Education Act 1944

CHAPTER 31

EDUCATION ACT 1944

PART I

CENTRAL ADMINISTRATION

1 Appointment of Minister in charge of education and establishment of Ministry of Education
2 Transfer of property and functions to Minister and construction of Acts and documents
3 Seal and acts of Minister
4 Central Advisory Councils
5 Annual report to Parliament

PART II

THE STATUTORY SYSTEM OF EDUCATION

Local Administration

6 Local education authorities
7 Stages and purposes of statutory system of education

Provision and Maintenance of Primary and Secondary Schools

8 Duty of local education authorities to secure provision of primary and secondary schools
9 County schools, voluntary schools, nursery schools, and special schools
10 Requirements as to school premises
11 Development plans as to primary and secondary schools
12 Local education orders with respect to primary and secondary education
13 Establishment and discontinuance of county and voluntary schools
14 Restrictions on discontinuance of voluntary schools by managers and governors
15 Classification of voluntary schools as controlled schools, aided schools, or special agreement schools
16 Transfer of county and voluntary schools to new sites, and substitution of new voluntary schools for old ones

Management of Primary Schools and Government of Secondary Schools
17 Constitution of managers and governors and conduct of county schools and voluntary schools
18 Managers of primary schools
19 Governors of secondary schools
20 Grouping of schools under one management
21 Proceedings of managers and governors of county and voluntary schools
22 Powers of local education authority as to use and care of premises of voluntary schools

Secular Instruction and Appointment and Dismissal of Teachers in County and Voluntary Schools
23 Secular instruction in county schools and in voluntary schools
24 Appointment and dismissal of teachers in county schools and in voluntary schools

Religious Education in County and Voluntary Schools
25 General provisions as to religious education in county and in voluntary schools
26 Special provisions as to religious education in county schools
27 Special provisions as to religious education in controlled schools
28 Special provisions as to religious education in aided schools and in special agreement schools
29 Provisions as to religious instruction in accordance with agreed syllabus
30 Saving as to position of teachers

Transitional Provisions as to County and Voluntary Schools
31 Transitional provisions as to the separation of primary and secondary schools
32 Transitional provisions as to the management and maintenance of voluntary schools

Primary and Secondary Education of pupils requiring Special Educational Treatment
33 Education of pupils requiring special educational treatment
34 Duty of local education authorities to ascertain what children require special educational treatment

Compulsory Attendance at Primary and Secondary Schools
35 Compulsory school age
36 Duty of parents to secure the education of their children
37 School attendance orders
38 Additional provisions as to compulsory attendance at special schools
39 Duty of parents to secure regular attendance of registered pupils
40 Enforcement of school attendance
41 General duties of local education authorities with respect to further education
42 Schemes of further education
43 County colleges
44 Duty to attend county colleges in accordance with college attendance notices
45 Administrative provisions for securing attendance at county colleges
46 Enforcement of attendance at county colleges
47 Interim provisions as to further education

Ancillary Services

48 Medical inspection and treatment of pupils
49 Provision of milk and meals
50 Provision of board and lodging otherwise than at boarding schools or colleges
51 Provision of clothing at schools maintained by local education authorities
52 Recovery of cost of boarding accommodation and of clothing
53 Provision of facilities for recreation and social and physical training
54 Power to ensure cleanliness
55 Provision of transport and other facilities
56 Power to provide primary and secondary education otherwise than at school
57 Duty of local education authorities to report to local authorities under 3 and 4 Geo. 5. c. 28 in certain cases

Employment of Children and Young Persons

58 Adaptation of enactments relating to the employment of children or young persons
59 Power of local education authorities to prohibit or restrict employment of children
60 Effect of college attendance notices on computation of working hours

Miscellaneous Provisions

61 Prohibition of fees in schools maintained by local education authorities and in county colleges
62 Duties of Minister and of local education authorities as to the training of teachers
63 Exemption from building byelaws of buildings approved by the Minister
64 Exemption of voluntary schools from rates
65 Endowments for maintenance of voluntary schools
66 Power of local education authorities to assist governors of aided secondary schools in respect of liabilities incurred before commencement of Part II
67 Determination of disputes and questions
68 Power of Minister to prevent unreasonable exercise of functions
69 Powers of Minister as to medical examinations and inspections
PART III
INDEPENDENT SCHOOLS

