SCHEDULES.

FIRST SCHEDULE

Section 6.

LOCAL ADMINISTRATION.

PART I

JOINT EDUCATION BOARDS.

1 Where it appears to the Minister that the establishment of a joint board as the local education authority for the areas of two or more councils to whom this Part of this Schedule applies would tend to diminish expense or to, increase efficiency or would otherwise be of public advantage, the Minister may by order constitute a joint board (in this Act referred to as a " joint education board "), consisting of members appointed by those councils, and direct that the board shall be the local education authority for the areas of those councils :

Provided that the Minister shall not make such an order except after a local inquiry, unless all the councils for the areas of which the board are to be the local education authority have consented to the making of the order.

2 A joint education board so constituted shall be a body corporate with perpetual succession and a common seal and power to hold land for the purposes of their functions without licence in mortmain.

3 An order constituting a joint education board :—

(a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933 (which authorises the application of provisions of that Act to joint boards) provide for regulating the appointment and term of office of members of the board, for regulating the meetings and proceedings of the board, and for determining the manner in which the expenses of the board are to be defrayed ;

(b) may contain such other provisions (including provision for the transfer of officers, property, and liabilities, and for the adjustment of accounts and apportionment of liabilities) as appear to the Minister to be expedient for enabling the board to exercise their functions;

(c) may provide for securing that where in consequence of the establishment of the board as the local education authority for the area of any council any person who was an officer of that council immediately before the date on which the board became the local education authority for the area thereof suffers 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 therefor from the board, and for securing that the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, and of the Fourth Schedule to that Act shall have effect for

the purposes of any claim for such compensation and for the purposes of the determination and payment of the compensation, subject to such modifications and adaptations as appear to the Minister to be necessary; and

(d) may, with the consent of the council of any county or county borough for the area for which the board is to be the local education authority, provide for the transfer to the board of any functions exercisable by that council under the Children and Young Persons Acts, 1933 and 1938, otherwise than as a local education authority.

4 An order constituting a joint education board shall be laid before Parliament as soon as may be after it is made.

5 This Part of this Schedule applies to the council of any county, to the council of any county borough, and to the council of any other borough of which the population was not less than half of the population of the county in which the borough is situated, according to the last census before the passing of this Act.

PART II

EDUCATION COMMITTEES.

1 Every local education authority shall, in accordance with arrangements approved by the Minister, establish such education committees as they think it expedient to establish for the efficient discharge of their functions with respect to education.

2 Any two or more local education authorities may, with the approval of the Minister, concur in establishing a joint education committee for the consideration of questions of common interest to them.

3 Where it appears to the Minister to be expedient that two or more local education authorities should combine for the purpose of exercising some but not all of their functions with respect to education and that those authorities should establish a joint committee for that purpose, the Minister may after consultation with the authorities by order establish a joint education committee of those authorities and provide for the reference to the committee of such questions relating to those functions as in the opinion of the Minister should be so referred; and any such order may provide for authorising the joint education committee to exercise any of those functions on behalf of the authorities concerned, and may include such incidental and consequential provisions, including provisions with respect to the appointment and functions of sub-committees, as the Minister thinks desirable.

4 In the following provisions of this Part of this Schedule the expression " education committee " includes a joint education committee.

5 Every education committee of a local education authority shall include persons of experience in education and persons acquainted with the educational conditions prevailing in the area for which the committee acts.

6 At least a majority of every education committee of a local education authority shall be members of the authority.

Provided that in the case of a joint education committee, the provisions of this paragraph shall be deemed to have been complied with if the committee consists, as to more than one half of the members thereof, of persons who are members of any of the authorities for which the committee is established.

7 Every local education authority shall consider a report from an education committee of the authority before exercising any of their functions with respect to education :

Provided that an authority may dispense with such a report if, in their opinion, the matter is urgent or has been sufficiently considered or reported upon by a divisional executive established under Part III of this Schedule.

8 A local education authority may authorise an education committee of the authority to exercise on their behalf any of their functions with respect to education, except the power to borrow money or to raise a rate.

9 The minutes of proceedings of an education committee of the local education authority shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

10 Every education committee of a local education authority may, subject to any restrictions imposed by the local education authority or the order of the Minister by which the committee was established :—

(a) appoint such sub-committees constituted in such manner as the committee may determine ; and

(b) authorise any such sub-committees to exercise any of the functions of the committee on their behalf.

11 Nothing in this Part of this Schedule shall require the reference to any education committee of a local education authority, or to any sub-committee of such a committee, of any matter which under any enactment for the time being in force is referred to any committee of the authority other than an education committee.

PART III

DELEGATION OF FUNCTIONS OF LOCAL EDUCATION AUTHORITIES TO DIVISIONAL EXECUTIVES.

1 This Part of this Schedule shall not apply to any local education authority which is the council of a county borough.

2 For the purpose of securing that the functions of local education authorities will be exercised with due regard to the circumstances affecting different parts of their areas and with the co-operation of persons having special knowledge of such circumstances, provision shall be made by schemes (hereinafter referred to as " schemes of divisional administration ") for partitioning the areas of authorities into such divisions as may be conducive to efficient and convenient administration and for constituting bodies of persons (hereinafter referred to as " divisional executives ") for the purpose of exercising on behalf of the authorities, in such of the divisions as may be specified in the schemes, such functions relating to primary and secondary education as may be so specified:

Provided that if the Minister is satisfied with respect to the area of any local education authority that the making of a scheme of divisional administration for that area is unnecessary, he may by order direct that this Part of this Schedule shall not apply to that local education authority.

