

## 1973 No. 2025

## LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government (Voluntary Schools and Educational Charities) Order 1973**

<i>Made</i>	- - -	29th November 1973
<i>Laid before Parliament</i>		12th December 1973
<i>Coming into Operation</i>		1st April 1974

The Secretary of State for Education and Science and the Secretary of State for Wales, in exercise of the powers conferred on them by section 254(1) and (2)(b) of the Local Government Act 1972(a), hereby make the following Order:—

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Local Government (Voluntary Schools and Educational Charities) Order 1973 and shall come into operation on 1st April 1974.

(2) In this Order, except where the context otherwise requires—

“educational charity” means a charity, not being a charity incorporated under the Companies Acts or by charter, registered in the register established under section 4 of the Charities Act 1960(b) in a part of the register which immediately before 1st February 1974 is maintained by the Secretary of State by virtue of section 2 of the Charities Act 1960 or excepted from registration by virtue of the Charities (Exception of Voluntary Schools from Registration) Regulations 1960(c);

“instrument” means an instrument of government or of management made under section 17(2) of the Education Act 1944(d);

“representative”, in references to a manager or governor, means a manager or governor who is not a foundation manager or governor;

“trust deed” includes any instrument regulating a charity, except an instrument of government or of management made under section 17(2) of the Education Act 1944;

“Wales” means the area comprising the counties named in Part I of schedule 4 to the Local Government Act 1972 and “England” does not include any part of that area;

other expressions have the meanings assigned to them by the Education Acts 1944 to 1973.

(3) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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(a) 1972 c. 70.

(b) 1960 c. 58.

(c) S.I. 1960/2366 (1960 I, p. 522).

(d) 1944 c. 31.

(e) 1889 c. 63.

*Managers of primary schools*

2.—(1) The instrument for any voluntary primary school maintained by the council of an existing county which as from 1st April 1974 will not serve the area of any minor authority shall have effect as if it provided for all the representative managers of the school to be appointed by the local education authority; and any manager of such a school who was appointed by an existing minor authority shall vacate his office on 1st April 1974.

(2) The instrument for any voluntary primary school maintained by the council of an existing county borough which as from 1st April 1974 will serve the area of a minor authority shall have effect as if it provided for the appointment by that minor authority of one third of the number of representative managers or, if the number of such managers is not divisible by three, of one half of that number; and the representative managers of all such schools shall vacate their offices on 1st April 1974.

*Terms of office of managers and governors*

3.—(1) There shall be substituted for any provision in an instrument relating to the term of office of the representative managers or governors of a voluntary school which—

- (a) is maintained by the council of an existing county borough; and
- (b) as from 1st April 1974 will be maintained by the council of a non-metropolitan county—

a provision that any such manager or governor shall hold office until the appointment of his successor, which may be made at any time after the ordinary day of election of county councillors next after his appointment; and the representative managers and governors of all such schools who are in office immediately before 1st April 1974 shall, unless article 2(2) above applies to them, hold their offices for the terms for which they were respectively appointed.

(2) There shall be substituted for any provision in an instrument relating to the term of office of the representative managers or governors of a voluntary school which—

- (a) is maintained by the council of an existing county; and
- (b) as from 1st April 1974 will be maintained by the council of a metropolitan district—

a provision that any such manager or governor shall hold office for a period of three years.

(3) There shall be substituted for any provision in an instrument relating to the term of office of the representative managers or governors of a voluntary school which—

- (a) is maintained by the council of an existing county; and
- (b) as from 1st April 1974 will be maintained by the council of a non-metropolitan county—

a provision that any such manager or governor shall hold office until the appointment of his successor, which may be made at any time after the ordinary day of election of county councillors next after his appointment.

*Construction of references to officers*

4. Any reference (in whatever terms) contained in an instrument, or in articles of government, for a voluntary school to the chief education officer of a divisional executive or the council of an excepted district shall, unless the context otherwise requires, be construed as a reference to the chief education officer of the local education authority by which the school is maintained.

*Educational charities*

5. Article 8 of the Local Government (New Councils, etc.) Order 1973(a) and article 3 above shall, with the necessary adaptations, apply to a provision contained in a trust deed of an educational charity which specifies the term of office of any trustee appointed by a local education authority as they apply to any provision in the instrument for a voluntary school which specifies the term of office of any manager or governor so appointed (references to the authority having the power of appointment being substituted for references to the authority maintaining the school).

Given under the Official Seal of the Secretary of State for Education and Science on 23rd November 1973.

(L.S.)

*Margaret H. Thatcher,*  
Secretary of State for Education  
and Science.

Given under my hand on 29th November 1973.

*Peter Thomas,*  
Secretary of State for Wales.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order makes provision consequential upon the Local Government Act 1972 with regard to the composition of the managing bodies of voluntary primary schools; the terms of office of managers and governors of voluntary schools and of trustees of educational charities who are appointed by local education authorities; and the construction of references to the chief education officers of certain bodies which will cease to exist as a result of the repeal by the Act of Part III of schedule 1 to the Education Act 1944.

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(a) S.I. 1973/444 (1973 I, p. 1535).

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