70 Registration of independent schools
71 Complaints
72 Determination of complaints
73 Enforcement
74 Removal of disqualifications
75 Proceedings before Independent Schools Tribunals and matters relating thereto

PART IV
GENERAL PRINCIPLE TO BE OBSERVED BY MINISTER AND LOCAL EDUCATION AUTHORITIES

76 Pupils to be educated in accordance with the wishes of their parents
77 Inspection of educational establishments
78 Provision of certain ancillary services for pupils not in attendance at schools maintained by local education authorities
79 Supplementary provisions as to medical inspection and treatment
80 Registration of pupils at schools
81 Power of local education authorities to give assistance by means of scholarships and otherwise
82 Powers of local education authorities as to educational research
83 Powers of local education authorities as to educational conferences
84 Power of local education authorities to make grants to universities and university colleges
85 Power of local education authorities to accept gifts for educational purposes
86 Extension of power to make schemes under the Endowed Schools Acts, and modifications of those Acts and of 4 and 5 Vict. c. 38
87 Exemption of assurances of property for educational purposes from the Mortmain Acts
88 Appointment of chief education officers of local education authorities
89 Remuneration of teachers
90 Compulsory purchase of land and other dealings in land by local education authorities
91 Accounts of councils of county boroughs and audit thereof
92 Reports and returns
93 Power of Minister to direct local inquiries
94 Certificates of birth and registrars' returns
95 Provisions as to evidence
96 Provisions consequential on cessation of functions of former authorities
97 Modification of 2 and 3 Geo. 6. c. 94
98 Compensation of persons prejudicially affected by this Act
99 Powers of Minister in default of local education authorities or managers or governors
100 Grants in aid of educational services
101 Special financial provisions relating to Wales and Monmouthshire
102 Maintenance contributions payable by the Minister in respect of aided schools and special agreement schools
103  Power of the Minister to make grants in respect of aided schools and special agreement schools transferred to new sites or established in substitution for former schools
104  Power of the Minister to make grants in respect of aided schools and special agreement schools established for the accommodation of displaced pupils
105  Power of the Minister to make loans to aided schools and special agreement schools in respect of initial expenditure
106  Contributions between local education authorities
107  Expenses of Ministers

**PART V**

**SUPPLEMENTAL**

108  Power to facilitate commencement of Part II
109  Power of Minister to authorise local education authorities to provide temporary assistance for voluntary schools
110  Power of Minister to adjust variations of rates consequent upon commencement of Part II
111  Revocation and variation of orders and directions
112  Regulations to be laid before Parliament
113  Notices
114  Interpretation
115  Saving as to persons in the service of the Crown
116  Saving as to persons of unsound mind and persons detained by order of a court
117  Application to London
118  Application to Isles of Scilly
119  Commencement
120  Amendment of enactments
121  Repeal of enactments
122  Short title and extent

__________

**FIRST SCHEDULE — LOCAL ADMINISTRATION**

**Part I — JOINT EDUCATION BOARDS**

1  Where it appears to the Minister that the establishment of...
2  A joint education board so constituted shall be a body...
3  An order constituting a joint education board :—
4  An order constituting a joint education board shall be laid...
5  This Part of this Schedule applies to the council of...

**Part II — EDUCATION COMMITTEES**

1  Every local education authority shall, in accordance with arrangements approved...
2  Any two or more local education authorities may, with the...
3  Where it appears to the Minister to be expedient that...
4  In the following provisions of this Part of this Schedule...
5  Every education committee of a local education authority shall include...
6  At least a majority of every education committee of a...
7  Every local education authority shall consider a report from an...
8  A local education authority may authorise an education committee of...
9  The minutes of proceedings of an education committee of the...
10 Every education committee of a local education authority may, subject...
11 Nothing in this Part of this Schedule shall require the...

Part III — DELEGATION OF FUNCTIONS OF LOCAL EDUCATION
AUTHORITIES TO DIVISIONAL EXECUTIVES

1 This Part of this Schedule shall not apply to any...
2 For the purpose of securing that the functions of local...
3 As soon as may be after the commencement of Part...
4 If the council of any borough or urban district has,...
5 The council of any borough or urban district which is...
6 Any scheme of divisional administration shall be submitted by the...
7 A local education authority, before submitting to the Minister any...
8 Every scheme of divisional administration shall— (a) provide for the...
9 If on the application of any local education authority, or...
10 After considering any objections to a scheme of divisional
administration...
11 Any power conferred by this Part of this Schedule on...
12 If the population of any borough or urban district which...
13 The minutes of the proceedings of a divisional executive shall...

