

Education Act, 1946.

9 & 10 GEO. 6. CH. 50.

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2A ARRANGEMENT OF SECTIONS.

Section.

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SCHEDULES :

First Schedule.—Maintenance of voluntary schools.

Second Schedule.—Miscellaneous amendments of principal Act.



CHAPTER 50.

An Act to amend and supplement the law relating to education, and to amend the law relating to the execution of the Public Libraries Acts, 1892 to 1919.

[22nd May 1946.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) If upon the application of a local education authority and the managers or governors of a controlled school maintained by the authority the Minister of Education (hereinafter referred to as "the Minister") is satisfied—

Enlargement
of controlled
schools.

- (a) that it is expedient that the premises of the school should be enlarged to such an extent that the enlargement would amount to the establishment of a new school; and
- (b) that the enlargement is wholly or mainly required for the purpose of providing accommodation for pupils for whom accommodation would have been provided in some other voluntary school if that other school had not been discontinued or had not otherwise ceased to be available for the purpose;

then, if proposals for carrying out the enlargement are thereafter approved under section thirteen of the Education Act, 1944 (hereinafter referred to as "the principal Act"), the Minister may by order direct that the expense of giving effect to those proposals shall be payable by the local education authority.

7 & 8 Geo. 6
c. 31.

(2) In this section the expression "enlargement," in relation to the premises of a school, includes any addition to those premises, and the expression "enlarge" shall be construed accordingly.

Division of a single school into two or more schools.

2.—(1) Where a county school, an aided school or a controlled school is organized in two or more separate departments, and proposals are submitted to the Minister—

(a) in the case of a county school by the local education authority ; and

(b) in the case of an aided school or a controlled school, by the managers or governors of the school after consultation with the local education authority ;

that the school should be divided into two or more separate schools, the Minister may by order direct—

(i) if the school is a county school, that the school shall be divided into two or more separate county schools ; and

(ii) if the school is an aided school or a controlled school, that the school shall be divided into two or more separate voluntary schools ;

and when any such order comes into operation it shall become the duty of the local education authority to maintain each of the separate schools constituted by the order as a county school or as a voluntary school, as the case may be.

(2) The constitution of a separate school in pursuance of any such order shall not, for the purposes of section thirteen of the principal Act, be deemed to amount to the establishment of a new school.

(3) Where any such order is made upon proposals submitted by the managers or governors of a controlled school, the order shall direct that each of the schools constituted in pursuance of the order shall be a controlled school.

(4) Where any such order is made upon proposals submitted by the managers or governors of an aided school, the order shall direct that each of the schools constituted in pursuance of the order shall be an aided school :

Provided that if the managers or governors of the original school have requested the Minister to direct that all or any of the schools constituted in pursuance of the order shall be controlled schools, the order shall direct accordingly.

(5) Subsection (4) of section fifteen of the principal Act (which relates to the circumstances in which an order directing that a school is to be an aided school is to be revoked) shall have effect as if the references therein to an order by virtue of which a school is an aided school included references to a direction that a school shall be an aided school under this section.

(6) Where an order is made under this section upon proposals submitted by the managers or governors of a voluntary school which is being conducted in accordance with the transitional

provisions contained in section thirty-two of the principal Act, the provisions of that section shall continue to have effect with respect to each of the schools constituted in pursuance of the order until the question whether that school shall be a controlled school, an aided school or a special agreement school is determined by an order made under subsection (2) of section fifteen of the principal Act.

(7) Any order made under this section shall come into operation upon such date as may be specified in the order and may contain such incidental, consequential and supplemental provisions as appear to the Minister to be expedient, and, without prejudice to the generality of the preceding provisions of this subsection, may in particular provide for defining the premises of each of the separate schools to be constituted in pursuance of the order.

(8) No order shall be made under this section for the division of any school with respect to which a special agreement is in force.

3.—(1) In relation to the maintenance of voluntary schools, Maintenance of voluntary schools. the duties of local education authorities and of the managers and governors of such schools shall be performed in accordance with the provisions of the First Schedule to this Act.

