



# Education (Miscellaneous Provisions) Act 1953

1953 CHAPTER 33 1 and 2 Eliz 2

An Act to amend the law relating to education in England and Wales; and to make further provision with respect to the duties of education authorities in Scotland as to dental treatment. [14th July 1953]

## Modifications etc. (not altering text)

- C1 Act amended by [Sex Discrimination Act 1975 \(c. 65\)](#), [ss. 23\(1\)](#), 28 and [Race Relations Act 1976 \(c. 74\)](#), [s. 18\(1\)](#)
- C2 The “principal Act” means the [Education Act 1944 \(c. 31\)](#)
- C3 Functions of Secretary of State for Education and Science in relation to Wales, now exercisable (with exceptions) by Secretary of State for Wales: S.I. 1970/1536, [arts. 2\(1\)\(3\)\(4\)](#), 3(1) and S.I. 1978/274, [art. 2\(1\)\(2\)\(4\)\(5\)\(6\)](#)
- C4 Act 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), 236(2)(a)
- C6 Act applied (Canterbury and York except the Channel Islands and the 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 Education Acts explained (re certain references) (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), [ss. 1\(6\)](#), 14, 62(6); S.I. 1992/831, [art. 2](#), [Sch.1](#).

## Commencement Information

- I1 Act wholly in force at Royal Assent.

1 <sup>F1</sup> .....

## Textual Amendments

- F1 [S. 1](#) repealed by [Education Act 1967 \(c. 3\)](#), [ss. 1\(5\)\(c\)](#), (6)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Education (Miscellaneous Provisions) Act 1953 (repealed 1.11.1996). (See end of Document for details)*

## 2 †Power of Minister, in certain circumstances, to require local education authority to defray expenses of establishing a controlled school.

Where—

- (a) any persons submit, under [<sup>F2</sup>section 13 of the Education Act 1980], to the [<sup>F3</sup>Secretary of State for Education and Science] proposals for the establishment by them, or by persons whom they represent, of a new school . . . <sup>F4</sup> and for its maintenance by the local education authority as a voluntary school; and
- (b) the persons who submit the proposals and the local education authority show to the satisfaction of the [<sup>F3</sup>Secretary of State for Education and Science] that the establishment of the school is required for the purpose of providing accommodation for pupils for whom [<sup>F5</sup>or for a substantial proportion of whom] accommodation would have been provided in some other [<sup>F6</sup>school which is or was either—
  - (i) a voluntary school; or
  - (ii) a grant-maintained school which was or had been a voluntary school immediately before it became a grant-maintained school]if that other school had not been discontinued or had not otherwise ceased to be available for the purpose; and
- (c) no application is made under subsection (2) of section fifteen of the principal Act to the [<sup>F3</sup>Secretary of State for Education and Science] for an order directing that the school shall be an aided school or a special agreement school;

the [<sup>F3</sup>Secretary of State for Education and Science] may by order direct that the whole, or a specified part, of so much of the cost incurred in the establishment of the school as would, apart from the order, fall to be defrayed by the persons who establish it shall be defrayed by the local education authority.

### Textual Amendments

- F2** Words substituted by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 16(4), [Sch. 3 para. 9](#)
- F3** Words substituted by virtue of [S.I. 1964/490, art. 3\(2\)\(a\)](#)
- F4** Words repealed by [Education Act 1968 \(c. 17\)](#), [Sch. 2](#)
- F5** Words inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 114](#), 118(1)(4), 231(7), 235(6)
- F6** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 231\(7\)](#), 235(6), 237(1), [Sch. 12 para. 8](#)

### Modifications etc. (not altering text)

- C8** Unreliable marginal note
- C9** [S. 2](#) applied with modifications by [Education Act 1967 \(c. 3\)](#), [s. 3](#)

## 3 Extension of power of Minister to require local education authority to pay for enlargement of a controlled school.

Subsection (1) of section one of the Education Act, 1946 (which empowers the Minister, if satisfied that it is expedient that a controlled school should be enlarged and that the enlargement is wholly or mainly required for the purpose of providing accommodation for pupils for whom accommodation would have been provided in some other voluntary school if that other school had not been discontinued or had not otherwise ceased to be available for the purpose, to direct that the expense of

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giving effect to proposals for carrying out the enlargement shall be payable by the local education authority) shall have effect as if, at the beginning of paragraph (b) thereof, there were inserted the words “ either (i) ”, and as if, at the end of that paragraph, there were added the words—

“or

- (ii) that the enlargement is desirable for the better provision of secondary education at the premises to be enlarged or for securing that there is available for the area of the authority a sufficiency of suitable secondary schools or for both those reasons, and is not likely to amount to the establishment of a school of a new character.”

**Modifications etc. (not altering text)**

**C10** The text of ss. 3 and 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or rpeals which may have been made prior to 1.2.1991.