SECOND — TRANSFER TO A LOCAL EDUCATION AUTHORITY OF
SCHEDULE AN INTEREST IN THE PREMISES OF A VOLUNTARY
SCHOOL

1 A local education authority and the managers or governors of...
2 No such agreement shall take effect unless it has been...
3 The Minister shall not approve any such agreement unless he...
4 Before approving any such agreement, the Minister shall consider any...
5 An agreement under this Schedule may provide for the transfer...
6 Where any agreement made under this Schedule has been approved...
7 Where any person other than the managers or governors of...
8 In this Schedule, the expression " premises " includes a...

THIRD SCHEDULE — SPECIAL AGREEMENTS IN RESPECT OF CERTAIN
VOLUNTARY SCHOOLS

1 Where proposals for the establishment of a school or for...
2 If upon the application of any persons interested in any...
3 No agreement shall be made under this Schedule after the...
4 Any such agreement shall provide for the making of a...
5 The amount of the grant to be made in pursuance...
6 Where the agreement relates to proposals for the establishment of...
7 Any agreement made under this Schedule may provide for the...
8 Any agreement made by a local education authority under this...
9 Where a grant has been made in respect of any...
10 Where an agreement has been made under this Schedule in...
11 Where any local authority have, before the date of the...

FOURTH SCHEDULE — MEETINGS AND PROCEEDINGS OF MANAGERS AND
GOVERNORS

1 The quorum of the managers or governors shall not be...
2 The proceedings of the managers or governors shall not be...
3 Every question to be determined at a meeting of the...
4 The managers or governors shall hold a meeting at least...
5 A meeting of the managers or governors may be convened...
6 The minutes of the proceedings of the managers or governors...
FIFTH SCHEDULE — PROCEDURE FOR PREPARING AND BRINGING INTO OPERATION AN AGREED SYLLABUS OF RELIGIOUS INSTRUCTION

1. For the purpose of preparing any syllabus of religious instruction...
2. For the purpose of constituting such a conference as aforesaid,...
3. Before appointing a person to represent any denomination or associations...
4. A person so appointed may resign his membership of any...
5. The conference shall consist of the committees aforesaid and it...
6. Where the local education authority propose to adopt more than...
7. Any sub-committees appointed by the conference shall include at least...
8. Upon any question to be decided by the conference or...
9. If the conference unanimously recommend any syllabus of religious instruction,...
10. If the authority report to the Minister that the conference...
11. The body of persons so appointed :—
12. Whenever a local education authority are of opinion (whether upon...

SIXTH SCHEDULE — CONSTITUTION OF INDEPENDENT SCHOOLS TRIBUNALS

1. For the purpose of enabling Independent Schools Tribunals to be...
2. No person shall be qualified to be appointed to the...
3. Any person appointed to be a member of either of...
4. Where any appeal is required to be determined by an...

SEVENTH — ADJUSTMENT OF VARIATIONS OF RATES CONSEQUENTIAL UPON COMMENCEMENT OF PART II OF THIS ACT

Part I
1. For the purposes of this Schedule, the following expressions have...
2. The Minister shall ascertain the amount of the standard rateborne...
3. The aggregate of the amounts of the standard rateborne expenditure...
4. The amount in the pound ascertained in respect of any...
5. The Minister shall ascertain in the case of every elementary...

Part II
1. If the rate disadvantage of any elementary education authority in...
2. Any such order shall come into operation on the date...
3. The number of years during which (subject to the provisions...
4. An order made under this Part of this Schedule for...
5. The amount by which the precept issued to a rating...

EIGHTH SCHEDULE — AMENDMENT OF ENACTMENTS

Part I — ENACTMENTS AMENDED FROM DATE OF COMMENCEMENT OF PART II OF THIS ACT

Part II — ENACTMENTS AMENDED FROM DATE ON WHICH SECTION FORTY-FOUR OF THIS ACT COMES INTO OPERATION

NINTH SCHEDULE — ENACTMENTS REPEALED

Part I — ENACTMENTS REPEALED FROM DATE OF COMMENCEMENT OF PART II OF THIS ACT

Part II — ENACTMENTS REPEALED FROM DATE ON WHICH SECTION FORTY-FOUR OF THIS ACT COMES INTO OPERATION