

YEAR.	L.E.A. MAINTAINED SCHOOLS.	DIRECT GRANT (GRAMMAR SCHOOLS)	DIRECT GRANT (NON-GRAMMAR)
1944	<p>EDUCATION ACT 1944 (“EA 44”)</p> <p>(1) Section 10 <i>“10(1) The [Secretary of State]... shall make regulations prescribing the standards to which the premises of <u>schools maintained by local education authorities</u>... are to conform”</i></p> <p>(2) <i>...it shall be the duty of a local education authority to secure that the premises of every school maintained by them ...[to] conform to the standards prescribed for schools of the description to which the school belongs...”</i></p> <p>(2) Section 100</p> <p><i>“(1)The Minister shall by regulations make provision :—</i> <i>(a)for the payment by him to [LEAs]...in respect of the expenditure incurred by such authorities in the exercise of any of their functions relating to education...</i> <i>(3) Any regulations made by the Minister.. under this section may make provision whereby the making of payments by him in pursuance thereof is dependent upon the fulfilment of such conditions ...in accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance thereof to comply with such requirements as may be so determined”</i></p>	<p>EDUCATION ACT 1944 (“EA 44”)</p> <p>Section 100</p> <p><i>“(1)The Minister shall by regulations make provision :—...</i> <i>(b) for the payment by him to persons other than local education authorities of grants in respect of expenditure incurred ... for the purposes of educational services provided by them...</i></p> <p><i>(3) Any regulations made by the Minister.. under this section may make provision whereby the making of payments by him in pursuance thereof is dependent upon the fulfilment of such conditions ...in accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance thereof to comply with such requirements as may be so determined”</i></p> <p>(This Act remained in force until 01.11.96 when it was revoked by Part 1, Schedule 38 Education Act 1996)</p>	<p>EDUCATION ACT 1944 (“EA 44”)</p> <p>Section 100</p> <p><i>“(1)The Minister shall by regulations make provision :—...</i> <i>(b) for the payment by him to persons other than local education authorities of grants in respect of expenditure incurred ... for the purposes of educational services provided by them.....</i></p> <p><i>(3) Any regulations made by the Minister.. under this section may make provision whereby the making of payments by him in pursuance thereof is dependent upon the fulfilment of such conditions ...in accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance thereof to comply with such requirements as may be so determined”</i></p> <p>(This Act remained in force until 01.11.96 when it was revoked by Part 1, Schedule 38 Education Act 1996)</p>

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1945	<p>THE PRIMARY AND SECONDARY SCHOOLS (GRANT CONDITIONS) REGULATIONS 1945 (S.R. & O. 1945 No. 636) (From 29.05.45) (Passed pursuant to s100 EA 44ⁱ)</p> <p>(1) Reg 5 “<i>The school shall be kept on a satisfactory level of efficiency...</i>” (2) Reg 6(1) “<i>...the premises of the school shall be...kept in a proper state of repair...</i>”</p>	<p>THE PRIMARY AND SECONDARY SCHOOLS (GRANT CONDITIONS) REGULATIONS 1945 (S.R. & O. 1945 No. 636) (From 29.05.45) (Passed pursuant to s100 EA 44)</p> <p>(1) Reg 32 “<i>The school shall be kept on a satisfactory level of efficiency...</i>” (2) Reg 36(1) “<i>The premises of the school must be healthy...adapted to the circumstances of the school...kept in a proper state of repair...</i>”</p>	<p>THE PRIMARY AND SECONDARY SCHOOLS (GRANT CONDITIONS) REGULATIONS 1945 (S.R. & O. 1945 No. 636) (From 29.05.45) (Passed pursuant to s100 EA 44)</p> <p>(1) Reg 58 “<i>...(a) the school shall comply with the conditions prescribed by the foregoing regulations -...[32 &] 36</i>” [ie the regulations application to Grammar Schools set out to the left]</p>
1946	As above	As above	As above
1947	As above	As above	As above
1948	As above	As above	As above
1949	As above	As above	As above
1950	As above	As above	As above
1951	<p>SCHOOLS GRANT REGULATIONS (SI 1951/1743) (Passed pursuant to s100 EA 44) (From 15.10.51)</p> <p>(1) Reg 2(2) revoked the 1945 Regulations (2) Reg 5 “<i>The School shall be kept on a satisfactory level of efficiency</i>” (3) Reg 6 “<i>...the premises of the school shall be...kept in a proper state of repair...and hygiene</i>” <u>(NB the words ‘hygiene’ did not appear in the 1945 Regulations)</u></p>	<p>SCHOOLS GRANT REGULATIONS (SI 1951/1743) (Passed pursuant to s100 EA 44) (From 15.10.51)</p> <p>(1) Reg 2(2) revoked the 1945 Regulations (2) Reg 26 “<i>The school shall be kept on a satisfactory level of efficiency</i>” (4) Reg 29(1) “<i>The premises of the school must be healthy...adapted to the circumstances of the school...and kept in a proper state of repair, cleanliness and hygiene</i>” <u>(NB the words</u></p>	<p>SCHOOLS GRANT REGULATIONS (SI 1951/1743) (Passed Pursuant to s100 EA 44) (From 15.10.51)</p> <p>(1) Reg 2(2) revoked the 1945 Regulations (2) Reg 50(a) “<i>The school shall comply with the conditions prescribed by the foregoing Regulations-....26 to 29</i>” [i.e. the Regulations applicable to Grammar Schools (see left) apply to these schools also]</p>

