



Education Act 1944

1944 CHAPTER 31

PART II

THE STATUTORY SYSTEM OF EDUCATION.

SUPPLEMENTARY PROVISIONS AS TO PRIMARY, SECONDARY AND FURTHER EDUCATION.

Miscellaneous Provisions.

61 Prohibition of fees in schools maintained by local education authorities and in county colleges.

- (1) No fees shall be charged in respect of admission to any school maintained by a local education authority, or to any county college, or in respect of the education provided in any such school or college.
- (2) Subject as hereinafter provided, where any pupil in attendance at any such school or college is provided at the school or college with board and lodging at the expense of the local education authority, fees shall be payable in respect of the board and lodging not exceeding such amounts as may be determined in accordance with scales approved by the Minister:

Provided that—

- (a) where the board and lodging provided for the pupil are so provided under arrangements made by the local education authority on the ground that, in their opinion, education suitable to his age ability and aptitude cannot otherwise be provided by the authority for him, the authority shall remit the whole of the fees payable under this subsection ; and
- (b) where the local education authority are satisfied that payment of the full fees payable under this subsection would involve financial hardship to the person liable to pay them, the authority shall remit such part of the fees as they consider ought to be remitted in order to avoid such hardship, or, if in the

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opinion of the authority such hardship cannot otherwise be avoided, shall remit the whole of the fees.

- (3) Any sums payable under the last foregoing subsection in respect of a pupil shall be payable by his parent, so, however, that where the local education authority are satisfied in the case of any young person in attendance at a county college that his financial circumstances are such that the sums so payable in respect of the board and lodging provided for him ought to be defrayed by him, those sums shall be payable by him instead of by his parent; and any sums so payable shall be recoverable summarily as a civil debt.

62 Duties of Minister and of local education authorities as to the training of teachers.

- (1) In execution of the duties imposed on him by this Act, the Minister shall, in particular, make such arrangements as he considers expedient for securing that there shall be available sufficient facilities for the training of teachers for service in schools colleges and other establishments maintained by local education authorities, and for that purpose the Minister may give to any local education authority such directions as he thinks necessary requiring them to establish maintain or assist any training college or other institution or to provide or assist the provision of any other facilities specified in the direction.
- (2) Where by any direction given under this section a local education authority are required to perform any such functions as aforesaid, the Minister may give such directions to other local education authorities requiring them to contribute towards the expenses incurred in performing those functions as he thinks just.

63 Exemption from building byelaws of buildings approved by the Minister.

- (1) Section seventy-one of the Public Health Act, 1936 (which provides for the exemption of certain buildings from building byelaws) shall have effect as if for paragraph (a) thereof there were substituted the following paragraph :—
- “(a) any buildings required for the purposes of any school or other educational establishment erected or to be erected according to plans which have been approved by the Minister of Education.”
- (2) Where plans for any building required for the purposes of any school or other educational establishment are approved by the Minister, he may by order direct that any provision of any local Act or of any byelaw made under such an Act shall not apply in relation to the building or shall apply in relation thereto with such modifications as may be specified in the order.

64 Exemption of voluntary schools from rates.

No person shall be liable to pay, in respect of the school premises of any voluntary school, any rate the proceeds of which are applicable to public local purposes, whether directly or by reason of any precept or otherwise, being a rate leviable on the basis of an assessment in respect of the yearly value of property.

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65 Endowments for maintenance of voluntary schools.

Where any sums which accrue after the date of the commencement of this Part of this Act in respect of the income of any endowment are required by virtue of the provisions of any trust deed to be applied towards the maintenance of a school which a local education authority are required to maintain as a voluntary school, the said sums shall not be payable to the local education authority, but shall be applied by the managers or governors of the school towards the discharge of their obligations, if any, with respect to the maintenance of the school, or in such other manner, if any, as may be determined by a scheme for the administration of the endowment made after the date of the commencement of this Part of this Act.

66 Power of local education authorities to assist governors of aided secondary schools in respect of liabilities incurred before commencement of Part II.

A local education authority shall have power, so far as may be authorised by arrangements approved by the Minister, to make grants to the governors of any aided secondary school for the purpose of helping them to discharge any liability incurred, before the date of the commencement of this Part of this Act, by them or on their behalf or by or on behalf of any former managers or governors of the school or any trustees thereof, for the purposes of establishing or carrying on the school.

67 Determination of disputes and questions.

- (1) Save as otherwise expressly provided by this Act, any dispute between a local education authority and the managers or governors of any school with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the managers or governors, be referred to the Minister; and any such dispute so referred shall be determined by him.
- (2) Any dispute between two or more local education authorities as to which of them is responsible for the provision of education for any pupil, or whether contributions in respect of the provision of education for any pupil are payable under this Act by one local education authority to another, shall be determined by the Minister.
- (3) Where any trust deed relating to a voluntary school makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious instruction given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.
- (4) If any question arises whether any alterations to the school premises of a county school or a voluntary school would amount to the establishment of a new school, that question shall be determined by the Minister.

68 Power of Minister to prevent unreasonable exercise of functions.

If the Minister is satisfied, either on complaint by any person or otherwise, that any local education authority or the managers or governors of any county or voluntary school have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, he may, notwithstanding any enactment rendering the exercise of the power or

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the performance of the duty contingent upon the opinion of the authority or of the managers or governors, give such directions as to the exercise of the power or the performance of the duty as appear to him to be expedient.

69 Powers of Minister as to medical examinations and inspections.

- (1) The Minister may make regulations as to the conduct of medical examinations and medical inspections for the purposes of this Act, and such regulations may, in particular, make provision requiring that any class of such examinations or inspections shall be conducted by duly qualified medical practitioners having such special qualifications or experience as may be prescribed, or shall be conducted by a duly qualified medical practitioner selected with the approval of the Minister.
- (2) Where any question is referred to the Minister under this Part of this Act, then, if in the opinion of the Minister the examination of any pupil by a duly qualified medical practitioner appointed for the purpose by him would assist the determination of the question referred to him, the Minister may by notice in writing served on the parent of that pupil, or if that pupil is in attendance at a county college upon him, require the parent to submit him, or require him to submit himself, as the case may be, for examination by such a practitioner; and if any person on whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.