

Status: Point in time view as at 01/10/1993.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

SCHEDULES

SCHEDULE 1

Section 1(3).

SCHOOL GOVERNMENT: CONSEQUENTIAL AMENDMENTS

M1 The Education Act 1944

Marginal Citations

M1 1944 c. 31.

- 1 (1) In the provisions of the Education Act 1944 mentioned in sub-paragraph (2) below the words “managers or”, wherever they occur, shall be omitted.
- (2) The provisions referred to above are sections 14(1), (3) and (4), 15(2), (3), (4) and (5), 16(3), 25(1) and (7), 31(3), 65, 67(1), 68, 80(1), 90(1), 95(2)(b), 99, 102, 105, 114(2) (a), paragraphs 1, 3, 5, 6 and 7 of Schedule 2, paragraphs 8, 9 and 10 of Schedule 3 and Schedule 4.

Modifications etc. (not altering text)

C1 The text of Sch. 1 para. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 (1) In subsection (1) of section 17 of that Act for the words from “managers or governors” onwards there shall be substituted the words “governors of the school in accordance with the provisions of this Act, and the instrument providing for the constitution of the body of governors is in this Act referred to as an instrument of government.”
- (2) In subsection (2) of that section for the words “The instrument of management or the instrument of government, as the case may be,” there shall be substituted the words “The instrument of government”.
- (3) In subsection (3)(a) of that section for the words “rules of management” there shall be substituted the words “articles of government”.
- (4) In subsection (4) of that section the words “instrument of management, rules of management” shall be omitted.
- (5) In subsection (5) of that section the words “management or” shall be omitted.

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Modifications etc. (not altering text)

- C2** The text of Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 3 In section 18 of that Act for the words “instrument of management” and “managers”, wherever they occur, there shall be substituted respectively the words “instrument of government” and “governors”.

Modifications etc. (not altering text)

- C3** The text of Sch. 1 para. 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.

- 4 In subsections (1) and (3) of section 20 of that Act the words “managers or” shall be omitted and in subsection (6) of that section the words “managers or”, in both places, and “manager or” shall be omitted.

Modifications etc. (not altering text)

- C4** The text of Sch. 1 para. 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.

- 5 In section 21 of that Act the words “manager or” and “managers or”, wherever they occur, shall be omitted.

Modifications etc. (not altering text)

- C5** The text of Sch. 1 para. 5 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.

- 6 In section 22 of that Act the words “managers or” and “foundation managers or”, wherever they occur, shall be omitted.

Modifications etc. (not altering text)

- C6** The text of Sch. 1 para. 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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- 7 In section 23(1) and (3) of that Act the words “rules of management or” shall be omitted.

Modifications etc. (not altering text)

- C7** The text of Sch. 1 para. 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 In section 24(1) and (2) of that Act the words “rules of management or” and “managers or”, wherever they occur, shall be omitted.

Modifications etc. (not altering text)

- C8** The text of Sch. 1 para. 8 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.

- 9 In sections 27 and 28 of that Act the words “managers or” and “foundation managers or”, wherever they occur, shall be omitted.

Modifications etc. (not altering text)

- C9** The text of Sch. 1 para. 9 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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Textual Amendments

- F1** [Sch. 1 para. 10](#) repealed (1.10.1993) by [1993 c. 35, ss. 303\(4\), 307\(1\)\(3\)](#), [Sch. 19 para. 80](#), [Sch. 21 Pt1: S.I. 1993/1975, art. 9](#), [Sch. 1 Appendix](#)

- 11 In section 77(5) of that Act the words “managers or” and “foundation managers or” shall be omitted.

Modifications etc. (not altering text)

- C10** The text of Sch. 1 para. 11 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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- 12 In subsection (1) of section 103 of that Act the words “managers or”, in both places, shall be omitted and in subsection (3) of that section the word “managers” shall be omitted.

Modifications etc. (not altering text)

- C11** The text of Sch. 1 para. 12 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.