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			<u>'hygiene' did not appear in the 1945 Regulations)</u>	(It should be noted that this was a tiny sector – as at 1957 there were only 15 such schools) ⁱⁱ
1952	As above		As above	As above
1953	As above		As above	As above
1954	As above		As above	As above
1955	As above		As above	As above
1956	As above		As above	As above
1957	As above		As above	As above
1958	As above		As above	As above
1959 (note)	<p align="center">THE SCHOOLS GRANT AMENDING REGULATIONS No. 9 1959 (SI 1959/397) (From 01.04.59)</p> <p>Revoked <i>Schools Grant Regulations (SI 1951/1743)</i> in respect of LEA maintained schools and was replaced in respect of such schools by the pair of regulations b below.</p>			
1959	<p align="center">STANDARDS FOR SCHOOL PREMISES REGULATIONS 1959 (SI 1959/890) (From 27.05.59) (Passed pursuant to s10 EA 44)ⁱⁱⁱ</p> <p><i>Reg 51 "In all parts of the buildings of every school ...the design, construction...and the properties of the materials shall be such that the health and safety of the occupants...shall be reasonably assured"</i></p>	<p align="center">THE SCHOOLS REGULATIONS 1959 (SI 1959/364) (FROM 01.04.59) (Passed pursuant to s3(4) Local Government Act 1958)^{iv}</p> <p><i>Reg 4(1) "The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene"</i></p>	<p align="center">THE DIRECT GRANT SCHOOLS REGULATIONS 1959 (SI 1959/1832) (Passed under s100 EA 44) (From 06.11.59)</p> <p>Reg 6(1) – revoked <i>Schools Grant Regulations 1951/1743</i> insofar as Direct Grant (Grammar) Schools were concerned.</p> <p>Reg 9(1) <i>"The premises shall be kept in a proper state of repair, cleanliness and hygiene...."</i></p>	<p align="center">THE DIRECT GRANT SCHOOLS REGULATIONS 1959 (SI 1959/1832) (Passed under s100 E 44) (From 06.11.59)</p> <p>Reg 6(1) – revoked <i>Schools Grant Regulations 1951/1743</i> insofar as Direct Grant (non-Grammar) Schools were concerned.</p> <p>Reg 25 <i>"A school that is not a grammar school shall fulfil the conditions contained in regulations ...9, 10"</i> (ie see left)</p>

