

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1946 (repealed 1.11.1996). (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

MAINTENANCE OF VOLUNTARY SCHOOLS

Modifications etc. (not altering text)

- C1** Sch. 1 excluded by [Education Act 1968 \(c. 17\), s. 3\(4\)](#)
- C2** Sch. 1 applied (1.10.1993) by [1980 c. 20, s. 13\(8\)](#) (as inserted by [1993 c. 35, s. 230\(5\)](#), S.I. 1993/1975, art. 9, Sch.1)

- 1 The duty of a local education authority to maintain a voluntary school under the principal Act shall include the duty of providing any site which is to be provided for the school in addition to, or instead of, the whole or any part of the existing site of the school, and shall, in the case of a controlled school, include the duty of providing any buildings which are to form part of the school premises:
Provided that nothing in this paragraph shall require a local education authority:—
- (a) to perform any duties which, under [^{F1}section 13 of the Education Act 1980] (which includes provisions relating to the establishment of new schools and to the procedure by which a school which is not a voluntary school may become such a school) are required to be performed by any persons other than the authority; or
- (b) to execute any proposals which are required to be executed under a special agreement made under the Third Schedule to the principal Act.

Textual Amendments

- F1** Words substituted by [Education Act 1980 \(c. 20, SIF 41:1\), s. 16\(4\), Sch. 3 para. 8](#)

- 2 Where under subsection (1) of section sixteen of the principal Act the [^{F2}Secretary of State for Education and Science] has made an order authorising the transfer to a new site of an aided school or a special agreement school, the duties of the managers or governors of the school shall include the duty of defraying, with the assistance of any grant which may be made in accordance with section one hundred and three of the principal Act, the expenses of providing any school buildings to be provided on the new site, and accordingly—
- (a) the [^{F2}Secretary of State for Education and Science] shall not direct that a school shall be an aided school or a special agreement school unless he is satisfied that the managers or governors of the school will be able and willing to defray any such expenses;

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- (b) the duty of the local education authority to maintain an aided school or a special agreement school shall not include the duty of defraying any such expenses; and
- (c) if at any time the managers or governors of an aided school or a special agreement school are unable or unwilling to carry out their obligations under this paragraph, it shall be their duty to apply to the [^{F2}Secretary of State for Education and Science] for an order revoking the order or direction by virtue of which the school is an aided school or a special agreement school, and upon such an application being made to him the [^{F2}Secretary of State for Education and Science] shall revoke the order or direction.

Textual Amendments

F2 Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

- 3 If when a local education authority provide a site for an aided school or a special agreement school in accordance with paragraph 1 of this Schedule, any work is required to be done to the site for the purpose of clearing it or making it suitable for building purposes, the authority and the managers or governors of the school may by agreement provide for the making of such payments, or of such other adjustments of their respective rights and liabilities, as will secure that the cost of that work is borne by the local education authority.
- 4 If when a local education authority provide a site for an aided school or a special agreement school in accordance with paragraph 1 of this Schedule there are, on the site so provided, any buildings which are of value for the purposes of the school, the authority and the managers or governors of the school may by agreement provide for the making of such payments, or of such other adjustments of their respective rights and liabilities, as appear to be desirable having regard to the duties of the managers or governors with respect to the school buildings.
- 5 Where it appears to the [^{F3}Secretary of State for Education and Science] that provision for any payment or other adjustment ought to have been made under either of the last two preceding paragraphs, but that such provision has not been made, he may by directions provide for the making of such payment or other adjustment as he thinks proper in the circumstances.

Textual Amendments

F3 Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

- 6 Where a local education authority provide a site for a school in accordance with the preceding provisions of this Schedule, it shall be the duty of the authority to convey their interest in the site and in any buildings on the site which are to form part of

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the school premises to the trustees of the school to be held on trust for the purposes of the school.

If any doubt or dispute arises as to the persons to whom a local education authority are required to make a conveyance under this paragraph, the conveyance shall be made to such persons as the [^{F4}Secretary of State for Education and Science] thinks proper.

Textual Amendments

F4 Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

Modifications etc. (not altering text)

C3 Sch. 1 paras. 6-9 continued (with modifications) (1.4.1994) by 1993 c. 35, s. 47(2); S.I. 1994/507, art.3(1) (with arts. 3, 4, Sch. 3)

- 7 Where an interest in any premises which are to be used for the purposes of a controlled school is conveyed in accordance with the last preceding paragraph to any persons who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school, those persons or their successors shall pay to the local education authority so much of that sum as the [^{F5}Secretary of State for Education and Science] may determine to be just having regard to the value of the interest so conveyed; and any sum so paid shall be deemed for the purposes of section fourteen of the ^{M1}Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) to be a sum applied in the purchase of a site for the school.

In this paragraph the expression “sale” includes the creation or disposition of any kind of interest.

Textual Amendments

F5 Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

Modifications etc. (not altering text)

C4 Sch. 1 para. 7 restricted by Reverter of Sites Act 1987 (c. 15, SIF 98:1), s. 8(1)

C5 Sch. 1 paras. 6-9 continued (with modifications) (1.4.1994) by 1993 c. 35, s. 47(1); S.I. 1994/507, art.3(1) (with arts. 3,4, Sch. 3)

Marginal Citations

M1 1841 c. 38.

