the local education authority and the governors;
  - (c) the policy followed in deciding admissions;
  - (d) the arrangements made in respect of pupils not belonging to the area of the local education authority.

<sup>[F9]</sup>In paragraph (a) above, “admission number” means, in relation to any school year and age group, the standard number applying under section 27 of the Education Reform Act 1988 to the school in question in relation to that year and age group or the number fixed in accordance with section 26 of that Act as the number of pupils in that age group it is intended to admit to the school in that school year, whichever is the greater.]
- (4) The particulars to be published under subsection (1)(b) above shall include particulars of—

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- (a) the criteria for offering places at schools not maintained by a local education authority;
  - (b) the names of, and number of places at, any such schools in respect of which the authority have standing arrangements.
- [<sup>F10</sup>(5) The governors of each school maintained by a local education authority—
- (a) shall publish such information as respects that school as may be required by regulations made by the Secretary of State; and
  - (b) may publish such other information with respect to the school as they think fit.
- (5A) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.
- (5B) Every local education authority shall publish such information as may be required by regulations made by the Secretary of State with respect to their policy and arrangements in respect of any matter relating to primary or secondary education in their area.
- (6) A local education authority may, with the agreement of the governors of any school maintained by the authority, publish on behalf of the governors the particulars or information relating to the school which are referred to in subsection (2) or (5) above.]
- (7) References in this section to publication are references to publication at such time or times and in such manner as may be required by regulations made by the Secretary of State.

#### Subordinate Legislation Made

- P1** S. 8: for previous exercises of power, see Index to Government Orders
- P2** S.8(5)(7): s.8(5) (with s. 8(7)) power exercised by S.I. 1991/1265, S.I. 1991/1658 and S.I 1991/1813

#### Textual Amendments

- F8** S. 8(3)(a) substituted (1.9.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(2)(a), 231(7), 235(6), (s. 31(2)(a) is commenced as follows; 1.9.1989 for certain purposes by S.I. 1988/1459 art. 5(2) and 1.9.1991 for certain further purposes by S.I. 1991/409 art. 6(2))
- F9** Words added (1.9.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(2)(b), 231(7), 235(6), (s. 31(2)(b) is commenced as follows; 1.9.1989 for certain purposes by S.I. 1988/1459 art. 5(2) and 1.9.1991 for certain further purposes by S.I. 1991/409 art. 6(2))
- F10** S. 8(5)(5A)(5B)(6) substituted (1.5.1993) for s. 8(5)(6) by Education (Schools) Act 1992 (c. 38), s. 21(7), Sch. 4 para.4(1); S.I. 1993/1190, art.3

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

- C11** S. 8 modified by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 12(10), Sch. 2 para. 19(6)
- C12** S. 8(1)(3) modified by S.I. 1989/1135, art. 3(1)(b), Sch. 2
- C13** S. 8(4)(7) modified by S.I. 1989/1135, art. 3(1)(b), Sch. 2

## 9 Nursery schools and special schools.

- (1) [<sup>F11</sup>subject to subsection (1A) below]None of the provisions of sections 6, 7 and 8 above have effect in relation to nursery schools or to children who will not have attained the age of five years at the time of their proposed admission <sup>F12</sup>. . .

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- [<sup>F13</sup>(1A) Where the arrangements for the admission of pupils to a school maintained by a local education authority provide for the admission to the school of children who will not have attained the age of five years at the time of their proposed admission—
- (a) those sections shall have effect in relation to the admission of such pupils to the school otherwise than for nursery education; and
  - (b) the transfer to a reception class at the school of children previously admitted to the school for nursery education shall be treated for the purposes of those sections as the admission of pupils to the school.]
- (2) None of the provisions of those sections other than subsections [<sup>F14</sup>(5) to (7)] of section 8 have effect in relation to special schools or children [<sup>F15</sup>in respect of whom statements are maintained under section 7 of the Education Act 1981 (special educational needs)].

**Textual Amendments**

- F11** Words inserted (1.8.1991) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 31(3)(a)**, 231(7), 235(6); [S.I. 1991/409](#), **art. 6(1)**
- F12** Words in [s. 9\(1\)](#) omitted (1.8.1991) by virtue of [1988 c. 40, ss. 31\(3\)\(a\)](#), 231(7), 235(6), (and expressed to be repealed (*prosp.*) by [s. 237\(2\)](#), [Sch. 13 Pt. II](#) of that act)
- F13** [S. 9\(1A\)](#) inserted (1.8.1991) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 31(3)(b)**, 231(7), 235(6); [S.I. 1991/409](#), **art. 6(1)**
- F14** Words in [s. 9\(2\)](#) substituted (1.5.1993) by [Education \(Schools\) Act 1992 \(c. 38\)](#), [s. 21\(7\)](#), **Sch. 4** para. 4(2); [S.I. 1993/1190](#), **art.3**
- F15** Words substituted by [Education Act 1981 \(c. 60, SIF 41:1\)](#), [s. 21](#), **Sch. 3 para. 14**, [S.I. 1983/7](#), [Sch. para. 3\(4\)](#)

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

- C14** [S. 9\(2\)](#) modified by [S.I. 1983/7](#), **Sch. para. 3(4)**

*School attendance orders*

<sup>F16</sup>**10** .....

**Textual Amendments**

- F16** [S. 10](#) repealed (1.10.1993) by [1993 c. 35, ss. 303\(4\), 307\(1\)\(3\)](#), [Sch. 19 para. 75](#), **Sch. 21 Pt.I**; [S.I. 1993/1975](#), **art. 9**, **Sch. 1** and expressed to be repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\)](#), **Sch. 38 Pt.I** (with [ss. 1\(4\), 561, 562](#), [Sch. 39](#))

<sup>F17</sup>**11** .....

**Textual Amendments**

- F17** [S. 11](#) repealed (1.10.1993) by [1993 c. 35, ss. 303\(4\), 307\(1\)\(3\)](#), [Sch. 19 para. 75](#), **Sch. 21 Pt.I**; [S.I. 1993/1975](#), **art. 9**, **Sch. 1** and expressed to be repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\)](#), **Sch. 38 Pt. I** (with [ss. 1\(4\), 561, 562](#), [Sch. 39](#))

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*Establishment, discontinuance and eration of schools*

**12 Establishment, discontinuance and eration of schools by local education authorities.**

- (1) Where a local education authority intend—
- (a) to establish a new county school;
  - (b) to maintain as a county school any school which is not such a school;
  - (c) to cease to maintain any county school or, except as provided by section 14 of the Education Act 1944, any voluntary school;
  - (d) to make any significant change in the character, or significant enlargement of the premises, of a county school [<sup>F18</sup>or to transfer a county school to a new site in the area]; or
  - (e) to cease to maintain a nursery school established by them or a former authority, they shall publish their proposals for that purpose in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals.

