



Education Act 1944

1944 CHAPTER 31

PART IV

GENERAL.

MISCELLANEOUS PROVISIONS.

77 **Inspection of educational establishments.**

(1) In this section the expression " educational establishment " means a school, a county college, any establishment which under a scheme of further education made and approved under this Act is used for further education, and any training college or other institution being a training college or institution maintained by a local education authority; and if the persons responsible for the management of any institution which is not an educational establishment within the foregoing definition request the Minister or any local education authority to cause an inspection of that institution to be made under the powers conferred by this section, the institution shall, for the purposes of that inspection, be deemed to be also included within that definition.

(2) It shall be the duty of the Minister to cause inspections to be made of every educational establishment at such intervals as appear to him to be appropriate, and to cause a special inspection of any such establishment to be made whenever he considers such an inspection to be desirable ; and for the purpose of enabling such inspections to be made on behalf of the Minister, inspectors may be appointed by His Majesty on the recommendation of the Minister, and persons may be authorised by the Minister to assist such inspectors and to act as additional inspectors :

Provided that the Minister shall not be required by virtue of this subsection to cause inspections to be made of any educational establishment during any period during which he is satisfied that suitable arrangements are in force for the inspection of that establishment otherwise than in accordance with this subsection.

(3) Any local education authority may cause an inspection to be made of any educational establishment maintained by the authority, and such inspections shall be made by officers appointed by the local education authority.

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- (4) If any person obstructs any person authorised to make an inspection in pursuance of the provisions of this section in the execution of his duty, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.
- (5) Subject as hereinafter provided, the religious instruction given in any school maintained by a local education authority shall not be subject to inspection except by one of His Majesty's Inspectors or by a person ordinarily employed for the purpose of inspecting secular instruction either as an additional inspector appointed by the Minister or as an officer in the whole-time employment of a local education authority:
- Provided that the religious instruction given in a voluntary school otherwise than in accordance with an agreed syllabus shall not be subject to such inspection as aforesaid, but may be inspected under arrangements made for that purpose by the managers or governors of the school, or, in the case of a controlled school, by the foundation managers or foundation governors thereof so, however, that such inspections shall not be made on more than two days in any year and not less than fourteen days' notice of the dates fixed therefor shall be given to the local education authority.
- (6) No pupil who has been excused from attendance at religious worship or instruction in a voluntary school in accordance with the provisions of this Act shall be required to attend the school on a day fixed for an inspection by arrangements made under the proviso to the last foregoing subsection.

78 Provision of certain ancillary services for pupils not in attendance at schools maintained by local education authorities.

- (1) Where under powers conferred by this Act a local education authority make special arrangements for any child or young person to receive primary or secondary education otherwise than at school, the authority may provide for the medical inspection or medical treatment of that pupil as if he were in attendance at a school maintained by the authority.
- (2) A local education authority may, with the consent of the proprietor of any school in their area which is not a school maintained by the authority, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school, make arrangements for securing—
- (a) the provision of milk, meals and other refreshment for pupils in attendance at the school; and
 - (b) the provision for any registered pupil at the school who is unable by reason of the inadequacy of his clothing to take full advantage of the education provided at the school of such clothing as is necessary for the purpose of ensuring that he is sufficiently clad while he remains a pupil at the school;

and may, with the consent of the proprietor of any school or other educational establishment in their area which is not maintained by the authority, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school or establishment, make arrangements for securing the medical inspection of, and the provision of medical treatment for, pupils (being junior pupils or senior pupils) in attendance at the school or establishment :

Provided that any arrangements made under this subsection shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with

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the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by them in the provision thereof if the pupil had been a pupil at a school maintained by them.

79 Supplementary provisions as to medical inspection and treatment.

Every local education authority shall furnish to the Minister of Health such particulars as he may from time to time require of the arrangements made by the authority in the exercise of their functions relating to medical inspection and medical treatment; and that Minister may give to any such authority such directions as to the discharge by the authority of those functions as appear to him to be expedient.

If arrangements are made for the exercise by the Minister of any functions conferred or imposed by this section on the Minister of Health, then, while such arrangements are in force, this section shall have effect in relation to such functions as if for the references therein to the Minister of Health there were substituted references to the Minister. Any directions given in the exercise of functions under this section may be varied or revoked by the Minister by whom those functions are for the time being exercisable.

80 Registration of pupils at schools.

- (1) The proprietor of every school (that is to say in the case of a county school or voluntary school the managers or governors thereof) shall cause to be kept in accordance with regulations made by the Minister a register containing the prescribed particulars with respect to all persons of compulsory school age who are pupils at the school, and such regulations may make provision for enabling such registers to be inspected, for enabling extracts therefrom to be taken for the purposes of this Act by persons duly authorised in that behalf under the regulations, and for requiring the persons by whom any such register is required to be kept to make to the Minister, and to local education authorities, such periodical or other returns as to the contents thereof as may be prescribed.
- (2) If any person contravenes or fails to comply with any requirement imposed on him by regulations made under this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.
- (3) The regulations made under this section shall prescribe the procedure by which a child may become a registered pupil and the procedure by which a child (not being a child with respect to whom a school attendance order is in force) may be withdrawn from any school at which he is a registered pupil, and shall make provision for the deletion from the register of the name of any pupil so withdrawn.

81 Power of local education authorities to give assistance by means of scholarships and otherwise.

Regulations shall be made by the Minister empowering local education authorities, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them—

- (a) to defray such expenses of children attending county schools, voluntary schools, or special schools, as may be necessary to enable them to take part in any school activities:

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- (b) to pay the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable :
- (c) to grant scholarships, exhibitions, bursaries, and other allowances in respect of pupils over compulsory school age, including pupils undergoing training as teachers :
- (d) to grant allowances in respect of any child in respect of whom any scholarship exhibition bursary or other allowance has been granted by a former authority before the date of the commencement of Part II of this Act.