(2) This section and the said First Schedule shall be deemed to have come into operation on the first day of April, nineteen hundred and forty-five.

4.—(1) Any sum received after the passing of this Act by the managers, governors or trustees of a voluntary school, so far as it is paid in respect of the letting or hiring of any part of the school premises other than school buildings, shall be paid over to the local education authority. Letting or hiring of school premises other than school buildings and definition of "school buildings."

(2) In this Act the expression "school buildings", in relation to any school, means any building or part of a building forming part of the school premises, except that it does not include any building or part of a building required only—

- (a) as a caretaker's dwelling ;
- (b) for use in connection with playing fields ;
- (c) for affording facilities for enabling the local education authority to carry out their functions with respect to medical inspection or treatment ; or
- (d) for affording facilities for providing milk, meals or other refreshment for pupils in attendance at the school ;

and in the principal Act the said expression shall be deemed always to have had the meaning assigned to it by this section.

Powers of local education authorities to provide temporary assistance for voluntary schools.

5. The principal Act shall be deemed always to have had effect as if for section one hundred and nine thereof there were substituted the following section :—

“ 109. If upon representations made to him by any local education authority the Minister is satisfied that, by reason of difficulties arising out of war conditions, or out of conditions occasioned by the coming into operation of Part II of this Act, temporary accommodation is required for any voluntary school for pupils who are attending the school or whose parents desire them to attend the school, the Minister may authorise the authority to provide, or assist in providing, temporary accommodation for the school in accordance with arrangements approved by him, so, however, that any such authority shall be withdrawn as soon as, in the opinion of the Minister, there has been a sufficient opportunity for permanent accommodation to be provided for such pupils in accordance with the development plan for the area.

Power of local education authorities to execute work for the purposes of controlled schools.

6. Where a local education authority are liable to pay the expense of carrying out any building work, repair work or work of a similar character which is required for the purposes of a controlled school, that work shall, if the local authority so determine, be carried out by persons employed by the authority ; and it shall be the duty of the managers or governors of the school and of any trustees thereof to provide the authority and any such persons with all such facilities as they may reasonably require for the purpose of securing that any such work is properly executed.

Additional provisions relating to religious worship.

7.—(1) Subject to the provisions of this section, the collective worship with which the school day in county schools and voluntary schools is required to begin shall take place on the school premises.

(2) If the managers or governors of an aided school or a special agreement school are of opinion that it is desirable that a school day should, on any special occasion, begin with collective worship elsewhere than on the school premises, they may make such arrangements for that purpose as they think appropriate :

Provided that the powers of managers and governors under this subsection shall not be so exercised as to derogate from the rule that, in every aided school and special agreement school, the collective worship with which the school day is required to begin must normally take place on the school premises.

(3) Any reference in the principal Act to religious worship in any school shall be construed as including a reference to religious worship which, under the provisions of the last preceding subsection, takes place otherwise than on the school premises.

8.—(1) Where a person attains any particular age during the term of any school at which, when he attains that age, he is a registered pupil, he shall, for the purposes of the provisions of the principal Act relating to the limits of the compulsory school age, be deemed not to have attained that age until the end of the term.

Provisions for
avoiding
broken terms.

(2) Where a person attains a particular age while he is not a registered pupil at a school, then, if he has been such a pupil at any time during the year preceding the date on which he attains that age, the provisions of the foregoing subsection shall have effect in relation to him as if he were a registered pupil at the school at which he last was a registered pupil before attaining that age.

(3) Where a person attains the age of eighteen years during the term of any county college which, when he attains that age, he is for the time being required to attend by a college attendance notice, he shall, for the purposes of the provisions of the principal Act relating to the period during which a person remains a young person, be deemed not to have attained that age until the end of the term, and the attendance required of him by any such notice may extend until the end of the term in which he has attained or will attain that age.

(4) Subsection (5) of section one hundred and fourteen of the principal Act is hereby repealed.

9. Without prejudice to any powers conferred upon them by the principal Act, a local education authority may provide clothing free of charge

Additional
powers to
provide
clothing.