- 13 In section 114(1) of that Act—
- (a) in the definition of “Foundation managers” and “foundation governors” for the words from the beginning to “appointed” there shall be substituted the words “Foundation governors means, in relation to any voluntary school, governors appointed” and the words “managers or”, “foundation managers or” and “managers or” shall be omitted ;
 - (b) in the definition of “Trust deed” the words “instrument of management”, “rules of management” and “managers or” shall be omitted.

Modifications etc. (not altering text)

- C12** The text of Sch. 1 para. 13 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.
- C13** [S. 13](#) 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](#)

- 14 In section 120(1)(c) of that Act the word “secondary”, in both places, shall be omitted.

Modifications etc. (not altering text)

- C14** The text of Sch. 1 para. 14 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.

M2 The Education Act 1946

Marginal Citations

- M2** [1946 c. 50](#).

- 15 In sections 2(1)(b). (3), (4) and (6) and 6 of the Education Act 1946 the words “managers or”, wherever they occur, shall be omitted.

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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)

Modifications etc. (not altering text)

C15 The text of Sch. 1 para. 15 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.

16 In section 3(1) of that Act the words “managers and” shall be omitted.

Modifications etc. (not altering text)

C16 The text of Sch. 1 para. 16 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.

17 In section 4(1) of that Act the word “managers” shall be omitted.

Modifications etc. (not altering text)

C17 The text of sch. 1 para. 17 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.

18 In section 7(2) of that Act the words “managers or” and “managers and” shall be omitted.

Modifications etc. (not altering text)

C18 The text of Sch. 1 para. 18 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.

^{M3} *The Education (Miscellaneous Provisions) Act 1948*

Marginal Citations

M3 1948 c. 40.

19 In sections 4(3) and 10(3) of the Education (Miscellaneous Provisions) Act 1948 the words “managers or”, wherever they occur, shall be omitted.

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Modifications etc. (not altering text)

C19 The text of Sch. 1 para. 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.

M⁴ The Reserve and Auxiliary Forces (Protection of Civil Interests)

Marginal Citations

M4 [1951 c. 65.](#)

20 In paragraph 10 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 the words “managers or” shall be omitted.

Modifications etc. (not altering text)

C20 The text of Sch. 1 para. 20 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.

M⁵ The Education (Miscellaneous Provisions) Act 1953

Marginal Citations

M5 [1953 c. 33.](#)

21 In section 8(1) and (3) of the Education (Miscellaneous Provisions) Act 1953 the words “managers or” shall be omitted.

Modifications etc. (not altering text)

C21 The text of Sch. 1 para. 21 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.

M⁶ The Education Act 1959

Marginal Citations

M6 [1959 c.60.](#)

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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)

22 In section 1(4) of the Education Act 1959 the words “managers or” shall be omitted.

Modifications etc. (not altering text)

C22 The text of Sch. 1 para. 22 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.

M7 The Education Act 1967

Marginal Citations

M7 1967 c. 3.

23 In section 1(2) and (4) of the Education Act 1967 the words “managers or”, wherever they occur, shall be omitted.

Modifications etc. (not altering text)

C23 The text of Sch. 1 para. 23 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.

M8 The Education Act 1968

Marginal Citations

M8 1968 c. 17.

24 In section 3(4) of the Education Act 1968 the words “managers or”, in both places, shall be omitted.

Modifications etc. (not altering text)

C24 The text of Sch. 1 para. 24 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.

M9 The Education (No. 2) Act 1968

Marginal Citations

M9 1968 c. 37.

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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)

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Textual Amendments

F2 Sch. 1 para. 25 repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. II

M10 The Education Act 1973

Marginal Citations

M10 1973 c. 16.

26 In section 1(2)(a) of the Education Act 1973 the word “managers” shall be omitted.

Modifications etc. (not altering text)

C25 The text of Sch. 1 para. 26 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.

M11 The Sex Discrimination Act 1975

Marginal Citations

M11 1975 c. 65.

27 In paragraph I of the Table in section 22 of the Sex Discrimination Act 1975 the words “managers or” shall be omitted.

Modifications etc. (not altering text)

C26 The text of Sch. 1 para. 27 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.

M12 The Race Relations Act 1976

Marginal Citations

M12 1976 c. 74.

