



Diocesan Boards of Education Measure 1991

1991 No. 2

1 Diocesan Boards of Education.

- (1) For every diocese there shall be a Diocesan Board of Education which shall have the functions assigned to it by this Measure and shall be responsible to the diocesan synod; and references in this Measure to “the Board” shall be construed as referring to the Diocesan Board of Education for the diocese concerned.
- (2) The Board shall be constituted in accordance with the provisions of Part I of the Schedule to this Measure, except that if the diocesan synod resolve that instead of being so constituted the Board shall be constituted in accordance with provisions agreed by that synod, the diocesan synod may with the consent of the bishop request the Secretary of State to make an order for the Board to be constituted in accordance with that resolution, and the Secretary of State upon receiving such a request may if he thinks fit make an order accordingly.
- (3) The Secretary of State may amend or revoke an order made under subsection (2) above only upon a request made by the diocesan synod with the consent of the bishop of the diocese, and the amendment or revocation shall be in accordance with the resolution of that synod.
- (4) The bishop, after consultation with the Board, shall appoint a director of education for the diocese who shall act as secretary of the Board.
- (5) The Board may be a body corporate or unincorporate.
- (6) The provisions of Part II of the Schedule to this Measure shall have effect with respect to the proceedings of the Board, whether the Board is constituted in accordance with the provisions of Part I of that Schedule or an order made by the Secretary of State.

Commencement Information

II S. 1 fully in force at 1.8.1991 see s. 13(3) and [Archbishops' Instrument dated 26.7.1991](#)

Status: Point in time view as at 01/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Diocesan Boards of Education Measure 1991. (See end of Document for details)

2 Functions of Board.

- (1) The functions of the Board shall be—
 - (a) to promote or assist in the promotion of education in the diocese, being education which is consistent with the faith and practice of the Church of England;
 - (b) to promote or assist in the promotion of religious education and religious worship in schools in the diocese;
 - (c) to promote or assist in the promotion of church schools in the diocese and to advise the governors of such schools and trustees of church educational endowments and any other body or person concerned on any matter affecting church schools in the diocese;
 - (d) to promote cooperation between the Board and bodies or persons concerned in any respect with education in the diocese;
 - (e) the functions assigned to the Board by this Measure; and
 - (f) such other functions not contrary to this Measure as are assigned to the Board by the diocesan synod, other than functions relating to church schools or church educational endowments.
- (2) The Board shall have power to do all such things as are incidental or conducive to the discharge of its functions.
- (3) The Board shall make to the diocesan synod, as soon as may be after the end of each year, a report on the exercise of its functions since the last report or (in the case of the first) since the Board’s establishment.

Commencement Information
I2 [S. 2](#) fully in force at 1.8.1991 see [s. 13\(3\)](#) and [Archbishops' Instrument dated 26.7.1991](#)

3 Transactions for which advice or consent of Board is required.

- (1) The governing body of any church school, and the trustees of any church educational endowment held wholly or partly for or in connection with any church school, shall obtain the advice of the Board for the diocese in which the school is situated and shall have regard to that advice [^{F1}before—
 - [^{F2}(a) publishing proposals for any prescribed alteration to the school—
 - (i) in the case of a school in England, under section 19(3) of the Education and Inspections Act 2006 (“ the 2006 Act ”), or
 - ^{F3}(ii)
 - (b) publishing proposals for the discontinuance of the school—
 - (i) in the case of a school in England, under section 15(2) of the 2006 Act, or
 - ^{F4}(ii)]
 - (c) serving notice of an intention to discontinue the school under section 30(1) of [^{F5} School Standards and Framework Act 1998 (“ the 1998 Act ”)] ;
 - [consulting under section 89(2) of [^{F7}the 1998 Act] about proposed admission
 - ^{F6}(cc) arrangements for any school year;]
 - ^{F8}(d)

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- (e) making any application to, or entering into any agreement with, any body or person for or in connection with any disposal (whether by sale or otherwise) of the premises of the school or any part of them.]

[^{F9}(1A) The governing body of a church school in England shall not, unless it has obtained the consent in writing of the Board for the diocese in which the school is situated, publish proposals under section 19 of the 2006 Act—

- (a) where the school is a voluntary school, for a change of category to foundation school, or
- (b) where the school is a foundation school, for a change in the instrument of government which results in the majority of governors being foundation governors.

(1B) Subsection (1)(a)(i) does not apply in any case where by virtue of subsection (1A) the consent of the Board is required.]

