



# Education Act 1944

## 1944 CHAPTER 31

### PART II

#### THE STATUTORY SYSTEM OF EDUCATION.

#### PRIMARY AND SECONDARY EDUCATION.

*Management of Primary Schools and Government of Secondary Schools.*

**17 Constitution of managers and governors and conduct of county schools and voluntary schools.**

- (1) For every county school and for every voluntary school there shall be an instrument providing for the constitution of the body of managers or governors of the school in accordance with the provisions of this Act, and the instrument providing for the constitution of the body of managers of a primary school is in this Act referred to as an instrument of management, and the instrument providing for the constitution of the body of governors of a secondary school is in this Act referred to as an instrument of government.
- (2) The instrument of management or the instrument of government, as the case may be, shall be made in the case of a county school by an order of the local education authority and in the case of a voluntary school by an order of the Minister.
- (3) Subject to the provisions of this Act and of any trust deed relating to the school:—
  - (a) every county primary school and every voluntary primary school shall be conducted in accordance with rules of management made by an order of the local education authority; and
  - (b) every county secondary school and every voluntary secondary school shall be conducted in accordance with articles of government made in the case of a county school by an order of the local education authority and approved by the Minister, and in the case of a voluntary school by an order of the Minister; and such articles shall in particular determine the functions to be exercised in

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relation to the school by the local education authority, the body of governors, and the head teacher respectively.

- (4) Where it appears to the Minister that any provision included or proposed to be included in the instrument of management, rules of management, instrument of government, or articles of government, for a county school or a voluntary school is in any respect inconsistent with the provisions of any trust deed relating to the school, and that it is expedient in the interests of the school that the provisions of the trust deed should be modified for the purpose of removing the inconsistency, he may by order make such modifications in the provisions of the trust deed as appear to him to be just and expedient for that purpose.
- (5) Before making any order under this section in respect of any school, the Minister shall afford to the local education authority and to any other persons appearing to him to be concerned with the management or government of the school an opportunity of making representations to him with respect thereto, and in making any such order the Minister shall have regard to all the circumstances of the school, and in particular to the question whether the school is, or is to be, a primary or secondary school, and, in the case of an existing school, shall have regard to the manner in which the school has been conducted theretofore.

## **18 Managers of primary schools.**

- (1) The instrument of management for every county primary school serving an area in which there is a minor authority shall provide for the constitution of a body of managers consisting of such number of persons, not being less than six, as the local education authority may determine:

Provided that two-thirds of the managers shall be appointed by the local education authority and one-third shall be appointed by the minor authority.

- (2) The instrument of management for every county primary school serving an area in which there is no minor authority shall provide for the constitution of a body of managers constituted in such manner as the local education authority may determine.
- (3) The instrument of management for every voluntary primary school shall provide for the constitution of a body of managers consisting of such number of persons not being less than six as the Minister may, after consultation with the local education authority, determine:

Provided that—

- (a) if the school is an aided school or a special agreement school, two-thirds of the managers shall be foundation managers, and, if the school is a controlled school, one-third of the managers shall be foundation managers ;
- (b) where the school serves an area in which there is a minor authority, then of the managers who are not foundation managers not less than one-third nor more than one-half shall be appointed by the minor authority and the remainder shall be appointed by the local education authority; and
- (c) where the school serves an area in which there is no minor authority, all the managers who are not foundation managers shall be appointed by the local education authority.

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## **19 Governors of secondary schools.**

- (1) The instrument of government for every county secondary school shall provide for the constitution of a body of governors consisting of such number of persons appointed in such manner as the local education authority may determine.
- (2) The instrument of government for every voluntary secondary school shall provide for the constitution of a body of governors of the school consisting of such number of persons as the Minister may after consultation with the local education authority determine :

Provided that—

- (a) where the school is a controlled school, one-third of the governors shall be foundation governors and two-thirds of the governors shall be appointed by the local education authority;
- (b) where the school is an aided school or a special agreement school, two-thirds of the governors shall be foundation governors and one-third of the governors shall be appointed by the local education authority.