- (2) The published proposals shall be accompanied by a statement of the effect of subsection (3) below and shall include particulars of the time or times at which it is intended to implement the proposals and (except where the proposal is to cease to maintain a school) particulars of the number of pupils intended to be admitted to the school in each relevant age group in the first school year in relation to which the proposals have been wholly implemented <sup>F19</sup> . . .

[<sup>F20</sup>(2A) For the purposes of subsection (2) above—

- (a) pupils intended to be admitted to the school for nursery education shall be disregarded; and
- (b) pupils already so admitted intended to be transferred to a reception class at the school shall be treated as intended to be admitted to the school on their transfer.]

- (3) Any ten or more local government electors for the area may within the period of two months after the first publication of the proposals submit an objection to the proposals to the local education authority, and objections to the proposals may also be submitted to the authority within that period by the governors of any voluntary school affected by the proposals and by any other local education authority concerned; and the authority by whom the proposals were published shall within one month after the end of that period transmit to the Secretary of State copies of all objections made (and not withdrawn in writing) in that period, together with their observations on the objections.

(4) Any proposal—

- (a) for the maintenance as a county school of a school which is for the time being a voluntary school; or
- (b) for ceasing to maintain a voluntary school,

shall require the approval of the Secretary of State; and he shall not approve proposals for the maintenance as a county school of a school which is for the time being a voluntary school unless he has, in accordance with Schedule 2 to the said Act of 1944, approved an agreement under the powers conferred by that Schedule between the authority and the governors of the school for the transfer to the authority of all necessary interests in the school premises.



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- (5) Proposals not falling within subsection (4) above shall require the approval of the Secretary of State—
- (a) if he gives notice to that effect to the local education authority within two months after the submission to him of the published proposals; or
  - (b) if objections have been made as mentioned in subsection (3) above and all objections so made have not been withdrawn as mentioned in that subsection.
- (6) If the proposals require the approval of the Secretary of State he may reject them, approve them without modification or, after consultation with the local education authority, approve them with such modifications as he thinks desirable.
- (7) If the proposals do not require the approval of the Secretary of State the local education authority shall determine whether the proposals should be implemented; and the authority shall make that determination not later than four months after the submission of the proposals to the Secretary of State.
- (8) A local authority shall notify the Secretary of State of any determination made by them under subsection (7) above.
- (9) It shall be the duty of a local education authority to implement—
- (a) any proposals which have been approved by the Secretary of State under this section; and
  - (b) any proposals which they have determined to implement in accordance with subsection (7) above;
- but the Secretary of State may, at the request of the authority, modify any proposals which they are required to implement by virtue of this subsection.

#### Textual Amendments

- F18** Words in s. 12(1)(d) inserted (1.10.1993) by 1993 c. 35, s. 229(1): S.I. 1993/ 1975, art. 9, Sch. 1
- F19** Words in s. 12(2) omitted (1.5.1991) by virtue of 1988 c. 40, ss. 31(4)(a), 231(7), 235(6), (and also expressed to be repealed (*prosp.*) by s. 237(2), Sch. 13 Pt. II of that act); S.I. 1991/409, art 6(4)
- F20** S. 12(2A) inserted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(4)(b), 231(7), 235(6); S.I. 1991/409, art. 6(4)

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

- C15** S. 12 restricted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 73, 231(7), 235(6)
- C16** S. 12(1) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 21(6)
- C17** S. 12(1)(c)(d) restricted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 73(1), 231(7), 235(6)
- C18** S. 12(7) modified by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 73(8), 231(7), 235(6)

### 13 Establishment and alteration of voluntary schools.

- (1) Where—
- (a) any persons propose that a school established by them or by persons whom they represent which is not a voluntary school, or any school proposed to be so established, should be maintained by a local education authority as a voluntary school; or
  - (b) the governors of a school maintained by a local education authority as a voluntary school intend to make a significant change in the character, or

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significant enlargement of the premises, of the school [<sup>F21</sup>or to transfer the school to a new site],

they shall, after consultation with the authority, publish proposals for that purpose in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals.

[<sup>F22</sup>(1A) The reference in subsection (1) above to a change in the character of a school does not include a change in character resulting only from persons beginning or ceasing to be provided with—

- (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 nineteen years;

and no proposals under this section by any persons that a school established or proposed to be established by them, or by persons whom they represent, should be maintained by a local education authority shall be approved by the Secretary of State if the school or proposed school is to provide education falling within paragraph (a) or (b) above]

(2) [<sup>F23</sup>Subsections (2) and (2A)]of section 12 above shall apply to proposals published under this section as [<sup>F24</sup>they apply]to proposals published under that section taking the reference [<sup>F25</sup>in subsection (2)]to subsection (3) of that section as a reference to subsection (3) below.

(3) Any ten or more local government electors for the area may within the period of two months after the first publication of the proposals submit an objection to the proposals to the Secretary of State, and objections to the proposals may also be submitted to him within that period by the governors of any voluntary school affected by the proposals and by any local education authority concerned.

[<sup>F26</sup>(3A) Where the proposals are to transfer a school to a site in a different area, objections under subsection (3) above to the proposals may also be made by any ten or more local government electors for that area.]

(4) The proposals shall require the approval of the Secretary of State; and he may reject them, approve them without modification or, after consultation with the persons by whom they were made and the local education authority by whom the school is, or is to be, maintained, approve them with such modifications as he thinks desirable.

(5) Subject to subsections (6) and (7) below, if the proposals are approved by the Secretary of State it shall be the duty of the persons by whom they were made and, in the case of proposals under subsection (1)(a) above, of the local education authority to implement the proposals.

(6) Subject to subsection (7) below

[<sup>F27</sup>(a) in the case of any proposals approved by the Secretary of State to transfer a controlled school to a new site, it shall be the duty of the local education authority to implement the proposals (and any associated proposals for a change in the character of the school) so far as they involve the provision of premises or the removal or provision of equipment, and

(b) in any other case], it shall be the duty of the local education authority to implement so much of any proposals approved by the Secretary of State as relates to the provision of playing fields or of buildings which are to form part of the school premises but are not to be school buildings.

