

Education (No. 2) Act 1968

1968 CHAPTER 37

An Act to make further provision for the government and conduct of colleges of education and other institutions of further education maintained by local education authorities, and of special schools so maintained.

[3rd July 1968]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Government and conduct of colleges of education and other institutions providing further education.
1944 c. 31.

1.—(1) For every institution maintained by a local education authority, being either—

(*a*) a college for the training of teachers (in this section referred to as a college of education); or

(*b*) an institution, other than a college of education, providing full-time education pursuant to a scheme of further education approved under section 42 of the Education Act 1944,

there shall be an instrument (to be known as an instrument of government) providing for the constitution of a body of governors of the institution.

(2) The instrument of government for any such institution shall be made, in the case of a college of education, by order of the local education authority with the approval of the Secretary of State, and in any other case by order of the local education authority, and the body of governors to be constituted thereunder shall consist of such number of persons, appointed in such manner, as the local education authority or, in the case of a college of education, that authority with the approval of the Secretary of State may determine.

(3) Every such institution shall be conducted in accordance with articles of government, to be made by order of the local education authority with the approval of the Secretary of State; and those articles shall determine the functions to be exercised respectively, in relation to the institution, by the local education authority, the body of governors, the principal, and the academic board, if any.

(4) A local education authority may, with the approval of the Secretary of State, make an arrangement for the constitution of a single governing body for any two or more such institutions maintained by them as are mentioned in paragraph (*b*) of subsection (1) of this section; and the governing body constituted in pursuance of any such arrangement shall consist of such number of persons, appointed in such manner, as the local education authority may determine.

Government and conduct of special schools.

2.—(1) For every special school maintained by a local education authority there shall be an instrument (to be known as an instrument of government) providing for the constitution of a body of governors of the school.

(2) The instrument of government for any such school shall be made by order of the local education authority, and the body of governors to be constituted thereunder shall consist of such number of persons, appointed in such manner, as that authority may determine.

(3) Every such school shall be conducted in accordance with articles of government to be made by order of the local education authority.

(4) A local education authority may make an arrangement for the constitution of a single governing body for any two or more special schools maintained by them; and the governing body constituted in pursuance of any such arrangement shall consist of such number of persons, appointed in such manner, as the local education authority may determine.

(5) For the purposes of section 21 of the Education Act 1944 and Schedule 4 to that Act (proceedings of managers and governors of county and voluntary schools) and of section 24 of that Act (appointment and dismissal of teachers in such schools) a special school maintained by a local education authority shall be treated as if it were a county school. 1944 c. 31.

Supplemental.

3.—(1) The articles of government made under this Act for any establishment may regulate the constitution and functions of committees of the body of governors or of any academic board of that establishment, and of sub-committees of such committees.

(2) Every arrangement made under subsection (4) of section 1 or subsection (4) of section 2 of this Act may be terminated at any time by the local education authority by which it was made; and while such an arrangement is in force with respect to any establishments—

(*a*) the foregoing provisions of this Act as to the constitution of the body of governors shall not apply to those establishments; and

(*b*) for the purposes of any enactment the governing body constituted in accordance with the arrangement shall be deemed to be the body of governors of each of those establishments, and references to a governor in any enactment shall, in relation to each of those establishments, be construed accordingly.

1944 c. 31. (3) The following provisions of the Education Act 1944, that is to say—

(*a*) subsection (1) of section 67 (determination of disputes between local education authorities and managers or governors of schools);

(*b*) section 68 (power to prevent unreasonable exercise of functions by local education authorities or by managers or governors of county or voluntary schools);

(*c*) section 99 (powers of Secretary of State in default of local education authorities or managers or governors of county or voluntary schools),

shall apply in relation to establishments to which this Act applies and governors of those establishments as they apply in relation to county schools and governors of county schools.

(4) References in this Act to provisions of the Education Act 1944 are references thereto as amended by or under any subsequent enactment.

Commencement. **4.**—(1) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed under this section for the purposes of different classes of establishments.

1889 c. 63. (2) Without prejudice to section 37 of the Interpretation Act 1889, any instrument of government or articles of government to be made under this Act for any establishment and any arrangement under this Act for the constitution of a single governing body for two or more establishments may be made so as to come into force before the date on which this Act comes into force in relation to establishments of that class, and any functions to be exercised under that instrument or arrangement or those articles may be exercised accordingly.

Short title, citation, construction and extent.

5.—(1) This Act may be cited as the Education (No. 2) Act 1968, and shall be included among the Acts which may be cited together as the Education Acts 1944 to 1968.

(2) This Act shall be construed as one with the Education Acts 1944 to 1968.

(3) This Act does not extend to Scotland or Northern Ireland.