



London Government Act 1963

1963 CHAPTER 33

PART IV

EDUCATION AND YOUTH EMPLOYMENT SERVICE

30 Local education authorities

(1) As from 1st April 1965, any reference in the Education Acts 1944 to 1962 or in any other Act to the local education authority shall be construed—

- (a) in relation to any outer London borough, as a reference to the council of that borough ;
- (b) subject to subsections (6) and (7) of this section, in relation to the remainder of Greater London (which remainder shall be known as the Inner London Education Area) as a reference to the Greater London Council acting by means of a special committee thereof constituted as mentioned in subsection (2) of this section;

and the Greater London Council, when acting as aforesaid as the local education authority for the said Area, shall, except for the purposes of any document of title, be known as the Inner London Education Authority, and any reference in this or any other Act to a member or officer of that Authority or, in relation to that Authority, to a member or officer of a local education authority shall be construed as a reference to a member of the special committee aforesaid or, as the case may be, an officer appointed for the purposes of the functions of the Greater London Council as a local education authority.

(2) The special committee aforesaid shall consist of—

- (a) such of the councillors of the Greater London Council as have been elected by local government electors for an inner London borough or the City;
- (b) one representative of each inner London borough council appointed by that borough council from among the members thereof;
- (c) one representative of the Common Council appointed by the Common Council from among the members thereof;

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and any person appointed in pursuance of paragraph (b) or (c) of this subsection shall, unless re-appointed, retire on the fourteenth day after the ordinary day of retirement of London borough councillors falling next after his appointment, but may resign his membership of the Inner London Education Authority at any time by notice in writing to the clerk of the council by whom he was appointed thereto.

- (3) The Greater London Council shall not act by means of the special committee aforesaid for the purpose of issuing any precept or borrowing any money, but shall so act for the purpose of determining—

- (a) the amount for which the Council are to precept upon rating authorities in the Inner London Education Area in respect of expenditure of the Inner London Education Authority; and
- (b) what amount, if any, is to be borrowed by the Council in respect of such expenditure,

and for the purpose of the making of the arrangements for the handling of receipts and payments required by section 58 of the Local Government Act 1958 so far as those arrangements relate to moneys paid or payable in connection with the functions of the Greater London Council as a local education authority, and shall also so act for the purpose of the appointment of any officer employed solely for the purposes of those functions, and in particular the appointment of the officer referred to in subsection (4) of this section.

- (4) The officers to be appointed by the Greater London Council under paragraph 12 of Schedule 2 to this Act shall include a chief education officer of the Inner London Education Authority ; and section 88 of the Education Act 1944 shall apply to the appointment of that officer as it applies to the appointment of any similar officer under the Local Government Act 1933.

- (5) Part II of Schedule 1 to the Education Act 1944 shall have effect in its application to the Inner London Education Area as if—

- (a) paragraph 7 from " or has been " onwards and paragraph 11 were omitted ;
- (b) in paragraph 8, the reference to the power to borrow money or to raise a rate included a reference to the power to make such a determination as is referred to in subsection (3) of this section ;

and Part III of the said Schedule 1 (which relates to the delegation of functions of local education authorities to divisional executives) shall not apply to Greater London.

- (6) The Minister of Education shall carry out, and not later than 31st March 1970 lay before Parliament a report on, a review of the administration of education in the Inner London Education Area for the purpose of determining whether, and if so to what extent, in what part or parts of that Area, and subject to what, if any, conditions, all or any of the functions of the local education authority relating to education should be transferred to, or to a body including a member or members appointed by, the appropriate council, that is to say, as respects the City the Common Council or as respects an inner London borough the council of that borough; and in the light of that review the Minister of Education may by regulations make provision for such a transfer as aforesaid of such of those functions, in such part of the Area aforesaid, and subject to such conditions, if any, as may be specified in the regulations; but no such regulations shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

- (7) Any regulations under subsection (6) of this section may include such incidental, consequential, transitional or supplementary provisions, including in particular

provisions with respect to finance, the transfer and management or custody of property (whether real or personal) and the transfer of liabilities (but, without prejudice to sections 84(1) and 85 of this Act, excluding provisions with respect to the transfer of officers), as may appear to the Minister of Education to be necessary or proper for the purpose or in consequence of the regulations; and where any such regulations provide as respects any part of the Inner London Education Area for the transfer of all the functions of the local education authority relating to education to some authority other than the Inner London Education Authority, the regulations may also provide for that other authority to become, and for the Inner London Education Authority to cease to be, the local education authority for that part of that Area for the purposes of all enactments except (without prejudice to section 34 (4) of this Act) section 10 of the Employment and Training Act 1948.