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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)

- 28 In paragraph I of the Table in section 17 of the Race Relations Act 1976 the words “managers or” shall be omitted.

Modifications etc. (not altering text)

- C27** The text of Sch. 1 para. 28 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.

M13 The National Health Service Act 1977

Marginal Citations

- M13** 1977 c. 49.

- 29 In paragraph 3 of Schedule I to the National Health Service Act 1977 the words “managers or” shall be omitted.

Modifications etc. (not altering text)

- C28** The text of Sch. 1 para. 29 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.

M14 The Employment Protection (Consolidation) Act 1978

Marginal Citations

- M14** 1978 c. 44.

- 30 In section 80(1) of the Employment Protection (Consolidation) Act 1978 the words “or managers” shall be omitted.

Modifications etc. (not altering text)

- C29** The text of Sch. 1 para. 30 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)

M15 The Education Act 1979

Marginal Citations

M15 1979 c. 49.

- 31 In subsection (2) of section I of the Education Act 1979 the words “managers or” shall be omitted and in subsections (3) and (4) of that section the word “managers” shall be omitted.

Modifications etc. (not altering text)

C30 The text of Sch. 1 para. 31 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.

SCHEDULE 2

Section 7(4).

SCHOOL ADMISSION APPEALS

Modifications etc. (not altering text)

C31 Sch. 2 modified by S.I. 1989/1135, art. 3(1)(b), Sch. 2

PART I

CONSTITUTION OF APPEAL COMMITTEES

Modifications etc. (not altering text)

C32 Sch. 2 Pt. I applied with modifications by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 26(4), Sch. 3 para. 4

- 1 (1) An appeal pursuant to arrangements made by a local education authority under section 7(1) of this Act shall be to an appeal committee constituted in accordance with this paragraph.
- (2) An appeal committee shall consist of three, five or seven members nominated by the authority from among persons appointed by the authority under this paragraph; and sufficient persons may be appointed to enable two or more appeal committees to sit at the same time.
- (3) The persons appointed shall comprise—
- (a) members of the authority or of any education committee of the authority; and

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- (b) persons who are not members of the authority or of any education committee of the authority but who have experience in education, are acquainted with the educational conditions in the area of the authority or are parents of registered pupils at a school;
but shall not include any person employed by the authority otherwise than as a teacher.
- (4) The members of an appeal committee who are members of the authority or of any education committee of the authority shall not outnumber the others by more than one.
- (5) A person who is a member of an education committee of the authority shall not be chairman of an appeal committee.
- (6) A person shall not be a member of an appeal committee for the consideration of any appeal against a decision if he was among those who made the decision or took part in discussions as to whether the decision should be made.
- (7) A person who is a teacher at a school shall not be a member of an appeal committee for the consideration of an appeal involving a question whether a child is to be admitted to that school.
- 2
- (1) An appeal pursuant to arrangements made by the governors of an aided or special agreement school under section 7(2) of this Act shall be to an appeal committee constituted in accordance with this paragraph.
- (2) An appeal committee shall consist of three, five or seven members nominated by the governors from among persons appointed by them under this paragraph; and sufficient persons may be appointed to enable two or more appeal committees to sit at the same time.
- (3) The persons appointed—
- (a) may include one or more of the governors;
- (b) shall include persons appointed from a list drawn up by the local education authority by whom the school is maintained; and
- (c) shall not include any person employed by the authority otherwise than as a teacher.
- (4) Half the members of an appeal committee (excluding the chairman) shall be nominated from among such persons as are mentioned in sub-paragraph (3)(b) above.
- (5) None of the governors shall be chairman of an appeal committee.
- (6) A person shall not be a member of an appeal committee for the consideration of any appeal against a decision if he was among those who made the decision or took part in discussions as to whether the decision should be made.
- (7) A person who is a teacher at a school shall not be a member of an appeal committee for the consideration of an appeal involving a question whether a child is to be admitted to that school.
- 3
- An appeal pursuant to joint arrangements made by virtue of section 7(3) of this act by the governors of two or more schools shall be to an appeal committee constituted

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as provided in paragraph 2 above, taking references to the governors as references to the governors of both or all the schools.