*Status: Point in time view as at 01/10/1993.*

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- (7) The Secretary of State may modify any proposals which are required to be implemented under subsection (5) or (6) above but shall not do so in the case of proposals under subsection (1)(a) above except at the request of the local education authority or in the case of other proposals except at the request of the persons by whom they were made.
- [<sup>F28</sup>(8) Where proposals under this section for the transfer of a school to a site in a different area are approved—
- (a) in the case of any voluntary school—
    - (i) the references in subsection (6) above to the local education authority are to the authority for the new area, and
    - (ii) upon the transfer the duty to maintain the school shall transfer to that authority, and
  - (b) in the case of any controlled school, the First Schedule to the Education Act 1946 (provision of premises by maintaining authority) shall apply as if the duty to maintain the school had been transferred to the local education authority for the new area.]

#### Textual Amendments

- F21** Words in s. 13(1)(b) inserted (1.10.1993) by 1993 c. 35, s. 230(1); S.I. 1993/1975 art. 9, Sch.1
- F22** S. 13(1A) inserted (1.8.1993) by Further and Higher Education Act 1992 (c. 13), s. 12(2); S.I. 1992/831 art. 2, Sch.4
- F23** Words in s. 13(2) substituted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(5)(a), 231(7), 235(6); 1991/409, art. 6(4)
- F24** Words in s. 13(2) substituted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(5)(b), 231(7), 235(6); 1991/409, art. 6(4)
- F25** Words inserted (1.5.1991) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(5)(c), 231(7), 235(6); 1991/409, art. 6(4)
- F26** S. 13(3A) inserted (1.10.1993) by 1993 c. 35, s. 230(3); S.I. 1993/1975, art. 9, Sch. 1
- F27** Words in s. 13(6) inserted (1.10.1993) by 1993 c. 35, s. 230(4); S.I. 1993/1975, art. 9, Sch.1
- F28** S. 13(8) added (1.10.1993) by virtue of 1993 c. 35, s. 230(5); S.I. 1993/1975, art. 9, Sch.1

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

- C19** S. 13 applied with modifications (30.9.1992) by Further and Higher Education Act 1992 (c. 13), 59(2) (b); S.I. 1992/831, art. 2, Sch. 2
- C20** S. 13 restricted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 73, 231(7), 235(6)

## 14 Approval of school premises.

- (1) Where proposals submitted under section 12 or 13 above are for—
- (a) the establishment of a school;
  - (b) the maintenance of a school as a county or voluntary school; or
  - (c) the making of a significant change in the character, or significant enlargement of the premises, of a school [<sup>F29</sup>or the transfer of a school to a new site],
- the persons making the proposals shall, at such time and in such form and manner as the Secretary of State may direct, submit to him for his approval such particulars with respect to the premises or proposed premises of the school as he may require.

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- (2) Before submitting any particulars under this section in respect of a school which is or is to be maintained as a voluntary school, the governors or the persons by whom the school is to be established shall consult the local education authority.
- (3) Where particulars with respect to any school are required to be submitted under this section, the persons whose duty it is under section 12 or 13 above to implement the proposals shall implement them in accordance with the particulars as approved by the Secretary of State.
- (4) In <sup>F30</sup> section 63(2) of the <sup>M2</sup>Education Act 1944 (exemption from building regulations etc.) references to plans approved by the Secretary of State shall include references to any particulars submitted to and approved by him under this section.

#### Textual Amendments

**F29** Words in s. 14(1)(c) inserted (1.10.1993) by 1993 c. 35, s. 307(1), **Sch. 19 para. 77(a)**; S.I. 1993/1975, art. 9, **Sch.1**

**F30** Words repealed by **Building Act 1984 (c. 55, SIF 15)**, s. 133(2), **Sch. 7**

#### Marginal Citations

**M2** 1944 c. 31.

### [<sup>F31</sup>15 Reduction of school places

- (1) Subject to subsection (2) below, this section has effect where—
  - (a) a local education authority, in the case of a county school, or the governors, in the case of a voluntary school, intend to reduce the number of pupils in any relevant age group who are to be admitted to the school in any school year [<sup>F32</sup>beginning on or after 1st August 1981] to a number which is four-fifths or less than four-fifths of the standard number applying under this section to the school in relation to that year and age group; and
  - (b) in the case of a primary school, the standard number is twenty or more.
- (2) Where the age group in question includes children who will not have attained the age of five years within six months after their admission, those children shall be disregarded both in determining the number of pupils who are to be admitted and the standard number applying under this section.
- (3) The authority or governors, as the case may be, shall publish their proposals with respect to the reduction in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals; and sub-sections (3), (5), (6), (7) and (8) of section 12 above shall apply to proposals published under this section by a local education authority and subsections (3) and (4) of section 13 above shall apply to proposals published under this section by the governors of a voluntary school as they apply in relation to proposals published under those sections respectively.
- (4) The published proposals shall be accompanied by a statement of the effect of section 12(3) or, as the case may be, section 13(3) as applied by subsection (3) above.
- (5) Subject to subsections (6), (7) and (8) below, if pupils in any age group were admitted to a school in the school year beginning in 1979, the number admitted in that year shall

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be the standard number applying to the school for that age group in any subsequent year.

- (6) Subject to subsections (7) and (8) below, if proposals under section 13 of the <sup>M3</sup>Education Act 1944 have fallen to be implemented in relation to a school and the first school year in relation to which they are to be wholly implemented begins after 1979, the number of pupils in any age group admitted to the school in the first school year beginning after 1979 in relation to which the proposals have been wholly or partly implemented shall be the standard number applying to the school for that age group in any subsequent year; but where the standard number would fall to be determined under this subsection by reference to a school year in relation to which the proposals have not been wholly implemented the Secretary of State may vary that number in its application to any subsequent school year.
- (7) Subject to subsection (8) below, if proposals under section 12 or 13 above have fallen to be implemented in relation to a school, the number stated in the proposals in accordance with subsection (2) of section 12 (or that subsection as applied by section 13) for any school year and age group shall be the standard number applying to the school for that age group in any school year in relation to which the proposals have been wholly implemented and, subject to any variation made by the Secretary of State, in any school year in relation to which they have been partly implemented.
- (8) The Secretary of State may by an order applying to any school or to schools of any class or description vary any standard number that would otherwise apply by virtue of the foregoing provisions of this section.
- (9) References in subsection (7) above to proposals under section 12 or 13 are references to the proposals with any modifications made by the Secretary of State under either of those sections; and any standard number applying under that subsection is without prejudice to the application under that subsection of a new standard number if further proposals fall to be implemented under those sections.
- (10) Neither section 12(9) nor section 13(5) above shall be construed as imposing any duty to admit pupils in accordance with the number stated in the proposals in accordance with subsection (2) of section 12 or that subsection as applied by section 13.]