- (8) In section 97 of the Children and Young Persons Act 1933, in proviso (b), for the words " London County Council as local authority" there shall be substituted the words " local education authority ",

31 Primary, secondary and further education in Greater London

- (1) For the purposes of the Education Acts 1944 to 1962—
- (a) the development plan under section 11 of the Education Act 1944 in force for the county of London immediately before 1st April 1965, so far as it relates to the Inner London Education Area, shall continue on and after that date to be the development plan approved by the Minister of Education for that Area ;
 - (b) until replaced by a revised development plan submitted to and approved by the said Minister under subsection (2) of this section, any development plan under the said section 11 in force immediately before 1st April 1965 which relates, or so far as it relates, to the area of any outer London borough shall, or, if more than one, shall together, constitute as from that date the development plan approved by the said Minister for that borough;
 - (c) subject to subsection (4) of this section, any scheme of further education under section 42 of the said Act of 1944 in force immediately before 1st April 1965 which relates, or so far as it relates, to the Inner London Education Area or to the area of any outer London borough, shall, or, if more than one, shall together, continue to be, or, as the case may be, constitute, on and after that date the scheme of further education approved by the Minister of Education under the said section 42 for that Education Area or, as the case may be, that borough.
- (2) The council of each outer London borough shall, by 1st April 1966 or within such period thereafter as the Minister of Education may in any particular case allow, prepare and submit to that Minister a revised development plan for the borough for the purposes of the said Acts of 1944 to 1962 which shall be in such form and contain such particulars with respect to existing primary and secondary schools in their area and as to the action the authority propose to take to secure that there shall be sufficient schools available for their area as that Minister may require; and subsections (3) to (5) of section 11 of the said Act of 1944 shall apply to any revised development plan submitted under this subsection as they apply to a development plan submitted under subsection (1) of that section.
- (3) Before preparing a revised development plan for their borough under subsection (2) of this section, the council of each outer London borough shall consult with any other local education authority whose area is contiguous with that borough with a view to

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ensuring that the revised plan has regard both to the use made of schools outside that borough by children resident therein and to the use of schools within that borough by children resident outside it.

- (4) Within such period as the Minister of Education may allow, the council of each outer London borough shall for the purposes of section 42 of the said Act of 1944 submit to that Minister a restatement of the scheme or schemes of further education referred to in subsection (1)(c) of this section so far as relating to that borough; and that restatement when submitted to that Minister shall be deemed for the purposes of the said section 42 to be a scheme of further education which has been submitted to that Minister under subsection (1) of that section.
- (5) As from 1st April 1965 it shall be the duty of the local education authority for any area in Greater London to maintain, and that authority shall not except in accordance with section 13 or 14 of the said Act of 1944 or subsection (6) of this section cease to maintain, any county or voluntary school maintained immediately before that date by the former local education authority for that area, being a school which is situated in that area or of which that former local education authority were, or in case of dispute are determined by the Minister of Education to have been, the main user immediately before that date.
- (6) Any authority who by virtue of section 30(1) of this Act are, or are to become, the local education authority for any area in Greater London may agree with any other local education authority for the maintenance by that other authority of any school which under subsection (5) of this section would otherwise fall to be maintained by the first-mentioned authority.
- (7) In the case of any school maintained immediately before 1st April 1965 by a local education authority who in consequence of this Act will not continue to maintain it on and after that date—
 - (a) any instrument or rules of management or instrument or articles of government made by an order under section 17 of the said Act of 1944 and any arrangement made under section 20 of that Act, being an order or arrangement in force immediately before that date, shall continue in force on and after that date, subject to any further such order or arrangement and to any agreement under subsection (6) of this section, as if—
 - (i) any reference therein to that local education authority were a reference to the authority by whom by virtue of subsection (5) or (6) of this section the school falls to be maintained on and after that date or, if there is no such authority or if there is any doubt as to the identity of that authority, such local education authority as the Minister of Education may direct;
 - (ii) any reference therein to any other existing local authority, being the council of a metropolitan borough, non-county borough or urban district to whom section 3 (1) (b) of this Act applies, were a reference, if the school falls to be maintained by the council of a borough, to that council or, in any other case, to the council of the London borough which includes the area of that existing authority or, if different parts of that area are included in different London boroughs, the council of such of those boroughs (or, if more than one, the councils thereof acting jointly) as appears to the local education authority to be served by the school;

