



# Education Act 1944

## 1944 CHAPTER 31

### PART IV

#### GENERAL.

#### FINANCIAL PROVISIONS.

#### **100 Grants in aid of educational services.**

- (1) The Minister shall by regulations make provision :—
- (a) for the payment by him to local education authorities of annual grants in respect of the expenditure incurred by such authorities in the exercise of any of their functions relating to education, other than their functions relating to the medical inspection and treatment of pupils ;
  - (b) for the payment by him to persons other than local education authorities of grants in respect of expenditure incurred or to be incurred for the purposes of educational services provided by them or on their behalf or under their management or for the purposes of educational research ; and
  - (c) for the payment by him, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them, of the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable, and of sums by way of scholarships, exhibitions, bursaries and other allowances in respect of pupils over compulsory school age, including pupils undergoing training as teachers.
- (2) The Minister of Health shall by regulations make provision for the payment by him to local education authorities of annual grants in aid of the expenditure incurred by such authorities in the exercise of their functions relating to the medical inspection and treatment of pupils.

If arrangements are made for the exercise by the Minister of the functions imposed by this subsection upon the Minister of Health, then, while any such arrangements are in force, this subsection shall have effect as if for the reference therein to the

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Minister of Health there were substituted a reference to the Minister. References in any regulations made under this subsection to either of those Ministers shall, unless the context otherwise requires, be construed as references to the Minister by whom functions are for the time being exercisable under this subsection, and any such regulations may be varied or revoked by that Minister.

- (3) Any regulations made by the Minister or the Minister of Health under this section may make provision whereby the making of payments by him in pursuance thereof is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance thereof to comply with such requirements as may be so determined.
- (4) Where the Minister is satisfied that the persons responsible for the management of any school or other educational institution are, by reason of the provisions of any trust deed or other instrument relating to the management of the school or institution, unable to fulfil any condition or comply with any requirement imposed by regulations made under this section, he may, after consultation with them, by order make such modifications of the said provisions as may be necessary for the purpose of enabling them to fulfil that condition or comply with that requirement; and any such trust deed or other instrument shall, during such period as may be specified in the order, have effect subject to any modifications so made.
- (5) Nothing in this section shall affect any grants in aid of university education payable out of moneys provided by Parliament otherwise than in accordance with the provisions of this Act.

#### **101 Special financial provisions relating to Wales and Monmouthshire.**

- (1) Subject to the provisions of this section, the Minister shall pay to the local education authority for every area in Wales and Monmouthshire a special annual grant in respect of any school which is maintained or assisted by the authority, being a school in respect of which grants were payable immediately before the date of the commencement of Part II of this Act under section nine of the Welsh Intermediate Education Act, 1889.
- (2) The grants to be so paid shall be of such amounts as may from time to time be determined by regulations made by the Minister, so, however, that the total sum payable for any financial year under the provisions of this section in respect of the schools situated within the area of any county or county borough shall not exceed the maximum amount which was payable in respect of those schools under the provisions of the said section nine for the year ending with the thirty-first day of March nineteen hundred and twenty-nine.
- (3) The regulations made for the purposes of this section shall make provision whereby the grant payable thereunder in respect of a school for any year shall be withheld, or reduced by such amount as may be determined in accordance with the regulations, unless the Minister is satisfied, after such inspection and report as may be so determined, that the school complies with such standards of efficiency as may be specified in the regulations.
- (4) As from such date as the Minister may by order appoint—
  - (a) no further sums shall become payable out of any county fund or out of the general rate fund of any county borough under the provisions of any scheme made under the Welsh Intermediate Education Act, 1889 ;

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- (b) the provisions of any such scheme, so far as they relate to the payment to the Central Welsh Board of sums calculated by reference to the product of a rate, and section forty-two of the Education Act, 1918, shall cease to have effect; and
  - (c) the council of every county and county borough in Wales and Monmouthshire shall make to the Central Welsh Board an annual payment calculated by reference to a percentage of the product of a rate of one halfpenny in the pound in that county or county borough for the year ending with the thirty-first day of March nineteen hundred and twenty-nine ; and the times at which the said payments are to be made and the percentages by reference to which they are to be calculated shall be such as may be determined by the Central Welsh Board for each year in respect of which they fall to be made, so, however, that the percentage so determined in respect of each year shall be a uniform percentage for all the councils by which the payments are to be made, and the percentage so determined in respect of any year shall not exceed twenty-two and one half per cent.
- (5) Nothing in this section shall prevent the payment of grants to any local education authority in accordance with any other provision of this Act.