- 8 Where in accordance with paragraph 6 of this Schedule a local education authority convey premises to be held on trust for the purposes of any voluntary school, and any person thereafter acquires the premises or any part thereof from the trustees, whether compulsorily or otherwise, the [^{F6}Secretary of State for Education and Science] may require the trustees or their successors to pay to the authority so much of the compensation or purchase money paid in respect of the acquisition as he thinks just having regard to—

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- (a) the value of the premises conveyed by the authority in accordance with the said paragraph 6; and
- (b) any sums which have been received by the authority in respect of the premises under the preceding provisions of this Schedule.

In this paragraph the expression “premises” includes any interest in premises.

Textual Amendments

F6 Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**

Modifications etc. (not altering text)

C6 Sch. 1 para. 8 restricted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 200(2)(e)**, 231(7), 235(6)

C7 Sch. 1 paras. 6-9 continued (with modifications) (1.4.1994) by 1993 c. 35, **s. 47(2)**; S.I. 1994/507, **art.3(1)** (with arts. 3,4, Sch. 3)

C8 Sch. 1 para. 8 modified (1.4.1994) by 1993 c. 35, **s. 131(4)**; S.I. 1994/507, **art.3(1)** (with arts. 3, 4, Sch. 3)

VALID FROM 01/04/1993

[^{F79} Paragraph 8 of this Schedule shall not apply in the case of an institution which is or has at any time been within the further education sector.]

Textual Amendments

F7 Sch. 1 para. 9 added (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 para.14**; S.I. 1992/831, art. 2, **Sch.3**

Modifications etc. (not altering text)

C9 Sch. 1 paras. 6-9 continued (with modifications) (1.4.1994) by 1993 c. 35, **s. 47(2)**; S.I. 1994/507, **art.3(1)** (with arts. 3,4, Sch. 3)

SECOND SCHEDULE

Section 14

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

^{F8}PART I

Textual Amendments

F8 Entries repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30** and [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), **Sch. 1 Pt. V**

Modifications etc. (not altering text)

C10 The text of Sch. 2 Pt.1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Section fifty	For the word “child,” wherever that word occurs, there shall be substituted the word “pupil”.
Section sixty-eight	At the end of the section there shall be inserted the following words: “In this section, references to a local education authority shall be construed as including references to any body of persons authorised, in accordance with the First Schedule to this Act, or in accordance with section thirteen of the Education Act, 1946, to exercise functions of such an authority”.
Section seventy-three	After subsection (4), there shall be inserted the following subsection:— “(5) For the purposes of the foregoing provisions of this Part of this Act, a person who is disqualified by an order made under Part IV of the Education (Scotland) Act, 1945, from being the proprietor of an independent school or from being a teacher in any school shall be deemed to be so disqualified by virtue of an order made under this Part of this Act.”
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Section one hundred and thirteen	For the word “notice” there shall be substituted the words “order, notice or other document.”
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PART II

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Modifications etc. (not altering text)

C11 The text of Sch. 2 Pt.II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and except as specified does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Section fourteen	For the proviso to subsection (1), there shall be substituted—
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“Provided that, except by leave of the Minister, no such notice as aforesaid shall be served by the managers or governors of any voluntary school in respect of the premises of which expenditure has been incurred otherwise than in connection with repairs by the Minister or by any local education authority or former authority. If the Minister grants such leave, he may impose such requirements as he thinks just—

- (a) in regard to the repayment of the whole or any part of the amount of the expenditure so incurred by the Minister;
- (b) where the Minister is satisfied that the local education authority will require, for any purpose connected with education, any premises which are for the time being used for the purposes of the school in regard to the conveyance of those premises to the authority ;
- (c) in regard to the payment by the local education authority of such part of the value of any premises so conveyed as is just having regard to the extent to which those premises were provided otherwise than at the expense of the authority or a former authority ;
- (d) where any premises for the time being used for the purposes of the school are not to be so conveyed, in regard to the payment to the authority by the managers or governors of the school of such part of the value of those premises as is just having regard to the extent to which they were provided at the expense of the authority or a former authority.”

Section fifteen

In subsection (3), in paragraph (a) thereof, for the words “for the purposes of establishing or carrying on the school” there

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shall be substituted the words “in connection with the provision of premises or equipment for the purposes of the school”, and for the words “school premises” where those words secondly occur, there shall be substituted the words “school buildings”.

In subsection (3) for paragraph (b) thereof there shall be substituted the following paragraph—

“(b) the managers or governors of the school shall not be responsible for repairs to the interior of the school buildings, or for repairs to those buildings necessary in consequence of the use of the school premises, in pursuance of any direction or requirement of the authority, for purposes other than those of the school.”

Subsection (6) shall be omitted.

Section thirty-four

At the end of subsection (4) there shall be inserted the words “unless the parent makes suitable arrangements for the provision of such treatment for the child otherwise than by the authority”.

In subsection (6), for the words “cease to provide” there shall be substituted the words “if they are providing”; and after the word “issued”, where that word secondly occurs, there shall be inserted the words “shall cease to provide such treatment for the child”.

Section one hundred and two

After the word “alterations”, where that word first occurs, there shall be inserted the words “and repairs”; and the words “and repairs to the school premises” shall be omitted.

Section one hundred and six

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Textual Amendments

F9 Entries repealed by [Education Act 1968 \(c. 17\)](#), [sch. 2](#), [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#), [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), [Sch. Pt. IV](#) and [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 38(6), [Sch. 7](#)

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