



Education Act 1962

1962 CHAPTER 12 10 and 11 Eliz 2

E+W

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

Modifications etc. (not altering text)

- C1** Act amended by [London Government Act 1963 \(c. 33\), s. 30\(1\)](#) and [Sex Discrimination Act 1975 \(c. 65\), ss. 23\(1\), 28](#) and [Race Relations Act 1976 \(c. 74\), s. 18\(1\)](#)
- C2** Act amended by [S.I. 1985/1126, art. 9\(3\)](#)
- C3** Act amended by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 18\(2\)](#)
Act amended (1.11.1996) by [1996 c. 56, ss. 582\(3\), 583\(2\), Sch. 39 Pt. I para. 2\(3\)](#)(with ss. 1(4), 561, 562, Sch. 39)
- C4** Act except ss. 5, 6, 8 and 10 amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 163\(1\), 231\(7\), 235\(6\)](#)
- C5** Act modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 263\(2\)\(a\)](#)
Act modified (1.11.1996) by [1996 c. 56, s.9, 583\(2\)](#) (with ss. 1(4), 561, 562, Sch. 39)
Act modified (1.11.1996) by [1996 c. 56, ss. 27, 583\(2\), Sch. 4 Pt. I para. 1 \(1\)](#)(with ss. 1(4), 561, 562, Sch. 39)
Act modified (*prosp.*) by [1998 c. 31, ss. 44\(7\), 145\(3\)](#)(with ss. 138(9), 144(6))
- C6** Act applied (provinces of Canterbury and York except Channel Islands and Isle of Man) (1. 8. 1991) by [Diocesan Boards of Education Measure 1991 \(No. 2\), s. 7\(3\)](#);Archbishops' Instrument made 26. 7. 1991
- C7** Power to restrict Act conferred (1.11.1996) by [1996 c. 56, ss. 24\(4\), 496, 583\(2\)](#) (with ss. 1(4), 561, 562, Sch. 39)
Power to transfer functions, modify etc. in relation to certain savings conferred (16.7.1998) by [1998 c. 30, ss. 25\(3\)\(a\)](#)(with s. 42(8))
Power to apply conferred (24.7.1998) by [1998 c. 31, s. 144\(3\)\(4\)](#)(with ss. 138(9), 144(6))

Status: Point in time view as at 06/08/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1962 (repealed). (See end of Document for details)

Commencement Information

II Act wholly in force at Royal Assent

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

[^{F1}1] **Local education authority awards for designated courses.** **E+W**

- (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 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;
 - (c) courses for the initial training of teachers;
 - (d) full-time courses for the higher national diploma, [^{F2}or for the higher national diploma of the body corporate known at the passing of the Education (Grants and Awards) Act 1984 as the Business & Technician 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 thereunder, and with respect to each description of payments, shall—
 - (a) prescribe the circumstances in which it is to be payable, and the amount of the payment or the scales or other provisions by reference to which that amount is to be determined, and
 - (b) indicate whether the payment is to be obligatory or is to be at the discretion of the authority bestowing the award;

and, subject to the exercise of any power conferred by the regulations to suspend or terminate awards, a local education authority by whom an award has been bestowed under subsection (1) of this section shall be under a duty, or shall have power, as the case may be, to make such payments as they are required or authorised to make in accordance with the regulations.

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- (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 1 to this Act, are to be treated as being so resident.]

Subordinate Legislation Made

- P1** [S. 1](#): s. 1 (with s. 4(2), Sch. 1 paras. 3 and 4) power exercised by [S.I.1991/827](#)
[S. 1](#): power previously exercised by [S.I. 1980/974](#).
[S. 1](#): s. 1 (with s. 4(2) and Sch. 1 paras. 3 and 4) power exercised by [S.I.1991/1838](#)

Textual Amendments

- F1** [S. 1](#) substituted by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 19, [Sch. 5](#)
F2 Words substituted by [Education \(Grants and Awards\) Act 1984 \(c. 11, SIF 41:1\)](#), s. 4

