STATUTORY INSTRUMENTS

1982 No. 1730

EDUCATION, ENGLAND AND WALES

The Education (Particulars of Independent Schools) Regulations 1982

Made - - - -	*2nd December* 1982
Laid before Parliament	*10th December* 1982
Coming into Operation	*1st January* 1983

In exercise of the powers conferred by sections 70 and 114(1) of the Education Act 1944(**a**), the Secretary of State for Education and Science, in relation to schools in England, and the Secretary of State for Wales, in relation to schools in Wales, hereby make the following Regulations:–

Operation and citation

1. These Regulations may be cited as the Education (Particulars of Independent Schools) Regulations 1982 and shall come into operation on 1st January 1983.

Interpretation and transitory provisions

2.—(1) Except where the context otherwise requires, in these Regulations—

"the register" means the register kept by the Registrar under section 70 of the Education Act 1944, "registered school" means a school entered in the register (including a provisionally registered school) and "registration" means entry in the register;

"the Registrar" means, in relation to a school in England, the Registrar of Independent Schools for England and, in relation to a school in Wales, the Registrar of Independent Schools for Wales;

"school year" means, in relation to any school, a period of twelve months beginning with 1st September.

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

(3) Until the coming into force of section 7 of the Education Act 1981(**b**) the Schedule hereto shall have effect as if paragraph 5 were omitted therefrom.

(**a**) 1944 c.31, as amended by section 34 of the Education Act 1980 (c.20).
(**b**) 1981 c.60.

Revocations

3. The Independent Schools Registration Regulations 1957(**a**) are hereby revoked.

Application for registration

4. An application for the registration of a school by the proprietor thereof shall—

(*a*) contain a statement of the date from which the school has been conducted (whether by the applicant or any other person);

(*b*) contain a statement of the particulars relating to the school specified in the Schedule hereto, as at the date of the application;

(*c*) contain a certificate signed by the proprietor that, to the best of his knowledge and belief, the said statements are accurate, and

(*d*) be made in writing to the Registrar in a form for the time being approved by the Secretary of State.

Annual return

5.—(1) The proprietor of a registered school shall each school year, within the month following the relevant date (within the meaning of paragraph (3)), make a return which shall—

(*a*) contain a statement of the particulars relating to the school specified in the Schedule hereto, as at the relevant date;

(*b*) contain a statement of—

(i) the numbers of pupils being provided with education at the relevant date who had attained the age of 15 years before the beginning of the school year,

(ii) the numbers of such pupils who at that date were pursuing courses for named public examinations, those numbers being stated as provided in paragraph (2), and

(iii) the numbers of such pupils who at that date were pursuing courses designed for those who have taken advanced level examinations for the General Certificate of Education (or other examinations comparable thereto);

(*c*) contain a certificate signed by the proprietor or by a person authorised by him to certify the matter on his behalf that, to the best of his knowledge and belief, the said statements are accurate, and

(*d*) be made in writing to the Registrar in a form for the time being approved by the Secretary of State.

(2) The numbers stated in pursuance of paragraph (1) (*b*) (ii) shall be stated separately for different public examinations and, in the case of the advanced level examinations for the General Certificate of Education (or of other examinations comparable thereto) separately—

(*a*) for courses exclusively in mathematical or scientific subjects;

(**a**) S.I. 1957/929.

(*b*) for courses exclusively in other subjects, and

(*c*) for courses partly in mathematical or scientific subjects and partly in other subjects,

and (except in the case of one year courses) separately for each year of such courses.

(3) In this Regulation any reference to the relevant date is, in relation to a particular school year and in the case of a particular proprietor, a reference to a date specified in, or determined in accordance with, a written notice relating to that year given to that proprietor for the purposes hereof by the Secretary of State.

Notice of certain changes

6.—(1) If at any time there is a change in the proprietor of a registered school, the new proprietor shall forthwith give the Registrar written notice of the change and of his name, address and telephone number.

(2) If at any time there is a change in the head teacher of a registered school, the proprietor shall forthwith give the Registrar written notice of the change and of the name, date of birth and qualifications of the new head teacher.

(3) If at any time there is a change in the name of a registered school, the proprietor shall forthwith give the Registrar written notice of the change and of the new name of the school.

(4) If at any time a registered school is moved, the proprietor shall forthwith give the Registrar written notice of the move and of the new address and telephone number of the school.

(5) In the event of a registered school moving between a place in England and one in Wales, the notice required by paragraph (4) shall be given to both the Registrars and the notice given to the Registrar appropriate after the move shall be accompanied by—

(*a*) a written statement of the particulars relating to the school specified in the Schedule hereto as at the date immediately following that of the move, and

(*b*) a certificate signed by the proprietor that, to the best of his knowledge and belief, the said statement is accurate.