(2) Subject to subsection (3) below, the governing body of any church school which is [^{F10}a voluntary aided school] shall not, unless it has obtained the consent in writing of the Board for the diocese in which the school is situated, enter into any agreement or arrangement with any body or person for or in connection with any alteration or repair of the premises of the school, being an alteration or repair in respect of which grant may be paid by the Secretary of State or of which the approval of the Secretary of State is required before it is carried out.

(3) Subsection (2) above shall not apply in relation to any alteration or repair of premises of which the estimated cost is less than such amount as may from time to time be determined by the Board for the diocese in which the school is situated.

^{F11}(4)

^{F11}(5)

(6) Where the giving of advice under subsection (1) ^{F12} . . . or consent under [^{F13}subsection (1A) or (2)]^{F14} . . . above is to be considered at any meeting of the Board, at least fourteen days' notice of the time and place at which the meeting is to be held shall be given by the secretary of the Board to [^{F15}the clerk to the governing body] of the school concerned, and the governors of that school shall be entitled to attend that meeting.

Textual Amendments

- F1** Word and sub-paras (a)-(e) in s. 3(1) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30 para. 30(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F2** S. 3(1)(a)(b) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 4(2)(a)**; S.I. 2007/935, art. 7(o)
- F3** S. 3(1)(a)(ii) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(2)(a)**; S.I. 2013/1800, art. 3(j)
- F4** S. 3(1)(b)(ii) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(2)(a)**; S.I. 2013/1800, art. 3(j)
- F5** Words in s. 3(1)(c) substituted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(2)(b)**; S.I. 2013/1800, art. 3(j)
- F6** S. 3(1)(cc) inserted (1.10.2002 for E., 1.2.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 4 para. 13** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with art. 4, Sch. paras. 3, 9); S.I. 2006/172, art. 4, Sch.

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- F7** Words in s. 3(1)(cc) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 4(2)(b)**; S.I. 2007/935, art. 7(o)
- F8** S. 3(1)(d) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(2)(a)**; S.I. 2013/1800, art. 3(j)
- F9** S. 3(1A)(1B) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 4(3)**; S.I. 2007/935, art. 7(o)
- F10** Words in s. 3(2) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30**, para. 30(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F11** S. 3(4)(5) repealed (1.9.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30 para. 30(c), **Sch.31**(with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F12** Words in s. 3(6) repealed (1.1.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 163(c), **Sch. 21 Pt. II**; S.I. 1993/3106, art. 4, **Sch. 1**.
- F13** Words in s. 3(6) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 4(4)**; S.I. 2007/935, art. 7(o)
- F14** Words in s. 3(6) repealed (1.9.1999) by 1998 c. 31, ss. 140(1)(3), Sch. 30, para. 30(d)(i), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F15** Words in s. 3(6) substituted (1.9.1999) by 1998 c. 31, ss. 140(1), **Sch. 30**, para. 30(d)(ii) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

Commencement Information

- I3** S. 3 fully in force at 1.8.1991 see s. 13(3) and [Archbishops' Instrument dated 26.7.1991](#)

4 Advice of Board required for alteration of purposes of church educational endowments.

The trustees of any church educational endowment held wholly or partly for or in connection with a church school shall obtain the advice of the Board for the diocese in which the school is situated and shall have regard to that advice before making or agreeing to the making of any alteration in the purposes for which the endowment may be applied.

Commencement Information

- I4** S. 4 fully in force at 1.8.1991 see s. 13(3) and [Archbishops' Instrument dated 26.7.1991](#)

F16

Textual Amendments

- F16** S. 5 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

6 Board to be consulted in certain cases.

- (1) Without prejudice to ^{F17}section 392(2) of the Education Act 1996], a local education authority shall consult the Board for any diocese in which the authority exercises its functions before appointing a person to represent the Church of England as a member of a standing advisory council on religious education under ^{F17}section 390] of that Act.