#### Textual Amendments

- F31** S. 15 repealed and superseded (1.8.1992 in relation to primary schools and 4.8.1990 in relation to secondary schools) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(1), 231(7), 235(6) (and also expressed to be repealed and superseded (*prosp.*) by s. 237(2), Sch. 13 Pt. II of that act); S.I. 1988/1459, art. 5(1); S.I. 1991/409 art. 6(2)
- F32** Words inserted (temp) by S.I. 1980/489, Sch. 4 para. 1

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

- C21** S. 15(2) applied by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 70(3), 231(7), 235(6)
- C22** S. 15(3) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 21(6)
- C23** S. 15(3)–(6) applied by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 70(3), 231(7), 235(6)

#### Marginal Citations

- M3** 1944 c. 31.

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*Status: Point in time view as at 01/10/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980. (See end of Document for details)*

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**[<sup>F53</sup>15 Reduction of school places **E+W****

- (1) Subject to subsection (2) below, this section has effect where—
  - (a) a local education authority, in the case of a county school, or the governors, in the case of a voluntary school, intend to reduce the number of pupils in any relevant age group who are to be admitted to the school in any school year [<sup>F54</sup>beginning on or after 1st August 1981] to a number which is four-fifths or less than four-fifths of the standard number applying under this section to the school in relation to that year and age group; and
  - (b) in the case of a primary school, the standard number is twenty or more.
- (2) Where the age group in question includes children who will not have attained the age of five years within six months after their admission, those children shall be disregarded both in determining the number of pupils who are to be admitted and the standard number applying under this section.
- (3) The authority or governors, as the case may be, shall publish their proposals with respect to the reduction in such manner as may be required by regulations made by the Secretary of State and submit to him a copy of the published proposals; and sub-sections (3), (5), (6), (7) and (8) of section 12 above shall apply to proposals published under this section by a local education authority and subsections (3) and (4) of section 13 above shall apply to proposals published under this section by the governors of a voluntary school as they apply in relation to proposals published under those sections respectively.
- (4) The published proposals shall be accompanied by a statement of the effect of section 12(3) or, as the case may be, section 13(3) as applied by subsection (3) above.
- (5) Subject to subsections (6), (7) and (8) below, if pupils in any age group were admitted to a school in the school year beginning in 1979, the number admitted in that year shall be the standard number applying to the school for that age group in any subsequent year.
- (6) Subject to subsections (7) and (8) below, if proposals under section 13 of the <sup>M17</sup>Education Act 1944 have fallen to be implemented in relation to a school and the first school year in relation to which they are to be wholly implemented begins after 1979, the number of pupils in any age group admitted to the school in the first school year beginning after 1979 in relation to which the proposals have been wholly or partly implemented shall be the standard number applying to the school for that age group in any subsequent year; but where the standard number would fall to be determined under this subsection by reference to a school year in relation to which the proposals have not been wholly implemented the Secretary of State may vary that number in its application to any subsequent school year.
- (7) Subject to subsection (8) below, if proposals under section 12 or 13 above have fallen to be implemented in relation to a school, the number stated in the proposals in accordance with subsection (2) of section 12 (or that subsection as applied by section 13) for any school year and age group shall be the standard number applying to the school for that age group in any school year in relation to which the proposals have been wholly implemented and, subject to any variation made by the Secretary of State, in any school year in relation to which they have been partly implemented.
- (8) The Secretary of State may by an order applying to any school or to schools of any class or description vary any standard number that would otherwise apply by virtue of the foregoing provisions of this section.

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- (9) References in subsection (7) above to proposals under section 12 or 13 are references to the proposals with any modifications made by the Secretary of State under either of those sections; and any standard number applying under that subsection is without prejudice to the application under that subsection of a new standard number if further proposals fall to be implemented under those sections.
- (10) Neither section 12(9) nor section 13(5) above shall be construed as imposing any duty to admit pupils in accordance with the number stated in the proposals in accordance with subsection (2) of section 12 or that subsection as applied by section 13.]

#### Textual Amendments

- F53** S. 15 repealed and superseded (1.8.1992 in relation to primary schools and 4.8.1990 in relation to secondary schools) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(1), 231(7), 235(6) (and also expressed to be repealed and superseded (*prosp.*) by s. 237(2), Sch. 13 Pt. II of that act); S.I. 1988/1459, art. 5(1); S.I. 1991/409 art. 6(2)
- F54** Words inserted (temp) by S.I. 1980/489, Sch. 4 para. 1

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

- C47** S. 15(2) applied by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 70(3), 231(7), 235(6)
- C48** S. 15(3) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 21(6)
- C49** S. 15(3)–(6) applied by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 70(3), 231(7), 235(6)

#### Marginal Citations

- M17** 1944 c. 31.

## 16 Provisions supplementary to ss. 12 to 15.

- (1) Neither a local education authority nor any other person shall do or undertake to do anything for which proposals are required to be published and submitted in accordance with any of the provisions of sections 12 to [F33 14] above until those provisions have been complied with and any necessary approval has been given; but the Secretary of State may in any case allow such steps to be taken pending compliance with those provisions and the giving of any necessary approval as he considers reasonable in the circumstances of the case.

[F34(1A) Subsection (1) above does not apply to the transfer of a school to a new site—

- (a) if the transfer is authorised by an order under section 16(1) of the Education Act 1944,
  - (b) if at the time of transfer the school is intended to return to the existing site within three years, or
  - (c) if in the case of a county school the new site is in the same area and the local education authority are satisfied that it is expedient that the school should be transferred to the new site either because it is not reasonably practicable to make to the existing premises of the school the alterations necessary for securing that they conform to the prescribed standards or in consequence of any movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning.]
- (2) References in sections 12, 13 and 14 above to a change in the character of a school include, in particular, changes in character resulting from education beginning or ceasing to be provided for pupils above or below a particular age, for boys as well as

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girls or for girls as well as boys, or from the making or creation of arrangements for the admission of pupils by reference to ability or aptitude.