- 4 An appeal committee constituted in accordance with paragraph 2 or 3 above shall be included in the bodies to which sections ^{F3} . . . 174 of the ^{M16}Local Government Act 1972 (allowances) apply.

Textual Amendments

F3 Words in Sch. 2 para. 4 repealed (1. 4. 1991) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(4), Sch. 12 Pt. II; S.I. 1991/344, art. 3(2)(b)(iii), (with savings in art. 3(2), Sch. 1 para. 1(1))

Marginal Citations

M16 1972 c. 70.

PART II

PROCEDURE

Modifications etc. (not altering text)

C33 Pt. II extended with modifications by Education Act 1981 (c. 60, SIF 41:1), s. 8(3)

C34 Pt. II excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 26(4)

- 5 An appeal shall be by notice in writing setting out the grounds on which it is made.
- 6 An appeal committee shall afford the appellant an opportunity of appearing and making oral representations and may allow the appellant to be accompanied by a friend or to be represented.
- 7 The matters to be taken into account by an appeal committee in considering an appeal shall include—
- (a) any preference expressed by the appellant in respect of the child as mentioned in section 6 of this Act; and
 - (b) the arrangements for the admission of pupils published by the local education authority or the governors under section 8 of this Act.
- 8 In the event of disagreement between the members of an appeal committee the appeal under consideration shall be decided by a simple majority of the votes cast and in the case of an equality of votes the chairman of the committee shall have a second or casting vote.
- 9 The decision of an appeal committee and the grounds on which it is made shall be communicated by the committee in writing to—

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- (a) the appellant and the local education authority; and
 - (b) in the case of an appeal to an appeal committee constituted in accordance with paragraph 2 or 3 above, to the governors by or on whose behalf the decision appealed against was made.
- 10 Appeals pursuant to arrangements made under section 7 of this Act shall be heard in private except when otherwise directed by the authority or governors by whom the arrangements are made but, without prejudice to paragraph 6 above, a member of the local education authority may attend as an observer any hearing of an appeal by an appeal committee constituted in accordance with paragraph 1 above and a member of the Council on Tribunals may attend as an observer any meeting of any appeal committee at which an appeal is considered.
- 11 Subject to paragraphs 5 to 10 above, all matters relating to the procedure on appeals pursuant to arrangements made under section 7 of this Act, including the time within which they are to be brought, shall be determined by the authority or governors by whom the arrangements are made; and neither section 106 of the ^{M17}Local Government Act 1972 nor paragraph 44 of Schedule 12 to that Act (procedure of committees of local authorities) shall apply to an appeal committee constituted in accordance with paragraph 1 above.

Marginal Citations

M17 1972 c. 70.

SCHEDULE 3

Section 16(4)

ESTABLISHMENT ETC. OF SCHOOLS: CONSEQUENTIAL AMENDMENTS

The Education Act 1944

- 1 In section 16(2) of the ^{M18} Education Act 1944 for the words “subsection (2) of section thirteen of this Act” there shall be substituted the words “section 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C35 The text of Sch. 3 para. 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.

Marginal Citations

M18 1944 c. 31.

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- 2 In section 17(6) of that Act for the words “section 13 of this Act” there shall be substituted the words “section 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C36 The text of Sch. 3 para. 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.

- 3 In section 85 of that Act for subsections (2) and (3) there shall be substituted—

“(2) Any intention on the part of a local education authority that a school for providing primary or secondary education (other than a nursery school or a special school) should be vested in the authority as trustees shall be treated for the purposes of subsection (1) of section 12 of the Education Act 1980 as an intention on the part of the authority to maintain the school as a county school ; and accordingly proposals for that purpose shall be published and submitted as required by that section, and the other provisions of that section and of sections 14 and 16 of that Act shall apply as in a case where a local education authority intend to maintain a school as a county school.

(3) Any school for providing primary or secondary education which in accordance with subsection (2) above is vested in a local education authority as trustees shall be a county school.”

Modifications etc. (not altering text)

C37 The text of Sch. 3 para. 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.

- 4 In section 102 of that Act for the words “section 13 of this Act” there shall be substituted the words “section 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C38 The text of Sch. 3 para. 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.