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^{F18}(2)

Textual Amendments

F17 Words in s. 6(1) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), SCh. 37 Pt. I para. 104(2) (with ss. 1(4), 561, 562, Sch. 39)

F18 S. 6(2) repealed (1.9.1999) by 1998 c. 31, s. 140(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Commencement Information

I5 S. 6 fully in force at 1.8.1991 see s. 13(3) and *Archbishops' Instrument dated 26.7.1991*

7 [^{F19}**Powers of Board to give directions to governing bodies of voluntary aided church schools.**]

^{F20}(1) Where the Board is satisfied that the governing body of a voluntary aided church school in the diocese in discharging, or failing to discharge, its functions so far as relating to—

^{F21}(a) the making of any prescribed alteration to the school—

(i) in the case of a school in England, under Part 2 of the Education and Inspections Act 2006 (“ the 2006 Act ”), or

^{F22}(ii)

(b) the discontinuance of the school—

(i) in the case of a school in England, under Part 2 of the 2006 Act or section 30 of [^{F23}School Standards and Framework Act 1998], or

^{F24}(ii)

^{F25}(c)]

is acting in a manner which is not in the interests of that school or of church schools generally, the Board may, subject to subsection (1A) below, give directions to the governing body as to the discharge of those functions.

(1A) The Board may not, under subsection (1) above, give directions as to the publication of proposals [^{F26}under section 19(3) of the 2006 Act ^{F27}...] which would prevent the publication of proposals for the school to become a foundation school.]

(2) Where the giving of directions under subsection (1) above is to be considered at any meeting of the Board, at least fourteen days’ notice of the time and place at which the meeting is to be held shall be given by the secretary of the Board to [^{F28}the clerk to the governing body] of the school concerned, and the governors of that school shall be entitled to attend that meeting; and no directions shall be given unless they have been approved by a two-thirds majority of the members of the Board present and voting at the meeting.

(3) It shall be the duty of a governing body to comply with any lawful directions given to it under subsection (1) above and if, before the expiration of the period of six months beginning on the date on which the directions are given, the governing body fails to comply with directions with respect to any of the following matters, that is to say—

^{F29}(a) publication of proposals for any prescribed alteration to the school [^{F30}under section 19(3) of the 2006 Act ^{F31}...]; or

^{F32}(b)

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the Board may itself publish those proposals, and [^{F33}the provisions of ^{F34}... the 2006 Act] shall apply to anything done by the Board by virtue of this subsection as if it had been done by the governing body of the school.]

- (4) Where the Board gives any directions under subsection (1) above it shall cause a report thereon to be laid before the next meeting of the diocesan synod.

^{F35}(5)

Textual Amendments

- F19** Side note to s. 7 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30**, para. 31(e)(with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F20** S. 7(1)(1A) substituted for s. 7(1) (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 31(a)**(with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F21** S. 7(1)(a)-(c) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 5(2)**; S.I. 2007/935, art. 7(o)
- F22** S. 7(1)(a)(ii) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(a)(i)**; S.I. 2013/1800, art. 3(j)
- F23** Words in s. 7(1)(b)(i) substituted (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(a)(ii)**; S.I. 2013/1800, art. 3(j)
- F24** S. 7(1)(b)(ii) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(a)(i)**; S.I. 2013/1800, art. 3(j)
- F25** S. 7(1)(c) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(a)(i)**; S.I. 2013/1800, art. 3(j)
- F26** Words in s. 7(1A) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 5(3)**; S.I. 2007/935, art. 7(o)
- F27** Words in s. 7(1A) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(b)**; S.I. 2013/1800, art. 3(j)
- F28** Words in s. 7(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30**, para. 31(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F29** Words in s. 7(3) substituted (1.9.1999) by virtue of 1998 c. 31, s. 140(1), **Sch. 30**, para. 31(c) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F30** Words in s. 7(3)(a) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 5(4)(a)**; S.I. 2007/935, art. 7(o)
- F31** Words in s. 7(3)(a) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(c)(i)**; S.I. 2013/1800, art. 3(j)
- F32** S. 7(3)(b) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(c)(ii)**; S.I. 2013/1800, art. 3(j)
- F33** Words in s. 7(3) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 5(4)(c)**; S.I. 2007/935, art. 7(o)
- F34** Words in s. 7(3) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 15(3)(c)(iii)**; S.I. 2013/1800, art. 3(j)
- F35** S. 7(5) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 31(d), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Commencement Information

- I6** S. 7 fully in force at 1.8.1991 see s. 13(3) and Archbishops' Instrument made at 26.7.1991

Status: Point in time view as at 01/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Diocesan Boards of Education Measure 1991. (See end of Document for details)

8 Powers of Board to give directions to trustees of church educational endowments.

- (1) Where the Board is satisfied that the trustees of any church educational endowment held wholly for a church school in the diocese are discharging their functions in relation to the endowment in such a manner that the endowment is not being applied in the best interests of the school or that the trustees of any such endowment have failed to discharge their functions in relation to that endowment, the Board shall have power to give directions to those trustees as to the exercise of those functions; and it shall be the duty of the trustees to comply with those directions before the expiration of the period of six months beginning with the date on which the directions are given.
- (2) Where the Board gives any directions under subsection (1) above it shall as soon as practicable cause a report thereon to be laid before the diocesan synod.

