

---

 S T A T U T O R Y      I N S T R U M E N T S
 

---

**1981 No. 1788**

**EDUCATION, ENGLAND AND WALES**

**The Direct Grant Schools (Amendment) Regulations 1981**

<i>Made - - - -</i>	<i>9th December 1981</i>
<i>Laid before Parliament</i>	<i>21st December 1981</i>
<i>Coming into Operation</i>	<i>11th January 1982</i>

In exercise of the powers conferred by section 100(1) and (3) of the Education Act 1944(a) and vested in them(b), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

1. These Regulations may be cited as the Direct Grant Schools (Amendment) Regulations 1981 and shall come into operation on 11th January 1982.

2. In these Regulations references to the Regulations of 1959 and to the Regulations of 1975 are references to the Direct Grant Schools Regulations 1959(c) and to the Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975(d), respectively.

3. For Regulation 27 of the Regulations of 1959 (requirements in the case of schools other than grammar schools) there shall be substituted the following Regulation:—

“27. A school which is not a grammar school shall comply with the following requirement, namely, that no person shall be employed as a teacher thereat if, had the school been one maintained by a local education authority, his employment thereat would be precluded by regulations for the time being in force under section 5 of the Local Government Act 1974(e) or section 27 of the Education Act 1980(f).”

4. At the end of Regulation 3 of the Regulations of 1975 (phasing out of grant under the Regulations of 1959) there shall be added the following provision:—

“(5) Without prejudice to sections 17 and 23 of the Interpretation Act 1978(g), any reference in this regulation to the submission to the Secretary of State of proposals made under section 13 of the Education Act 1944 or any provision of that section shall include a reference to the publication of proposals under section 12 or 13 of the Education Act 1980 or, as the case may be, the corresponding provision of those sections.”

5. For Regulation 5 of the Regulations of 1975 (grants for schools becoming maintained) there shall be substituted the Regulation set out in the Appendix hereto.

---

(a) 1944 c. 31, amended by Part II of Schedule 9 to the Local Government Act 1958 (c. 55).

(b) S.I. 1964/490, 1970/1536, 1978/274.

(c) S.I. 1959/1832; the relevant amending instrument is S.I. 1978/1145.

(d) S.I. 1975/1198; the relevant amending instrument is S.I. 1979/1552.

(e) 1974 c. 7.

(f) 1980 c. 20.

(g) 1978 c. 30.

## APPENDIX

## REGULATION SUBSTITUTED FOR REGULATION 5 OF THE REGULATIONS OF 1975

*Schools becoming, or which intended to become, maintained*

5.—(1) In this regulation a reference to a grammar school is a reference to a school recognised as such for the purpose of the principal regulations and a reference to relevant proposals is a reference to proposals that a grammar school should be maintained by an authority as a county or voluntary school or that its premises should become the premises of such a school, being proposals submitted to the Secretary of State under section 13 of the Education Act 1944 (“ the Act of 1944 ”) or published under section 12 or 13 of the Education Act 1980 (“ the Act of 1980 ”).

(2) This regulation shall apply where either of the following conditions is satisfied, namely—

(a) that relevant proposals have been approved by the Secretary of State under section 13 of the Act of 1944 or section 12 or 13 of the Act of 1980, or

(b) that, by virtue of section 12(9)(b) of the Act of 1980, the authority are under a duty to implement relevant proposals.

(3) This regulation shall also apply where all of the following conditions are satisfied, namely—

(a) that the proprietors of a grammar school satisfied the Secretary of State as mentioned in regulation 3(1) before 1st January 1976;

(b) that, by virtue of regulation 3(2), grant would not be payable under the principal regulations in respect of pupils (if any) admitted to the school in or after a particular educational year; and

(c) that the Secretary of State is satisfied of the following matters, that is to say, that, save in exceptional cases, no pupils have been admitted to the school in or after the educational year referred to in sub-paragraph (b) above and the proprietors have determined, save in such cases, not to admit further pupils.

(4) Where this regulation applies the Secretary of State may pay to the proprietors of the grammar school in question grants not exceeding—

(a) the sums required to discharge any liability incurred by them before 11th March 1975 in relation to capital expenditure in connection with the provision of premises or equipment for the purposes of the school which was made by borrowing;

(b) 85 per cent. of any expenditure incurred by them after 10th March 1975 on the provision or alteration of premises which was approved by him under regulation 9(3) of the principal regulations;

(c) any expenditure out of income which he is satisfied was necessarily incurred by them by reason either of the implementation of the relevant proposals referred to in paragraph (2) above, or, as the case may be, of the matters referred to in paragraph 3(c) above.

9th December 1981.

*Keith Joseph,*  
Secretary of State for  
Education and Science.

9th December 1981.

*Nicholas Edwards,*  
Secretary of State for Wales.

---

**EXPLANATORY NOTE**

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

These Regulations amend the Direct Grant Schools Regulations 1959 (“ the Regulations of 1959 ”) and the Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975 (“ the Regulations of 1975 ”).

Regulation 27 of the Regulations of 1959 applies certain provisions of the Schools Regulations 1959 (S.I. 1959/364), which have effect under section 5 of the Local Government Act 1974. Section 53(10) of the Local Government, Planning and Land Act 1980 (c. 65) provides for the repeal of that section and section 27 of the Education Act 1980 confers new powers to make Schools Regulations. Regulation 3 of the present Regulations amends Regulation 27 of the Regulations of 1959 and takes account of the provisions of the two Acts of 1980.

Regulation 4 of the present Regulations makes express provision as to the construction of references in the Regulations of 1975 to section 13 of the Education Act 1944, which has been superseded by sections 12 and 13 of the Education Act 1980.

Regulation 5 of the Regulations of 1975 makes provision as respects grants payable to direct grant grammar schools becoming maintained. Regulation 5 of the present Regulations extends this provision to such schools which, though they intended to become maintained, are instead to be closed.

SI 1981/1788  
ISBN 0-11-017788-6



780110 177885