- (a) for any pupil who is a boarder at any educational institution maintained by the authority ;
- (b) for any pupil at any nursery school so maintained ; or
- (c) for any pupil in a nursery class at any school so maintained.

10.—(1) For the proviso to section ninety-four of the Local Government Act, 1933, there shall be substituted the following proviso :—

Qualification
of teachers
for member-
ship of local
authorities
and their
committees.

“ Provided that a person shall not, by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by a local education authority, be disqualified for being a member of any committee or sub-committee of any local authority—

23 & 2 Geo. 5.
c. 51.

- (a) appointed for the purposes of the enactments relating to education ;

56 & 57^a Vict.
c. 11.

- (b) appointed for the care of the mentally defective ; or
- (c) appointed under this Act or under section four of the Public Libraries (Amendment) Act, 1893, for purposes connected with the execution of the Public Libraries Acts, 1892 to 1919 ;

or for being a representative of a local authority on a joint committee appointed by agreement between the authority and other local authorities for any such purpose as aforesaid."

(2) Subsection (2) of section fifty-nine of the Local Government Act, 1933, shall not operate so as to disqualify any person for being elected or being a member of the council of a county district by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by a local education authority.

(3) In Part I of the Eighth Schedule to the principal Act, the provision amending section ninety-four of the Local Government Act, 1933, is hereby repealed.

(4) This section shall be deemed to have come into operation on the first day of April, nineteen hundred and forty-five.

Travelling
expenses.

11.—(1) Subject to the provisions of this section, a local education authority shall have power to defray any expenses necessarily incurred by members of any divisional executive having functions in relation to any part of the area of the authority, or by members of any committee or sub-committee of such an executive—

- (a) in travelling to and from meetings of such an executive or of any such committee or sub-committee ; or
- (b) in travelling, by direction of such an executive, or of any such committee or sub-committee, for the purpose of doing anything which the executive, or the committee or sub-committee, require to be done in order that they may properly discharge their functions :

Provided that the foregoing provisions of this subsection shall not authorise a local education authority to defray any expenses incurred in respect of any journey which does not involve travel outside the area of a single county district.

(2) No expenses which a local education authority have power to defray apart from this section shall be defrayed under this section, and this section shall not affect any such power.

(3) No expenditure by a local education authority under this section shall be taken into account for the purpose of determining the amount of any sum payable to the authority out of moneys provided by Parliament.

12.—(1) If as a result of any action taken by the council of a county in consequence of the fact that any of their functions relating to education are, or are to be, exercised in accordance with a scheme of divisional administration, any person who was, immediately before the commencement of Part II of the principal Act, an officer employed by that council suffers, at any time after the commencement of the said Part II, direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation from the council under this section.

Compensation for certain officers of county councils.

(2) For the purposes of any claim for compensation under this section, the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, shall have effect as if—

- (a) any such alteration as aforesaid had been effected by virtue of an order made by the Minister of Health under Part VI of the said Act of 1933 and coming into operation upon the date of the commencement of Part II of the principal Act ; and
- (b) the expression “ existing officer ” in those subsections, meant any person who, immediately before the said date, was an officer employed by the council of a county in connection with any functions exercisable by that council under any enactment repealed by the principal Act.

(3) For the purposes of the determination and payment of compensation under this section, the provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect subject to the following modifications, that is to say—

- (a) references therein to the Minister shall be construed as references to the Minister of Education, and sub-paragraph (1) of paragraph 1 thereof shall have effect as if after the word “ prescribed ” there were inserted the words “ by the Minister of Education ” ;
- (b) references therein to a scheme or order shall be construed as references to the principal Act ; and
- (c) any period during which a person has been engaged in war service within the meaning of the Local Government ^{2 & 3} Geo. 6. Staffs (War Service) Act, 1939, shall be reckoned for the ^{c. 94.} purposes of the said Schedule as a period of service in his office, and where any such period is so reckoned, his emoluments during that period shall, for the purposes of sub-paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.