Commencement Information

I7 S. 8 fully in force at 1.8.1991 see s. 13(3) and [Archbishops' Instrument dated 26.7.1991](#)

^{F36}9

Textual Amendments

F36 S. 9 repealed (1.9.1999) by 1998 c. 31, s. 140(3), [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch.1](#)

10 Interpretation.

- (1) In this Measure—

^{F37}

...

“church educational endowment” means an educational endowment which includes among the purposes for which it may be applied religious education according to the faith and practice of the Church of England;

^{F38}

...

[^{F39} “church school” means a foundation or voluntary school which is a Church of England school as defined by section 142(1) of the School Standards and Framework Act 1998 [^{F40}or an Academy falling within subsection (1A)]^{F40} ;]

“educational endowment” means an endowment which, or the income of which, may be applied for the purposes of education;

“endowment” includes property not subject to any restriction on the expenditure of capital.

[^{F41}(1A) An Academy falls within this subsection if—

- (a) at least one member of its governing body is appointed to that body to represent the interests of the Church of England;
- (b) the premises provided for the Academy when first established were so provided on trust that, in the event of the discontinuance of the Academy, the property concerned was to be held for, or sold and the proceeds of sale applied for, the benefit of the Church of England; or

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- (c) the premises provided for the Academy when first established were so provided on trust in connection with the provision of education, or the conduct of an educational institution, in accordance with the tenets of the Church of England.]

^{F41F42}(2)

[^{F43}(3) Expressions used in this Measure which are also used in the School Standards and Framework Act 1998 shall, unless the context otherwise requires, have the same meaning as in that Act.]

Textual Amendments

- F37** Definition of “the 1988 Act” in s. 10(1) repealed (1.11.1996) by 1996 c. 56, ss. 582(1)(2)(3), 583(2), Sch. 37 Pt. I para. 107(a), Sch. 38 Pt. I, **Sch. 39** (with ss. 1(4), 561, 562, Sch. 39)
- F38** Definition of the “Church of England voluntary school” in s. 10(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 32(2)(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F39** Definition of “church school” in s. 10(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30**, para. 32(2)(b) (with ss. 138(9), 144(6))
- F40** Words in S. 10(1) in definition of “church school” inserted (26.7.2002) by Education Act 2002 (c. 32), s. 65, Sch. 7 {Pt. 2 para. 3(2)} (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F41** S. 10(1A) inserted (26.7.2002) by Education Act 2002 (c.32), s. 65, Sch. 7 {Pt. 2 para. 3(3)} (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F42** S. 10(2) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 32(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F43** S. 10(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 32(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1

Commencement Information

- I8** S. 10 fully in force at 1.8.1991 see s. 13(3) and Archbishops' Instrument made on 26.7.91

11 Amendment and repeal.

- (1) In section 5(5) of the ^{M1}Parochial Church Councils (Powers) Measure 1956—
- (a) for the words “diocesan education committee of the diocese” there shall be substituted the words “ diocesan board of education for the diocese ”; and
- (b) the words from “In this subsection” to the end of the section shall be omitted.
- (2) The ^{M2}Diocesan Education Committees Measure 1955 is hereby repealed.

Commencement Information

- I9** S. 11 fully in force at 1.8.1991 see s. 13(3) and Archbishops' Instrument made on 26.7.1991

Marginal Citations

- M1** 1956 No. 3.
M2 1955 No. 1.

^{F44}12 Transitional provisions.

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Textual Amendments

F44 S. 12 repealed (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\)](#), s. 2(3), [Sch. Pt. 8](#); S.I. 2018/718, art. 2

13 Short title, extent and commencement.

- (1) This Measure may be cited as the Diocesan Boards of Education Measure 1991.
- (2) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures, and may be extended to the Isle of Man by or under Act of Tynwald.
- (3) This Measure shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint.

Subordinate Legislation Made

P1 [S. 13\(3\)](#): power of appointment conferred by s. 13(3) fully exercised by [Archbishops' Instrument dated 26.7.1991](#)

Commencement Information

I10 [S. 13](#) fully in force at 1.8.1991 see [s. 13\(3\)](#) and [Archbishops' Instrument made on 26.07.1991](#)

Status:

Point in time view as at 01/07/2018.

Changes to legislation:

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