



Education Act 1918

1918 CHAPTER 39

ADMINISTRATIVE PROVISIONS

27 Voluntary inspection of schools

If the governing body of any school or educational institution not liable to inspection by any Government department, or, if there is no governing body, the headmaster, requests the Board of Education to inspect the school or institution and to report thereon, the Board of Education may do so, if they think fit, free of cost; but this section shall be without prejudice to the provisions relating to the Central Welsh Board contained in subsection (1) of section three of the Board of Education Act, 1899.

28 Collection of information respecting schools

(1) In order that full information may be available as to the provision for education and the use made of such provision in England and Wales,—

(a) It shall be the duty of the responsible person as herein after defined, in respect of every school or educational institution not in receipt of grants from the Board of Education, to furnish to the Board of Education in a form prescribed by the Board—

(i) in the case of a school or educational institution existing at the appointed day, within three months of that day ;

(ii) in the case of a school or educational institution opened after the appointed day, within three months of the opening thereof ;

the name and address of the school or institution and a short description of the school or institution :

(b) It shall be the duty of every such responsible person when required by the Board of Education to furnish to the Board such further particulars with respect to the school or institution as may be prescribed by regulations made by the Board :

Provided that the Board may exempt from both or either of the above obligations any schools or educational institutions with respect to which the necessary information is already in the possession of the Board or is otherwise available.

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- (2) If the responsible person fails to furnish any information required by this section, he shall be liable on summary conviction to a penalty not exceeding ten pounds, and to a penalty not exceeding five pounds for every day on which the failure continues after conviction therefor.
- (3) For the purposes of this section " the responsible person " means the secretary or person performing the duty of secretary to the governing body of the school or institution, or, if there is no governing body, the headmaster or person responsible for the management of the school or institution.
- (4) Any regulations made by the Board of Education under this section with respect to the particulars to be furnished shall be laid before Parliament as soon as may be after they are made.

29 Provisions with respect to appointment of certain classes of teachers

- (1) Notwithstanding anything in the Education Act, 1902, the appointment of all teachers of secular subjects not attached to the staff of an)' particular public elementary school and teachers appointed for the purpose of giving practical instruction, pupil teachers, and student teachers, shall be made by the local education authority, and it is hereby declared that the local education authority have power to direct the managers of any public elementary schools not provided b)' them to make arrangements for the admission of any such teachers to the schools.
- (2) The provisions of subsection (3) of section seven of the Education Act, 1902, shall apply to any question which arises under this section between the local education authority and the managers of a school.

30 Provisions as to closing of schools

- (1) The managers of a public elementary school not provided by the local education authority, if they wish to close the school, shall give eighteen months' notice to the local education authority of their intention to close the school, and a notice under this provision shall not be withdrawn except with the consent of the local education authority.
- (2) If the managers of a school who have given such a notice are unable or unwilling to carry on the school up to the expiration of the period specified in the notice, the school house shall be put at the disposal of the local education authority, if the authority so desire, for the whole or any part of the period, free of charge, for the purposes of a school provided by them, but subject to an obligation on the part of the authority to keep the school house in repair and to pay any outgoings in respect thereof, and to allow the use of the school house and the school furniture by the persons who were the managers of the school to the like extent and subject to the like conditions as if the school had continued to be carried on by those managers.

The use by the authority of the school house during such period for the purposes of a school provided by them shall not be deemed, for the purposes of section eight of the Education Act, 1902, to constitute the provision of a new school.

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31 Grouping of non-provided schools of the same denominational character

Where there are two or more public elementary schools not provided by the local education authority of the same denominational character in the same locality, the local education authority, if they consider that it is expedient for the purpose of educational efficiency and economy, may, with the approval of the Board of Education, give directions for the distribution of the children in those schools according to age, sex, or attainments, and otherwise with respect to the organisation of the schools ; and for the grouping of the schools under one body of managers constituted in the manner provided by subsection (2) of section twelve of the Education Act, 1902 :

Provided that, if the constitution of the body of managers falls to be determined by the Board of Education under that section, the Board shall observe the principles and proportions prescribed by sections six and eleven of that Act; and that, if the managers of a school affected by any directions given under this section request a public inquiry, the Board shall hold a public inquiry before approving those directions.

