



*Education*

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

*NBPM*

*MJS*

The Rt Hon Norman St John Stevas MP  
Chancellor of the Duchy of Lancaster  
Privy Council Office  
Whitehall  
LONDON SW1

18 May 1979

*Dear Norman,*

I have seen your letter of 16 May to the Home Secretary, recording the approval of Legislation Committee for the early introduction of a Bill to repeal parts of the 1976 Education Act. The Bill was published and introduced yesterday, and I am most anxious to have Second Reading arranged for an early date.

I had hoped that this might be before the Whitsun Recess: the Bill is only one clause and I did not know whether the convention of allowing two week-ends to elapse after publication would have to be followed. But as this has not been feasible, I am still anxious for Second Reading to take place before the Budget Statement, if at all possible, so that we can get into Committee during the Finance Bill.

In view of the publicity which has been given to the Bill's proposals, it would be extremely embarrassing if we were to lose the political initiative gained by its early introduction. Moreover, Royal Assent before the Summer Recess is essential if some authorities are to be relieved in time of their statutory duty to reorganise their schools this September. Although I have seen the Minister of Agriculture's letter of 16 May to the Foreign Secretary, I wonder whether it is in any way possible to fit in the Second Reading on 11 June (or alternatively on Friday 15 June).

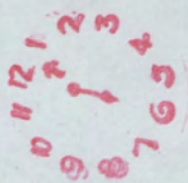
I am copying this letter to the Prime Minister, to other members of the Cabinet, to the Chief Whip and to Sir John Hunt.

*James*

*Mark*

MARK CARLISLE

18 MAY 1979





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*MS*

DEPARTMENT OF EDUCATION AND SCIENCE  
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

Charlotte Egerton  
Privy Council Office  
Whitehall

14

May 1979

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PRIME MINISTER

You will know by now that there is to be an Education debate on Wednesday. Mr Carlisle will include the substance of this in his speech.

*MS*  
14/5

*MS*

Dear Charlotte,

... I attach a draft of the statement which my Secretary of State hopes to make in the House as early as possible this week.

We have spoken about this, and you hoped that it would be possible to find time for it on Wednesday. Of course, if we learn later today or tomorrow that time is to be allotted for Education during the Debate on the Address, the need for a separate statement will disappear, and its substance will be incorporated in the Secretary of State's speech.

The draft statement attached is, I hope, self explanatory, and is intended as an immediate step towards the honouring of manifesto commitments. The present draft may not yet be in its final form, but it is based on the Secretary of State's comments on a previous version.

Copies of this letter go to Nick Sanders and the Chief Press Secretary at No 10, and to the Private Secretaries to the Secretaries of State for Scotland and Wales, and the Private Secretaries to the Paymaster General and the Chief Whip.

Yours ever,

*Robert Green*

R J GREEN  
Private Secretary

Draft Statement by the Secretary of State

The Government will give the highest priority to a Bill to remove the compulsion on local education authorities to reorganise their secondary schools on comprehensive lines. It has been introduced in the House of Commons today. Meanwhile local education authorities and the governing bodies of schools will wish to know how they stand until it gets on to the Statute book. I am therefore taking this opportunity to make a statement about certain action I have taken.

The previous Government required certain local education authorities and voluntary schools under section 2 of the Education Act 1976 to submit proposals, or further proposals for reorganisation. I have today taken the necessary formal steps to withdraw those requirements which are still outstanding. This means that those authorities and schools which have not submitted proposals or further proposals in response to the requirements will no longer be under any legal compulsion to do so. Authorities which have already complied with such requirements will be asked whether they wish their proposals to stand.

The previous Government also gave a number of directions under section 3(1) of the 1976 Act. The effect of these directions was to require authorities to give public notice of the proposals they had submitted under section 2 and to proceed further with them as though they had been submitted under section 13 of the 1944 Act.

Where section 3(1) directions have already led to the giving of such public notices, and the proposals have not yet been approved, authorities will be asked to inform my Department if they wish me to proceed with consideration of their proposals. In those cases in which the public notice stage has not been reached, I have withdrawn the directions.

Authorities and other bodies directly concerned are being informed.

Some proposals made as a result of action under the 1976 Act have already been approved under section 13 of the 1944 Act but not yet implemented. Some authorities will no doubt proceed with reorganisation on the basis of the approved proposals. Some authorities may however wish not to reorganise, or to reorganise on the basis of different proposals. These authorities will be asked to inform my Department of their intentions so that they necessary action can be taken once the Bill has become law to relieve them of any statutory duty to give effect to the approved proposals.

I have also revoked directions contained in orders made under section 99 of the Education Act 1944 in relation to secondary reorganisation proposals and steps are being taken to terminate legal proceedings where these have been taken.

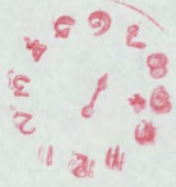
So much for secondary reorganisation. I now turn to another aspect of the Education Act 1976. The former Government used its powers under the Act to restrict very severely the freedom of local education authorities to support pupils at independent schools. We shall restore that freedom. I hope in due course - though not in the Bill to which I have already referred - to introduce legislation to remove the powers of control over the support of local education authorities of education in non-maintained schools contained in section 9(1) of the Education Act 1944, section 6(1) of the Education (Miscellaneous Provisions) Act 1953 and section 5 of the Education Act 1976.

But in the meantime my rt hon Friend the Secretary of State of Wales and I propose not to exercise our powers of control. We are therefore taking the necessary formal steps to give general approval to local authorities' arrangements to assist or take places at independent schools so that, pending legislation, authorities wishing to make such arrangements will no longer need to seek specific approval.

I and my rt hon Friend have made, and will shortly be laying before the House, an amendment to the Scholarships and other Benefits Regulations, 1977 to relieve authorities of the need to secure Ministerial approval to payments under Regulation 4(d) of those regulations in respect of the attendance of children at non-maintained schools.

The effect, Mr Speaker, of the measures I have announced in this statement is that the Government are honouring at the earliest possible moment our election pledge to allow local education authorities to take up places at independent schools if they wish to do so and removing from them the compulsion imposed by the previous Government to reorganise on comprehensive lines when they did not wish to do so.

I apologise, Mr Speaker, for inflicting on you a statement which is rather lengthy and contains a number of legal technicalities. But in view of the importance and urgency of these matters I thought that the House would wish to have them brought to its notice as soon as possible.



12 MAY 1979