



# Education Act 1944

## 1944 CHAPTER 31

### PART II

#### THE STATUTORY SYSTEM OF EDUCATION.

#### PRIMARY AND SECONDARY EDUCATION.

#### *Provision and Maintenance of Primary and Secondary Schools.*

### **13 Establishment and discontinuance of county and voluntary schools.**

- (1) Where a local education authority intend—
  - (a) to establish a new county school;
  - (b) to maintain as a county school any school which at the time being is not such a school; or
  - (c) to cease to maintain any county school or, save as provided by the next following section of this Act, any voluntary school;they shall submit proposals for that purpose to the Minister.
- (2) Where any persons propose that any school established by them or by persons whom they represent which at the time being is not a voluntary school, or any school proposed to be so established, should be maintained by a local education authority as a voluntary school, they shall after consultation with the authority submit proposals for that purpose to the Minister.
- (3) After any proposals have been submitted to the Minister under this section, the authority or persons by whom the proposals were submitted shall forthwith give public notice of the proposals in the prescribed manner, and the managers or governors of any voluntary school affected by the proposals or any ten or more local government electors for the area and any local education authority concerned may within three months after the first publication of the notice submit to the Minister objections to the proposals :

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*Status: This is the original version (as it was originally enacted).*

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Provided that this subsection shall not have effect in the case of proposals for the maintenance as a voluntary school of a school which is at the time being a school in respect of which grants are made by the Minister, if the proposals are made with the concurrence of the authority and of the proprietor of the school and of any trustees in whom is vested any interest in the school premises.

- (4) Any proposals submitted to the Minister under this section may be approved by him after making such modifications therein, if any, as appear to him to be desirable :

Provided that the Minister shall not approve proposals for the maintenance as a county school of any school which, at the time being, is a voluntary school, unless he has, in accordance with the provisions of the Second Schedule to this Act, approved an agreement made under the powers conferred by that Schedule between the authority and the managers or governors of the school for the transfer to the authority of all necessary interests in the school premises.

- (5) A local education authority shall not, without the leave of the Minister, do or undertake to do anything (whether or not provided for by the development plan for the area) for which proposals are required by this section to be submitted to the Minister until such proposals have been approved by him.
- (6) After proposals for the establishment of a new school have been approved by the Minister under this section, the authority or persons by whom the proposed school is to be established shall submit to him in such form and in such manner as he may direct specifications and plans of the school premises, and the Minister, on being satisfied that the school premises will conform to the prescribed standards, may approve the specifications and plans:

Provided that, before submitting specifications and plans in respect of a school which is to be maintained as a voluntary school, the persons by whom the school is to be established shall consult the local education authority.

- (7) When the proposals specifications and plans for a new school have been approved by the Minister under this section, it shall be the duty of the authority or persons by whom the proposed school is to be established to give effect to the proposals in accordance with the specifications and plans so approved, except that in the case of proposals submitted under subsection (2) of this section the duty of providing playing fields and any buildings required only for affording facilities for medical inspection or treatment or for providing milk, meals, or other refreshment shall be the duty of the local education authority.
- (8) When proposals for the maintenance of any school have been approved by the Minister under this section, it shall be the duty of the local education authority to maintain it; and an authority shall not be under any duty to maintain a school after proposals that the authority shall cease to maintain it have been approved by the Minister under this section.