82 Powers of local education authorities as to educational research.

A local education authority may, with the approval of the Minister, make such provision for conducting or assisting the conduct of research as appears to the authority to be desirable for the purpose of improving the educational facilities provided for their area.

83 Powers of local education authorities as to educational conferences.

Subject to any regulations made by the Minister, a local education authority may organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and may expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend any such conference.

84 Power of local education authorities to make grants to universities and university colleges.

A local education authority may with the consent of the Minister provide financial assistance to any university or university college for the purpose of improving the facilities for further education available for their area.

85 Power of local education authorities to accept gifts for educational purposes.

- (1) Subject to the provisions of this section, a local education authority shall have power, and any such authority or any former authority shall be deemed always to have had power, to accept hold and administer any property upon trust for purposes connected with education.
- (2) A local education authority shall not, on or after the date of the commencement of Part II of this Act, be constituted trustees of any school for providing primary or secondary education other than a nursery school or a special school except after the submission to the Minister of proposals for that purpose ; and where proposals are so submitted to the Minister, they shall be treated for the purposes of this Act as proposals for the maintenance as a county school of a school which at the time being is not such a school, and the provisions of this Act relating to such proposals shall have effect accordingly.
- (3) Any school for providing primary or secondary education which is vested in a local education authority as trustees thereof, not being a nursery school or special school, shall be a county school.

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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.

- (1) Where it appears to the Minister that the purposes for which any educational endowment is applicable include the provision of religious education for the pupils in attendance at a voluntary school in accordance with the tenets of a particular religious denomination, and that it is desirable for the purpose of enabling that denomination to participate more effectively in the administration of the statutory system of public education that a scheme should be made under the Endowed Schools Acts, 1869 to 1908, in relation to that endowment, but that there is no power to make a scheme under those Acts in relation thereto, or that the power to make such a scheme is subject to such conditions that it cannot in practice be exercised, he may by order direct that the provisions of those Acts shall have effect in relation to the endowment subject to such modifications, if any, as appear to him to be necessary for the purpose of securing that a scheme may be made in relation to the endowment thereunder.
- (2) Where it appears to the Minister to be desirable that a scheme made under the Endowed Schools Acts, 1869 to 1908, in relation to any educational endowment should make provision for the sale of any land forming part of the endowment and the application of the proceeds of sale in accordance with the provisions of the scheme, but that such provision cannot be made by reason of the third proviso to section two of the School Sites Act, 1841 (which provides that if any land granted in accordance with the provisions of that section ceases to be used for the purposes mentioned in that Act, the land shall revert to the grantor), he may by order direct that the said proviso shall not have effect in relation to the land:

Provided that no such direction shall be given in relation to any land unless the Minister is satisfied either—
 - (a) that the person to whom the land would revert in accordance with the said proviso cannot after due enquiry be found; or
 - (b) that, if that person can be found, he has consented to relinquish his rights in relation to the land under the said proviso, and that, if he has consented so to do in consideration of the payment of a sum of money to him, adequate provision can be made for the payment to him of that sum out of the proceeds of sale of the land.
- (3) A scheme made under the Endowed Schools Acts, 1869 to 1908, in relation to any educational endowment may, where the endowment includes land in respect of which an order has been made under the last foregoing subsection, make provision for the payment out of the proceeds of sale of the land of any sum which is payable to any person in consideration of the relinquishment of his rights in relation to the land under the said proviso.
- (4) Sections thirty-four, thirty-five and thirty-six of the Endowed Schools Act, 1869 (which relate to the period during which objections or suggestions may be made with respect to draft schemes published under that Act), and section thirty-nine of that Act and section thirteen of the Endowed Schools Act, 1873 (which relate to the period within which petitions may be presented to His Majesty in Council against schemes approved under the said Act of 1869) shall have effect as if for the references therein to two months there were substituted references to one month ; and the Endowed Schools Acts, 1869 to 1908, shall be construed accordingly.
- (5) In this section, the expression " educational endowment " has the meaning assigned to it by section five of the Endowed Schools Act, 1869.

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87 Exemption of assurances of property for educational purposes from the Mortmain Acts.

- (1) The Mortmain and Charitable Uses Act, 1888, the Mortmain and Charitable Uses Act, 1891, and the Mortmain and Charitable Uses Act Amendment Act, 1892 (which impose restrictions upon assurances of land and personal estate to corporations and to charitable uses) shall not have effect with respect to any assurance of land or of personal estate to be laid out in the purchase of land if the land or the income thereof is to be used for educational purposes.
- (2) Every assurance of land or of personal estate to be laid out in the purchase of land, including every assurance of land to any local education authority, shall, if the land or the income thereof is to be used for educational purposes, be void unless the assurance or a copy thereof is sent to the Minister within six months after the date upon which the assurance takes effect:

Provided that the Minister may, either before or after the expiration thereof, extend the said period of six months in any particular case, and if the assurance or a copy thereof is sent to the Minister within the extended period, the assurance shall not be void or shall be deemed not to have been avoided, as the case may be.
- (3) The Minister shall cause to be kept a record of every assurance which, or a copy of which, is sent to him in compliance with the provisions of this section.
- (4) In this section, the expression " assurance" has the meaning assigned to it by section ten of the Mortmain and Charitable Uses Act, 1888.
- (5) Nothing in subsection (2) of this section shall affect the validity of any assurance which has taken effect before the date of the commencement of Part II of this Act.