

**1980 No. 489 (C. 18)**

**EDUCATION, ENGLAND AND WALES  
EDUCATION, SCOTLAND  
EDUCATION, NORTHERN IRELAND**

**The Education Act 1980 (Commencement No. 1) Order 1980**

*Made* - - - - - *3rd April 1980*

In exercise of the powers conferred on the Secretary of State by section 37 of the Education Act 1980(a), I hereby make the following Order:—

*Citation*

1. This Order may be cited as the Education Act 1980 (Commencement No. 1) Order 1980.

*Interpretation*

2. In this Order “the Act” means the Education Act 1980.

*Coming into force of certain provisions of the Act*

3. The provisions of the Act specified in column 1 of each of the first three Schedules to this Order (which relate to the matters specified in column 2 thereof) shall come into force on the day specified in the heading to that Schedule.

*Transitional provisions*

4. The transitional provisions contained in Schedule 4 to this Order shall have effect in connection with the provisions of the Act brought into force by this Order which are referred to in that Schedule.

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(a) 1980 c. 20.

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SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 14TH APRIL 1980

Provisions of the Act	Subject matter of provisions
Section 22	School meals: England and Wales.
Section 23	School meals: Scotland.
Section 35	Orders and regulations.
Section 36	Expenses.
Section 37	Commencement.
Section 38, except subsections (4) and (5)	Citation, construction, repeals and extent.
Schedule 7, so far as it relates to the repeals set out in the Appendix to this Schedule	Repeals.

APPENDIX TO SCHEDULE 1

REPEALS TAKING EFFECT FROM 14TH APRIL 1980

Chapter	Short title	Extent of repeal
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	Section 49.
10 & 11 Eliz. 2. c. 47.	The Education (Scotland) Act 1962.	Section 53. In section 55 the proviso.
1971 c. 74.	The Education (Milk) Act 1971.	The whole Act so far as unrepealed.
1976 c. 20.	The Education (Scotland) Act 1976.	Section 3.
1976 c. 81.	The Education Act 1976.	Section 9.

## SCHEDULE 2

## PROVISIONS COMING INTO FORCE ON 5TH MAY 1980

Provisions of the Act	Subject matter of provisions
Section 1	School governing bodies: change of nomenclature.
Section 10(5), (6) and (7)	School attendance orders.
Section 12, except paragraphs (a) to (d) of subsection (1) and subsection (4)	Discontinuance of nursery schools by local education authorities.
Section 14, except subsection (3)	Approval of school premises.
Section 16(1), (6) and (7)	Provisions supplementary to sections 12 to 15.
Section 19	Awards for further and higher education.
Section 20	Industrial scholarships.
Section 21	Grants for education in Welsh.
Section 24	Nursery education: England and Wales.
Section 25	Nursery education: Scotland.
Section 26	Day nurseries.
Section 28	Provision of education at non-maintained schools.
Section 29	Provision of clothing for physical training etc.
Section 30	Relaxation of Ministerial control of local education authorities.
Section 32	Education expenditure and rate support grant.
Section 33, except subsection (3)	Discrimination by local education authorities.
Schedule 1	School government: consequential amendments.
Schedule 5	Provisions substituted in the Education Act 1962.
Schedule 6	Amendments to Schedule 2 to the Local Government Act 1974.
Schedule 7, so far as it relates to the repeals set out in the Appendix to this Schedule	Repeals.

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APPENDIX TO SCHEDULE 2  
REPEALS TAKING EFFECT FROM 5TH MAY 1980

Chapter	Short title	Extent of repeal
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	<p>Section 8(2)(b). In section 9(1) the words "so far as may be authorised by arrangements approved by the Minister". Sections 11 and 12. Section 31(1). Section 32. In section 53(1) the words "with the approval of the Minister". In section 61(2) the words "not exceeding such amounts as may be determined in accordance with scales approved by the Minister". Section 66. In section 82 the words "with the approval of the Minister". In section 83 the words "Subject to any regulations made by the Minister". In section 84 the words "with the consent of the Minister". Section 90(2) and (3). Section 97. Section 100(1)(a)(i) and (ii). In section 114, in subsection (1) the definition of "local education order", in the definition of "primary school" the words "subject to the provisions of subsection (3) of this section", and subsection (3). In Part 1 of Schedule 1, in paragraph 3(a) the words from "without prejudice" to "joint boards)". In Schedule 3, paragraph 3. In section 6(1) the words "For the purpose of fulfilling their duties under the principal Act" and "with the approval of the Minister".</p>
1 & 2 Eliz. 2. c. 33.	The Education (Miscellaneous Provisions) Act 1953.	In Schedule 8, paragraph 16(2)(i) and (ii).
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	Section 31(1)(a) and (b), (2) and (3).
1963 c. 33.	The London Government Act 1963.	Section 33.
1966 c. 42.	The Local Government Act 1966.	Section 14.
1973 c. 16.	The Education Act 1973.	Section 4.
1975 c. 2.	The Education Act 1975.	Sections 1 and 2. Section 5(4).
1976 c. 81.	The Education Act 1976.	Section 5. Sections 7 and 8.