## **20 Grouping of schools under one management.**

- (1) A local education authority may make an arrangement for the constitution of a single governing body for any two or more county schools or voluntary schools maintained by them, and any such arrangement may relate exclusively to primary schools, or exclusively to secondary schools or partly to primary schools and partly to secondary schools :

Provided that an authority shall not make any such arrangement with respect to a voluntary school except with the consent of the managers or governors thereof.

- (2) The governing body constituted in pursuance of any such arrangement as aforesaid shall, if all the schools to which the arrangement relates are county schools, consist of such number of persons appointed in such manner as the local education authority may determine.
- (3) Where all or any of the schools to which any such arrangement relates are voluntary schools, the governing body constituted in pursuance of the arrangement shall consist of such number of persons appointed in such manner as may be determined by agreement between the local education authority and the managers or governors of those schools, or, in default of such agreement, by the Minister.
- (4) The local education authority, in making any such arrangement as aforesaid which relates to a primary school serving an area in which there is a minor authority, shall make provision for securing that the minor authority is adequately represented upon the governing body constituted in pursuance of the arrangement.
- (5) Every arrangement made under this section may, if it does not relate to any voluntary school, be terminated at any time by the local education authority by which it was made, and any such arrangement which relates to such a school may be terminated by agreement between the local education authority and the governing body constituted in pursuance of the arrangement, or, in default of such agreement, by one year's notice served by the local education authority on the said governing body or by one year's notice served by the said governing body on the local education authority.

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- (6) While an arrangement under this section is in force with respect to any schools, the provisions of the last three foregoing sections as to the constitution of the body of managers or governors shall not apply to the schools, and for the purposes of any enactment the governing body constituted in accordance with the arrangement shall be deemed to be the body of managers or governors of each of those schools, and references to a manager or governor in any enactment shall, in relation to every such school, be construed accordingly.

**21 Proceedings of managers and governors of county and voluntary schools.**

- (1) Any manager or governor of a county school or of a voluntary school may resign his office, and any such manager or governor appointed by a local education authority or by a minor authority shall be removable by the authority by whom he was appointed.
- (2) The provisions of the Fourth Schedule to this Act shall have effect with respect to the meetings and proceedings of the managers or governors of any county school or voluntary school.
- (3) The minutes of the proceedings of the managers or governors of any county school or voluntary school shall be open to inspection by the local education authority.

**22 Powers of local education authority as to use and care of premises of voluntary schools.**

- (1) The managers or governors of a controlled school shall be entitled to determine the use to which the school premises or any part thereof shall be put on Saturdays, except when required to be used on Saturdays for the purposes of the school or for any purpose connected with education or with the welfare of the young for which the local education authority desire to provide accommodation on the premises or on that part thereof, and the foundation managers or foundation governors shall be entitled to determine the use to which the school premises or any part thereof shall be put on Sundays, but save as aforesaid the local education authority may give such directions as to the occupation and use of the school premises of a controlled school as they think fit.
- (2) If the local education authority desire to provide accommodation for any purpose connected with education or with the welfare of the young and are satisfied that there is no suitable alternative accommodation in their area for that purpose, they may direct the managers or governors of any aided school or special agreement school to provide free of charge accommodation for that purpose on the school premises or any part thereof on any week-day when not required for the purposes of the school, so however, that the managers or governors shall not be directed to provide such accommodation on more than three days in any week.
- (3) Subject to any directions given by a local education authority under the foregoing provisions of this section and to the requirements of any enactment other than this Act or the regulations made thereunder, the occupation and use of the school premises of any voluntary school shall be under the control of the managers or governors thereof.
- (4) At any controlled school or special agreement school the persons employed for the purposes of the care and maintenance of the school premises shall be appointed and dismissed by the local education authority, and the local education authority may give

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directions to the managers or governors of an aided school as to the number and conditions of service of persons employed at the school for such purposes.

- (5) In relation to any school with respect to which the trust deed provides for any person other than the managers or governors of the school being entitled to control the occupation and use of the school premises, this section shall have effect as if for the references to the managers or governors there were substituted references to that person.