
S T A T U T O R Y I N S T R U M E N T S

1959 No. 364

EDUCATION, ENGLAND AND WALES

The Schools Regulations, 1959

<i>Made</i> - - - - -	5th March, 1959
<i>Laid before Parliament</i>	12th March, 1959
<i>Coming into Operation</i>	1st April, 1959

The Minister of Education, in exercise of the powers conferred upon him by subsection (4) of section 3 of the Local Government Act, 1958(a), hereby makes the following regulations :—

1. These regulations may be cited as the Schools Regulations, 1959, and shall come into operation on the first day of April, 1959.

2. These regulations prescribe standards and general requirements to be observed in respect of schools, other than special schools, maintained by local education authorities.

3.—(1) In these regulations, unless the context otherwise requires—

“authority” means a local education authority as defined in the Education Act, 1944(b) ;

“nursery class” means a class mainly for children who have attained the age of three years but have not attained the age of five years ;

“school” means a school, other than a special school, maintained by an authority ;

and other expressions have the same meaning as in the Education Acts, 1944 to 1953.

(2) The Interpretation Act, 1889(c), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Premises

4.—(1) The premises of a school shall be kept in a proper state of repair, cleanliness, and hygiene, and adequate arrangements shall be made for the safety of the pupils and staff in case of fire.

(2) Before new premises are provided for a school, or alterations made to existing premises, the approval of the Minister shall be obtained, which approval may be given either generally, or in a particular case.

5. Classrooms and other rooms used for instruction shall not be overcrowded.

Size of Classes

6. The number of pupils on the register of a class shall not exceed—

(a) thirty for a nursery class ;

(b) thirty for a class mainly of senior pupils in a primary school ;

(a) 6 & 7 Eliz. 2. c. 55. (b) 7 & 8 Geo. 6. c. 31. (c) 52 & 53 Vict. c. 63.

- (c) forty for any other class in a primary school ;
- (d) thirty for any class in a secondary school :

Provided that if, owing to the shortage of teachers or other unavoidable circumstances, it is not possible to comply with this regulation, the number of pupils on the register of any class shall be such as is reasonable in all the circumstances.

Admission

7.—(1) A pupil shall not be refused admission to or excluded from a school on other than reasonable grounds.

(2) A pupil shall not, unless exceptional circumstances require it, be admitted to a nursery school under the age of two years or to a nursery class under the age of three years, nor be retained in a nursery school or class after the end of the term in which he attains the age of five years.

8. Whenever a pupil ceases to attend a school and becomes a pupil at any other school or place of education or training, such educational information concerning him as the authority considers reasonable shall be supplied to the person conducting the other school or place, if so requested by that person.

School Year, Terms and Sessions

9. The school year shall begin on 1st August, or on such later day in August as an authority may, in respect of any school in its area, appoint ; and it shall be divided into three or four terms, as the authority shall determine.

10.—(1) On every day on which a school meets there shall be provided for the pupils—

- (a) in a nursery school or nursery class, at least three hours of suitable activities,
- (b) in a school or class mainly for pupils under eight years of age, at least three hours of secular instruction, and
- (c) in a school or class mainly for pupils of eight years of age and over, at least four hours of secular instruction,

divided into two sessions, one of which shall be in the morning and the other in the afternoon unless exceptional circumstances make this undesirable:

Provided that—

(a) in a school which meets on six days in the week there may be on two of those days one session only of half the appropriate period of time prescribed by this paragraph ; and

(b) it shall be sufficient to provide one-and-a-half hours of suitable activities for pupils attending a nursery school or nursery class for half a day only.

(2) For the purposes of this regulation, time occupied in marking the registers shall not be counted towards the required periods of activities or instruction, but there may be counted—

(a) in a voluntary school, the time required for the purposes of the inspection of religious instruction in accordance with subsection (5) of section 77 of the Education Act, 1944 ; and

(b) in any school, the necessary time for recreation, and any time occupied by the medical examination, inspection and treatment and dental treatment of pupils.

11. A school shall, apart from some unavoidable cause, meet for at least four hundred sessions in each school year, from which may be deducted a number not exceeding twenty in respect of occasional school holidays granted during term.

12.—(1) Leave of absence shall not be given to enable a pupil to undertake employment, whether paid or unpaid, during school hours, except—

(a) in accordance with arrangements, approved by the Minister, permitting employment temporarily in the interests of the general welfare of the community ; or

(b) in accordance with a licence granted under section 22 of the Children and Young Persons Act, 1933(a).

(2) Leave shall not be given to a pupil to take his holiday during term, except a period not exceeding two weeks in any calendar year to enable him to accompany his parent on the annual holiday of the latter.

Instruction and Examinations

13. The instruction given in a school shall be efficient and appropriate to the needs of the pupils attending it.

14. There shall be a time-table showing—

(a) the times at which the school sessions begin and end on each day ; and

(b) the place of any instruction regularly given elsewhere than on the ordinary premises of the school.

