
STATUTORY INSTRUMENTS

1981 No. 1086

EDUCATION, ENGLAND AND WALES

The Education (Schools and Further
Education) Regulations 1981

<i>Made</i>	- - - -	<i>23rd July 1981</i>
<i>Laid before Parliament</i>		<i>6th August 1981</i>
<i>Coming into Operation</i>		<i>1st September 1981</i>

In exercise of the powers conferred by sections 27 and 35(4) of the Education Act 1980(1) and (so far as concerns Regulation 2) in exercise of, the powers conferred by section 100 of the Education Act 1944(2) and by section 5(2) of the Local Government Act 1974(3), 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:—

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Schools and Further Education) Regulations 1981 and shall come into operation on 1st September 1981.

Revocations

2. The Regulations specified in Parts I, II and III of Schedule 1 are hereby revoked to the extent there mentioned.

Schools and further education establishments to which Regulations apply

3. Except where the context otherwise requires, in these Regulations—

(1) Extended by paragraph 4 of Schedule 2 to the Sex Discrimination Act 1975 (c.20) as prospectively amended by section 33(3) of the Education Act 1980.
(2) See S.I. 1964/490, 1978/274.
(3) Extended by paragraph 4 of Schedule 2 to the Sex Discrimination Act 1975.

- (a) a reference to a school is a reference to a school maintained by a local education authority other than a special school;
- (b) a reference to a further education establishment is a reference to such an establishment provided by a local education authority or to one not so provided which, for the purposes hereof, is designated by the Secretary of State as one substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the Education Act 1944⁽⁴⁾.

Approvals

4. Except where the context otherwise requires, an approval for the purposes of these Regulations may apply generally (subject to such exceptions, if any, as are specified therein) or only in a particular case.

Interpretation

5.—(1) In these Regulations any reference to a hostel for handicapped pupils is a reference to a boarding hostel provided by a local education authority for handicapped pupils attending—

- (a) a school (including a special school) maintained by a local education authority,
- (b) a special school not so maintained, or
- (c) a further education establishment;

and, for the purposes hereof, the expression “handicapped pupil” means a pupil falling within one or more of the categories of pupils defined by regulations for the time being in force under section 33(1) of the Education Act 1944 (education of pupils requiring special educational treatment).

(2) Except where the context otherwise requires, any reference in these Regulations to a Regulation or Schedule is a reference to a Regulation contained therein or to a Schedule thereto and any reference in a Regulation or Schedule to a paragraph is a reference to a paragraph of that Regulation or Schedule.

PART II

PROVISIONS OF GENERAL APPLICATION

Substances and apparatus involving health hazards

6.—(1) This Regulation shall apply in relation to the use of—

- (a) any radioactive substance which has an activity in excess of 0.002 of a microcurie per gram, or
- (b) any apparatus in which electrons are accelerated by a potential difference of at least 5 kilovolts other than—
 - (i) a television receiving set, or
 - (ii) an apparatus designed primarily to produce visual images derived from video recordings, closed circuit television equipment or the output of a computer.

(2) No such substance or apparatus shall be used for the purposes of instruction at a school or further education establishment unless that use is for the time being approved by the Secretary of State; and an approval given for the purposes hereof shall be withdrawn if at any time the Secretary

(4) See S. I. 1964/490, 1978/274

of State is of the opinion that the arrangements made for the health and safety of the pupils and staff at the school or establishment are inadequate.

Approval of premises

7.—(1) In the case of—

- (a) subject to paragraph (3), a school,
- (b) a further education establishment, or
- (c) a hostel for handicapped pupils,

no new premises shall be provided where the proposals involve building work (whether by way of alterations to premises to be acquired or the construction of new premises), and no alterations shall be made to existing premises, without the approval of the Secretary of State under this Regulation.

(2) For the purposes hereof, where it is proposed—

- (a) to provide new premises and the proposals involve building work, or
- (b) to make alterations to existing premises,

the authority or persons making the proposals shall, at such time and in such form and manner as the Secretary of State may direct, submit to him such particulars with respect to the building work or alterations as he may require.