- (b) any direction of the local education authority under section 22 of the said Act of 1944 and any agreed syllabus of religious instruction under section 29 of that Act, being a direction or syllabus in force immediately before that date, shall continue in force on and after that date until replaced by a further direction under the said section 22 or, as the case may be, by the adoption of a new syllabus under the said section 29.
- (8) For the purposes of any duty imposed by or under the Education Acts 1944 to 1962 or section 3 (4) of the Local Government Act 1958 with respect to the admission of pupils to—
 - (a) county or voluntary schools; or
 - (b) institutions maintained or assisted by local education authorities for the purpose of providing further education,it shall not be a ground for refusing a pupil admission to, or excluding a pupil from, any such school or institution maintained or assisted by a local education authority in Greater London that the pupil resides in the area of some other local education authority if that area is within, or is contiguous with any part of, Greater London; and where any provision for further education is made by a local education authority in Greater London in respect of a pupil who resides in Greater London, or in some other local education authority's area which is contiguous with any part of Greater London, but belongs to the area of a local education authority other than the providing authority, and the Minister of Education is satisfied that, having regard to all the circumstances of the case, it is right so to do, that Minister may on the application of the providing authority direct that section 7(1) of the Education (Miscellaneous Provisions) Act 1953 (which relates to the recoupment of the providing authority by the authority to whose area the pupil belongs) shall apply notwithstanding that the last-mentioned authority have not consented to the making of the provision.
- (9) Section 7(4) and (5) of the Education (Miscellaneous Provisions) Act 1953 (which relate to the determination of the local education authority to whose area any pupil belongs for the purposes of further education) shall apply for the purposes of subsection (8) of this section as they apply for the purposes of the said section 7.
- (10) In relation to any school maintained by the Inner London Education Authority, the expression " minor authority " in the said Act of 1944 shall be construed as a reference to any of the following councils whose area appears to that Authority to be served by the school, that is to say, the councils of the inner London boroughs and the Common Council; and before approving any proposals submitted to him under section 13 of the said Act of 1944 with respect to any school which is, or is to be, situated within the City or an inner London borough, the Minister of Education shall afford to the Common Council or, as the case may be, the borough council, an opportunity of making representations to him with respect to the proposal.

32 Co-ordination of school and other health services in inner London

- (1) The Inner London Education Authority and each respectively of the following councils, that is to say, the councils of the inner London boroughs and the Common Council, shall as soon as may be jointly prepare and submit to the Minister of Education and the Minister of Health for their approval a scheme with respect to—
 - (a) the joint use of professional staff, premises and equipment for the purposes of the health services falling to be provided by the local education authority and the local health authority respectively; and

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- (b) consultation as to the qualifications, experience, conditions of service and appointment of professional staff concerned with both those health services.
- (2) If in the case of any of the councils aforesaid no such scheme as aforesaid has been submitted to the Ministers aforesaid under the foregoing subsection within such period as those Ministers think reasonable, those Ministers may themselves prepare such a scheme with respect to that council.
- (3) In the case of any of the councils aforesaid—
 - (a) the Inner London Education Authority and the council concerned may from time to time jointly prepare and submit to the Ministers aforesaid for their approval, or
 - (b) the Ministers aforesaid may from time to time, after consultation with the said Authority and council, themselves prepare,

a further scheme with respect to the matters mentioned in subsection (1) of this section, and any such further scheme may vary or revoke any scheme under subsection (1) or (2) of this section and any previous scheme under this subsection.
- (4) The Ministers aforesaid shall act jointly for the purpose of approving any scheme submitted to them under subsection (1) or (3)(a) of this section and may approve the scheme either without modification or with such modifications as, after consultation with the Inner London Education Authority and the council concerned, they consider necessary or expedient; and after the scheme has been so approved, then, while that scheme remains in force, no professional staff to whom the scheme applies shall be appointed or employed except in accordance therewith.
- (5) The Ministers aforesaid shall act jointly for the purpose of themselves preparing any scheme under subsection (2) or (3)(b) of this section, and the Inner London Education Authority and the council concerned shall comply with any such scheme while it remains in force.
- (6) In this section the expression "professional staff" in relation to any scheme thereunder means medical officers, dental officers, nurses, health visitors and such other specialist staff as may be specified in that scheme.
- (7) In its application to the Inner London Education Authority, section 54(4) of the Education Act 1944 shall have effect as if for the words "the council of any county district in the area of the authority" there were substituted the words "the council of any inner London borough or the Common Council of the City of London",

