



Education Act 1980

1980 CHAPTER 20

Supplementary

35 Orders and regulations

- (1) Any power of the Secretary of State to make orders or regulations under this Act (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 27(1)(a), (2) or (3) or section 38(5) may make in relation to Wales provision different from that made in relation to England.

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.

37 Commencement

- (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.

38 Citation, construction, repeals and extent

- (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 and this Act and the Education (Scotland) Acts 1939 to 1976 may be cited as the Education (Scotland) Acts 1939 to 1980.
- (3) Subject to subsection (4) below, this Act shall, in its application to England and Wales, be construed as one with the Education Act 1944 and, in its application to Scotland, with the Education (Scotland) Acts 1939 to 1976.
- (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.
- (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) sections 20, 23, 25, 31(5) and (6), 33, 35 and 37, this section and so much of Schedule 7 as relates to enactments extending to Scotland, extend to Scotland;
 - (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.