**4** <sup>F7</sup> .....

**Textual Amendments**

**F7** S. 4 repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 5](#)

**5** <sup>F8</sup> .....

**Textual Amendments**

**F8** S. 5 repealed by [Education \(Scotland\) Act 1956 \(c. 75\)](#), [Sch. 2](#)

**6 Provision of education at non-maintained schools and payment of tuition and boarding fees for pupils attending thereat.**

(1) .....<sup>F9</sup> A local education authority shall have, and be deemed always to have had, power to make. ....<sup>F9</sup> arrangements for the provision of primary and secondary education for pupils at a school not maintained by them or another local education authority.

(2) Where, in pursuance of arrangements made by a local education authority by virtue of the foregoing subsection or [<sup>F10</sup>the Education Act 1981], primary or secondary education is provided for a pupil at a school not maintained by them or another local education authority, the authority by whom the arrangements are made—

(a) shall, in the following cases, that is to say—

- (i) where the pupil fills a place in the school which the proprietors of the school have put at the disposal of the authority and the school is one in respect of which grants are made by the [<sup>F11</sup>Secretary of State

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- for Education and Science] under paragraph (b) of subsection (1) of section one hundred of the principal Act,
- (ii) where the authority are satisfied that, by reason of a shortage of places in schools maintained by them and schools maintained by other local education authorities, being schools to which the pupil could be sent with reasonable convenience, education suitable to the age, ability and aptitude of the pupil [<sup>F12</sup>and any special educational needs he may have] cannot be provided by them for him except at a school not maintained by them or another local education authority,
- [<sup>F13</sup>(iii) where, in a case not falling within either of the two foregoing subparagraphs, the authority are satisfied that the pupil has special educational needs and that it is expedient in his interests that the required special educational provision should be made for him at a school not maintained by them or another local education authority,] pay the whole of the fees payable in respect of the education provided in pursuance of the arrangements;
- (b) shall, where board and lodging are provided for the pupil at the school and the authority are satisfied that education suitable to his age, ability and aptitude [<sup>F14</sup>and to any special educational needs he may have] cannot be provided by them for him at any school unless board and lodging are also provided for him (either at school or elsewhere), pay the whole of the fees payable in respect of the board and lodging.
- (3) The powers conferred on a local education authority by subsection (1) of this section shall be in addition to and not in derogation of the powers conferred on them by the principal Act.

#### Textual Amendments

- F9** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 38(6), [Sch. 7](#)
- F10** Words substituted by [Education Act 1981 \(c. 60, SIF 41:1\)](#), s. 21, [Sch. 3 para. 8\(1\)\(2\)\(a\)](#) (subject to saving in [S.I. 1983/7](#), [Sch. para. 3\(3\)](#))
- F11** Words substituted by virtue of [S.I. 1964/490](#), [art. 3\(2\)\(a\)](#)
- F12** Words inserted by [Education Act 1981 \(c. 60, SIF 41:1\)](#), [Sch. 3 para. 8\(1\)\(2\)\(b\)](#)
- F13** [S. 6\(2\)\(a\)\(iii\)](#) substituted by [Education Act 1981 \(c. 60, SIF 41:1\)](#), s. 21, [Sch. 3 para. 8\(1\)\(2\)\(c\)](#)
- F14** Words inserted by [Education Act 1981 \(c. 60, SIF 41:1\)](#), s. 21, [Sch. 3 para. 8\(1\)\(2\)\(d\)](#)

#### Modifications etc. (not altering text)

- C11** [S. 6\(1\)](#) amended by [Education Act 1976 \(c. 81\)](#), s. 5(1)
- C12** [S. 6\(2\)\(a\)](#) excluded (1.4.1994) by 1993 c. 35, s. 12, [Sch. 2](#), Pt. III paras. 4, 13(1)(b)(with s. 298, Sch. 18, para. 12); [S.I. 1994/507](#), art. 4, [Sch. 2](#)

#### Textual Amendments

- F15** [S. 7](#) repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 38(6), [Sch. 7](#)

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**8 †Amendments of ss. 103 to 105 of principal Act as to matters in respect of which Minister may make grants and loans.**

(1) Subsection (1) of section one hundred and three of the principal Act (which empowers the [F16Secretary of State for Education and Science] to pay to the . . . F17 governors of a voluntary school proposed to be transferred to a new site or established in substitution for any discontinued school or schools and to be maintained as an aided school or a special agreement school a grant not exceeding one-half of any sums expended by them in the construction of the school) shall—

(a) in relation to a school of which the transfer has been authorised by the [F16Secretary of State for Education and Science], have effect as if, for the reference therein to the construction of the school, there were substituted a reference to the provision (whether before or after the passing of this Act) of the school buildings; . . . F18

(b) . . . . . F18]

(2) . . . . . F19

(3) Section one hundred and five of the principal Act (which empowers the [F16Secretary of State for Education and Science] to make to the . . . F17 governors of an aided school or a special agreement school a loan for the purpose of helping them to meet capital expenditure involved in defraying their share of the initial expenses relating to the school specified in subsection (2) of that section) shall have effect—

(a) as if the reference in paragraph (a) of that subsection to expenses to be incurred in defraying the cost of any alterations required by the development plan approved by the [F16Secretary of State for Education and Science] for the area included a reference to expenses incurred before the passing of this Act or to be incurred thereafter in defraying the cost of any alterations specified in that plan as submitted to the [F16Secretary of State for Education and Science], being alterations to the carrying out of which the [F16Secretary of State for Education and Science] has given approval before the approval by him of the plan; . . . F20