- (3) References in <sup>F35</sup>section 12]above to a relevant age group are references to an age group in which pupils are or will normally be admitted to the school in question.
- <sup>F36</sup>(3A) For the purposes of section 12, <sup>F37</sup>or 13]above proposals under that section shall be taken to have first been published—
- (a) on the date on which the requirements of regulations under this Act with respect to the publication of the proposals are satisfied; or
  - (b) where different requirements such as are mentioned in paragraph (a) above are satisfied on different dates, on the last of those dates;
- and references to the first publication of the proposals shall be construed accordingly.
- (3B) Where any such requirement imposes a continuing obligation with respect to the publication of any proposals, the requirement shall for the purposes of subsection (3A) above be taken to be satisfied on the first date in respect of which it is satisfied.]
- (4) Section 13 of the <sup>M4</sup> Education Act 1944 (which is superseded by sections 12 to 14 above) shall cease to have effect and the enactments mentioned in Schedule 3 to this Act shall have effect with the amendments there specified, being amendments consequential on the replacement of that section.
- (5) Subsection (4) above does not affect the said section 13, or any enactment referring to it, in relation to any proposals which have been approved or of which public notice has been given under that section before the coming into force of sections 12 to 14 above but any proposals required by virtue of that section to be implemented by a local education authority or by any other persons may, at the request of the authority or those persons, be modified by the Secretary of State.
- (6) Section 14(1), (2) and (4) above shall apply, and subsection (6) of the said section 13 shall not apply, in relation to proposals for the matters referred to in paragraphs (a), (b) and (c) of section 14(1) above—
- (a) which are approved under the said section 13 on or after the date on which this subsection comes into force; or
  - (b) which have then already been approved under that section but in respect of which specifications and plans have not yet been submitted under subsection (6) of that section;
- and, in relation to any such proposals, subsection (7) of the said section 13 shall apply as if references to specifications and plans being approved or not required under that section were references to particulars being approved or not required under section 14 above.
- (7) In subsection (6) above references to subsections (6) and (7) of the said section 13 include references to those subsections as applied by subsection (9) of that section.

#### Textual Amendments

**F33** Word in s. 16(1) substituted (4.8.1990 in relation to secondary schools and 1.8.1992 in relation to primary schools) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(1)(a), 231(7), 235(6); S.I. 1988/1459, art. 5(1) and S.I. 1991/409, art. 6(1)

**F34** S. 16(1A) inserted (1.10.1993) by 1993 c. 35, s. 307(1), Sch. 19 para.78; S.I. 1993/1975, art. 9, Sch. 1



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- F35** Words in s. 16(3) substituted (4.8.1990 in relation to secondary schools and 1.8.1992 in relation to primary schools) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(1)(b), 231(7), 235(6); S.I. 1988/1459 art. 5(1) and S.I. 1991/409, art. 6(1)
- F36** S. 16(3A)(3B) inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), Sch. 12 para. 81
- F37** Words in s. 16(3)(3A) substituted (4.8.1990 in relation to secondary schools and 1.8.1992 in relation to primary schools) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 31(1)(c), 231(7), 235(6); S.I. 1988/1459 art. 5(1) and S.I. 1991/409, art 6(1)

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

- C24** S. 16(1)-(3B) applied with modifications (30.9.1992) by Further and Higher Education Act 1992 (c. 13), s. 59(2)(b); S.I. 1992/831, art. 2, Sch. 2  
S. 16 applied (2.10.1995) by S.I. 1995/2368, reg. 2(1)
- C25** S. 16(1A)(c) modified (2.10.1995) by 1995/2368, reg. 2(2)
- C26** The text of s. 16(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.
- C27** The “said section 13” means Education Act 1944 (c. 31), s. 13

#### Marginal Citations

- M4** 1944 c. 31.

### *Awards and grants*

#### **17 Assisted places at independent schools.**

- (1) For the purpose of enabling pupils who might otherwise not be able to do so to benefit from education at independent schools, the Secretary of State shall establish and operate a scheme whereby—
- participating schools remit fees that would otherwise be chargeable in respect of pupils selected for assisted places under the scheme; and
  - the Secretary of State reimburses the schools for the fees that are remitted.
- (2) In this section references to a participating school are references to any independent school providing secondary education with which the Secretary of State makes an agreement (a “participation agreement”) for the purposes of the scheme; and in determining whether to make a participation agreement with any school the Secretary of State shall have regard to the desirability of securing an equitable distribution of assisted places throughout England and Wales and between boys and girls.
- (3) The fees in relation to which the scheme is to have effect shall be—
- tuition and other fees the payment of which is a condition of attendance at a participating school but excluding boarding fees and such other fees, if any, as may be excluded by the participation agreement; and
  - entrance fees for public examinations paid by a participating school in respect of candidates from the school.
- (4) A participation agreement shall contain provisions with respect to the number of assisted places to be available at the school and may contain conditions to be complied with by the school in addition to those prescribed under subsection (6) below.
- (5) Schedule 4 to this Act shall have effect with respect to the termination of participation agreements.

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- (6) The Secretary of State shall by regulations prescribe—
- (a) the requirements as to age, residence or otherwise which are to be the conditions of eligibility for selection for an assisted place;
  - (b) the conditions subject to which, the extent to which, and the arrangements in accordance with which, fees are to be remitted by participating schools;
  - (c) the time and manner in which participating schools are to claim and receive reimbursements from the Secretary of State;
  - (d) conditions to be complied with by participating schools with respect to the selection of pupils for assisted places, the admission of pupils, the fees to be charged, the keeping and auditing of accounts and the furnishing of information to the Secretary of State; and
  - (e) such other matters as appear to him to be requisite for the purposes of the scheme.
- (7) Regulations under subsection (6) above may authorise the Secretary of State to make provision for any purpose specified in the regulations.
- (8) Before making regulations under subsection (6) above the Secretary of State shall consult such bodies as appear to him to be appropriate and to be representative of participating schools or, in the case of regulations made within twelve months of the coming into force of this section, of schools eligible to participate in the scheme.
- (9) Regulations made under subsection (6)(b) above shall be reviewed by the Secretary of State in consultation with such bodies as appear to him to be appropriate and to be representative of participating schools—
- (a) not later than two years after the date on which the first such regulations are made; and
  - (b) thereafter at intervals not exceeding two years.
- (10) Except where the context otherwise requires, references in this section and section 18 below to a school include references to the proprietors of the school and persons acting with their authority; and references in this section to an independent school are references to an independent school that is finally registered and conducted for charitable purposes only.