15. A pupil shall not be entered for any external examination unless either—

(a) he will have attained the age of sixteen on or before the 1st September in the year in which the examination is held ; or

(b) if the examination is the General Certificate Examination, the head teacher certifies that it is desirable on educational grounds to enter him earlier, and that he has pursued a course of study with such competence that it is probable he will pass the examination in the subjects for which it is proposed to enter him.

Teachers

16.—(1) There shall be—

(a) in every nursery school a superintendent teacher ;

(b) in every other school or department a head teacher, who shall take part in the teaching ; and

(c) in every school a staff of assistant teachers suitable and sufficient in number to provide full-time education appropriate to the ages, abilities and aptitudes of the pupils:

Provided that if the Minister, having regard to the number of teachers available in England and Wales as a whole, considers it necessary to do so in order to secure a fair distribution, he may, in respect of any authority, fix maximum numbers of teachers to be employed.

(2) A teacher shall, subject to paragraph (3) of this regulation and to regulations 17 and 18, be a qualified teacher, that is to say, he shall either

(a) 23 & 24 Geo. 5. c. 12.

have in the opinion of the Minister satisfactorily completed a course of training specified in Schedule I to these regulations, or possess some special qualification approved by the Minister.

(3) Notwithstanding the provisions of the preceding paragraph—

- (a) a teacher who was in service at any time before 1st April, 1945, in a school which was maintained or aided by a former authority or was in receipt of grant from the Minister may, though not a qualified teacher, be employed in any school, but subject to the approval of Her Majesty's Inspector if the teacher is a supplementary teacher and there has been a break in his service ;
- (b) a teacher who was immediately before 1st April, 1945, the head teacher of a school may, though not a qualified teacher, continue to be employed as head teacher of that school, or may, with the Minister's approval, be appointed as head teacher of another school ; and
- (c) a person who has completed a course of instruction in the care of young children, may, though not a qualified teacher, be appointed with the Minister's approval to the assistant staff of a nursery school or to the staff of a nursery class.

17.—(1) A person who is not a qualified teacher may with the approval of the Minister be employed as a temporary assistant teacher if he is eighteen years of age and has passed one of the examinations specified in Part I of the Schedule to the Training of Teachers (Local Education Authorities) Regulations, 1959(a), or possesses some other qualification approved by the Minister.

(2) Such employment shall not be for a period exceeding two years unless the Minister approves employment for a longer period.

18. A person who is not a qualified teacher may be employed as an occasional teacher—

- (a) in place of a regular assistant teacher to meet a particular emergency, if the authority is satisfied as to his physical capacity ; or
- (b) part-time, to meet the special needs of a school, if he is suitable for such employment.

19. The provisions of Schedule II to these regulations shall have effect in relation to the terms of employment of teachers.

Handicapped Pupils

20.—(1) Where an authority provides special educational treatment for any category of handicapped pupils, as defined by regulation 4 of the Handicapped Pupils and Special Schools Regulations, 1959(b), in a school which is not a special school, the following provisions shall have effect.

(2) If there is a special class for such pupils the authority shall comply as regards that class with the requirements of regulation 7 of the said regulations as to the special educational treatment to be given, and regulation 9 as to the size of classes ; and regulation 6 of these regulations shall not apply to that class.

(3) Teachers of classes for partially deaf pupils, except classes in practical instruction, shall, in addition to possessing such qualifications as are required by these regulations, have passed the examination for the Teacher's Diploma of the National College of Teachers of the Deaf, or the final examination

(a) S.I. 1959/395.

(b) S.I. 1959/365.

of the Course of Training for Teachers of the Deaf at Manchester University, or possess an equivalent qualification approved by the Minister.

(4) If handicapped pupils are educated otherwise than in a special class the authority shall comply with the requirements specified in paragraph (2) of this regulation so far as it is practicable to do so.

General

21. Any approval given by the Minister under any regulation contained in Part II of the Schools Grant Regulations, 1951(a), shall have effect as if given under the corresponding regulation contained in these regulations.

SCHEDULES

SCHEDULE I

(regulation 16)

COURSES OF TRAINING FOR TEACHERS

1. A course of training in accordance with paragraph (1) of regulation 11 of the Training of Teachers (Local Education Authorities) Regulations, 1959(b), at any training college or other establishment to which that paragraph applies.

2. A course of training, approved by the Minister for the purpose of this paragraph, at any other training college recognised by him as efficient.

3. A course of training at the University of London Institute of Education's Department for Education in Tropical Areas, for the Post-graduate Certificate in Education.

4. A course of training at the University of London Institute of Education for the Post-graduate Certificate in Education, with special reference to the teaching of English as a foreign language.

5. A course of training leading to recognition as a Certificated Teacher under Chapters IV, V, or VI of the Regulations for the Preliminary Education, Training and Certification of Teachers for Various Grades of Schools (Scotland), 1931(c), as amended, except under article 35 of those Regulations.