(b) . . . . . F21

**Textual Amendments**

- F16** Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)
- F17** Words repealed by Education Act 1980 (c. 20, SIF 41:1), s. 1(3), Sch. 1 para. 21
- F18** Word and s. 8(1)(b) repealed by Education Act 1967 (c. 3), s. 1(5)(c), (6)
- F19** S. 8(2) repealed by Education Act 1967 (c. 3), ss. 1(5)(c), (6)
- F20** Words repealed by Education Act 1968 (c. 17), Sch. 2
- F21** S. 8(3)(b) repealed by Education Act 1968 (c. 17), Sch. 2

**Modifications etc. (not altering text)**

- C13** Unreliable marginal note

9 F22 . . . . .

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**Textual Amendments**

**F22** Ss. 9, 16 repealed by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), Sch. 7

**10 Amendment of procedure for making school attendance orders.**

Subsection (2) of section thirty-seven of the principal Act shall, in relation to the service of a school attendance order upon a parent in consequence of his failure to satisfy a local education authority, in accordance with the requirements of a notice served on him under subsection (1) of that section after the passing of this Act, that a child is receiving efficient full-time education suitable to his age, ability and aptitude, have effect with the substitution, for the proviso thereto, of the following proviso:—

“Provided that—

- (a) no such order shall be served by the authority upon the parent until the expiration of the period of fourteen days beginning with the day next following that on which they have served upon him a written notice of their intention to serve the order stating that if, before the expiration of that period, he selects a school at which he desires the child to become a registered pupil, that school will, unless the Minister otherwise directs, be named in the order ; and
- (b) if, before the expiration of that period, the parent selects such a school as aforesaid, that school shall, unless the Minister otherwise directs, be so named.”

**Modifications etc. (not altering text)**

**C14** The text of ss. 3 and 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**11** <sup>F23</sup> .....

**Textual Amendments**

**F23** S. 11 repealed by Children and Young Persons Act 1969 (c. 54), s. 72(4), Sch. 6

**12** <sup>F24</sup> .....

**Textual Amendments**

**F24** S. 12 repealed (with savings) by Transport Act 1980 (c. 34, SIF 107:1), ss. 32(5), 69, Sch. 9 Pt. I

**13** <sup>F25</sup> .....

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**Textual Amendments**

**F25** S. 13 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. V

**14** <sup>F26</sup> .....

**Textual Amendments**

**F26** S. 14 repealed by Education Act 1973 (c. 16), Sch. 2 Pt. I

**15** <sup>F27</sup> .....

**Textual Amendments**

**F27** S. 15 repealed by Charities Act 1960 (c. 58), Sch. 7 Pt. II

**16** <sup>F28</sup> .....

**Textual Amendments**

**F28** Ss. 9, 16 repealed by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), Sch. 7

**17 Miscellaneous amendments and repeals**

(1) The provisions of the principal Act and the Education (Miscellaneous Provisions) Act, 1948, specified in the first column to the First Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule (being amendments relating to minor matters and amendments consequential on the provisions of this Act.

(2) ..... <sup>F29</sup>

**Textual Amendments**

**F29** S. 17(2) repealed by Education Act 1973 (c. 16), Sch. 2 Pt. I

**Modifications etc. (not altering text)**

**C15** The text of s. 17 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or rpeals which may have been made prior to 1.2.1991.

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**18 Provisions as to regulations.**

Any power conferred by this Act on the [<sup>F30</sup>Secretary of State for Education and Science] to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

**F30** Words substituted by virtue of [S.I. 1964/490, art. 3\(2\)\(a\)](#)

**19** <sup>F31</sup> .....

**Textual Amendments**

**F31** [S. 19](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), Sch. 1 Pt. V](#)

**20 Short title, citation, construction and extent.**

- (1) This Act may be cited as the Education (Miscellaneous Provisions) Act 1953.
- (2) This Act . . . <sup>F32</sup> and the Education Acts 1944 to 1948 may be cited together as the Education Acts 1944 to 1953.
- (3) This Act . . . <sup>F32</sup> shall be construed as one with the Education Acts 1944 to 1948.
- (4) References in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.
- (5) This Act . . . <sup>F32</sup> shall not extend to Scotland.
- (6) This Act shall not extend to Northern Ireland.

**Textual Amendments**

**F32** Words repealed by [Education \(Scotland\) Act 1956 \(c. 75\), Sch. 2](#)



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F33F33 SCHEDULE 1

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**Textual Amendments**

**F33** Schedule 1 repealed by Local Government Act 1958 (c. 55), **Sch. 9 Pt. II**, National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5** and Education Act 1980 (c. 20, SIF 41:1), s. 38(6), **Sch. 7**

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F33

F34F34 SCHEDULE 2

.....  
**Textual Amendments**

**F34** Schedule 2 repealed by Education Act 1973 (c. 16), **Sch. 2 Pt. I**

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F34

**Status:**

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**Changes to legislation:**

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