- 5 In paragraph 5 of Schedule 3 to that Act for the words “subsection (7) of section thirteen of this Act” there shall be substituted the words “section 13(6) of the Education Act 1980”

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Modifications etc. (not altering text)

C39 The text of Sch. 3 para. 5 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.

M19 The Education Act 1946

Marginal Citations

M19 1946 c. 50.

- 6 In section 1(1) of the Education Act 1946 for the words “section thirteen of the Education Act 1944” there shall be substituted the words “section 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C40 The text of Sch. 3 para. 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.

- 7 In section 2(2) of that Act for the words “section thirteen of the principal Act” there shall be substituted the words “section 12 or 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C41 The text of Sch. 3 para. 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 In paragraph I(a) of Schedule I to that Act for the words “section thirteen of the principal Act” there shall be substituted the words “section 13 of the Education Act 1980”

Modifications etc. (not altering text)

C42 The text of Sch. 3 para. 8 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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M20 The Education (Miscellaneous Provisions) Act 1953

Marginal Citations

M20 [1953 c. 33.](#)

- 9 In section 2(a) of the Education (Miscellaneous Provisions) Act 1953 for the words “subsection (2) of section thirteen of the principal Act” there shall be substituted the words “section 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C43 The text of Sch. 3 para. 9 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.

M21 The London Government Act 1963

Marginal Citations

M21 [1963 c. 33.](#)

- 10 In subsection (5) of section 31 of the London Government Act 1963 for the words “the Education Acts 1944 to 1968” there shall be substituted the words “the Education Acts 1944 to 1980”^{F4}

Textual Amendments

F4 Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

Modifications etc. (not altering text)

C44 The text of Sch. 3 para. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and except as specified does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

M22 The Education Act 1964

Marginal Citations

M22 [1964 c. 82.](#)

- 11 In section 1(1) of the Education Act 1964 for the words “section 13 of the Education Act 1944” there shall be substituted the words “section 12 or 13 of the Education Act 1980”.

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Modifications etc. (not altering text)

C45 The text of Sch. 3 para. 11 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.

12 For section 1(2) of that Act there shall be substituted—

“(2) The Secretary of State shall make regulations for determining, or enabling him to determine, whether a school in respect of which proposals making such provision as is mentioned in the preceding subsection are implemented is to be deemed for the purposes of the Education Act 1944 and the other enactments relating to education to be a primary or a secondary school.”

Modifications etc. (not altering text)

C46 The text of Sch. 3 para. 12 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.

M23 The Education Act 1967

Marginal Citations

M23 1967 c. 3.

13 In section 1(2)(a) of the Education Act 1967 for the words “section 13(2) of the Education Act 1944” there shall be substituted the words “section 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C47 The text of Sch. 3 para. 13 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.

F5

14

Textual Amendments

F5 Sch. 3 para. 14 repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. II

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)

M24 The Education Act 1968

Marginal Citations

M24 1968 c. 17.

- 15 In section 1(1) of the Education Act 1968 after the words “section 13 of the Education Act 1944” there shall be inserted the words “or section 12 of the Education Act 1980”.

Modifications etc. (not altering text)

C48 The text of Sch. 3 para. 15 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.

- 16 In section 3(4) of that Act for the words “section 13 of the Education Act 1944” there shall be substituted the words “section 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C49 The text of Sch. 3 para. 16 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.

M25 The Education Act 1973

Marginal Citations

M25 1973 c. 16.

- 17 In section 1(2)(a) of the Education Act 1973 for the words “proposals approved or order made by him under section 13 or 16 of the Education Act 1944” there shall be substituted the words “order by him under section 16 of the Education Act 1944 or proposals falling to be implemented under section 12 or 13 of the Education Act 1980”.

Modifications etc. (not altering text)

C50 The text of Sch. 3 para. 17 is in the form in which it was originally enacted: it was not reproduced in Statutes The text of x is in the form in which it was originally enacted: it was not reproduced in Statutes

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)

M26 The Sex Discrimination Act 1975

Marginal Citations

M26 1975 c. 65.