(4) Without prejudice to the general effect of the requirement that this Act shall be construed as one with the principal Act, this section shall be deemed to form part of the principal Act—

(a) for the purposes of paragraph (b) of the last preceding subsection; and

(b) for the purpose of construing any reference to “the special Act” in the Compensation of Displaced Officers (War Service) Act, 1945.

8 & 9 Geo. 6
c. 10.

Additional provisions relating to local administration.

13.—(1) In any legal proceedings any document purporting to be a document issued by a divisional executive and to be signed by a person authorised by the executive to sign it shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be and to be signed by the person by whom it purports to have been signed without proof of his identity, signature or official capacity.

(2) A divisional executive may, subject to any conditions or restrictions imposed by the scheme of divisional administration, authorise any committee or sub-committee of the executive to exercise any functions which the executive are authorised by the scheme to exercise on behalf of the local education authority; and, without prejudice to the generality of the provisions of Part III of the First Schedule to the principal Act relating to the contents of such schemes, any such scheme may include provisions for requiring a divisional executive to authorise a committee or sub-committee of the executive to exercise any such functions as aforesaid.

Miscellaneous amendments of enactments.

14.—(1) The provisions of the principal Act specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, and the said amendments, so far as they are contained in Part II of the said Schedule, shall be deemed to have had effect since the commencement of Part II of the principal Act.

(2) The said amendments, so far as they relate to Part III of the First Schedule to the principal Act, shall not affect the procedure for making and approving any scheme of divisional administration duly submitted to the Minister before the passing of this Act; and any scheme of divisional administration made and approved in accordance with the said Part III as it had effect before the passing of this Act shall, after the passing of this Act, be deemed to have been made and approved under the said Part III as amended by this Act.

8 & 9 Geo. 5.
c. 93.

(3) In section six of the Public Libraries Act, 1919 (which relates to the power of certain library authorities to purchase land compulsorily) the words after “the Education Acts, 1870 to 1918” shall cease to have effect.

15. Any increase attributable to the passing of this Act in the ^{Expenses.} expenditure of the Minister under the enactments relating to education shall be defrayed out of moneys provided by Parliament.

16.—(1) In this Act, unless the context otherwise requires, Interpretation, the following expressions have the meanings hereby respectively ^{etc.} assigned to them, that is to say:—

“ department ” means such part, if any, of a school as is organised under a separate head teacher ;

“ divisional executive ” means a divisional executive having functions under a scheme of divisional administration ;

“ scheme of divisional administration ” has the same meaning as it has in Part III of the First Schedule to the principal Act, as amended by this Act ;

“ site ”, in relation to any school, does not include playing fields, but, save as aforesaid, includes any site which is to form part of the school premises.

(2) This Act shall be construed as one with the principal Act.

17.—(1) This Act may be cited as the Education Act, 1946. ^{Short title,}

(2) This Act and the Education Act, 1944, may be cited ^{citation and} together as the Education Acts, 1944 and 1946. ^{extent.}

(3) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

MAINTENANCE OF VOLUNTARY SCHOOLS.

1. The duty of a local education authority to maintain a voluntary school under the principal Act shall include the duty of providing any site which is to be provided for the school in addition to, or instead of, the whole or any part of the existing site of the school, and shall, in the case of a controlled school, include the duty of providing any buildings which are to form part of the school premises :

Provided that nothing in this paragraph shall require a local education authority :—

- (a) to perform any duties which, under section thirteen of the principal Act (which includes provisions relating to the establishment of new schools and to the procedure by which a school which is not a voluntary school may become such a school) are required to be performed by any persons other than the authority ; or
- (b) to execute any proposals which are required to be executed under a special agreement made under the Third Schedule to the principal Act.

