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King's Bench Walk

Asbestos in schools: a new route?

Michael Rawlinson QC & Megan Griffiths

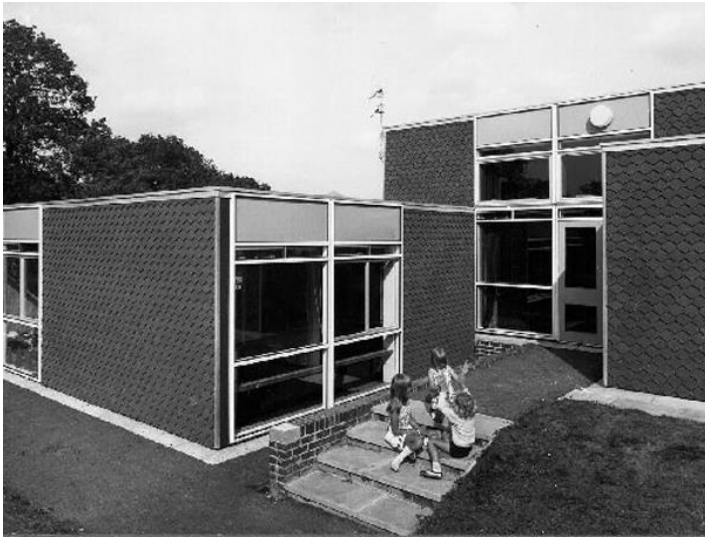
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CLASP schools



The steel “skeleton”



Ready reckoner: a pupil from 1955 to 1965 at an LEA maintained school

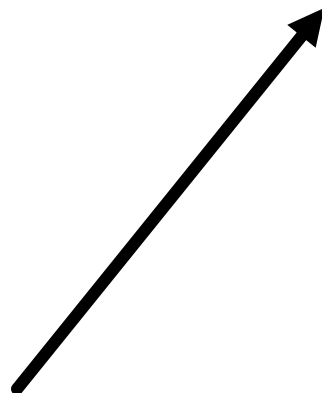
YEAR.	L.E.A. MAINTAINED SCHOOLS.	DIRECT GRANT (GRAMMAR SCHOOLS)	DIRECT GRANT (NON-GRAMMAR)
1944	<p>EDUCATION ACT 1944 (“EA 44”)</p> <p>(1) Section 10 <i>“(1)(1) The [Secretary of State]... shall make regulations prescribing the standards to which the premises of <u>schools maintained by local education authorities</u>... are to conform”</i> (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 <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 <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 <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> <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>

Ready reckoner: a pupil from 1955 to 1965 at an LEA maintained school

YEAR. L.E.A. MAINTAINED SCHOOLS.

	(This Act remained in force until 01.11.96 when it was revoked by Part 1, Schedule 38 Education Act 1996)
1945	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) (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> "
1946	As above
1947	As above
1948	As above
1949	As above
1950	As above
1951	SCHOOLS GRANT REGULATIONS (SI 1951/1743) (Passed pursuant to s100 EA 44) (From 15.10.51) (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> " (NB the words 'hygiene' did not appear in the 1945 Regulations)

1951	SCHOOLS GRANT REGULATIONS (SI 1951/1743) (Passed pursuant to s100 EA 44) (From 15.10.51) (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> " (NB the words 'hygiene' did not appear in the 1945 Regulations)
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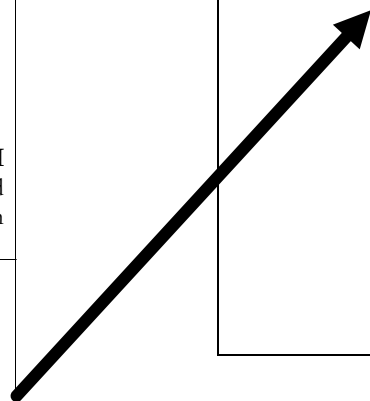


Ready reckoner: a pupil from 1955 to 1965 at an LEA maintained school

YEAR. L.E.A. MAINTAINED SCHOOLS.

1952	As above		
1953	As above		
1954	As above		
1955	As above		
1956	As above		
1957	As above		
1958	As above		
1959 (note)	<p>THE SCHOOLS GRANT AMENDING REGULATIONS No. 9 1959 (SI 1959/397) (From 01.04.59)</p> <p>Revoked Schools Grant Regulations (SI 1951/1743) in respect of LEA maintained schools and was replaced in respect of such schools by the pair of regulations b below.</p>		
1959	<table border="1"> <tr> <td> <p>STANDARDS FOR SCHOOL PREMISES REGULATIONS 1959 (SI 1959/890) (From 27.05.59) (Passed pursuant to s10 EA 44)ⁱⁱⁱ</p> <p>Reg 51 "In all parts of the buildings of every schoolthe design, construction...and the properties of the materials shall be such that the health and safety of the occupants...shall be reasonably assured"</p> </td> <td> <p>THE SCHOOLS REGULATIONS 1959 (SI 1959/364) (FROM 01.04.59) (Passed pursuant to s3(4) Local Government Act 1958)^{iv}</p> <p>Reg 4(1) "The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene"</p> </td> </tr> </table>	<p>STANDARDS FOR SCHOOL PREMISES REGULATIONS 1959 (SI 1959/890) (From 27.05.59) (Passed pursuant to s10 EA 44)ⁱⁱⁱ</p> <p>Reg 51 "In all parts of the buildings of every schoolthe design, construction...and the properties of the materials shall be such that the health and safety of the occupants...shall be reasonably assured"</p>	<p>THE SCHOOLS REGULATIONS 1959 (SI 1959/364) (FROM 01.04.59) (Passed pursuant to s3(4) Local Government Act 1958)^{iv}</p> <p>Reg 4(1) "The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene"</p>
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Ready reckoner: a pupil from 1955 to 1965 at an LEA maintained school

YEAR. L.E.A. MAINTAINED SCHOOLS.

1960	As above	As above
1961	As above	As above
1962	As above	As above
1963	As above	As above
1964	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>‘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>’</p> <p>(ie the words added are underlined. Their effect 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>
1966	As above	As above
1967	As above	As above
1968	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>‘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>’</p>
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