(3) This Regulation shall not apply in the case of a school where particulars with respect to the premises or alterations have been submitted to the Secretary of State for his approval in pursuance of section 14 of the Education Act 1980.

Inspection of hostels

8. A hostel for handicapped pupils shall be open to inspection by a person being either one of Her Majesty's Inspectors appointed under section 77 of the Education Act 1944 or a person authorised for the purposes hereof by the Secretary of State.

Transitional exemption orders under the Sex Discrimination Act 1975

9.—(1) This Regulation shall apply in the case of—

- (a) a special school which is a single-sex establishment within the meaning of section 26(1) of the Sex Discrimination Act 1975;
- (b) a special school which falls within section 26(2) of that Act;
- (c) a further education establishment which is a single-sex establishment within the meaning aforesaid other than an establishment designated under section 24(1) of that Act in respect of which grants are payable under section 100(1)(b) of the Education Act 1944.

(2) On the application of the responsible body (within the meaning of section 27 of the said Act of 1975) of such a school or further education establishment, the Secretary of State may make a transitional exemption order authorising discriminatory admissions thereto during a period specified in the order.

(3) An application for such an order shall, in the case of a special school, specify whether it falls within paragraph (1)(a) or (b) and, in the case of either a special school or a further education establishment, specify—

- (a) the transitional period during which the applicants propose that discriminatory admissions should be authorised by the order;
- (b) the stages, by which the applicants propose that the school or establishment should move to a position where section 16 of the said Act of 1975 ceases to apply to it, and

- (c) any other matters relevant to the terms and operation of the order applied for.

PART III

PROVISIONS APPLYING ONLY IN RELATION TO SCHOOLS

Duration of school year and day

10.—(1) Subject to paragraph (5), every day on which a school meets shall be divided into two sessions which shall be separated by a break in the middle of the day unless exceptional circumstances make this undesirable.

(2) In each year a school shall meet for at least 400 sessions reduced, where occasional holidays are granted in term-time, by not more than 20 sessions in respect of such holidays so, however, that nothing in this paragraph shall require a nursery class to meet for that number of sessions:

Provided that where at any time a school is prevented from meeting, for one or more sessions for which it was intended that it should meet and it is not reasonably practicable for arrangements to be made for it to meet at an alternative time for those sessions, the school shall be treated for the purposes hereof as if it had met as intended.

(3) Subject to paragraphs (5) and (6), on every day on which a school, other than a nursery school, meets there shall be provided—

- (a) in classes mainly for pupils under the age of 8 years, other than nursery classes, at least 3 hours of secular instruction, and
- (b) in classes for pupils of or above that age, at least 4 hours secular instruction.

(4) Subject to paragraphs (5) and (6), on every day on which a nursery school or nursery class meets there shall be provided at least 3 hours of suitable activities:

Provided that on a day on which a pupil—

- (a) attends a nursery class which meets for only a single session, or
- (b) attends a nursery school or class for one only of two sessions,

it shall be sufficient to provide him with 1½ hours of suitable activities.

(5) In a school which meets on 6 days a week there may on 2 of those days be only a single session and, in relation to a day on which there is only a single session, paragraphs (3) and (4) shall have effect as if the periods of 3 hours and of 4 hours there mentioned were, respectively, periods of 1½ hours and of 2 hours.

(6) The marking of registers shall be carried out outside the minimum periods of instruction or activities referred to in paragraphs (3) and (4) but there shall count towards those periods, as if it were time spent upon secular instruction or suitable activities—

- (a) any time allowed for recreation;
- (b) time occupied by medical or dental examinations, or treatment;
- (c) time required in a voluntary school for the inspection of religious education in pursuance of the proviso to section 77(5) of the Education Act 1944.

Leave of absence for employment

11. Leave of absence from school shall not be granted to enable a pupil to undertake employment (whether paid or unpaid) during school hours except—

- (a) employment in pursuance of arrangements made or approved under the Education (Work Experience) Act 1973;

- (b) employment for the purpose of taking part in a performance within the meaning of section 37 of the Children and Young Persons Act 1963 under the authority of a licence granted under that section, or
- (c) employment abroad for a purpose mentioned in section 25 of the Children and Young Persons Act 1933 where a licence has been granted under that section.