33 Provision for continuance of existing educational grants

- (1) Where, in the case of any grant made before 1st April 1965 under section 50, 61(2) or 81 of the Education Act 1944, section 6 of the Education (Miscellaneous Provisions) Act 1953 or section 1 or 2 of the Education Act 1962 in respect of a pupil who has not completed his course by that date, the local education authority by whom that grant was made—
 - (a) cease on that date in consequence of this Act to be a local education authority ; or
 - (b) if the authority's area at the date of the making of the grant had been the same as on 1st April 1965, would not have been the appropriate authority to make it,

it shall on and after 1st April 1965 be the duty of the authority specified in subsection (2) of this section to make the remaining payments in pursuance of that

grant, subject to the same conditions, if any, as to satisfactory work, financial need or other matters as were attached to the grant or as would be attached to such a grant by the authority specified as aforesaid, whichever are the most favourable.

(2) The authority referred to in the foregoing subsection shall be—

- (a) the local education authority to whose area the pupil would have belonged (or, in the case of an award under section 1 of the Education Act 1962, in whose area he would have been ordinarily resident) at the date immediately before the grant was made if at that date the changes taking place under Parts I and IV of this Act on 1st April 1965 had already taken place; or
- (b) if there is no local education authority to whose area the pupil would have belonged (or, as the case may be, in whose area he would have been ordinarily resident) as aforesaid, then, without prejudice to any right to recoupment, such local education authority as the Minister of Education may determine ;

and section 6(2) to (4) of the Education (Miscellaneous Provisions) Act 1948 or section 7 (4) and (5) of the Education (Miscellaneous Provisions) Act 1953 (which relate to the determination of the local education authority to whose area any pupil belongs for the purposes of primary or secondary education or, as the case may be, further education) or Schedule 1 to the said Act of 1962 (which relates to the determination of ordinary residence for the purposes of the said section 1), as the case may be, shall apply for the purposes of this subsection as they apply for the purposes of the said Act of 1948, the said section 7 or the said section 1, as the case may be.

34 Youth employment service

- (1) Subject to the provisions of this section, as from 1st April 1965 the local education authority for any area in Greater London shall undertake in that area, in accordance (subject to any necessary modification thereof in consequence of this Act) with any scheme in force immediately before that date under section 10 of the Employment and Training Act 1948 which relates, or so far as it relates, to that area, the functions with respect to the youth employment service to which the scheme relates; and for the purposes of any such modification as aforesaid the powers of the Minister of Labour upon the failure of the local education authority to comply with any direction with respect to the amendment of that scheme given by that Minister under section 12 (2) of the said Act of 1948 shall include power by a further direction to amend the scheme himself.
- (2) If before 1st January 1966 any authority who by virtue of section 30 (1) of this Act are, or are to become, the local education authority for any area in Greater London give notice in writing to the Minister of Labour that they wish this subsection to have effect, any such scheme as aforesaid, so far as it relates to that area, shall cease to be in force as from such date as that Minister may determine.
- (3) Any such authority as are mentioned in the last foregoing subsection who have not given such notice as is so mentioned shall, within such period as the Minister of Labour may allow, submit to that Minister for his approval under the said section 10 a revised scheme for the purposes of that section, and any such revised scheme shall be deemed for the purposes of the said Act of 1948 to be such an amending scheme as is mentioned in section 12(1) of that Act.
- (4) Unless notice in respect of the Inner London Education Area has been given under subsection (2) of this section, the Minister of Labour shall, in conjunction with the review to be carried out by the Minister of Education under section 30(6) of this Act,

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carry out, and not later than 31st March 1970 lay before Parliament a report on, a review of the administration of the youth employment service in that Area for the like purpose as the Minister of Education's review aforesaid and shall have as respects the functions of the local education authority under the said section 10 the like power to make regulations in the light of that review as are conferred by section 30(6) and (7) of this Act on the Minister of Education as respects that authority's functions relating to education.

- (5) In paragraph 1(b) of Schedule 1 to the said Act of 1948 (which provides for the nomination by certain bodies of members of the National Youth Employment Council), for the words " The London County Council" there shall be substituted the words " The Inner London Education Authority ",