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**Subordinate Legislation Made**

**P3** [S. 17\(6\)](#): 17(6) (with s. 35(4)) power exercised by [S.I.1991/1767](#).

**18 Incidental expenses of pupils holding assisted places.**

- (1) The Secretary of State may make regulations requiring or enabling schools participating in the scheme referred to in section 17 above to make grants in respect of such expenses, and to remit such charges, as may be specified in the regulations, being expenses or charges in respect of matters incidental to or arising out of the attendance at the schools of pupils holding assisted places under the scheme.
- (2) Any such regulations shall require any amounts granted or remitted by a school in accordance with the regulations to be reimbursed to the school by the Secretary of State.
- (3) Regulations under this section may in particular prescribe—

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- (a) the conditions subject to which, the extent to which, and the arrangements in accordance with which, grants and remissions are to be made:
  - (b) the time and manner in which schools are to claim and receive reimbursements from the Secretary of State.
- (4) Regulations under this section may authorise the Secretary of State to make provision for any purpose specified in the regulations.

#### **Subordinate Legislation Made**

**P4** [S. 18](#) : s. 18 (with s. 35(4)) power exercised by [S.I.1991/1830](#).

**P5** [S. 18](#): for previous exercises of power, see index to Government Orders.

## **19 Awards for further and higher education.**

For sections 1 to 4 of the <sup>M5</sup> Education Act 1962 and Schedule I to that Act (awards for further and higher education) there shall be substituted the provisions set out in Schedule 5 to this Act which—

- (a) extend the courses capable of designation under section I to include certain courses provided in conjunction with overseas institutions ;
- (b) incorporate the effect of amendments made by the <sup>M6</sup> Education Act 1973, <sup>M7</sup> the Education Act 1975 and the <sup>M8</sup> Education Act 1976; and
- (c) omit provisions that are spent or no longer required.

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

**C28** The text of S. 19 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.

#### **Marginal Citations**

**M5** [1962 c. 12](#).

**M6** [1973 c. 16](#).

**M7** [1975 c. 2](#).

**M8** [1976 c. 81](#).

## **20 Industrial scholarships.** <sup>X1</sup>

- (1) The Secretary of State may award industrial scholarships or make payments to any other person in respect of the award of such scholarships by that person.
- (2) In this section “industrial scholarships” means scholarships (however described) tenable by persons undertaking full-time courses of higher education provided by a university, college or other institution in the United Kingdom, being courses which appear to the Secretary of State or, as the case may be, the person awarding the scholarships to be relevant to a career in industry.
- (3) In subsection (2) above the reference to a full-time course includes a reference to a course consisting of alternate periods of—
  - (a) full-time study in the university, college or institution in question; and
  - (b) associated industrial, professional or commercial experience;

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and the reference in that subsection to a course provided by a university, college or institution in the United Kingdom includes a reference to a course provided by such a university, college or institution in conjunction with a university, college or other institution in another country.

#### Editorial Information

X1 S. 20 repealed (S.) by Education (Scotland) Act 1980 (c. 44), Sch. 5

## 21 Grants for Education in Welsh.

- (1) The Secretary of State shall by regulations make provision for the payment by him to local education authorities and other persons of grants in respect of expenditure incurred or to be incurred in, or in connection with, the teaching of the Welsh language or the teaching in that language of other subjects.
- (2) Any regulations made by the Secretary of State under this section may make provision whereby the making of payments by him in pursuance of the regulations is dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance of the regulations to comply with such requirements as may be so determined.

### *School meals*

## 22 School meals: England and Wales.

- (1) A local education authority—
  - (a) may provide registered pupils at any school maintained by them with milk, meals or other refreshment [<sup>F38</sup>and may do so either on the premises or at any place other than the school premises where education is being provided]; and
  - (b) shall provide such facilities as the authority consider appropriate for the consumption of any meals or other refreshment brought to the school by such pupils.
- [<sup>F39</sup>(2) Subject to subsection (3) below, an authority must charge for anything provided by them under subsection (1)(a) above and must charge every pupil the same price for the same quantity of the same item.
- (3) In relation to a pupil whose parents are in receipt of income support or who is himself in receipt of it an authority shall so exercise the power conferred by subsection (1) (a) above as to ensure that such provision is made for him in the middle of the day as appears to the authority to be requisite and shall make that provision for him free of charge.]
- [<sup>F40</sup>(3A) Subsections (1) to (3) above apply in relation to pupils at a grant-maintained school and the governing body of the school as they apply in relation to pupils at a school maintained by a local education authority and the authority maintaining the school.]
- [<sup>F41</sup>(3B) Subsection (1) above applies in relation to persons, other than pupils, who receive education at a school maintained by a local education authority or a grant-maintained school, and in relation to the authority maintaining the school or the governing body of

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the grant-maintained school, as it applies in relation to pupils at a school maintained by a local education authority and the authority maintaining the school; and an authority or governing body must charge for anything so provided and must charge every such person the same price for the same quantity of the same item.]

- (4) The governors of a school maintained by a local education authority shall—
- (a) afford the authority such facilities as they require to enable them to exercise their functions under this section; and
  - (b) allow the authority to make such use of the premises and equipment of the school and such alterations to the school buildings as the authority consider necessary for that purpose;
- but nothing in this subsection shall require the governors of a voluntary school to incur any expenditure.
- (5) The power under section 78(2)(a) of the <sup>M9</sup>Education Act 1944 to make arrangements as to the provision of milk for pupils in attendance at non-maintained schools shall apply in relation to all such pupils; . . . <sup>F42</sup>

**Textual Amendments**

- F38** Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **s. 77(1)(a)**
- F39** [S. 22\(2\)\(3\)](#) substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **s. 77(2)**
- F40** [S. 22\(3A\)](#) inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 24**
- F41** [S. 22\(3B\)](#) inserted (1.8.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. I para.17**; S.I. 1992/831, art. 2, **Sch. 4**
- F42** Words repealed by [Education \(Milk\) Act 1971 \(c. 74\)](#), **s. 1(3)**

**Marginal Citations**

- M9** [1944 c. 31](#).

23 ..... <sup>F43</sup>

**Textual Amendments**

- F43** [S. 23](#) repealed by [Education \(Scotland\) Act 1980 \(c. 44\)](#), **Sch. 5**

*Nursery education*

**24 Nursery education: England and Wales.**

- (1) A local education authority shall have power to establish nursery schools, to maintain such schools established by them or a former authority and to assist any such school which is not so established.
- (2) A local education authority shall not by virtue of section 8(1)(a) of the Education Act 1944 be under any duty in respect of junior pupils who have not attained the age of five years but this subsection shall not affect the power of an authority under section 9(1) of that Act to establish, maintain or assist a school at which education is provided both

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for such pupils and older pupils, including a school at which there is a nursery class for such junior pupils as aforesaid.

