



# Education Act 1976

## 1976 CHAPTER 81

### *Comprehensive schools*

#### **1 The comprehensive principle**

- (1) Subject to subsection (2) below, local education authorities shall, in the exercise and performance of their powers and duties relating to secondary education, have regard to the general principle that such education is to be provided only in schools where the arrangements for the admission of pupils are not based (wholly or partly) on selection by reference to ability or aptitude.
- (2) Subsection (1) above shall not be construed as affecting—
  - (a) the provision, whether in special schools or otherwise, of special educational treatment as mentioned in section 8(2)(c) of the Education Act 1944 (provision for pupils suffering from disability of mind or body); or
  - (b) the provision of education in any school where arrangements for the admission of pupils to the school are based on selection wholly or mainly by reference to ability or aptitude for music or dancing.

#### **2 Submission of proposals for giving effect to comprehensive principle**

- (1) If at any time it appears to the Secretary of State that progress or further progress in giving effect to the principle stated in section 1 above is required in the area or any part of the area of any local education authority, he may require the authority to prepare and submit to him, within such time as he may specify, proposals for the purpose of giving effect to that principle in the area of the authority or in any part of that area specified by him.
- (2) Before submitting any proposals under this section a local education authority shall consult the managers or governors, or persons representing the managers or governors, of every voluntary school (whether or not in their area) which is in the authority's opinion affected by the proposals; and, if the managers or governors of any voluntary school in their area so request, the authority shall transmit to the Secretary of State with their own proposals any proposals made by the managers or governors for the purpose mentioned in subsection (1) above.

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*Status: This is the original version (as it was originally enacted).*

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- (3) If it appears to the Secretary of State—
- (a) that, having regard to any proposals submitted to him under this section by a local education authority, a significant change in the character, or a significant enlargement of the premises, of a voluntary school in their area is required ; and
  - (b) that no satisfactory proposals for that purpose have been transmitted to him under subsection (2) above,
- the Secretary of State may require the managers or governors of the school to prepare and submit to him, within such time as he may specify, proposals for that purpose.
- (4) Without prejudice to the foregoing provisions, the Secretary of State may require a local education authority or the managers or governors of a voluntary school to prepare and submit to him, within such time as he may specify, further proposals in substitution for any proposals previously submitted by them under this section which appear to him to be unsatisfactory; and any such requirement—
- (a) shall be accompanied by a statement of the matters in relation to which the previous proposals are in his opinion unsatisfactory and of the reasons for his opinion; and
  - (b) may specify conditions to be fulfilled by the further proposals with respect to any of those matters.
- (5) Proposals prepared and submitted under this section shall be in such form as the Secretary of State may direct and shall indicate the times when they are respectively to be carried into effect.
- (6) Where at the passing of this Act the arrangements for the admission of pupils to schools in, or in any part of, the area of a local education authority are based partly on selection by reference to ability or aptitude, the Secretary of State shall not, for such period as he thinks fit, require the authority to prepare and submit proposals under this section in relation to those schools if it appears to him that the purpose of the arrangements is to secure the even distribution between the schools of pupils of different degrees of ability or aptitude.

### **3 Approval and implementation of proposals submitted under s. 2**

- (1) Where any of the proposals submitted or transmitted to the Secretary of State under section 2 above are—
- (a) proposals by a local education authority for any such action as is mentioned in subsection (1) of section 13 of the Education Act 1944 (establishing, maintaining, changing character of or enlarging county school or ceasing to maintain county school or voluntary school); or
  - (b) proposals by the managers or governors of a voluntary school for any such action as is mentioned in subsection (2) of that section (maintaining, changing character of or enlarging voluntary school),
- being proposals to be wholly or partly carried into effect within five years after the date on which they are submitted or transmitted, the Secretary of State may direct that those proposals (or any of them) shall be treated as if they had been submitted to him by the local education authority under subsection (1), or by the managers or governors under subsection (2), of that section, as the case may be.
- (2) Where the Secretary of State gives a direction under this section in relation to any proposals submitted to him under section 2(3) or (4) above by the managers

or governors of an aided or special agreement school, he shall not approve the proposals under the said section 13 if the managers or governors satisfy him that, notwithstanding the maintenance contributions payable by him under section 102 of the said Act of 1944, they will be unable to defray the expenses of giving effect to the proposals.

- (3) In relation to proposals treated by virtue of this section as submitted under subsection (1) or (2) of the said section 13, subsection (6) of that section shall have effect as if the words " unless they do not intend to give effect to the proposals " were omitted.