



Education Act 1944 (repealed 1.11.1996)

1944 CHAPTER 31 7 and 8 Geo 6

PART III

INDEPENDENT SCHOOLS

70 Registration of independent schools.

(1) The [^{F1}Secretary of State for Education and Science] shall appoint one of his officers to be Registrar of Independent Schools; and it shall be the duty of the Registrar of Independent Schools to keep a register of all independent schools, which shall be open to public inspection at all reasonable times, and, subject as hereinafter provided, to register therein any independent school of which the proprietor makes application for the purpose in the prescribed manner and furnishes the prescribed particulars:

Provided that—

- (a) no independent school shall be registered if, by virtue of an order made under the provisions hereinafter contained, the proprietor is disqualified from being the proprietor of an independent school or the school premises are disqualified from being used as a school, or if the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of any such order; and
- (b) the registration of any school shall be provisional only until the [^{F1}Secretary of State for Education and Science], after the school has been inspected on his behalf under the provisions of Part IV of this Act, gives notice to the proprietor that the registration is final.

(2) ^{F2}

(3) If after the expiration of six months from the date of the commencement of this Part of this Act any person—

- (a) conducts an independent school (whether established before or after the commencement of that Part) which is not a registered school or a provisionally registered school; or

Status: Point in time view as at 01/01/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), Section 70. (See end of Document for details)

- (b) being the proprietor of an independent school does any act calculated to lead to the belief that the school is a registered school while it is a provisionally registered school;

he shall be liable on summary conviction to a fine not exceeding [^{F3}level 4 on the standard scale] or in the case of a second or subsequent conviction to a fine not exceeding [^{F3}level 4 on the standard scale] or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

[^{F4}(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.]

[^{F5}(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.

[Regulations made under subsection (4) above may in particular require the proprietor [^{F6}(4A) of a school to furnish the Registrar with such information as is required by the local authority for the purpose of determining whether the school is a children's home (within the meaning of the Children Act 1989).]

[^{F7}(5)]

Subordinate Legislation Made

P1 S. 70: for previous exercises of power see Index to Government Orders

Textual Amendments

F1 Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

F2 S. 70(2) repealed by Education Act 1980 (c. 20, SIF 41:1), s. 34(2)

F3 Words substituted by virtue of Criminal Law Act (c. 45, SIF 39:1) and of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 39(1), 46, Sch.3

F4 S. 70(3A) inserted by Education Act 1980 (c. 20, SIF 41:1), s. 34(6)

F5 S. 70(4)(5) substituted for s. 70(4) by Education Act 1980 (c. 20, SIF 41:1), s. 34(7)

F6 S. 70(4A) inserted (1.1.1994) by 1993 c. 35, s. 292(2); S.I. 1993/3106, art. 4, Sch. 1

F7 S. 70(5) repealed (1.1.1996) by 1995/2986, art. 11, Sch. para.1.

Modifications etc. (not altering text)

C1 S. 70 amended by S.I. 1960/1536, art. 5(2)(3)(4)

C2 S. 70(1) amended by Education Act 1980 (c. 20, SIF 41:1), s. 34(3)(4)

C3 Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 35 (in relation to liability on first and subsequent convictions) applies

Status:

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Changes to legislation:

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