(6) If at any time a registered school is discontinued, the proprietor shall forthwith give the Registrar written notice of the fact.

Misconduct reports

7. Where a person is dismissed from employment as a teacher on grounds of his misconduct (whether or not he is convicted of a criminal offence) or would have been so dismissed, or consideration would have been given to so dismissing him, but for his resignation, the proprietor shall report the facts of the case to the Secretary of State in writing within a month of the notice of dismissal or, as the case may be, of resignation being given.

Removal from the register

8.—(1) If the Secretary of State is satisfied that the proprietor of a school has, in any respect, failed to comply with Regulation 5, 6 or 7 he may, subject to paragraphs (2) and (3), order the deletion from the register of the name of that school.

(2) The Secretary of State shall not exercise his power under paragraph (1) without giving the proprietor at least two months notice in writing specifying the matter in respect of which he has failed to comply with Regulation 5, 6 or 7.

(3) If within the period specified in the said notice the proprietor satisfies the Secretary of State that he has complied with the Regulations in question (disregarding the fact that he may have been late in so doing) the Secretary of State shall not exercise his power under paragraph (1).

(4) This Regulation is without prejudice—

(*a*) in the case of a school which is discontinued, to the removal of its name from the register;

(*b*) in the case of a school which is moved between England and Wales, the transfer of the name of the school from the register appropriate before to that appropriate after the move.

SCHEDULE

PARTICULARS RELATING TO THE SCHOOL

1. The name and address of the proprietor and his telephone number.

2. The name and address of the school and its telephone number.

3.—(1) The numbers of pupils of each year of age immediately before the beginning of the current school year who are currently being provided with education.

(2) In the case of a co-educational school, the numbers required by this paragraph shall be stated separately for boys and for girls.

(3) In the case of a school providing part-time in addition to full-time education, the numbers required by this paragraph shall be stated separately as respects part-time and full-time education.

4.—(1) In the case of a school taking both day and boarding pupils, the numbers of pupils who are currently boarding pupils and the ages of the eldest and of the youngest such pupil immediately before the beginning of the current school year.

(2) In the case of a co-educational school, the particulars required by this paragraph shall be given separately for boys and for girls.

5.—(1) The numbers of pupils in respect of whom, in pursuance of the Education Act 1981, local education authorities maintain statements of their special educational needs who are currently being provided with education.

(2) In the case of an annual return made in pursuance of Regulation 5 (other than the first such return made following the registration of the school), the numbers required by this paragraph shall be given separately for pupils admitted to the school since the relevant date (within the meaning of that Regulation) in the previous school year and for pupils admitted earlier.

6. General particulars relating to the teaching staff comprising the following numbers given separately for men and for women teachers, namely—

(*a*) the numbers of full-time teachers who, respectively, hold—

(i) degrees in mathematics or for which mathematics was a principal subject studied,

(ii) degrees in science or for which a science but not mathematics was a principal subject studied, and

(iii) other degrees;

(*b*) the number of full-time teachers who do not hold any degree;

(*c*) the number of part-time teachers who hold degrees and the aggregate number of hours a week normally worked by such teachers in term time, and

(*d*) the number of part-time teachers who do not hold degrees and the aggregate number of hours a week so worked by such teachers.

7. Individual particulars relating to the teaching staff comprising, in the case of each teacher, a statement that he is the head teacher, a full-time assistant teacher or a part-time assistant teacher and—

(*a*) his full name;

(*b*) date of birth, and

(*c*) qualifications.

8.—(1) The tuition and other fees the payment of which is a condition of attendance at the school, excluding boarding fees.

(2) In the case of a school taking boarding pupils, the boarding fees.

9.—(1) Particulars of advice given by the fire authority, in pursuance of section 1(1)(*f*) of the Fire Services Act 1947 (**a**), as to fire precautions, restricting the spread of fires and means of escape in case of fire, including the date on which such advice was last given.

(2) Particulars of the extent to which any specific recommendations contained in such advice have, or have not, been acted upon.

Keith Joseph,
Secretary of State for
Education and Science.

2nd December 1982.

Nicholas Edwards,
Secretary of State for Wales.

2nd December 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the Independent Schools Registration Regulations 1957, which relate to applications for registration under section 70 of the Education Act 1944 and annual returns to be made by proprietors of registered schools, and make fresh provision in that behalf.

The particulars relating to a school required by the present Regulations, whether in an application for registration or in an annual return, are more detailed than those required by the Regulations of 1957. In particular, the present Regulations require an annual return of up-to-date particulars instead of merely a notification of changes in numbers of pupils and of boarders (if any) and in the teaching staff.

(**a**) 1947 c.41.

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