## SCHEDULE 3

## PROVISIONS COMING INTO FORCE ON 1ST AUGUST 1980

Provisions of the Act	Subject matter of provisions
Section 12, so far as not already in force, that is to say, paragraphs (a) to (d) of subsection (1) and subsection (4)	Establishment, discontinuance and alteration of schools by local education authorities.
Section 13	Establishment and alteration of voluntary schools. Approval of school premises.
Section 14, so far as not already in force, that is to say, subsection (3)	
Section 15	Reduction of school places.
Section 16, so far as not already in force, that is to say, subsections (2) to (5)	Provisions supplementary to sections 12 to 15.
Section 31	Recoupment between education authorities.
Section 38(5)	Persons belonging to an area.
Schedule 3	Establishment etc. of schools, consequential amendments.
Schedule 7, so far as it relates to the repeals set out in the Appendix to this Schedule	Repeals.

## APPENDIX TO SCHEDULE 3

## REPEALS TAKING EFFECT FROM 1ST AUGUST 1980

Chapter	Short title	Extent of repeal
7 & 8 Geo. 6. c. 31. 9 & 10 Geo. 6 c. 50.	The Education Act 1944. The Education Act 1946.	Section 13. In Part II of Schedule 2 the entry relating to section 13 of the Education Act 1944.
11 & 12 Geo. 6. c. 40.	The Education (Miscellaneous Provisions) Act 1948.	Section 6. In section 7, subsections (2) and (2A) and in subsection (3) the words "except subsection (2A)".
1 & 2 Eliz. 2. c. 33.	The Education (Miscellaneous Provisions) Act 1953.	Section 7. Section 9. Section 16. In Schedule 1 the entry relating to section 13 of the Education Act 1944.
1963 c. 33.	The London Government Act 1963.	Section 31(9).
1968 c. 17.	The Education Act 1968.	Section 1(2). Section 3(1) and (2). Section 5(1) and (2) so far as relating to section 13 of the Education Act 1944. In Schedule 1 paragraph 7. In Schedule 3 Part A.
1976 c. 81.	The Education Act 1976.	Section 4.

## SCHEDULE 4

## TRANSITIONAL PROVISIONS

1.—(1) This paragraph shall have effect until 1st August 1981 and shall so have effect in connection with section 15 of the Act (brought into force on 1st August 1980).

(2) Section 15(1) shall have effect as if after the words “in any school year” there were inserted the words “beginning on or after 1st August 1981”.

2.—(1) This paragraph shall have effect until 5th May 1980 (the date on which section 1 of the Act is brought into force) and shall so have effect in connection with section 22 of the Act (brought into force on 14th April 1980).

(2) The references in section 22(4) to the governors of a school shall, in the case of a primary school, be construed as references to the managers thereof.

3.—(1) This paragraph shall have effect until 1st August 1980 (the date on which sections 31 and 38(5) of the Act are brought into force) and shall so have effect in connection with section 32 of the Act and Schedule 5 thereto (brought into force on 5th May 1980).

(2) For the purposes of paragraph (a) of section 32(2), a pupil shall be treated as not belonging to the area of a local education authority as he would be so treated for the purposes of section 6 of the Education (Miscellaneous Provisions) Act 1948(a).

(3) For the purposes of paragraph (b) of section 32(2), a pupil shall be treated as not belonging to the area of a local education authority as he would be so treated for the purposes of section 7 of the Education (Miscellaneous Provisions) Act 1953(b).

(4) For the purposes of section 32(2), a pupil shall be treated as not belonging to the area of an education authority in Scotland if he would not be treated as so belonging for the purposes of section 24 of the Education (Scotland) Act 1962(c).

(5) For the purposes of Schedule 5, the reference to section 31(3) of the Act in the Schedule substituted for Schedule 1 to the Education Act 1962(d) shall be construed as a reference to section 7 of the Education (Miscellaneous Provisions) Act 1953.

*Mark Carlisle,*  
One of Her Majesty's Principal  
Secretaries of State.

3rd April 1980.

(a) 1948 c. 40.  
(c) 1962 c. 47.

(b) 1953 c. 33.  
(d) 1962 c. 12.

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**EXPLANATORY NOTE**

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

This Order brings certain provisions of the Education Act 1980 into force (subject, in the case of sections 15, 22 and 32 and of Schedule 5, to the transitional provisions contained in Schedule 4 to the Order).

The provisions specified in Schedule 1 to the Order are brought into force on 14th April 1980, those specified in Schedule 2 on 5th May 1980, and those specified in Schedule 3 on 1st August 1980.