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			Reg 10 <i>“The school shall be kept on a level of efficiency satisfactory to the Minister...”</i>	
1960	As above	As above	As above	As above
1961	As above	As above	As above	As above
1962	As above	As above	As above	As above
1963	As above	As above	As above	As above
1964	As above	As above	As above	As above
1965	As above	<p>THE SCHOOLS AMENDING REGULATIONS 1965 (SI 1965/3) (FROM 09.01.65)</p> <p>Reg 3. <i>“Regulation 4 of the [Schools Regulations 1959 (SI 1959/364)] is hereby amended by the substitution ...of the following</i></p> <p><i>‘4(1) The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene <u>and adequate arrangements shall be made for the health and safety of the pupils and staff...</u>’</i></p> <p>(ie the words added are underlined. Their effect of was to widen the duty to protect health and safety in respect of all causes. In this respect the new version of Regulation 4 of the Schools Regulations 1959 directly overlapped with the relevant part of Reg 51 of the <i>Standards for School Premises Regulations 1959 (SI 1959/890)</i>)</p>	<p>DIRECT GRANT SCHOOLS AMENDING REGULATIONS 1965 (SI 1965/1) (Passed under s100 EA 44) (From 09.01.65)</p> <p>Reg 3 <i>“Regulation 9 of the [Direct Grant Schools Regulations 1959 (SI 1959/1832)] is hereby amended by the substitution for paragraph (1) therefore of the following paragraph</i></p> <p><i>“The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene <u>and adequate arrangements shall be made for the health and safety of the pupils and staff...</u>”</i></p> <p>(The words added are underlined. Their effect was to widen the duty to protect health and safety in respect of all causes)</p>	<p>DIRECT GRANT SCHOOLS AMENDING REGULATIONS 1965 (SI 1965/1) (Passed under s100 EA 44) (From 09.01.65)</p> <p>It follows that since Regulation 25 of the Direct Grant Schools Regulations 1959 (SI 1959/1832) required non Grammar Schools to comply with Regulation 9, the amendment for grammar schools set out to the left applied to these schools equally.</p>
1966	As above	As above	As above	As above
1967	As above	As above	As above	As above
1968	As above	As above	As above	THE DIRECT GRANT SCHOOLS (AMENDMENT) REGULATIONS 1978

YEAR.	L.E.A. MAINTAINED SCHOOLS.		DIRECT GRANT (GRAMMAR SCHOOLS)	DIRECT GRANT (NON-GRAMMAR)
				<p align="center">(SI 1978/1145) (FROM 01.09.78)</p> <p>Revoked in part <i>Regulation 25 of the Direct Grant Schools Regulations 1959 (SI 1959/1832)</i> BUT retained the duty upon non-Grammar Schools to comply with Regulation 9 of those Regulations as if they were Grammar Schools. They are mentioned here simply for completeness.</p>
1969	As above	As above	As above	As above
1970	As above	As above	As above	As above
1971	As above	As above	As above	As above
1972	As above	As above	As above	As above
1973	<p>THE STANDARDS FOR SCHOOL PREMISES REGULATIONS 1972 (SI 1972/2051) (Passed under s10 EA 44) (From 01.02.73)</p> <p>Schedule – <i>The Standards for School Premises Regulations 1959 (SI 1959/890) are hereby revoked.</i></p> <p>Reg 51 <i>“In all parts of the buildings, the design, the construction...and the properties of the materials ...shall be such that the health and safety of the occupants...shall be reasonably assured”</i></p>	As above	As above	As above
1974	As above	As above	As above	As above
1975	As above	As above	<p align="center">DIRECT GRANT GRAMMAR SCHOOLS (CESSATION OF GRANT) REGULATIONS 1975 (SI 1975/1198) From 21.08.75</p>	<p align="center">DIRECT GRANT GRAMMAR SCHOOLS (CESSATION OF GRANT) REGULATIONS 1975 (SI 1975/1198) From 21.08.75</p>

YEAR.

L.E.A. MAINTAINED SCHOOLS.