Modifications etc. (not altering text)

- C8** [s. 1](#) extended by [S.I. 1984/116](#), [reg. 9\(3\)](#)
C9 [s. 1](#) amended by [S.I. 1985/1126](#), [reg. 9\(3\)](#)
C10 [s. 1](#) modified by [S.I. 1986/1306](#), [art. 9\(3\)](#)
C11 [s. 1](#) modified by [S.I. 1987/1261](#), [reg. 9\(1\)\(3\)](#)
C12 [s. 1](#) amended by [S.I. 1988/1360](#), [regs. 9\(3\)](#), 23
C13 [s. 1](#) modified by [S.I. 1989/1135](#), art. 3(1)(a), [Sch. 1](#)
C14 [s. 1](#) extended and restricted by [S.I. 1990/773](#), [art. 2\(1\)\(2\)\(3\)](#)
C15 [s. 1](#) modified by [S.I.1990/1628](#), [reg. 9\(3\)](#)

[^{F3}2 **Local education authority awards for other courses.** **E+W**

- (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 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 1 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

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under regulations made for the purposes of this section as being a postgraduate course or comparable to a postgraduate course.]

Textual Amendments

F3 S. 2 substituted by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 19, **Sch. 5**

Modifications etc. (not altering text)

C16 s. 2 modified by [S.I. 1989/1135](#), art. 3(1)(a), **Sch. 1**

C17 s. 2 extended and restricted by [S.I. 1990/773](#), **art. 2(1)(2)(3)**

[^{F4}3 Awards by Secretary of State. **E+W**

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

- (a)^{F5}
- (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^{M1} Education Act 1944 or section 75 of the^{M2} 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 . . .^{F6} for authorising the Secretary of State to make such payments as are payable in pursuance of the awards.]

Subordinate Legislation Made

P2 For previous exercises of this power see Index to Government Orders

P3 [S. 3\(b\)\(c\)](#): s. 3(b)(c) (with s. 4(2)(3)) power exercised by [S.I. 1991/831](#) .

[S. 3\(c\)](#): s. 3(c) (with s. 4(2)(3)) power exercised by [S.I.1991/1079](#)

Textual Amendments

F4 [S. 3](#) substituted by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 19, **Sch. 5**

F5 [S. 3\(a\)](#) repealed by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), s. 67(6), **Sch. 6 Pt. I**

F6 Words repealed by [Education \(No. 2\) Act 1986 \(c.61, SIF 41:1\)](#), s. 67(6), **Sch. 6 Pt. I**

Marginal Citations

M1 [1944 c.31 \(41:1\)](#).

M2 [1962 c.47 \(41:2\)](#).

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[^{F7}4 **Provisions supplementary to ss. 1–3.** **E+W**

- (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.
- (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 . . . ^{F8}(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 [^{F9}section 2] 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.]

Subordinate Legislation Made

- P4** S. 4: for previous exercises of this power see Index to Government Orders
- P5** S. 4(2): s. 1 (with s. 4(2), Sch. 1 paras. 3, 4) power exercised by S.I. 1991/827
S. 4(2): s. 1 (with s. 4(2) and Sch. 1 paras. 3 and 4) power exercised by S.I. 1991/1838
- P6** S. 4(2)(3): s. 3(b)(c)(with s. 4(2)(3)) power exercised by S.I. 1991/831
S. 4(2)(3): s. 3(c) (with s. 4(2)(3)) power exercised by S.I. 1991/1079

Textual Amendments

- F7** S. 4 substituted by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), **Sch. 5**
- F8** Words repealed by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 67(6), **Sch. 6 Pt. I**
- F9** Words substituted by Education (No. 2) Act 1986 (c. 61, SIF 41:1), s. 67(4), **Sch. 4 para. 3**

Modifications etc. (not altering text)

- C18** s. 4 modified by S.I. 1989/1135, art. 3(1)(a), **Sch. 1**
- C19** s. 4 extended and restricted by S.I. 1990/773, **art. 2(1)(2)(3)**