32 Provisions relating to central schools and classes

- (1) Notwithstanding the provisions of section six of the Education Act, 1902, or, in the case of London, subsection (1) of section two of the Education (London) Act, 1903, as to the appointment of managers, any public elementary school which in the opinion of the Board is organised for the sole purpose of giving advanced instruction to older children may be managed in such manner as may be approved by the local education authority, and, in the case of a school not provided by that authority, also by the managers of the school.
- (2) Notwithstanding anything contained in sections six and eight of the Education Act, 1902, or in section two of the Education (London) Act, 1903, the provision of premises for classes in practical or advanced instruction for children attending from more than one public elementary school shall not be deemed to be the provision of a new public elementary school, and any class conducted in such premises may be managed in such manner as may be approved by the local education authority.

33 Saving for certain statutory provisions

Except as expressly provided by this Act, nothing, in this Act shall affect the provisions of the Education Acts relating to public elementary schools not provided by the local education authority or the provisions of Part II of the Education Act, 1902.

34 Acquisition of land by local education authority

- (1) A local education authority may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under the Education Acts, by means of an order submitted to the Board of Education and confirmed by the Board in accordance with the provisions contained in paragraphs (1) to (13) of the First Schedule to the Housing, Town Planning, &c. Act, 1909, and those provisions shall have effect for the purpose, with the substitution of the Board of Education for the Local Government Board, of the local education authority for the local authority, and of references to the Education Acts for references to " this Act " :

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- (a) the Board of Education shall not confirm any such order even when unopposed if they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired ;
 - (b) an order for the compulsory purchase of land in the administrative county of London shall be subject to the provisions of subsection (2) of section two of the Education (London) Act, 1903 ;
 - (c) an order for the compulsory purchase of land which by section forty-five of the Housing, Town Planning, &c., Act, 1909, is exempt from compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890, shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.
- (2) The powers given by this section in relation to the compulsory purchase of land by the local education authority shall be in substitution for any other powers existing for that purpose, but without prejudice to any powers conferred by any Provisional Order confirmed by Parliament before the appointed day.

35 Power to provide elementary schools outside area

A local education authority may, with the consent of the Board of Education, who shall consult the authority of the area in which the proposed site is situated, provide a public elementary school, in cases where it appears convenient to do so, on a site outside their area for the use of children within their area, and for the purposes of the Education Acts a school so provided shall be deemed to be situated within the area of the authority.

36 Amendments with respect to the allocation of expenses to particular areas

- (1) It shall not be obligatory on a county council to charge on or raise within particular areas any portion of such expenses as are mentioned in paragraph (c) or paragraph (d) of subsection (1) of section eighteen of the Education Act, 1902, and accordingly each of those paragraphs shall have effect as if for the word "shall" there was substituted the word " may " and as if the words " less than one half or " were omitted therefrom ; and, where before the passing of this Act any portion of such expenses has been charged on or allocated to any area, the county council may cancel or vary the charge or allocation.
- (2) Before charging any expenses under section eighteen (1) (a) of the Education Act, 1902, on any area situate within a borough or urban district the council of which is an authority for the purposes of Part III. of the Education Act, 1902, a county council shall consult the council of the borough or urban district concerned.

37 Provisions as to expenses of Provisional Orders, &c

Any expenses incurred by a council in connection with any Provisional Order for the purposes of the Education Acts, or any Order under this Act for the purpose of the acquisition of land, shall be defrayed as expenses of the council under the Education Act, 1902, and the council shall have the same power of borrowing for the purpose of those expenses as they have under section nineteen of the Education Act, 1902, for the purpose of the expenses therein mentioned.

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38 Expenses of education meetings, conferences, &c

Any council having powers under the Education Acts may, subject to regulations made by the Board of Education, defray as part of their expenses under those Acts any reasonable expenses incurred by them in paying subscriptions towards the cost of, or otherwise in connection with, meetings or conferences, held for the purpose of discussing the promotion and organisation of education or educational administration, and the attendance of persons nominated by the council at any such meeting or conference : Provided that—

- (a) the expenses of more than three persons in connection with any meeting or conference shall not be paid except with the previous sanction of the Board of Education;
- (b) payments for travelling expenses and subsistence shall be in accordance with the scale adopted by the council;
- (c) expenses shall not be paid in respect of any meeting or conference outside the United Kingdom unless the Board of Education have sanctioned the attendance of persons nominated by the council at the meeting or the conference ;
- (d) no expenses for any purpose shall be paid under this section without the approval of the Board of Education, unless expenditure for the purpose has been specially authorised or ratified by resolution of the council, after special notice has been given to members of the council of the proposal to authorise or ratify the expenditure, or, where a council has delegated its powers under this section to the education committee, by resolution of that committee after like notice has been given to the members thereof.