**102 Maintenance contributions payable by the Minister in respect of aided schools and special agreement schools.**

The Minister shall pay to the managers or governors of every aided school and of every special agreement school maintenance contributions equal to one half of any sums expended by them in carrying out their obligations under paragraph (a) of subsection (3) of section fifteen of this Act in respect of alterations to the school buildings and repairs, to the school premises :

Provided that no maintenance contribution shall be payable under this section in respect of any expenditure incurred by the managers or governors of a special agreement school in the execution of repairs or alterations for the execution of which provision is made by the special agreement relating to the school.

**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.**

- (1) Where the Minister by an order made under section sixteen of this Act authorises the transfer of any voluntary school to a new site or directs that a voluntary school or schools proposed to be established shall be established in substitution for a school or schools to be discontinued, then, if the school to be transferred or any school to be established in pursuance of the order is to be maintained as an aided school or a special agreement school, the Minister may pay to the managers or governors of the school in respect of any sums expended by them in the construction of the school a grant not exceeding one-half thereof:

Provided that no grant shall be payable under this section to the managers or governors of a special agreement school in respect of any sums expended by them in the execution of proposals to which the special agreement for the school relates.

- (2) For the purposes of this section, any sum expended for the purpose of providing a site for a school shall be deemed to be expended in the construction of the school.

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- (3) Without prejudice to the general discretion of the Minister as to the making of any grant under this section and as to the amount of any such grant, the Minister shall, in determining the amount of any such grant, take into account any sums which may accrue to the managers governors or trustees of the school in respect of the disposal of the site from which the school is to be transferred, or of the sites of the discontinued schools, as the case may be.

**104 Power of the Minister to make grants in respect of aided schools and special agreement schools established for the accommodation of displaced pupils.**

- (1) Where the Minister has approved proposals submitted to him under subsection (2) of section thirteen of this Act that any school proposed to be established should be maintained by a local education authority as a voluntary school and has directed that the proposed school shall be an aided school or a special agreement school, then, if the Minister is satisfied that although the proposed school will not be in substitution for one or more discontinued schools, yet the establishment thereof is wholly or partially due to the need of providing education for a substantial number of displaced pupils, he may by order certify as expenses attributable to the provision of education for displaced pupils so much of the amount expended in the construction of the school as is in his opinion so attributable, and may pay to the managers or governors of the school a grant not exceeding one half of the expenses so certified:

Provided that no grant shall be payable under this section to the managers or governors of a special agreement school in respect of any sums expended by them in the execution of proposals to which the special agreement for the school relates.

- (2) For the purposes of this section—
- (a) the expression " displaced pupils " means, in relation to any such proposed school as aforesaid, pupils for whom education would, in the opinion of the Minister, have been provided in some other aided school or special agreement school if that school had not ceased to be available for them in consequence of its having ceased to be used for providing both primary and secondary education or in consequence of a substantial reduction in the number of pupils for whom education is to be provided in it; and
  - (b) any sum expended for the purpose of providing a site for a school shall be deemed to be expended in the construction of the school.

