



# Education Act 1964

## 1964 CHAPTER 82

An Act to enable county schools and voluntary schools to be established for providing full-time education by reference to age-limits differing from those specified in the Education Act 1944, as amended by the Education (Miscellaneous Provisions) Act 1948; to enable maintenance allowances to be granted in respect of pupils at special schools who would be over compulsory school age, or, in Scotland, over school age, but for section 38(1) of the said Act of 1944 or section 32(4) of the Education (Scotland) Act 1962; and for purposes connected with the matters aforesaid. [31st July 1964]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Provisions relating to England and Wales*

#### **1 New schools with special age-limits.**

- (1) Where a local education authority intend to establish a new county school, or persons other than a local education authority propose that a new school proposed to be established by them, or by persons whom they represent, should be maintained by a local education authority as a voluntary school, and the authority or persons in question submit proposals for that purpose to the Secretary of State under section 13 of the Education Act 1944, the proposals may, if the authority or persons submitting the proposals think fit,—
  - (a) specify an age which is below the age of ten years and six months and an age which is above the age of twelve years, and
  - (b) provide that the school shall be established for providing full-time education suitable to the requirements of pupils whose ages are between the ages so specified.
- (2) If the Secretary of State approves (with or without modification) any such proposals which make provision as mentioned in the preceding subsection, he shall by order

direct that for the purposes of the Education Acts 1944 to 1962 the school shall be deemed to be a primary school, or shall be deemed to be a secondary school, as may be specified in the order.

- (3) The powers conferred by this section shall be exercisable—
- (a) notwithstanding anything contained in the Education Acts 1944 to 1962, and, in particular, in section 7 of the Education Act 1944 (which relates to the stages in which the statutory system of public education is to be organised), but
  - (b) without prejudice to the exercise of any other power conferred by those Acts.

## **2 Maintenance allowances in respect of pupils at special schools in England and Wales.**

Regulations made under section 81(c) of the Education Act 1944 (which relates to the grant of certain allowances in respect of pupils over compulsory school age) may include provision empowering local education authorities to grant maintenance allowances in respect of persons who—

- (a) being registered pupils at special schools, are by virtue of section 38(1) of that Act deemed to be of compulsory school age, but
- (b) apart from the said section 38(1), would be over compulsory school age.

### *Provisions relating to Scotland*

## **3 Maintenance allowances in respect of pupils at special schools in Scotland.**

Section 32(4) of the Education (Scotland) Act 1962 (which provides that certain children in attendance at special schools shall be deemed to be of school age until they attain the age of sixteen) shall not apply for the purposes of section 49(2)(c) of that Act (which relates to the grant of maintenance allowances in respect of persons over school age who are attending schools); and accordingly any question whether a person is over school age for the purposes of the said section 49(2)(c) shall be determined as if the said section 32(4) had not been enacted.

### *Supplementary provisions*

## **4 Financial provisions.**

There shall be paid out of moneys provided by Parliament—

- (a) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland;
- (b) any increase in the sums payable out of moneys so provided under the said enactments in respect of general grants, being an increase arising from any increase in the expenditure relevant to the fixing of the aggregate amounts of those grants which is attributable to the provisions of this Act;
- (c) any increase attributable to this Act in the sums payable out of moneys so provided under section 107 of the Education Act 1944 or under section 1(2) of the Education Act 1959.

## **5 Short title, citation, construction and extent.**

- (1) This Act may be cited as the Education Act 1964.
- (2) The Education Acts 1944 to 1962 and this Act (except section 3 thereof) may be cited together as the Education Acts 1944 to 1964.
- (3) The Education (Scotland) Acts 1939 to 1963 and this Act (except sections 1 and 2 thereof) may be cited together as the Education (Scotland) Acts 1939 to 1964.
- (4) This Act, in its application to England and Wales, shall be construed as one with the Education Acts 1944 to 1953.
- (5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.
- (6) Sections 1 and 2 of this Act shall not extend to Scotland; and section 3 of this Act shall not extend to England and Wales.
- (7) This Act shall not extend to Northern Ireland.

### TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Education Act 1944	<a href="#">7 &amp; 8 Geo. 6. c. 31.</a>
Education Act 1959	<a href="#">7 &amp; 8 Eliz. 2. c. 60.</a>
Education (Scotland) Act 1962	<a href="#">10 &amp; 11 Eliz. 2. c. 47.</a>