
 STATUTORY INSTRUMENTS

1980 No. 918

EDUCATION, ENGLAND AND WALES

The Education (Middle Schools) Regulations 1980 No. 918

<i>Made</i> - - - - -	1st July 1980
<i>Laid before Parliament</i>	10th July 1980
<i>Coming into Operation</i>	1st August 1980

In exercise of the powers conferred on the Secretary of State by section 1(2) of the Education Act 1964(a), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

1. These Regulations may be cited as the Education (Middle Schools) Regulations 1980 and shall come into operation on 1st August 1980.

2.—(1) In these Regulations the expression “middle school proposals” means such proposals as are mentioned in section 1(1) of the Education Act 1964, that is to say, proposals with respect to a school maintained or to be maintained by a local education authority, submitted to the Secretary of State under section 12 or 13 of the Education Act 1980(b), which—

- (a) specify an age which is below the age of 10 years 6 months and an age which is above the age of 12 years, and
- (b) provide that the school shall be a school for providing full-time education suitable to the requirements of pupils whose ages are between the ages so specified;

and those ages are respectively referred to as the lower and the higher specified ages.

(2) In these Regulations—

“middle school” means a school in respect of which middle school proposals are implemented;

“Education Act purposes” means the purposes of the Education Act 1944(c) and the other enactments relating to education.

(a) 1964 c.82; amended by section 16(4) of the Education Act 1980 (c.20) and paragraphs 11 and 12 of Schedule 3 thereto.

(b) 1980 c.20.

(c) 1944 c.31.

3.—(1) This Regulation shall apply where the difference between the age of 11 years and the lower age specified in middle school proposals is greater than that between the age of 11 years and the higher age so specified.

(2) In such case, the middle school to which the proposals relate shall be deemed for Education Act purposes to be a primary school.

4.—(1) This Regulation shall apply where the difference first mentioned in Regulation 3(1) above is less than the difference last so mentioned.

(2) In such case, the middle school to which the proposals relate shall be deemed for Education Act purposes to be a secondary school.

5.—(1) This Regulation shall apply where the differences mentioned in Regulation 3(1) above equal each other.

(2) In such case, the Secretary of State shall by order hereunder determine whether the middle school to which the proposals relate shall be deemed for Education Act purposes to be a primary or a secondary school.

(3) Before making an order hereunder the Secretary of State shall—

- (a) afford an opportunity to make representations to the authority, persons or governors by whom the middle school proposals were submitted, and
- (b) take into consideration any representations made by them.

1st July 1980.

Mark Carlisle,
Secretary of State for Education and Science.

1st July 1980.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to the determination of the question whether a middle school should be deemed to be a primary or a secondary school for Education Act purposes.

A middle school is deemed to be a primary or secondary school according to whether the age range of pupils below the age of 11 years for which it provides is greater or less than that of pupils above that age (*Regulations 3 and 4*).

Where the age ranges above and below the age of 11 years are the same, the Secretary of State is empowered (after considering representations in the matter) to determine whether the school should be deemed to be a primary or secondary school.