- (3) In the definition Of “pupil” in section 1 14(1) of the said Act of 1944 (which defines pupils as those for whom education is required to be provided under that Act) there shall be added at the end the words “but includes a junior pupil who has not attained the age of five years.”.

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

**C29** The text of S. 24(3) 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.

<sup>F44</sup>**25** .....

#### **Textual Amendments**

**F44** S. 25 repealed by [Education \(Scotland\) Act 1980 \(c. 44\)](#), [Sch. 5](#)

## **26 Day nurseries.**

- (1) Subject to subsection (3) below, a local education authority may, in accordance with arrangements made by them in that behalf, make available to any day nursery the services of any teacher who—
- (a) is employed by them in a nursery school or in a primary school having one or more nursery classes; and
  - (b) has agreed to provide his services for the purposes of the arrangements.
- (2) Subject to subsection (3) below, the governors of any county or voluntary primary school having one or more nursery classes may, in accordance with arrangements made by them in that behalf, make available to any day nursery the services of any teacher who is employed by them in the school and has agreed to provide his services for the purposes of the arrangements.
- (3) Arrangements made under subsection (1) above in respect of a teacher in a voluntary school shall require the concurrence of the governors of the school; and no arrangements shall be made under subsection (2) above except at the request of the local education authority and on terms approved by them.
- (4) Arrangements under this section may make provision—
- (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements;
  - (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery;
  - (c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher’s school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.

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- (5) In this section “day nursery” means a day nursery provided under the <sup>M10</sup>National Health Service Act 1977 by a local social services authority.
- (6) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

**Marginal Citations**

**M10** 1977 c. 49.

*Miscellaneous*

27 ..... <sup>F45</sup>

**Textual Amendments**

**F45** S. 27 repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 218(13), 231(7), 235(6), 237(2), [Sch. 13 Pt. II](#)

**28 Provision of education at non-maintained schools.**

- (1) (So much of section 9(1) of the <sup>M11</sup> Education Act 1944 at and section 6(1) of the <sup>M12</sup> Education (Miscellaneous Provisions) Act 1953 (arrangements with non-maintained schools) as makes the exercise of the powers of local education authorities under those provisions subject to the approval of the Secretary of State shall cease to have effect.
- (2) In the said section 6(1) the words “For the purpose of fulfilling their duties under the principal Act” shall be omitted.
- (3) Section 5(2) of the <sup>M13</sup> Education Act 1976 (under which regulations empowering local education authorities to pay fees and expenses in respect of children attending fee-paying schools may include provision requiring authorities to exercise their powers in accordance with arrangements approved by the Secretary of State) shall cease to have effect.

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

- C30** The text of S. 28(1) 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.
- C31** The text of S. 28(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.
- C32** The text of S. 28(3) 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.

**Marginal Citations**

**M11** 1944 c. 31.

**M12** 1953 c. 53.

**M13** 1976 c. 81.

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980. (See end of Document for details)*

## 29 Provision of clothing for physical training etc.

- (1) In subsection (3) of section 5 of the <sup>M14</sup> Education (Miscellaneous Provisions) Act 1948 (provision of clothing for physical training) for the words “The Minister may make regulations empowering a local education authority to provide” there shall be substituted the words “A local education authority may provide” and for the words “as may be prescribed” there shall be substituted the words “as may be determined by the authority”.
- (2) After subsection (6) of that section (under which the parent of a person provided with clothing under that section may be required to make a payment to the local education authority) there shall be inserted—

“(6A) Where a person who has attained the age of eighteen years (other than a registered pupil at a school) is provided with clothing under this section any reference in subsection (6) above to his parent shall be construed as a reference to that person.”

### Modifications etc. (not altering text)

- C33** The text of S. 29(1) 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.
- C34** The text of S. 29(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.

### Marginal Citations

- M14** 1948. c. 40.

## 30 Relaxation of Ministerial control of local education authorities.

- (1) So much of the provisions of the Education Act 1944 mentioned in subsection (2) below as makes the exercise of any power by a local education authority subject to the approval or consent of the Secretary of State or subject to the provisions of regulations made by him shall cease to have effect.
- (2) The provisions referred to above are—
- (a) section 53(1) (recreation facilities);
  - (b) section 61(2) (boarding fees);
  - (c) section 82 (educational research);
  - (d) section 83 (education conferences); and
  - (e) section 84 (assistance for universities etc.).
- (3) Section 12 of the said Act of 1944 (duty to make local education orders) shall cease to have effect.

### Modifications etc. (not altering text)

- C35** The text of S. 30(1)(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.
- C36** The text of S. 30(3) 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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*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980. (See end of Document for details)*

**31** ..... F46

**Textual Amendments**

**F46** S. 31 repealed by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 67(6), **Sch. 6 Pt. I** subject to a saving in Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 225(1), 231(7), 235(6)**

**32** ..... F47

**Textual Amendments**

**F47** S. 32 repealed by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 67(6), **Sch. 6 Pt. I**

**33 Discrimination by local education authorities.**

(1)

<sup>F48</sup>(2) In section 23(2) of the said Act of 1975 and section 18(2) of the said Act of 1976 (discrimination by education authorities) for the words “the Education (Scotland) Acts 1939 to 1974” and “the Education (Scotland) Acts 1939 to 1975” respectively there shall be substituted the words “the Education (Scotland) Acts 1939 to 1980”.

(3) In Schedule 2 to the said Act of 1975, paragraph 2 shall be omitted and for paragraph 4 there shall be substituted—

“4 Regulations under section 27 of the Education Act 1980 may provide for the submission to the Secretary of State of an application for the making by him of a transitional exemption order in relation to any school or further education establishment to which that section applies and not falling within paragraph 3 above, and for the making by him of the order.”

**Textual Amendments**

**F48** S. 33(1) repealed by Education Act 1981 (c. 60, SIF 41:1), **Sch. 4**

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

**C37** The text of S. 33(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.

**C38** The text of S. 33(3) 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.

**34 Definition and registration of independent schools.**

(1) In the definition of “independent school” and “school” in section 114(1) of the <sup>M15</sup>Education Act 1944 for the words “a school in respect of which grants are made by the Minister to the proprietor of the school” there shall be substituted the words “a special school not maintained by a local education authority”.