3 As soon as may be after the commencement of Part II of this Act, every local education authority to which this Part of this Schedule applies shall review the circumstances of every part of their area, and shall make such schemes of divisional

administration as they consider expedient for the purpose mentioned in the last foregoing paragraph.

4 If the council of any borough or urban district has, before the first day of October nineteen hundred and forty-four, lodged with the Minister a claim that the borough or district be excepted from any scheme of divisional administration to be made by a local education authority the Minister may direct that the borough or district shall be so excepted, and the Minister shall so direct if the borough or urban district fulfils either of the following conditions, that is to say :—

(a) that the population thereof on the thirtieth day of June nineteen hundred and thirty-nine, as estimated and certified by the Registrar General, was not less than sixty thousand; or

(b) that on the thirty-first day of March nineteen hundred and thirty-nine the total number of pupils on the rolls of the public elementary schools in the area thereof was not less than seven thousand;

so however that no such direction shall be given in the case of any borough or urban district which does not fulfil either of the said conditions unless the Minister, after consultation with the local education authority and such other councils as appear to him to be concerned, is satisfied that by reason of special circumstances the borough or urban district ought to be so excepted. Any borough or urban district which has been directed by the Minister to be so excepted as aforesaid is in this Part of this Schedule referred to as an excepted district.

5 The council of any borough or urban district which is an excepted district shall as soon as may be after the date on which the borough or urban district became such a district make, after consultation with the local education authority, a scheme of divisional administration for the borough or district which shall provide for the exercise by the council of that borough or district of the functions thereby delegated as the divisional executive for the purposes of the scheme and shall transmit the scheme to the local education authority for submission to the Minister.

6 Any scheme of divisional administration shall be submitted by the local education authority to the Minister and shall not have effect until it has been approved by an order made by him.

7 A local education authority, before submitting to the Minister any scheme of divisional administration (whether made by them or by a council of a borough or district which is an excepted district) shall consult the council of every county district in their area, and shall after such consultation serve a copy of the scheme upon each of those councils ; and before any scheme of divisional administration is submitted to the Minister, the local education authority or council by whom the scheme was made shall publish such notices with respect thereto as may be prescribed.

8 Every scheme of divisional administration shall—

(a) provide for the constitution of every body which is to be a divisional executive for the purposes of the scheme, except where the scheme provides for the functions thereby delegated being exercised by the council of a borough or urban district as the divisional executive;

(b) define the functions which the several divisional executives specified therein, or in the case of a scheme for an excepted district the divisional executive, are thereby authorised to exercise on behalf of the local education authority ;

(c) specify any conditions subject to which any divisional executives are so authorised ;

(d) make such provision as may be expedient for empowering such executives to appoint committees and sub-committees and as to the matters to be referred to them ;

(e) define the relationship between any such executive, committee, or sub-committee, and the local education authority and committees and sub-committees thereof;

(f) provide for the determination by the Minister of any disputes between the local education authority and any divisional executive;

(g) make provision for the submission to the local education authority, by every divisional executive thereby authorised to exercise functions, of estimates of expenditure intended to be incurred by the executive on behalf of the authority and of accounts of expenditure so incurred ; and for requiring such estimates and accounts to be subject to the approval of the authority;

(h) provide for such other matters as appear to the local education authority or council by whom the scheme is made to be expedient, or as the Minister may require :

Provided that no such scheme shall authorise any divisional executive to borrow money or to raise a rate.

9 If on the application of any local education authority, or of the council of any borough or urban district which is an excepted district, the Minister is satisfied, after consultation with the local education authority in cases where the application is made by the council of an excepted district, that it is expedient that any functions under this Act relating to further education should be exercised on behalf of the authority by a divisional executive, the Minister may direct that provision for that purpose may be made by a scheme of divisional administration, and where a direction is so given for the delegation to any such executive of functions relating to further education, this Part of this Schedule shall apply in respect of the delegation to that executive of the functions specified in the direction, in like manner as it applies in respect of the delegation of functions relating to primary and secondary education.

10 After considering any objections to a scheme of divisional administration made to him within the period of two months from the date on which the prescribed notices with respect to the scheme were published, and after making in the scheme such modifications, if any, as after consultation with the local education authority he considers expedient, the Minister shall make an order approving the scheme.

11 Any power conferred by this Part of this Schedule on a local education authority or council to make and submit to the Minister schemes of divisional administration shall be construed as including power to submit schemes for the variation or revocation of any such scheme previously made by that authority or council; and if at any time the Minister is of opinion that any such scheme ought to be varied or revoked or that a further scheme of divisional administration ought to be made by any such authority or council, he may direct them to make such a scheme and submit it to him.

12 If the population of any borough or urban district which is an excepted district is, according to any census taken after the passing of this Act, less than sixty thousand, the Minister shall, if after consultation with the local education authority he is of opinion that the borough or urban district ought no longer to be an excepted district,

give such directions as he thinks proper under the powers conferred on him by the last foregoing paragraph.

13 The minutes of the proceedings of a divisional executive shall be open to the inspection of any local government elector for the area of the local education authority on payment of a fee not exceeding one shilling and any such local government elector may make a copy thereof or an extract therefrom.