DIRECT GRANT
(GRAMMAR SCHOOLS)

DIRECT GRANT
(NON-GRAMMAR)

			<p>These Regulations do NOT relate to what duty was owed in respect of Grammar schools, but rather how they were to be funded - which led to a change of categorisation of such schools and hence which safety regime applied to them.</p> <p>Under Regulation 2 Direct Grants to Grammar Schools were phased out. Grammar schools were given the choice of either becoming maintained by the LA (in which case they would then fall into the regime for 'LEA maintained' within this table) or of becoming wholly independent: I can find no regulations pertinent to standards in Independent Schools prior to 2003.</p> <p>Insofar as they became wholly independent, then they appear to have fallen out of this system entirely. The numbers of schools overall involved was, in any event, relatively small.</p> <p>Of the 154 direct grant schools, 51 agreed to become comprehensive schools within the maintained system; the rest opted for independence^v</p> <p><i>Thus, although the Direct Grant Schools Regulations 1959 (SI 1959/1832) were not formally revoked until 1998 (see below) – not least because they also contained provisions regarding teacher training, they probably ceased to have</i></p>	<p>Whilst in researching for this table, it has not been possible to find the precise relationship between the non-grammar direct grant schools and the <i>Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975 (SI 1975/1998)</i> it assumed to be unlikely that their existence as either non-LA or non-fully-independent schools continued for any longer than that of the Grammar Schools</p>
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			<i>practical effect for our purpose shortly after 1975 owing to the reclassification of the schools covered by them. For this reason this column (and the one to the right) is left blank after revocation in 1998. In any individual case of a Direct Grant Aided Grammar it will be necessary to determine when the School changed its status.</i>	
1976	As above	As above	As above	As above
1977	As above	As above	As above	As above
1978	As above	As above	As above	As above
1979	As above	As above	As above	As above
1980	As above	As above	As above	As above
1981	<p>EDUCATION (SCHOOL PREMISES) REGULATIONS 1981 (SI 1981/909) (Passed under s10 EA 44) (From 01.08.81)</p> <p>Reg 2(1) “The Standards for School Premises Regulations 1972 are hereby revoked”</p> <p>Reg 24(1) “Every part of a school building shall be of such design and construction...that- (b) their [ie the occupants] health and safety...are reasonably assured”</p>	<p>EDUCATION (SCHOOLS & FURTHER EDUCATION) REGULATIONS 1981 (SI 1981/1086) (Passed under s100 EA 44) (From 01.09.81)</p> <p>Reg 2(1) & Part 1, Schedule 1 – revoked Regulation 4 of the Schools Regulations 1959 (SI 1959/364) and the entirety of The Schools Amending Regulations 1965 (SI 1965/3)</p>	As above	As above
1981 (note)	From 01.09.81 to 1996 the only regulation relevant to health and safety in LEA maintained schools is that of Regulation 24(1) of the <i>Education (School Premises) Regulations 1981 (SI 1981/909)</i> (ie the reference to maintenance of the school in an efficient state found within the Schools Regulations is no longer operative)		As above	As above
1983	As above		As above	As above

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1984	As above	As above	As above
1985	As above	As above	As above
1986	As above	As above	As above
1987	As above	As above	As above
1988	As above	As above	As above
1989	As above	As above	As above
1990	As above	As above	As above
1991	As above	As above	As above
1992	As above	As above	As above
1993	As above	As above	As above
1994	As above	As above	As above
1995	As above	As above	As above
1996	<p align="center">EDUCATION (SCHOOL PREMISES) REGULATIONS 1996/36 (SI 1996/360) (Passed under s10 EA 44) (From 01.09.96)</p> <p>Reg 1(2) & Schedule 1, Para 1 – revoked <i>Education (School Premises) Regulations 1981 (SI 1981/909)</i>.</p> <p>Reg 17(3) “<i>Every part of a school building and the land provided for a school shall be such that health, safety and welfare of the occupants....are reasonably assured</i>”</p>	As above	As above
1996 (Contd).	<p align="center">EDUCATION ACT 1996</p> <p>(1) Part 1, Schedule 38 revoked the Education Act 1944 from 01.11.96. (2) Section 542</p>	As above	As above