- 18 In paragraph I of Schedule 2 to the Sex Discrimination Act 1975 for the words “under section 13 of the Education Act 1944 (as set out in Schedule 3 to the Education Act 1968) a responsible body submits to the Secretary of State, in accordance with subsection (1) or (2) of that section” there shall be substituted the words “under the provisions of section 12 or 13 of the Education Act 1980 a responsible body submits to the Secretary of State”.

Modifications etc. (not altering text)

C51 The text of Sch. 3 para. 18 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.

SCHEDULE 4

Section 17(5).

TERMINATION OF PARTICIPATION AGREEMENTS

- 1 (1) Every participation agreement shall provide that it may be terminated in accordance with this Schedule.
- (2) A participation agreement shall not be capable of being terminated by either party otherwise than as aforesaid.
- 2 The proprietors of the school may terminate a participation agreement by giving three years written notice to the Secretary of State or such shorter notice as he may in any particular case accept.
- 3 Subject to paragraph 4 below, the Secretary of State may terminate a participation agreement by giving three years written notice to the proprietors of the school.
- 4 (1) If the Secretary of State—
- (a) is not satisfied that appropriate educational standards are being maintained at the school; or
 - (b) is satisfied that any condition applying to the school under the agreement or by virtue of regulations made under section 17 of this Act has been contravened,
- he may at any time terminate the agreement by written notice to the proprietors of the school.

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) A notice of termination given under this paragraph may provide that it shall be treated as of no effect if the proprietors of the school satisfy the Secretary of State within such time as may be specified in the notice that they have complied with any condition specified therein.

Modifications etc. (not altering text)

C52 Sch. 4 para. 4 amended by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 47(9)

- 5 Any notice of termination given under paragraph 3 or 4 above shall contain a statement of the reason for which it is given.
- 6 The termination of a participation agreement shall not affect the operation of the agreement or of the scheme referred to in section 17 of this Act (including any regulations made under that section) in relation to any pupil holding an assisted place at the school on the date of the termination.

SCHEDULE 5

Section 19.

PROVISIONS SUBSTITUTED IN THE EDUCATION ACT 1962

Modifications etc. (not altering text)

C53 The text of Sch. 5 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.

Local education authority awards for designated courses.

- 1 “(1) It shall be the duty of every local education authority, subject to and in accordance with regulations made under this Act, to bestow on persons who are ordinarily resident in the area of the authority awards in respect of their attendance at courses to which this section applies.
- (2) This section applies to any course which —
- (a) is provided by a university, college or other institution in the United Kingdom or by such a university, college or institution in conjunction with a university, college or other institution in another country ; and
 - (b) is designated by or under the regulations for the purposes of this section as being such a course as is mentioned in subsection (3) of this section.
- (3) The courses referred to in subsection (2)(b) of this section are—
- (a) full-time courses which are either first degree courses or comparable to first degree courses ;
 - (b) full-time courses for the diploma of higher education;

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)

- (c) courses for the initial training of teachers ;
 - (d) full-time courses for the higher national diploma, for the higher diploma of the Technician Education Council or for the higher national diploma of the Business Education Council.
- (4) A local education authority shall not be under a duty under subsection (1) above to bestow an award on a person in respect of a course designated as comparable to a first degree course unless he possesses such educational qualifications as may be prescribed by or under the regulations, either generally or with respect to that course or a class of courses which includes that course.
- (5) Regulations made for the purposes of subsection (1) of this section shall prescribe the conditions and exceptions subject to which the duty imposed by that subsection is to have effect, and the descriptions of payments to be made in pursuance of awards bestowed there-under, and, with respect to each description of payments, shall—
- (a) prescribe the circumstances in which it is to be payable, and the amount of the payment or the scales or other provisions by reference to which that amount is to be determined, and
 - (b) indicate whether the payment is to be obligatory or is to be at the discretion of the authority bestowing the award ;
- and, subject to the exercise of any power conferred by the regulations to suspend or terminate awards, a local education authority by whom an award has been bestowed under subsection (1) of this section shall be under a duty, or shall have power, as the case may be, to make such payments as they are required or authorised to make in accordance with the regulations.
- (6) Without prejudice to the duty imposed by subsection (1) of this section, a local education authority shall have power to bestow an award on any person in respect of his attendance at a course to which this section applies, where he is not eligible for an award under subsection (1) of this section in respect of that course.
- (7) The provisions of subsection (5) of this section and of the regulations made in accordance with that subsection (except so much of those provisions as relates to the conditions and exceptions subject to which the duty imposed by subsection (1) of this section is to have effect) shall apply in relation to awards under the last preceding subsection as they apply in relation to awards under subsection (1) of this section.
- (8) The reference in subsection (1) of this section to persons who are ordinarily resident in the area of a local education authority is a reference to persons who, in accordance with the provisions of Schedule I to this Act, are to be treated as being so resident.

