

SCHEDULES.

FIRST SCHEDULE

Section 6.

LOCAL ADMINISTRATION.

PART I

JOINT EDUCATION BOARDS.

- 1 Where it appears to the Minister that the establishment of a joint board as the local education authority for the areas of two or more councils to whom this Part of this Schedule applies would tend to diminish expense or to, increase efficiency or would otherwise be of public advantage, the Minister may by order constitute a joint board (in this Act referred to as a " joint education board "), consisting of members appointed by those councils, and direct that the board shall be the local education authority for the areas of those councils :

Provided that the Minister shall not make such an order except after a local inquiry, unless all the councils for the areas of which the board are to be the local education authority have consented to the making of the order.

- 2 A joint education board so constituted shall be a body corporate with perpetual succession and a common seal and power to hold land for the purposes of their functions without licence in mortmain.

- 3 An order constituting a joint education board :—

- (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933 (which authorises the application of provisions of that Act to joint boards) provide for regulating the appointment and term of office of members of the board, for regulating the meetings and proceedings of the board, and for determining the manner in which the expenses of the board are to be defrayed ;
- (b) may contain such other provisions (including provision for the transfer of officers, property, and liabilities, and for the adjustment of accounts and apportionment of liabilities) as appear to the Minister to be expedient for enabling the board to exercise their functions;
- (c) may provide for securing that where in consequence of the establishment of the board as the local education authority for the area of any council any person who was an officer of that council immediately before the date on which the board became the local education authority for the area thereof suffers direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation therefor from the board, and for securing that the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, and of the Fourth Schedule to that Act shall have effect for

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- the purposes of any claim for such compensation and for the purposes of the determination and payment of the compensation, subject to such modifications and adaptations as appear to the Minister to be necessary; and
- (d) may, with the consent of the council of any county or county borough for the area for which the board is to be the local education authority, provide for the transfer to the board of any functions exercisable by that council under the Children and Young Persons Acts, 1933 and 1938, otherwise than as a local education authority.

4 An order constituting a joint education board shall be laid before Parliament as soon as may be after it is made.

5 This Part of this Schedule applies to the council of any county, to the council of any county borough, and to the council of any other borough of which the population was not less than half of the population of the county in which the borough is situated, according to the last census before the passing of this Act.

PART II

EDUCATION COMMITTEES.

1 Every local education authority shall, in accordance with arrangements approved by the Minister, establish such education committees as they think it expedient to establish for the efficient discharge of their functions with respect to education.

2 Any two or more local education authorities may, with the approval of the Minister, concur in establishing a joint education committee for the consideration of questions of common interest to them.

3 Where it appears to the Minister to be expedient that two or more local education authorities should combine for the purpose of exercising some but not all of their functions with respect to education and that those authorities should establish a joint committee for that purpose, the Minister may after consultation with the authorities by order establish a joint education committee of those authorities and provide for the reference to the committee of such questions relating to those functions as in the opinion of the Minister should be so referred; and any such order may provide for authorising the joint education committee to exercise any of those functions on behalf of the authorities concerned, and may include such incidental and consequential provisions, including provisions with respect to the appointment and functions of sub-committees, as the Minister thinks desirable.

4 In the following provisions of this Part of this Schedule the expression " education committee " includes a joint education committee.

5 Every education committee of a local education authority shall include persons of experience in education and persons acquainted with the educational conditions prevailing in the area for which the committee acts.

6 At least a majority of every education committee of a local education authority shall be members of the authority.

Provided that in the case of a joint education committee, the provisions of this paragraph shall be deemed to have been complied with if the committee consists, as to more than one half of the members thereof, of persons who are members of any of the authorities for which the committee is established.