5, 6. ^{F10}..... **E+W**

Textual Amendments

- F10** s. 5, 6 repealed by Education (Scotland) Act 1962 (c. 47), s. 147, **Sch. 8**

Status: Point in time view as at 06/08/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1962 (repealed). (See end of Document for details)

7 ^{F11} **E+W**

Textual Amendments
F11 s. 7 repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), [Sch. Pt. VIII](#)

8 ^{F12} **E+W**

Textual Amendments
F12 s. 8 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XI](#)

School leaving dates

9 School leaving dates in England and Wales. **E+W**

(1) The provisions of subsection (2) to (4) of this section shall have effect in relation to any person who on a date when either—
(a) he is a registered pupil at a school, or
(b) not being such a pupil, he has been a registered pupil at a school within the preceding period of twelve months,
attains an age which (apart from this section) would in his case be the upper limit of the compulsory school age.

(2) If he attains that age on any date from the beginning of September to the end of January, he shall be deemed not to have attained that age until the end of the appropriate spring term at his school.

[^{F13}(3) If he attains that age after the end of January but before the next May school-leaving date, he shall be deemed not to have attained that age until that date.]

(4) If he attains that age after the May school-leaving date and before the beginning of September next following that date, he shall be deemed to have attained that age on that date.]

(5) The provisions of this section shall have effect for the purposes of the Act of 1944 and for the purposes of any enactment whereby the definition of compulsory school age in that Act is applied or incorporated; and for references in any enactment to section eight of the ^{M3}Education Act 1946 there shall, in relation to compulsory school age, be substituted references to this section:

..... ^{F14}

(6) ^{F15}

(7) In this section “the appropriate spring term”, in relation to a person, means the last term at his school which ends before the month of May next following the date on which he attains the age in question, ^{F16}; and any reference to a person’s school is a reference to the last school at which he is a registered pupil for a term ending before the said month of May ^{F16} or for part of such a term.

Status: Point in time view as at 06/08/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1962 (repealed). (See end of Document for details)

[^{F17}(8) In this section “the May school-leaving date” means the Friday before the last Monday in May.]

Textual Amendments

- F13** S. 9(3)(4) substituted by [Education \(School-leaving Dates\) Act 1976 \(c. 5\), s. 1\(1\)](#)
- F14** S. 9(5) proviso repealed by [Education \(School-leaving Dates\) Act 1976 \(c. 5\), Sch.](#)
- F15** s. 9(6) repealed by [Education \(School-leaving Dates\) Act 1976 \(c. 5\), Sch.](#)
- F16** Words repealed by [Education \(School-leaving Dates\) Act 1976 \(c. 5\), Sch.](#)
- F17** S. 9(8) added by [Education \(School-leaving Dates\) Act 1976 \(c. 5\), s. 1\(2\)](#)

Marginal Citations

- M3** 1946 c. 50.

10 ^{F18} **E+W**

Textual Amendments

- F18** s. 10 repealed by [Education \(Scotland\) Act 1962 \(c. 47\), ss. 147, 148, Schs. 8, 9](#)

Supplementary provisions

11 ^{F19} **E+W**

Textual Amendments

- F19** s. 11 repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), Sch. 1 Pt. V](#)

12 Interpretation. **E+W**

- (1) In this Act “the Act of 1944” means the ^{M4}Education Act 1944, ^{F20}
- (2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

Textual Amendments

- F20** Words repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), Sch. 1 Pt. V](#)

Marginal Citations

- M4** 1944 c. 31.