2. Where under subsection (1) of section sixteen of the principal Act the Minister has made an order authorising the transfer to a new site of an aided school or a special agreement school, the duties of the managers or governors of the school shall include the duty of defraying, with the assistance of any grant which may be made in accordance with section one hundred and three of the principal Act, the expenses of providing any school buildings to be provided on the new site, and accordingly—

- (a) the Minister shall not direct that a school shall be an aided school or a special agreement school unless he is satisfied that the managers or governors of the school will be able and willing to defray any such expenses ;
- (b) the duty of the local education authority to maintain an aided school or a special agreement school shall not include the duty of defraying any such expenses ; and
- (c) if at any time the managers or governors of an aided school or a special agreement school are unable or unwilling to carry out their obligations under this paragraph, it shall be their duty to apply to the Minister for an order revoking the order or direction by virtue of which the school is an aided school or a special agreement school, and upon such an application being made to him the Minister shall revoke the order or direction.

3. If when a local education authority provide a site for an aided school or a special agreement school in accordance with paragraph 1 of this Schedule, any work is required to be done to the site for the purpose of clearing it or making it suitable for building purposes, the authority and the managers or governors of the school may by agreement provide for the making of such payments, or of such other adjustments of their respective rights and liabilities, as will secure that the cost of that work is borne by the local education authority.

4. If when a local education authority provide a site for an aided school or a special agreement school in accordance with paragraph 1 of this Schedule there are, on the site so provided, any buildings which are of value for the purposes of the school, the authority and the managers or governors of the school may by agreement provide for the making of such payments, or of such other adjustments of their respective rights and liabilities, as appear to be desirable having regard to the duties of the managers or governors with respect to the school buildings.

5. Where it appears to the Minister that provision for any payment or other adjustment ought to have been made under either of the last two preceding paragraphs, but that such provision has not been made, he may by directions provide for the making of such payment or other adjustment as he thinks proper in the circumstances.

6. Where a local education authority provide a site for a school in accordance with the preceding provisions of this Schedule, it shall be the duty of the authority to convey their interest in the site and in any buildings on the site which are to form part of the school premises to the trustees of the school to be held on trust for the purposes of the school.

If any doubt or dispute arises as to the persons to whom a local education authority are required to make a conveyance under this paragraph, the conveyance shall be made to such persons as the Minister thinks proper.

7. Where an interest in any premises which are to be used for the purposes of a controlled school is conveyed in accordance with the last preceding paragraph to any persons who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school, those persons or their successors shall pay to the local education authority so much of that sum as the Minister may determine to be just having regard to the value of the interest so conveyed; and any sum so paid shall be deemed for the purposes of section fourteen of the School Sites Act, 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) to be a sum applied in the purchase of a site for the school. 4 & 5 Vict.
c. 38.

In this paragraph the expression "sale" includes the creation or disposition of any kind of interest.

8. Where in accordance with paragraph 6 of this Schedule a local education authority convey premises to be held on trust for the purposes of any voluntary school, and any person thereafter acquires the premises or any part thereof from the trustees, whether compulsorily or otherwise, the Minister may require the trustees or their

1ST SCH. successors to pay to the authority so much of the compensation or
 —cont. purchase money paid in respect of the acquisition as he thinks just
 having regard to—

- (a) the value of the premises conveyed by the authority in accordance with the said paragraph 6; and
- (b) any sums which have been received by the authority in respect of the premises under the preceding provisions of this Schedule.

In this paragraph the expression "premises" includes any interest in premises.

SECOND SCHEDULE.

Section 14.

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.

PART I.

- Section fifty ... For the word "child", wherever that word occurs, there shall be substituted the word "pupil".
- Section sixty-eight At the end of the section there shall be inserted the following words:—
 " In this section, references to a local education authority shall be construed as including references to any body of persons authorised, in accordance with the First Schedule to this Act, or in accordance with section thirteen of the Education Act, 1946, to exercise functions of such an authority".
- Section seventy-three After subsection (4), there shall be inserted the following subsection:—
 "(5) For the purposes of the foregoing provisions of this Part of this Act, a person who is disqualified by an order made under Part IV of the Education (Scotland) Act, 1945, from being the proprietor of an independent school or from being a teacher in any school shall be deemed to be so disqualified by virtue of an order made under this Part of this Act."
- Section eighty-six In subsection (1), the words "for the pupils in attendance at a voluntary school" shall be omitted.
- Section one hundred and thirteen. For the word "notice" there shall be substituted the words "order, notice or other document."