6. A course of training at the Queen's University, Belfast, Stranmillis Training College, Belfast, St. Mary's Training College, Belfast, Ulster College of Physical Education, Jordanstown, County Antrim, or the Belfast Training College for Teachers of Domestic Economy, approved by the Minister of Education for Northern Ireland and leading to recognition as a teacher in Primary, Intermediate or Grammar Schools in Northern Ireland.

SCHEDULE II

(regulation 19)

EMPLOYMENT OF TEACHERS

1. Subject to the provisions of the Disabled Persons (Employment) Acts, 1944 and 1958(d), every teacher shall, on first employment as a qualified teacher or temporary assistant teacher in a maintained school, satisfy the Minister of his health and physical capacity for teaching, unless he has already done so for the purposes of the Scheme of 11th October, 1926(e), made under the Teachers (Superannuation) Act, 1925(f).

2.—(a) The initial period of service of a teacher as a qualified teacher shall be a probationary period of one year during which he may be required to satisfy the Minister of his practical proficiency as a teacher, but in exceptional cases the Minister may approve a probationary period which is less or more than one year, or dispense with it entirely.

(a) S.I. 1951/1743 (1951, I, p. 529).

(b) S.I. 1959/395.

(c) S.R. & O. 1931/180 (Rev. VI, p. 758: 1931 p. 363).

(d) 7 & 8 Geo. 6. c. 10: 6 & 7 Eliz. 2. c. 33.

(e) S.R. & O. 1926/1314 (Rev. VI, p. 449: 1926 p. 439).

(f) 15 & 16 Geo. 5. c. 59.

(b) During his probationary period a teacher shall be employed in such school and under such supervision and conditions of work as shall be suitable to a teacher on probation.

(c) If at the end of the probationary period the Minister determines the teacher to be unsuitable for further employment as a qualified teacher he shall not be so employed.

3.—(a) A teacher, not being an occasional teacher, shall be employed under a written agreement, or, in the case of a teacher appointed by an authority, either under a written agreement or under a minute of the authority.

(b) The agreement or minute shall, either expressly or by reference to specified regulations or minutes, define the conditions of service and indicate whether the teacher is employed in full-time service exclusively in the capacity of a teacher, or in part-time service in the capacity of a teacher, or partly in the capacity of a teacher and partly in another capacity.

(c) The agreement or minute, unless it relates to employment partly in the capacity of a teacher and partly in another capacity or in a school in which pupils are boarded, shall provide that the teacher shall not be required to perform any duties except such as are connected with the work of the school or to abstain outside the school hours from any occupations which do not interfere with the due performance of his duties.

(d) A teacher shall be furnished with a copy of the agreement or minute under which he is employed; and he shall also be furnished with a copy of any specified regulations or minutes referred to in the agreement or minute under which he is employed, unless facilities are otherwise afforded to him for acquainting himself with their contents.

4. If a teacher's engagement is terminated, whether by dismissal or resignation, on account of misconduct, grave professional default or conviction of a criminal offence, the facts shall be reported to the Minister.

5.—(a) A person who, on grounds of misconduct or grave professional default, has been determined by the Minister (or previously by the Board of Education) to be unsuitable for employment as a teacher shall not be employed in any school, or if he has been determined to be suitable for employment to a limited extent only, shall be employed only to that extent.

(b) Before making any such determination the Minister shall use every available means of informing the teacher of the charges against him and of giving him an opportunity for explanation.

6. The Minister may, after consultation with the authority, the managers or the governors as the case may be, at any time on educational or medical grounds require that the employment of a teacher be suspended or terminated or made subject to such conditions or qualifications as the Minister may determine; but before so requiring the Minister shall use every available means of informing the teacher of the grounds of the proposed action and of giving him an opportunity of making representations on the subject.

Given under the Official Seal of the Minister of Education this 5th day of March, 1959.

(L.S.)

Geoffrey Lloyd,
Minister of Education.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations impose, in respect of schools (other than special schools) maintained by local education authorities, standards and general requirements to replace the provisions contained in the existing regulations for grant, viz. Part II of the Schools Grant Regulations, 1951. A number of regulations have been simplified, particularly those relating to length of terms and hours of attendance (regulations 9 to 12) and there are the following further changes—

- (a) regulation 16 (2) and the First Schedule now specify the principal courses of training for teachers wishing to be qualified teachers ;
- (b) regulation 20 specifies the requirements to be observed in respect of handicapped pupils receiving special educational treatment at ordinary schools (some of these were formerly in the School Health Service and Handicapped Pupils Regulations, 1953 (S.I. 1953/1156: 1953 I, p. 613)) ;
- (c) regulation 19 of the existing regulations, relating to the employment as teachers of Ministers of Religion, has been omitted.

STATUTORY INSTRUMENTS

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