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- 7 Every local education authority shall consider a report from an education committee of the authority before exercising any of their functions with respect to education :
Provided that an authority may dispense with such a report if, in their opinion, the matter is urgent or has been sufficiently considered or reported upon by a divisional executive established under Part III of this Schedule.
- 8 A local education authority may authorise an education committee of the authority to exercise on their behalf any of their functions with respect to education, except the power to borrow money or to raise a rate.
- 9 The minutes of proceedings of an education committee of the local education authority shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.
- 10 Every education committee of a local education authority may, subject to any restrictions imposed by the local education authority or the order of the Minister by which the committee was established :—
(a) appoint such sub-committees constituted in such manner as the committee may determine ; and
(b) authorise any such sub-committees to exercise any of the functions of the committee on their behalf.
- 11 Nothing in this Part of this Schedule shall require the reference to any education committee of a local education authority, or to any sub-committee of such a committee, of any matter which under any enactment for the time being in force is referred to any committee of the authority other than an education committee.

PART III

DELEGATION OF FUNCTIONS OF LOCAL EDUCATION AUTHORITIES TO DIVISIONAL EXECUTIVES.

- 1 This Part of this Schedule shall not apply to any local education authority which is the council of a county borough.
- 2 For the purpose of securing that the functions of local education authorities will be exercised with due regard to the circumstances affecting different parts of their areas and with the co-operation of persons having special knowledge of such circumstances, provision shall be made by schemes (hereinafter referred to as " schemes of divisional administration ") for partitioning the areas of authorities into such divisions as may be conducive to efficient and convenient administration and for constituting bodies of persons (hereinafter referred to as " divisional executives ") for the purpose of exercising on behalf of the authorities, in such of the divisions as may be specified in the schemes, such functions relating to primary and secondary education as may be so specified:
Provided that if the Minister is satisfied with respect to the area of any local education authority that the making of a scheme of divisional administration for that area is unnecessary, he may by order direct that this Part of this Schedule shall not apply to that local education authority.
- 3 As soon as may be after the commencement of Part II of this Act, every local education authority to which this Part of this Schedule applies shall review the circumstances of every part of their area, and shall make such schemes of divisional

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administration as they consider expedient for the purpose mentioned in the last foregoing paragraph.

- 4 If the council of any borough or urban district has, before the first day of October nineteen hundred and forty-four, lodged with the Minister a claim that the borough or district be excepted from any scheme of divisional administration to be made by a local education authority the Minister may direct that the borough or district shall be so excepted, and the Minister shall so direct if the borough or urban district fulfils either of the following conditions, that is to say :—

- (a) that the population thereof on the thirtieth day of June nineteen hundred and thirty-nine, as estimated and certified by the Registrar General, was not less than sixty thousand; or
- (b) that on the thirty-first day of March nineteen hundred and thirty-nine the total number of pupils on the rolls of the public elementary schools in the area thereof was not less than seven thousand;

so however that no such direction shall be given in the case of any borough or urban district which does not fulfil either of the said conditions unless the Minister, after consultation with the local education authority and such other councils as appear to him to be concerned, is satisfied that by reason of special circumstances the borough or urban district ought to be so excepted. Any borough or urban district which has been directed by the Minister to be so excepted as aforesaid is in this Part of this Schedule referred to as an excepted district.

- 5 The council of any borough or urban district which is an excepted district shall as soon as may be after the date on which the borough or urban district became such a district make, after consultation with the local education authority, a scheme of divisional administration for the borough or district which shall provide for the exercise by the council of that borough or district of the functions thereby delegated as the divisional executive for the purposes of the scheme and shall transmit the scheme to the local education authority for submission to the Minister.

- 6 Any scheme of divisional administration shall be submitted by the local education authority to the Minister and shall not have effect until it has been approved by an order made by him.

- 7 A local education authority, before submitting to the Minister any scheme of divisional administration (whether made by them or by a council of a borough or district which is an excepted district) shall consult the council of every county district in their area, and shall after such consultation serve a copy of the scheme upon each of those councils ; and before any scheme of divisional administration is submitted to the Minister, the local education authority or council by whom the scheme was made shall publish such notices with respect thereto as may be prescribed.