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	“(1) Regulations shall prescribe the standards to which the premises of schools maintained by local authorities... are to conform”		
1997	As above	As above	As above
1998	As above	<p align="center">THE EDUCATION (DIRECT GRANT SCHOOLS) (REVOCATION) REGULATIONS 1998 (SI 1998/86) (From 16.02.98)</p> <p><i>Schedule 1</i> revoked the <i>Direct Grant Schools Regulations 1959 (SI 1959/1832)</i> and <i>Direct Grant Schools Amending Regulations 1965 (SI 1965/1)</i></p> <p>(ie all of the applicable Regulations under the Direct Grant Schools Regulations 1959 were thereby revoked).</p>	<p align="center">THE EDUCATION (DIRECT GRANT SCHOOLS) (REVOCATION) REGULATIONS 1998 (SI 1998/86) (FROM 16.02.98)</p> <p><i>Schedule 1</i> revoked the <i>Direct Grant Schools Regulations 1959 (SI 1959/1832)</i> and <i>Direct Grant Schools Amending Regulations 1965 (SI 1965/1)</i>. In addition, of relevance to non-Grammar Schools it also revoked <i>Direct Grant Schools (Amendment) Regulations 1978 (SI 1978/1145)</i></p> <p>(ie all of the applicable Regulations under the Direct Grant Schools Regulations 1959 were thereby revoked)</p>
1999	<p align="center">EDUCATION (SCHOOL PREMISES) REGULATIONS 1999 (SI 1999/2) (Passed under s542 EA 96) (From 01.02.99)</p> <p>Reg 25 – revoked the <i>Education (School Premises) Regulations 1996 (SI 1996/360)</i></p>	Not relevant for all years subsequent years	Not relevant for all subsequent years

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	Reg 17(3) – <i>“Every part of a school building and of the land provided for a school shall be such that the health, safety and welfare of the occupants...are reasonably assured”</i>		
2000	As above	As above	As above
2001	As above	As above	As above
2002	As above	As above	As above
2003	As above	As above	As above
2004	As above	As above	As above
2005	As above	As above	As above
2006	As above	As above	As above
2007	As above	As above	As above
2008	As above	As above	As above
2009	As above	As above	As above
2010	As above	As above	As above
2011	As above	As above	As above
2012	<p data-bbox="394 823 913 970">SCHOOL PREMISES (ENGLAND) REGULATIONS 2012 (SI 2012/1943) (FROM 31.10.12)</p> <p data-bbox="394 1015 913 1153">Reg 3 – Did not revoke the <i>Education (School Premises) Regulations 1999 (SI 1999/2)</i> but, rather, limited their effect to Local Authority maintained schools in Wales</p> <p data-bbox="394 1198 913 1297">Reg 1(2) –replaced the 1999 Regulations in Local Authority maintained schools in England with these Regulations.</p> <p data-bbox="394 1342 913 1369">Reg 6 – <i>“Health, safety and welfare:</i></p>		

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	<p><i>School premises and the accommodation and facilities provided therein must be maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured</i>"</p> <p>(NB – the first time that the Regulations qualify the level of efforts to be taken ‘<i>so far as is reasonably practicable</i>’ and not the level to be achieved ie the ‘<i>reasonably assured</i>’ of the earlier Regulations)</p>		

© (insofar as commentary rather than statutory material is concerned)

M E Rawlinson QC

22.08.20

ⁱ *ie the power enabling the Secretary of State to attach conditions to funding of schools (either directly or via funding provided to LEAs*

ⁱⁱ <https://www.hist.cam.ac.uk/wp-content/uploads/2018/01/Briefing-paper-Grammar-Schools.pdf> (accessed 16.08.20)

ⁱⁱⁱ *ie the duty placed on the Secretary of State to pass what amounted to building regulations for schools and which then had to be enforced by the LEA*

^{iv} *Passed under the provisions of s3(4) Local Government Act 1958 which contained a power analogous to s100(3) EA 44 allowing the Secretary of to impose conditions on grants provided to Local Authorities generally*

^v <http://www.educationengland.org.uk/history/chapter14.html> (accessed 16.08.20)