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- (2) Subsection (2) of section 70 of the said Act of 1944 (order exempting schools from registration) shall cease to have effect.
- (3) The Registrar of Independent Schools shall, without any application in that behalf, enter in the register kept by him under subsection (1) of the said section 70—
- (a) any school which by virtue of subsection (1) above becomes an independent school; and
  - (b) any school which was exempt from registration by virtue of subsection (2) of the said section 70 immediately before the coming into force of this section.
- (4) Proviso (b) to subsection (1) of the said section 70 (registration of school to be provisional unit it has been inspected) shall not apply to the registration of a school under subsection (3) above unless the Registrar has before the coming into force of this section given written notice to the proprietor of the school that the registration will be provisional.
- (5) In this section “the Registrar of Independent Schools” means, in relation to any school in England, the Registrar of Independent Schools for England and, in relation to any school in Wales, the Registrar of Independent Schools for Wales.
- (6) After subsection (3) of the said section 70 (offences) there shall be inserted—
- “(3A) A person shall not be guilty of an offence under subsection (3)(a) above by reason of conducting a school at any time within the period of one month from the date on which it was first conducted (whether by that person or another) if an application for the registration of the school has been duly made within that period.”
- (7) For subsection (4) of the said section 70 (furnishing of particulars about independent schools) there shall be substituted—
- “(4) The Secretary of State may by regulations make provision for requiring the proprietor of a registered or provisionally registered school to furnish the Registrar from time to time with such particulars relating to the school as may be prescribed and for enabling the Secretary of State to order the deletion from the register of the name of any school in respect of which any requirement imposed by or under the regulations is not complied with.
  - (5) The power to make regulations under this section shall be exercisable by the Secretary of State for Education and Science in relation to schools in England and by the Secretary of State for Wales in relation to schools in Wales.”.

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

- C39** The “said section 70” means [Education Act 1944 \(c. 31\), s. 70](#)
- C40** The text of S. 34(1) 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.
- C41** The text of S. 34(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.
- C42** The text of S. 34(6) 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.
- C43** The text of S. 34(7) 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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*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980. (See end of Document for details)*

#### Marginal Citations

M15 1944 c. 31.

### Supplementary

#### 35 Orders and regulations. <sup>X2</sup>

- (1) Any power of the Secretary of State to make orders or regulations under this Act [<sup>F49</sup>(other than orders under section 2(11)(b))] shall be exercisable by statutory instrument.
- (2) No regulations shall be made under section 17(6) above unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (3) Any statutory instrument containing regulations under any provision of this Act other than section 17(6), or an order under section 15(8) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations under this Act may make different provision for different cases or different circumstances and may contain such incidental, supplementary or transitional provisions as the Secretary of State thinks fit.
- (5) Without prejudice to subsection (4) above, regulations under any provision of this Act other than section <sup>F50</sup> section 38(5) may make in relation to Wales provision different from that made in relation to England.

#### Editorial Information

X2 S. 35 repealed (S.) by [Education \(Scotland\) Act 1980 \(c. 44\)](#), [Sch. 5](#)

#### Subordinate Legislation Made

P6 S. 35(4): s. 17(6) (with s. 35(4)) power exercised (E.W.) by [S.I. 1991/1767](#).

P7 S. 35(4): s. 18 (with s. 35(4)) power exercised (E.W.) by [S.I.1991/1830](#).

#### Textual Amendments

F49 Words repealed (E.W.) by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), s. 67(7), [Sch. 6 Pt. I](#)

F50 Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. II](#)

#### 36 Expenses.

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums payable out of such moneys under any other Act.

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980. (See end of Document for details)*

### 37 Commencement. <sup>X3</sup>

- (1) This Act shall come into force on such date as the Secretary of State may by order appoint, and different dates may be appointed for different provisions or different purposes.
- (2) Any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions, or of any other provisions of this Act then in force, as appear to him to be necessary or expedient for the purpose or in consequence of the operation of any provision of this Act before the coming into force of any other provision.

#### Editorial Information

**X3** S. 37 repealed (S.) by [Education \(Scotland\) Act 1980 \(c. 44\), Sch. 5](#)

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

**C44** Power of appointment conferred by s. 37(1) fully exercised: [S.I. 1980/489](#), 959; 1981/789, 1064

### 38 Citation, construction, repeals and extent. <sup>X4</sup>

- (1) This Act may be cited as the Education Act 1980.
- (2) This Act and the Education Acts 1944 to 1979 may be cited as the Education Acts 1944 to 1980. . . <sup>F51</sup>
- (3) Subject to subsection (4) below, this Act shall, in its application to England and Wales, be construed as one with the <sup>M16</sup>Education Act 1944. . . <sup>F51</sup>
- (4) In the provisions of this Act relating to admissions to schools “child” includes any person who has not attained the age of nineteen years.
- (5) For the purposes of this Act an individual shall be treated as belonging to the area of a particular local education authority or education authority or as not belonging to the area of any such authority in accordance with regulations made by the Secretary of State and any question under the regulations shall, in case of dispute, be determined by the Secretary of State.

[<sup>F52</sup>(5A) For the purposes of this Act—

- (a) children are to be regarded as admitted to a school for nursery education if they are or are to be placed on admission in a nursery class; and
- (b) “reception class” means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate together with pupils of that age.]
- (6) The enactments mentioned in Schedule 7 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (7) In this Act—
  - (a) . . . <sup>F51</sup>
  - (b) sections 20, 35 and 37 and this section extend to Northern Ireland; but save as aforesaid this Act extends to England and Wales only.

*Status: Point in time view as at 01/10/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1980. (See end of Document for details)*

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#### **Editorial Information**

**X4** S. 38 repealed (S.) by [Education \(Scotland\) Act 1980 \(c. 44\)](#), **Sch. 5**

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#### **Textual Amendments**

**F51** Words omitted by virtue of [Education \(Scotland\) Act 1980 \(c. 44\)](#), **Sch. 5**

**F52** S. 38(5A) inserted (1.5.1991) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 31(6)**, 231(7), 235(6); S.I. 1991/409, **art. 6(4)**

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

**C45** S. 38(5) applied by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), **s. 51(10)**

**C46** The text of S. 38(6) 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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#### **Marginal Citations**

**M16** [1944 c. 31](#).

**Status:**

Point in time view as at 01/10/1993.

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 1980.