Local authority awards for other courses.

- 2 (1) A local education authority shall have power to bestow awards on persons over compulsory school age (including persons undergoing training as teachers) in respect of their attendance at courses to which this section

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applies and to make such payments as are payable in pursuance of such awards.

- (2) Subject to subsection (3) of this section, this section applies to any course of full-time or part-time education (whether held in Great Britain or elsewhere) which is not a course of primary or secondary education, or (in the case of a course held outside Great Britain) is not a course of education comparable to primary or secondary education in Great Britain, and is not a course to which section I of this Act applies.
- (3) Except in the case of a person undergoing training as a teacher who attends the course as such training, this section does not apply to any course provided by a university, college or other institution which is for the time being designated by or under regulations made for the purposes of this section as being a postgraduate course or comparable to a postgraduate course.

Awards by Secretary of State.

3 Provision may be made by regulations under this Act for authorising the Secretary of State—

- (a) to pay grants to or in respect of persons undergoing training as teachers ;
- (b) to bestow awards on persons in respect of their attendance at such courses provided by universities, colleges or other institutions (whether in Great Britain or elsewhere) as may for the time being be designated by or under the regulations for the purposes of this section as being postgraduate courses or comparable to postgraduate courses ;
- (c) to bestow awards on persons who, at such time as may be prescribed by the regulations, have attained such age as may be so prescribed, being awards in respect of their attendance at courses provided by any institution which—
 - (i) is in receipt of payments under section 100 of the Education Act 1944 or section 75 of the Education (Scotland) Act 1962 ; and
 - (ii) is designated by or under the regulations as a college providing long-term residential courses of full-time education for adults ;

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

Provisions supplementary to ss. 1 to 3.

- 4 (1) For the purposes of the exercise of any power or the performance of any duty conferred or imposed by or under any of the provisions of sections 1 to 3 of this Act, it is immaterial—
 - (a) whether an award is designated by that name or as a scholarship, studentship, exhibition or bursary or by any similar description, or
 - (b) in what terms the bestowal of an award is expressed.

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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)

- (2) Any enactment contained in those sections which requires or authorises the making of regulations shall be construed as requiring or authorising regulations to be made by the Secretary of State ; and regulations made for the purposes of any such enactment may make different provision for different cases to which that enactment is applicable.
- (3) Without prejudice to subsection (2) above, regulations under section 3(a) or (c) above may make in relation to persons ordinarily resident in Wales provision different from that made in relation to persons so resident in England.
- (4) Any power to make regulations under those sections shall be exercisable by statutory instrument ; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In sections 2 and 3 of this Act “training” (in relation to training as a teacher) includes further training, whether the person undergoing the further training is already qualified as a teacher or not ; and any reference to a person undergoing training includes a person admitted or accepted by the appropriate university, college or other authorities for undergoing that training.

SCHEDULE 1

ORDINARY RESIDENCE

- 1 The provisions of this Schedule shall have effect for the purposes of section I of this Act.
- 2 Subject to the following provisions of this Schedule, a person shall be treated for those purposes as ordinarily resident in the area of a local education authority if he would fall to be treated as belonging to that area for the purposes of section 31(3) of the Education Act 1980.
- 3 Regulations made under this Act may modify the operation of the last preceding paragraph in relation to cases where a person applies for an award under section I of this Act in respect of a course and, at any time within the period of twelve months ending with the date on which that course is due to begin, a change occurs or has occurred in the circumstances by reference to which (apart from this paragraph) his place of ordinary residence would fall to be determined.
- 4 Regulations made under this Act may make provision whereby a person who under paragraph 2 of this Schedule would fall to be treated for the purposes of section I of this Act as not being ordinarily resident in the area is to be treated for those purposes as being ordinarily resident in the area of such local education authority as may be specified by or under the regulations.
- 5 Subsections (1), (2) and (4) of section 4 of this Act shall have effect in relation to paragraphs 3 and 4 of this Schedule as they have effect in relation to section I of this Act.”