Leave of absence for annual holiday

12.—(1) In pursuance of arrangements made by the governing body of a school, on application made by the parent or other person having charge of a pupil he may be granted leave of absence from the school to enable him to partake of an annual family holiday or to go away on an annual holiday.

(2) Save in exceptional circumstances a pupil shall not in pursuance of this Regulation be granted more than 2 weeks leave of absence in any year.

Transfer of educational records

13. The governing body of a school shall make arrangements where under, where a pupil ceases to attend thereat and becomes a pupil at any other school, at a further education establishment or at any other place of education or training, such educational records or parts thereof relating to him as appear to them appropriate shall be transferred to the person responsible for the conduct of that other school, further education establishment or place of education or training, if that person so requests.

PART IV

PROVISIONS APPLYING ONLY TO FURTHER EDUCATION ESTABLISHMENTS

Approval of advanced further education courses

14.—(1) This Regulation and Regulation 15 shall apply in the case of a course designated as a course of advanced further education by Schedule 3.

(2) Such a course shall not be provided at a further education establishment without the approval of the Secretary of State or, where such approval is given subject to conditions, otherwise than in accordance with those conditions.

Discontinuance of advanced further education courses

15. Such a course as is referred to in Regulation 14(1) shall cease to be provided at a further education establishment, if the Secretary of State so directs, at such time as may be specified in his direction subject, however, to such transitory provisions, if any, as may be so specified.

Restrictions on teacher training courses

16.—(1) This Regulation shall apply in the case of a course for the training of teachers.

(2) Without prejudice to the powers of the Secretary of State under Regulations 14 and 15, he may from time to time give directions as to the numbers and categories of students to be admitted to such a course provided at a further education establishment; and any such directions shall be binding on the persons concerned with admissions at the establishment in question.

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Co-ordination between local education authorities

17.—(1) This Regulation shall apply in the case only of further education establishments provided by local education authorities.

(2) Every such authority shall, in consultation, where appropriate with the Regional Advisory Council for Further Education, endeavour to secure that, so far as may be reasonable—

- (a) the courses at establishments provided by them do not duplicate those at other establishments provided by authorities for neighbouring areas, and
- (b) any fees charged for such courses do not differ substantially from the fees for corresponding courses at such other establishments.

23rd July 1981

Mark Carlisle
Secretary of State for Education and Science

23rd July 1981

Nicholas Edwards
Secretary of State for Wales

SCHEDULE 1

Regulation 2

REGULATIONS REVOKED

PART I

SCHOOLS REGULATIONS

<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Schools Regulations 1959	S.I. 1959/364	Regulations 4 to 15 and 20(1), (2) and (4)
The Schools (Amending) Regulations 1963	S.I. 1963/1468	The whole Regulations
The Schools Amending Regulations 1965	S.I. 1965/3	The whole Regulations
The Schools Amending Regulations 1966	S.I. 1966/1577	The whole Regulations
The Schools (Amendment) Regulations 1969	S.I. 1969/231	The whole Regulations
The Schools (Amendment No. 2) Regulations 1969	S.I. 1969/1174	The whole Regulations
The Handicapped Pupils and Special Schools (Size of Classes) Regulations 1973	S.I. 1973/340	To the extent that they amend the Schools Regulations 1959

PART II

FURTHER EDUCATION REGULATIONS

<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Further Education Regulations 1975	S.I. 1975/1054	Regulations 3(2) and 6, Regulation 6A (except as applied by Regulation 21), Regulations 7 to 11 and 18, Regulation 21 (to the extent that it applies Regulations 6 and 8 to 11 and Schedule 1), in Regulation 25 the words “which are not subject to his directions under regulation 6” and Schedule 1
The Further Education (Transitional Exemption Orders) Regulations 1975	S.I. 1975/1929	To the extent that they were made under section 5(2) of the Local Government Act 1974 as extended by paragraph 4 of Schedule 2 to the Sex Discrimination Act 1975