Part III of the First Schedule. At the end of paragraph 3 there shall be inserted the following proviso :—

2ND SCH.
—cont.

“ Provided that where the Minister has under the last preceding paragraph, made an order directing that this Part of this Schedule shall not apply to a local education authority, then, if the order is subsequently revoked, the provisions of this paragraph shall have effect in relation to that authority as if for the reference to the commencement of Part II of this Act there were substituted a reference to the date of the revocation of the order ”.

In paragraph 5, the words “ and shall transmit the scheme to the local education authority for submission to the Minister ” shall be omitted.

For paragraph 7 there shall be substituted the following paragraph :—

“ 7.—(1) A local education authority shall, before making a scheme of divisional administration, consult the council of every county district in the area of the authority, and the council of a borough or urban district which is an excepted district shall, before making any such scheme, consult the council of every other county district in the area of the local education authority, and for the purpose of complying with this sub-paragraph the authority or council making the scheme shall furnish a statement of their proposals, in the form of a draft scheme, to the councils who are to be consulted :

Provided that if in any particular case the Minister is satisfied that compliance with the requirements of this sub-paragraph is unnecessary, the Minister may give directions dispensing with those requirements in that case.

(2) Where the council of a county district have made a scheme of divisional administration, they shall transmit the scheme to the local education authority for submission to the Minister.

(3) Before any scheme of divisional administration is submitted by a local education authority to the Minister in accordance with the requirements of paragraph 6 of this Part of this Schedule, the

2ND SCH
—cont.

Part III of the First
Schedule—cont.

authority or council by whom the scheme was made shall publish such notices with respect thereto as may be prescribed :

Provided that if, in relation to any particular scheme, the Minister is satisfied that the publication of prescribed notices is unnecessary, he may direct that the prescribed notices shall, in relation to that scheme, be deemed to have been published if in lieu of publishing those notices the authority or council publish such other notices as may be specified in the direction ; and where any such direction is given in relation to any scheme the reference in paragraph 10 of this Part of this Schedule to the prescribed notices shall, in relation to that scheme, be construed as a reference to the notices so specified."

At the beginning of paragraph 8 there shall be inserted the words " Subject as hereinafter provided."

For paragraph 9 there shall be substituted the following paragraph :—

" 9.—(1) If on the application of any local education authority the Minister is satisfied that it is expedient that any functions under this Act relating to further education should be exercised on behalf of the authority either—

(a) by divisional executives constituted under this Part of this Schedule for the purpose of exercising functions in relation to primary or secondary education ; or

(b) by divisional executives specially constituted for the purpose of exercising functions relating to further education ;

the Minister may direct that provision for that purpose may be made by scheme of divisional administration.

(2) If on the application of the council of any borough or urban district which is an excepted district the Minister is, after consultation with the local education authority, satisfied that it is expedient that any functions under this Act relating to further education should be exercised on behalf of the authority by the council acting as a divisional executive, the Minister may direct that provision for that purpose may be made by a scheme of divisional administration.

Part III of the First
Schedule—*cont.*2ND SCH.
—*cont.*

(3) In relation to any scheme of divisional administration to be made under this paragraph, the Minister may give directions dispensing with any of the requirements of paragraph 8 of this Part of this Schedule if he is satisfied that, in the case of that scheme, compliance with that requirement is unnecessary having regard to the contents of any other scheme of divisional administration which is for the time being in force."

In paragraph 10, for the words "two months from" there shall be substituted the words "one month beginning with"; and after the word "published" there shall be inserted the words "or within such longer period beginning with that date as the Minister may in any particular case determine to be appropriate".

For paragraph 11, there shall be substituted the following paragraph:—

"11. (1) A local education authority or the council of a borough or urban district which is an excepted district may, with the consent of the Minister, make schemes of divisional administration for varying, revoking or supplementing any scheme of divisional administration previously made by that authority or council, or for replacing any such scheme by a fresh scheme of divisional administration; and if at any time the Minister is of opinion that an authority or council ought to make a scheme of divisional administration under this paragraph for any purpose, he may direct them to make such a scheme for that purpose.