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)

SCHEDULE 6^{F6}

Textual Amendments

F6 Sch. 6 repealed by Education (No. 2) Act 1986 (c. 61, SIF 41:1) S. 67(6), Sch. 6 Pt.I

SCHEDULE 7

Section 38(6).

REPEALS

Modifications etc. (not altering text)

C54 The text of Sch. 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.

Chapter	Short title	Extent of repeal
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	Section 8 (2) (b). In section 9(1) the words "so far as may be authorised by arrangements approved by the Minister". Sections 11, 12 and 13. Section 21(2). Section 31(1). Section 32. Section 49. In section 53(1) the words "with the approval of the Minister". In section 61(2) the words "not exceeding such amounts as may be determined in accordance with scales approved by the Minister". Section 66. In section 82 the words "with the approval of the Minister". In section 83 the words "Subject to any regulations made by the Minister". In section 84 the words "with the consent of the Minister". Section 90(2) and (3). Section 97. Section 100(1)(a)(i) and (ii). In section 114, in subsection (1) the definition of "local education order", in the definition of "primary school" the words "subject to the provisions of subsection (2) of this section" and subsection (3). In Part 1 of Schedule 1, in paragraph 3(i) the words "without prejudice" to "joint boards". In Schedule 3, paragraph 3, Schedule 4. In Part 11 of Schedule 2 the entry relating to section 13 of the Education Act 1944.
9 & 10 Geo. 6. c. 30.	The Education Act 1946.	Section 6. In section 7, subsections (2) and (2A) and in subsection (3) the words "except subsection (2A)".
11 & 12 Geo. 6. c. 40	The Education (Miscellaneous Provisions) Act 1948.	Section 6. In section 7, subsections (2) and (2A) and in subsection (3) the words "except subsection (2A)".

Chapter	Short title	Extent of repeal
11 & 12 Geo. 6. c. 40—cont.	The Education (Miscellaneous Provisions) Act 1948—cont.	In Part 1 of Schedule 1, the entry relating to Schedule 4 to the Education Act 1944.
1 & 2 Eliz. 2. c. 33.	The Education (Miscellaneous Provisions) Act 1953.	In section 6(1) the words "For the purpose of fulfilling their duties under the principal Act" and "with the approval of the Minister". Section 7. Section 9. Section 16. In Schedule 1 the entry relating to section 13 of the Education Act 1944.
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	In Schedule 8, paragraph 1(2)(a) and (b).
10 & 11 Eliz. 2. c. 47.	The Education (Scotland) Act 1962.	Section 53.
1963 c. 33.	The London Government Act 1963.	In section 53 the provision. Section 31(1)(a) and (b), (2), (3) and (9). Section 32. Section 33.
1966 c. 42.	The Local Government Act 1966.	Section 14.
1968 c. 17.	The Education Act 1968.	Section 1(2). Section 3(1) and (2). Section 5(1) and (2) so far as relating to section 13 of the Education Act 1944. In Schedule 1 paragraph 7. In Schedule 3 Part A. The whole Act so far as un-repealed.
1971 c. 74.	The Education (Milk) Act 1971.	Section 4.
1973 c. 16.	The Education Act 1973.	Sections 1 and 2.
1975 c. 2.	The Education Act 1975.	Section 5(4). In Schedule 2, paragraph 2.
1975 c. 65.	The Sex Discrimination Act 1975.	Section 3.
1976 c. 20.	The Education (Scotland) Act 1976.	Sections 4 and 5.
1976 c. 81.	The Education Act 1976.	Sections 7 to 9.

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.