**105 Power of the Minister to make loans to aided schools and special agreement schools in respect of initial expenditure.**

- (1) If upon the application of the managers or governors of any aided school or special agreement school the Minister is satisfied after consultation with persons representing them that their share of any initial expenses required in connection with the school premises will involve capital expenditure which, in his opinion having regard to all the circumstances of the case, ought properly to be met by borrowing, he may make to the managers or governors of the school for the purpose of helping them to meet that expenditure, a loan of such amount at such rate of interest and otherwise on such terms and conditions as may be specified in an agreement made between him and them with the consent of the Treasury.
- (2) For the purposes of this section, the expression " initial expenses " means in relation to any school premises—

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- (a) expenses to be incurred in defraying the cost of any alterations required by the development plan approved by the Minister for the area ;
- (b) expenses to be incurred in pursuance of any special agreement;
- (c) expenses to be incurred in the construction of any school which, by virtue of an order made under section sixteen of this Act, is deemed not to be a newly established school or is deemed to be in substitution for any discontinued school or schools ;
- (d) expenses certified by the Minister under the last foregoing section as being attributable to the provision of education for displaced pupils;

and the managers' or governors' share of any such initial expenses shall be taken to be so much thereof as remains to be borne by them after taking into account the amount of any maintenance contribution, grant under a special agreement, or grant under either of the last two foregoing sections, as may be paid or payable in respect of those expenses.

- (3) If upon an application being made to him under subsection (2) of section fifteen of this Act for an order directing that a school shall be an aided school or a special agreement school it appears to the Minister that the area served by the school will not be also served by any county school or controlled school, then, unless he is satisfied that the managers or governors of the school will be able to defray the expenses which would fall to be borne by them under paragraph (a) of subsection (3) of that section without the assistance of a loan under this section, the Minister shall consult such persons or bodies of persons as appear to him to be representative of any religious denomination which, in his opinion having regard to the circumstances of the area, is likely to be concerned ; and, unless after such consultation he is satisfied that the holding of a local inquiry is unnecessary, shall cause such inquiry to be held before determining the application.

## **106 Contributions between local education authorities.**

- (1) Where a local education authority provide in any school maintained by the authority for the primary or secondary education of any child or young person who belongs to the area of some other local education authority, then, if a claim therefor is made within the prescribed period, they shall, subject as hereinafter provided, be entitled to recover from that authority such contributions as may be determined by agreement between the authorities concerned, or in default of such agreement by the Minister, to be equal to the cost of providing for the education :

Provided that if in the case of any child or young person the Minister is satisfied that there was no sufficient reason why the education provided for him should not have been provided by the authority for the area to which he belongs, the Minister may, on the application of that authority, direct that no contribution shall be recoverable in respect thereof under this subsection.

- (2) For the purposes of this section, a child or young person shall be deemed to belong to the area in which his guardian resides :

Provided that—

- (a) if the guardian of the child or young person cannot be found or his guardian has no place of residence in England or Wales, the child or young person shall be deemed to belong to the area of the local education authority in whose area he was born ; and
- (b) where immediately before the date of the commencement of Part II of this Act a former authority had been required under the Education (Institution

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Children) Act, 1923, to make payments to another former authority in respect of any child and were liable to make such payments, then, so long as the first-mentioned former authority would have remained so liable if that Act had not been repealed, the child shall be deemed to belong to the area of the local education authority responsible for the liabilities of the first-mentioned former authority.

- (3) If it is impracticable to determine under the provisions of the last foregoing subsection to what area a child or young person belongs, either because his place of birth was not in England or Wales or cannot be ascertained or for any other reason, he shall be treated as belonging to such area as may be determined by agreement between the local education authorities concerned, or in default of such agreement, by the Minister.
- (4) In this section the expression " guardian ", in relation to any child or young person, means the person having the legal right to the guardianship of the person of that child or young person :

Provided that where that person has been deprived of the custody of the child or young person by the order of a court of competent jurisdiction, the guardian of the child or young person shall be deemed to be the person appointed by that court to have the custody of him.

- (5) Nothing in this section shall be construed as preventing the payment by agreement between local education authorities of contributions in respect of education provided by one authority on behalf of another in cases where the authority by whom the education is provided is not entitled to recover contributions under this section.

#### **107 Expenses of Ministers.**

Any expenses incurred by the Minister or by the Minister of Health in the exercise of their functions under this Act shall be defrayed out of monies provided by Parliament.