(2) Where the Minister has, under this paragraph, given his consent to or directions for the making of any scheme, he may, if he thinks fit, direct that the requirements imposed by paragraph 8 of this Part of this Schedule shall be dispensed with, either wholly or in part, in relation to that scheme."

PART II.

Section thirteen ... In subsection (7), for the words from "required only" to the word "refreshment" there shall be substituted the words "which are to form part of the school premises but are not to be school buildings."

2ND SCH. Section fourteen ... For the proviso to subsection (1), there shall
—cont. be substituted—

“ Provided that, except by leave of the Minister, no such notice as aforesaid shall be served by the managers or governors of any voluntary school in respect of the premises of which expenditure has been incurred otherwise than in connection with repairs by the Minister or by any local education authority or former authority.

If the Minister grants such leave, he may impose such requirements as he thinks just—

- (a) in regard to the repayment of the whole or any part of the amount of the expenditure so incurred by the Minister ;
- (b) where the Minister is satisfied that the local education authority will require, for any purpose connected with education, any premises which are for the time being used for the purposes of the school in regard to the conveyance of those premises to the authority ;
- (c) in regard to the payment by the local education authority of such part of the value of any premises so conveyed as is just having regard to the extent to which those premises were provided otherwise than at the expense of the authority or a former authority ;
- (d) where any premises for the time being used for the purposes of the school are not to be so conveyed, in regard to the payment to the authority by the managers or governors of the school of such part of the value of those premises as is just having regard to the extent to which they were provided at the expense of the authority or a former authority.”

Section fifteen ... In subsection (3), in paragraph (a) thereof, for the words “ for the purposes of establishing or carrying on the school ” there shall be substituted the words “ in connection with the provision of premises or equipment for the purposes of the school,” and for the words “ school premises ” where those words secondly occur, there shall be substituted the words “ school buildings ”.

Section fifteen—
cont.

In subsection (3) for paragraph (b) thereof there shall be substituted the following paragraph—

2ND SCH.
cont.

“(b) the managers or governors of the school shall not be responsible for repairs to the interior of the school buildings, or for repairs to those buildings necessary in consequence of the use of the school premises, in pursuance of any direction or requirement of the authority, for purposes other than those of the school.”

Subsection (6) shall be omitted.

Section thirty-four

At the end of subsection (4) there shall be inserted the words “ unless the parent makes suitable arrangements for the provision of such treatment for the child otherwise than by the authority ”.

In subsection (6), for the words “ cease to provide ” there shall be substituted the words “ if they are providing ”; and after the word “ issued,” where that word secondly occurs, there shall be inserted the words “ shall cease to provide such treatment for the child ”.

Section one hundred
and two.

After the word “ alterations,” where that word first occurs, there shall be inserted the words “ and repairs ”; and the words “ and repairs to the school premises ” shall be omitted.

Section one hundred
and six.

In subsection (1), the words “ in any school maintained by the authority ” shall be omitted.

In subsection (5), for the words “ education provided ” there shall be substituted the words “ functions performed ”; and for the words “ the education is provided ” there shall be substituted the words “ the functions are performed ”.

After subsection (5) there shall be inserted the following subsection :—

“(6) In determining for the purposes of this section the cost to a local education authority of providing for the education of any child or young person, account shall be taken of any expenses reasonably incurred by the authority in providing for the child or young person any benefits or services for which provision is made by or under the enactments relating to education ”.

Section one hundred
and fourteen.

In subsection (1), in the definition of “ alterations”, for the words “ or enlargements ” there shall be substituted the words “ enlargements or additions ”.

2ND SCH.
—cont.

Part III of the First Schedule. For the proviso to paragraph 2, there shall be substituted the following proviso:—

“ Provided that the Minister may by order direct that this Part of this Schedule shall not apply to any local education authority specified in the order ; but where any such order is made the provisions of this Schedule relating to excepted districts shall have effect in relation to any borough or urban district within the area of the authority to which the order relates as if the authority were an authority required by this Part of this Schedule to make schemes of divisional administration.”

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