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Education

10 DOWNING STREET

PRIME ~~MINISTER~~

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EDUCATION BILL

The Opposition mounted a spirited attack today, but Mr Carlisle, the Chief Whip and the Leader of the House decided afterwards to stand firm on second reading next Monday. The indications at the moment are that this will work - but Monday will be noisy!

MS 29.10.79

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PRIME MINISTER

I am sorry to have to report to you another Parliamentary mishap - this time concerning the Education Bill. It had been intended that the Education Bill would be published today and that the Second Reading would take place on Monday 5 November. In the exchanges after the Business Statement yesterday, Mr. Callaghan observed that this timetable was cutting things "very fine", and Mr. St. John Stevas undertook that the customary two weekends' consideration would be given. This morning the Department of Education and Science were able to put only 12 copies of the Bill in the Vote Office when business commenced, because of an unforeseen printing delay overnight. All might have been well if a further 600 copies had been produced before the adjournment, but business collapsed at 1230 and the extra copies were not available in the House until 1315.

Not suprisingly, the Opposition Chief Whip jumped in and protested. Mr. St. John Stevas decided to post copies of the Bill to Members, and they have been sent out during the afternoon. I guess that this will probably make things worse.

It is inevitable that there will be points of order on Monday afternoon: the Leader of the House and an Education Minister will be on hand to deal with them. The best course in these embarrassing circumstances is to wait until then and see how much trouble the Opposition are proposing to make. There is, however, every chance that the Second Reading of the Bill may have to be delayed if the Opposition are determined to take full advantage of the situation. We will ask the Leader of the House and the Chief Whip for their advice on Monday, in the light of the situation as it then appears.

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26 October 1979

PRIME MINISTER

Education 2

EDUCATION BILL

You might like to glance through the L paper on the Education Bill, which is to be considered on Wednesday, 24 October.

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You will see that section 22(2) of the Bill has been amended so that it now reads:

"A local education authority shall exercise their power to provide milk, meals or other refreshment in relation to any pupil whose parents are in receipt of supplementary benefit or family income supplement so as to ensure that such provision is made for him in the middle of the day as appears to the authority to be requisite."

A later section makes it unlawful for an LEA to charge for anything provided by virtue of the sub-section I have quoted.

What all this means is that Mr. Carlisle has given LEAs some discretion, but that they will find it difficult to provide nothing at all for pupils below the poverty line. There may at some stage be a test case to decide the force of "requisite" in this formulation, but that would only arise if an LEA took a very hard line.

The rest of the Bill, incidentally, is a large tidying up operation combined with controversial provisions on the assisted places scheme and a complete replacement of section 13 of the 1944 Act by the provisions in section 12 of the Bill - which give the Secretary of State the option of letting through on the nod reorganisation proposals for county schools to which no objections have been registered. Section 15 of the Bill applies the new "section 13" procedures to reductions in numbers.

MS

22 October 1979

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DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

DofE response
supposedly
delivered today. Can
I see Chat, too, pl.

MAD 4/11

Top Copy on: Editor,
Parliament,
Pt 2,
Legislation.

M Pattison Esq
Private Secretary
10 Downing Street
Whitehall
LONDON SW1

4 September 1979

Dear Mine,

Your letter of 29 August asked for a report of the progress made on the Education Bill. Our aim is to have a Bill ready for introduction in the first week Parliament is back after the recess. Drafting instructions on the different items are either ready for Parliamentary Counsel or will be ready shortly.

The need for speed has been increased following decisions taken by Cabinet on public expenditure. If authorities are to be able to reduce expenditure on school meals, milk and transport in the next financial year, the Bill must now include clauses on these items and will need to receive Royal Assent as soon as is possible.

... I enclose a list of items to be covered in the Bill.

I am sending copies of this letter to John Stevens (Chancellor of the Duchy of Lancaster's Office), Ian Fair (Department of Employment), David Edmunds (Department of the Environment), John Chilcot (Home Office), Murdo Maclelen (Chief Whip's Office) and Martin Vile (Cabinet Office).

Yours ever
P. J. Hunter

P J HUNTER
Private Secretary

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ITEMS FOR INCLUSION IN THE EDUCATION BILL

<u>Item</u>	<u>Date of policy approval</u>
1. Repeal of controls over the taking up of places at independent schools.	12 July H(79)28
2. The provision of an assisted places scheme for secondary pupils.	26 June H(79)18
3. Parental choice, local appeals and related matters.	12 July H(79)28
4. The publication of information about schools, including exam results.	12 July H(79)28
5. School government, particularly by providing for elected parent and teacher governors.	12 July H(79)28
6. The employment of teachers in day nurseries.	12 July H(79)28
7. Industrial Scholarships	12 July H(79)28
8. A minor extension of the mandatory award system to cover joint courses with institutions abroad.	12 July H(79)28
9. Grants for education in Welsh	12 July H(79)26
10. The pooling of educational expenditure.	12 July H(79)28
11. The financing of maintained advanced further education.	*
12. School meals and milk	*
13. School transport	*
14. The repeal or amendment of a number of central controls over educational authorities.	17 July H(79)35

* A submission on these items will be sent to H Committee shortly.

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