39 Power to pay expenses of prosecution for cruelty

The powers of a local education authority for the purposes of Part III. of the Education Act, 1902, shall include a power to prosecute any person under section twelve of the Children Act, 1908, where the person against whom the offence was committed was a child within the meaning of this Act, and to pay any expenses incidental to the prosecution.

40 Public inquiries by Board of Education

- (1) The Board of Education may hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under the Education Acts.
- (2) The following provisions shall (except as otherwise provided by the Education Acts) apply to any public inquiry held by the Board of Education :—
 - (a) The Board shall appoint a person or persons to hold the inquiry:
 - (b) The person or persons so appointed shall hold a sitting or sittings in some convenient place in the neighbourhood to which the subject of the inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into , the objections or representations made respecting the subject matter of the inquiry, with power from time to time to adjourn any sitting :
 - (c) Notice shall be published in such manner as the Board direct of every such sitting, except an adjourned sitting, seven days at least ' before the holding thereof:

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- (d) The person or persons so appointed shall make a report in writing to the Board setting forth the result of the inquiry and the objections and representations, if any, made thereat, and any opinion or recommendations submitted by him or them to the Board :
- (e) The Board shall furnish a copy of the report to any local education authority concerned with the subject matter of the inquiry, and on payment of such fee as maybe fixed by the Board, to any person interested :
- (f) The Board may, where it appears to them reasonable that such an order should be made, order the payment of the whole or any part of the costs of the inquiry either by any local education authority to whose administration the inquiry appears to the Board to be incidental, or by the applicant for the inquiry, and may require the applicant for an inquiry to give security for the costs thereof:
- (g) Any order so made shall certify the amount to be paid by the local education authority or the applicant, and any amount so certified shall, without prejudice to the recovery thereof as a debt due to the Crown, be recoverable by the Board summarily as a civil debt from the authority or the applicant as the case may be.

41 Inspection of minutes

The minutes of the proceedings of a local education authority and, where a local education authority delegate to their education committee any powers and the Acts and proceedings of the education committee as respects the exercise of those powers are not required to be submitted to the council for their approval, the minutes of the proceedings of the education committee relating to the exercise of those powers, shall be open to the inspection of any ratepayer at any reasonable time during the ordinary hours of business on payment of a fee of one shilling, and any ratepayer may make a copy thereof or take an extract therefrom.

42 Payments to the Central Welsh Board

- (1) For the yearly sum payable to the Central Welsh Board under the scheme regulating the intermediate and technical education fund of any-county, as defined by the Welsh Intermediate Education Act, 1889, there shall be substituted—
 - (a) a yearly sum equal to a percentage not exceeding twenty-two and a half per cent. fixed from time to time at a uniform rate for every county by the Central Welsh Board of the sum produced by a rate of one halfpenny in the pound for the preceding year, calculated in the manner provided by subsection (3) of section eight of the Welsh Intermediate Education Act, 1889; and
 - (b) a yearly sum equal to five per cent. of the net income for the preceding year of any endowment comprised in the intermediate and technical education fund of the county, or, in the alternative, for each year during such period as may be agreed with the Central Welsh Board, such yearly sum as that Board may agree to accept in lieu thereof.
- (2) For the purpose of ascertaining the said net income there shall be deducted from the gross income all proper expenses and outgoings in respect of administration and management of the endowment (including charges for interest on and repayment of loans and replacement of capital), and any sums required by the scheme to be treated as capital, and the term " endowment" shall include augmentations acquired by the investment of surplus income whether derived from endowment or county rate, or from any other source, but not property occupied for the purposes of the scheme.

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- (3) The power of charging capitation fees for scholars offered for examination conferred on the Central Welsh Board by the scheme of the thirteenth day of May, eighteen hundred and ninety-six, regulating the Central Welsh Intermediate Education Fund shall cease.
- (4) The provisions of this section shall have effect and be construed as part of the schemes regulating the Central Welsh Intermediate Education Fund and the intermediate and technical education funds of counties in Wales and Monmouthshire, and may be repealed or altered by future schemes accordingly.

43 Evidence of certificates, &c. issued by local education authorities

All orders, certificates, notices, requirements, and documents of a local education authority under the Education Acts, if purporting to be signed by the clerk of the authority or of the education committee, or by the director of, or secretary for, education, shall until the contrary is proved be deemed to be made by the authority and to have been so signed, and may be proved by the production of a copy thereof purporting to have been so signed.