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PART III

HANDICAPPED PUPILS BOARDING REGULATIONS

<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Handicapped Pupils (Boarding) Regulations 1959	S.I. 1959/362	The whole Regulations

SCHEDULE 2

Regulations 14 and 15

ADVANCED FURTHER EDUCATION COURSES TO WHICH REGULATIONS 14 AND 15 APPLY

1. For the purposes of Regulations 14 and 15, the following courses are hereby designated as courses of advanced further education—
 - (a) any course for the further training of teachers, being a full-time course of 4 or more weeks' duration or a part-time course involving more than 60 hours of instruction, and
 - (b) any such course as is mentioned in paragraph 2, being a full-time course of 4 or more weeks' duration or a part-time course involving more than 60 hours of instruction.

- 2.—(1) The courses referred to in paragraph 1(b) are—
 - (a) a post-graduate course or a course comparable to such a course;
 - (b) a first degree course or a course comparable to such a course;
 - (c) a course for the Diploma of Higher Education;
 - (d) a course for the Higher National Diploma or Certificate (including certificate of supplementary study), the Higher Diploma or Certificate of the Technician Education Council, the Higher Diploma or Certificate of the Business Education Council or the Diploma in Management Studies;
 - (e) a course in preparation for a professional examination of a standard above that of the examinations for the Ordinary National Certificate or the examinations at advanced level for the General Certificate of Education.
 - (f) any other course in preparation for an examination of a standard above that of the examinations for the Ordinary National Certificate or the examinations at advanced level for the General Certificate of Education, being a course which, disregarding exceptions made in individual cases or classes of case, may be taken only by students who have attained the age of 18 years and (subject to sub-paragraph (2)) hold—
 - (i) an Ordinary National Certificate, or
 - (ii) a General Certificate of Education recording that the student attained grade 'C' or above in at least 5 subjects in the examinations at ordinary level, or
 - (iii) a General Certificate of Education recording that the student passed in at least two subjects in the examinations at advanced level or so passed in one subject and attained grade 'C' in at least one other subject in the examinations at ordinary level, or
 - (iv) a certificate or other qualification indicative of a comparable or higher level of attainment.

(2) For the purposes of sub-paragraph (1) any reference to a General Certificate of Education recording that a student attained grade `C' or above in a subject in the examinations at ordinary level shall be construed as including a reference—

- (a) to such a certificate recording that he attained at least grade `C' at ordinary level in the examinations in that subject at advanced level, and
- (b) to a Certificate of Secondary Education recording that he attained grade 1 in the examinations in that subject for that certificate.

EXPLANATORY NOTE

First, these Regulations revoke the Schools Regulations 1959 and the Further Education Regulations 1975 and the Regulations amending those Regulations except in so far as they relate to the employment of teachers and certain other staff and, in the case of the Regulations of 1975, except for certain provisions made in pursuance of section 100 of the Education Act 1944 (grants in aid of educational services); they also revoke the Handicapped Pupils (Boarding) Regulations 1959 (Regulation 2). Secondly, they make new provision in relation to schools (save as mentioned below, other than special schools) and further education establishments maintained or provided by local education authorities and in relation to other further education establishments which are designated under the Regulations as being substantially dependent on assistance from such authorities or on grants under section 100(1)(b) of the Education Act 1944 (Regulation 3).

Part II contains provisions applying in the case of both schools and further education establishments and relating to the use of certain radioactive substances and apparatus, building work and the inspection of hostels for handicapped pupils (as defined in Regulation 5(1)). It also contains provisions relating to applications for transitional exemption orders under the Sex Discrimination Act 1975 in the case of special schools and of such further education establishments as are mentioned above but are not grant aided.

Part III contains provisions applying only in the case of schools and relating to the duration of the school year and day, leave of absence and the transfer of educational records.

Part IV contains provisions applying only in the case of further education establishments and relating to advanced further education courses, teacher training courses and co-ordination between local education authorities.