



# Education Act 1944

## 1944 CHAPTER 31

### PART III

#### INDEPENDENT SCHOOLS.

#### **70 Registration of independent schools.**

- (1) The Minister shall appoint one of his officers to be Registrar of Independent Schools ; and it shall be the duty of the Registrar of Independent Schools to keep a register of all independent schools, which shall be open to public inspection at all reasonable times, and, subject as hereinafter provided, to register therein any independent school of which the proprietor makes application for the purpose in the prescribed manner and furnishes the prescribed particulars :

Provided that—

- (a) no independent school shall be registered if, by virtue of an order made under the provisions hereinafter contained, the proprietor is disqualified from being the proprietor of an independent school or the school premises are disqualified from being used as a school, or if the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of any such order ; and
- (b) the registration of any school shall be provisional only until the Minister, after the school has been inspected on his behalf under the provisions of Part IV of this Act, gives notice to the proprietor that the registration is final.
- (2) If the Minister is satisfied that he is in possession of sufficient information with respect to any independent school or any class of independent schools, and that registration of that school or the schools comprised in that class is unnecessary, the Minister may by order exempt that school or schools of that class from registration, and any school so exempted shall be deemed to be a registered school.
- (3) If after the expiration of six months from the date of the commencement of this Part of this Act any person—

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- (a) conducts an independent school (whether established before or after the commencement of that Part) which is not a registered school or a provisionally registered school; or
- (b) being the proprietor of an independent school does any act calculated to lead to the belief that the school is a registered school while it is a provisionally registered school ;

he shall be liable on summary conviction to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

- (4) The Minister may make regulations prescribing the particulars to be furnished to the Registrar of Independent Schools by the proprietors of such schools, and such regulations may provide for the notification to the Registrar of any changes in the particulars so furnished and as to the circumstances in which the Minister may order the name of any school to be deleted from the register in the event of the Registrar being unable to obtain sufficient particulars thereof.

## 71 **Complaints.**

- (1) If at any time the Minister is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds—
  - (a) that the school premises or any parts thereof are unsuitable for a school ;
  - (b) that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages, and sex of the pupils attending the school ;
  - (c) that efficient and suitable instruction is not being provided at the school having regard to the ages and sex of the pupils attending thereat;
  - (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be ;

the Minister shall serve upon the proprietor of the school a notice of complaint stating the grounds of complaint together with full particulars of the matters complained of, and, unless any of such matters are stated in the notice to be in the opinion of the Minister irremediable, the notice shall specify the measures necessary in the opinion of the Minister to remedy the matters complained of, and shall specify the time, not being less than six months after the service of the notice, within which such measures are thereby required to be taken.

- (2) If it is alleged by any notice of complaint served under this section that any person employed as a teacher at the school is not a proper person to be a teacher in any school, that person shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation, and a copy of the notice shall be served upon him.
- (3) Every notice of complaint served under this section and every copy of such a notice so served shall limit the time, not being less than one month after the service of the notice or copy, within which the complaint may be referred to an Independent Schools Tribunal under the provisions hereinafter contained.

## **72 Determination of complaints.**

- (1) Any person upon whom a notice of complaint or a copy of such a notice is served under the last foregoing section may, within the time limited by the notice, appeal therefrom by referring the complaint, in such manner as may be provided by rules made under this Part of this Act, to an Independent Schools Tribunal constituted in accordance with the provisions of the Sixth Schedule to this Act.
- (2) Upon a complaint being referred to an Independent Schools Tribunal, the tribunal shall, after affording to all parties concerned an opportunity of being heard, and after considering such evidence as may be tendered by them or on their behalf, have power—
  - (a) to order that the complaint be annulled :
  - (b) to order that the school in respect of which the notice of complaint was served be struck off the register:
  - (c) to order that the school be so struck off unless the requirements of the notice, subject to such modifications, if any, as may be specified in the order are complied with to the satisfaction of the Minister before the expiration of such time as may be specified in the order:
  - (d) if satisfied that the premises alleged by the notice of complaint to be unsuitable for use as a school or any part of such premises are in fact unsuitable for such use, by order to disqualify the premises or part from being so used, or, if satisfied that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school, by order to disqualify the premises from being used as a school for pupils exceeding such number or of such age or sex as may be specified in the order:
  - (e) if satisfied that any person alleged by the notice of complaint to be a person who is not proper to be the proprietor of an independent school or to be a teacher in any school is in fact such a person, by order to disqualify that person from being the proprietor of any independent school or from being a teacher in any school, as the case may be.
- (3) Where a notice of complaint has been served under this Act on the proprietor of any school and the complaint is not referred by him to an Independent Schools Tribunal within the time limited in that behalf by the notice, the Minister shall have power to make any order which such a tribunal would have had power to make if the complaint had been so referred:

Provided that, if it was alleged by the notice of complaint that any person employed as a teacher at the school is not a proper person to be a teacher in any school and that person has, within the time limited in that behalf by the copy of the notice served upon him, referred the complaint to an Independent Schools Tribunal, the Minister shall not have power to make an order requiring his dismissal or disqualifying him from being a teacher in any school.

- (4) Where by virtue of an order made by an Independent Schools Tribunal or by the Minister any person is disqualified either from being the proprietor of an independent school or from being a teacher in any school, then, unless the order otherwise directs, that person shall, by virtue of the order, be disqualified both from being the proprietor of an independent school and from being a teacher in any school.

### **73 Enforcement.**

- (1) Where an order is made by the Minister or by an Independent Schools Tribunal directing that any school be struck off the register, the Registrar of Independent Schools shall as from the date on which the direction takes effect strike the school off the register.
- (2) If any person uses any premises for purposes for which they are disqualified by virtue of any order made under this Part of this Act, that person shall be liable on summary conviction to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction (whether in respect of the same or other premises) to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.
- (3) If any person acts as the proprietor of an independent school, or accepts or endeavours to obtain employment as a teacher in any school, while he is disqualified from so acting or from being so employed by virtue of any such order as aforesaid, he shall be liable on summary conviction to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.
- (4) No proceedings shall be instituted for an offence against this Part of this Act except by or on behalf of the Minister.

### **74 Removal of disqualifications.**

- (1) If on the application of any person the Minister is satisfied that any disqualification imposed by an order made under this Part of this Act is, by reason of any change of circumstances, no longer necessary, the Minister may by order remove the disqualification.
- (2) Any person who is aggrieved by the refusal of the Minister to remove a disqualification so imposed may, within such time after the refusal has been communicated to him as may be limited by rules made under this Part of this Act, appeal to an Independent Schools Tribunal.

### **75 Proceedings before Independent Schools Tribunals and matters relating thereto.**

- (1) The Lord Chancellor may, with the concurrence of the Lord President of the Council, make rules as to the practice and procedure to be followed with respect to the constitution of Independent Schools Tribunals, as to the manner of making appeals to such tribunals, and as to proceedings before such tribunals and matters incidental to or consequential on such proceedings, and, in particular, such rules may make provision requiring any such tribunal to sit at such places as may be directed in accordance with the rules, and may make provision as to appearance before such tribunals by counsel or solicitor and as to the payment to members of such tribunals, as part of the expenses of the Minister under this Act, of such remuneration and allowances as may, with the consent of the Treasury, be provided for by the rules.
- (2) The provisions of the Arbitration Acts, 1889 to 1934, shall not apply to any proceedings before an Independent Schools Tribunal except so far as any provisions thereof may be applied thereto with or without modifications by rules made under this section.

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- (3) Every order of an Independent Schools Tribunal shall be registered by the Registrar of Independent Schools and shall be open to public inspection at all reasonable times.