13 Repeals, transitional provisions and savings. **E+W**

- (1) ^{F21}

Status: Point in time view as at 06/08/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1962 (repealed). (See end of Document for details)

- (2) Any regulations relating to the training of teachers, in so far as they were made by virtue of the repealed grant provisions, shall continue to have effect notwithstanding the repeal, and may be revoked or varied as if this Act had not been passed.
- (3) Any other regulations, in so far as they were made by virtue of the repealed grant provisions, shall continue to have effect notwithstanding the repeal in so far as—
- (a) they authorise the making of any payment in respect of a period ending before the first day of September, nineteen hundred and sixty-two, or
 - (b) they enable scholarships, exhibitions, bursaries or other allowances to be awarded at any time before that day, or authorise the making of any payment (whether before or after that day) in pursuance of a scholarship, exhibition, bursary or other allowance so awarded;
- and in so far as any regulations continue to have effect by virtue of this subsection, they may be revoked, or (within the limits subject to which they continue so to have effect) may be varied, as if this Act had not been passed.
- (4) Subsection (1) of this section, in so far as it repeals any of the provisions of section eight of the ^{M5}Education Act 1946, shall have effect subject to the provisions of subsections (5) and (6) of section nine of this Act as if it were contained in the said section nine.
- (5) In this section “the repealed grant provisions” means so much of section one hundred of the Act of 1944 as is repealed by this Act.

Textual Amendments

F21 s. 13(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

Marginal Citations

M5 1946 c. 50.

14 Short title, citation, construction and extent. **E+W**

- (1) This Act may be cited as the Education Act 1962.
- (2) The Education Acts 1944 to 1959, and this Act (except sections five, six, eight and ten thereof) may be cited together as the Education Acts 1944 to 1962.
- (3) ^{F22}
- (4) This Act shall, in its application to England and Wales, be construed as one with the Education Acts 1944 to 1953.
- (5) . . . ^{F23} this Act, shall not extend to Scotland; . . . ^{F23}
- (6) This Act shall not extend to Northern Ireland.

Textual Amendments

F22 s. 14(3) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. V](#)

F23 Words repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. V](#)

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Changes to legislation: There are currently no known outstanding effects for the Education Act 1962 (repealed). (See end of Document for details)

SCHEDULES

[^{F24}SCHEDULE 1 **E+W**

ORDINARY RESIDENCE]

Textual Amendments

F24 Sch. 1 substituted by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 19, **Sch. 5**

Modifications etc. (not altering text)

C20 Sch. 1 modified by [S.I. 1989/1135](#), art. 3(1)(a), **Sch. 1**

C21 Sch. 1 extended and restricted by [S.I. 1990/773](#), **art. 2(1)(2)(3)**

- 1 The provisions of this Schedule shall have effect for the purposes of section 1 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.

Modifications etc. (not altering text)

C22 Sch. 1 para. 2 excluded by [S.I. 1984/1116](#), **reg. 9(1)**; 1985/1126, reg. 9(1); 1988/1360, reg. 9(1), 23

C23 Sch. 1 para. 2 modified by [S.I. 1984/1116](#), **reg. 8(1)**; 1985/1126, reg. 8(1); 1987/1261, reg. 8; 1988/1360, regs. 8(1), 23; 1989/1458 regs. 8(1), 9(1), 23(3); 1990/1628 regs. 8(1), 9(1)

- 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 1 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.

Subordinate Legislation Made

P7 Sch. 1 para. 3: s. 1 (with s. 4(2), Sch. 1 paras. 3, 4) power exercised by [S.I. 1991/827](#).
Power previously exercised by [S.I. 1980/974](#)

Status: Point in time view as at 06/08/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1962 (repealed). (See end of Document for details)

- 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 1 of this Act as not being ordinarily resident in any 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.

Subordinate Legislation Made

- P8** [Sch. 1 para. 4: s. 1](#) (with [s. 4\(2\)](#)), [Sch. 1 paras. 3, 4](#)) power exercised by [S.I. 1991/827](#)
Power previously exercised by [S.I. 1980/974](#)

- 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 1 of this Act.

F25F25
SECOND
SCHEDULE **E+W**

Textual Amendments

- F25** [Sch. 2](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F25

Status:

Point in time view as at 06/08/1991.

Changes to legislation:

There are currently no known outstanding effects for the Education Act 1962 (repealed).