- 8 Every scheme of divisional administration shall—

- (a) provide for the constitution of every body which is to be a divisional executive for the purposes of the scheme, except where the scheme provides for the functions thereby delegated being exercised by the council of a borough or urban district as the divisional executive;
- (b) define the functions which the several divisional executives specified therein, or in the case of a scheme for an excepted district the divisional executive, are thereby authorised to exercise on behalf of the local education authority ;

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- (c) specify any conditions subject to which any divisional executives are so authorised ;
- (d) make such provision as may be expedient for empowering such executives to appoint committees and sub-committees and as to the matters to be referred to them ;
- (e) define the relationship between any such executive, committee, or sub-committee, and the local education authority and committees and sub-committees thereof;
- (f) provide for the determination by the Minister of any disputes between the local education authority and any divisional executive;
- (g) make provision for the submission to the local education authority, by every divisional executive thereby authorised to exercise functions, of estimates of expenditure intended to be incurred by the executive on behalf of the authority and of accounts of expenditure so incurred ; and for requiring such estimates and accounts to be subject to the approval of the authority;
- (h) provide for such other matters as appear to the local education authority or council by whom the scheme is made to be expedient, or as the Minister may require :

Provided that no such scheme shall authorise any divisional executive to borrow money or to raise a rate.

- 9 If on the application of any local education authority, or of the council of any borough or urban district which is an excepted district, the Minister is satisfied, after consultation with the local education authority in cases where the application is made by the council of an excepted district, that it is expedient that any functions under this Act relating to further education should be exercised on behalf of the authority by a divisional executive, the Minister may direct that provision for that purpose may be made by a scheme of divisional administration, and where a direction is so given for the delegation to any such executive of functions relating to further education, this Part of this Schedule shall apply in respect of the delegation to that executive of the functions specified in the direction, in like manner as it applies in respect of the delegation of functions relating to primary and secondary education.
- 10 After considering any objections to a scheme of divisional administration made to him within the period of two months from the date on which the prescribed notices with respect to the scheme were published, and after making in the scheme such modifications, if any, as after consultation with the local education authority he considers expedient, the Minister shall make an order approving the scheme.
- 11 Any power conferred by this Part of this Schedule on a local education authority or council to make and submit to the Minister schemes of divisional administration shall be construed as including power to submit schemes for the variation or revocation of any such scheme previously made by that authority or council; and if at any time the Minister is of opinion that any such scheme ought to be varied or revoked or that a further scheme of divisional administration ought to be made by any such authority or council, he may direct them to make such a scheme and submit it to him.
- 12 If the population of any borough or urban district which is an excepted district is, according to any census taken after the passing of this Act, less than sixty thousand, the Minister shall, if after consultation with the local education authority he is of opinion that the borough or urban district ought no longer to be an excepted district,

give such directions as he thinks proper under the powers conferred on him by the last foregoing paragraph.

- 13 The minutes of the proceedings of a divisional executive shall be open to the inspection of any local government elector for the area of the local education authority on payment of a fee not exceeding one shilling and any such local government elector may make a copy thereof or an extract therefrom.

SECOND SCHEDULE

Section 13.

TRANSFER TO A LOCAL EDUCATION AUTHORITY OF AN INTEREST IN THE PREMISES OF A VOLUNTARY SCHOOL.

- 1 A local education authority and the managers or governors of any voluntary school maintained by the authority may, subject to and in accordance with the provisions of this Schedule, make an agreement for the transfer to the authority of any interest in the school premises held by any persons for the purposes of any trust deed relating to the school.
- 2 No such agreement shall take effect unless it has been approved by the Minister.
- 3 The Minister shall not approve any such agreement unless he is satisfied—
- (a) that due notice of the agreement has been given to any persons other than the managers or governors of the school who, by virtue of any trust deed relating to the school, have an interest therein and to any other persons who appear to the Minister to be concerned ; and
 - (b) that the execution of the agreement will effect the transfer of all interests necessary for the purpose of enabling the authority to maintain the school as a county school.
- 4 Before approving any such agreement, the Minister shall consider any representations made to him by or on behalf of any persons appearing to the Minister to be concerned with the proposed transfer.
- 5 An agreement under this Schedule may provide for the transfer to the authority, subject to such conditions, reservations and restrictions, if any, as may be specified in the agreement, of the whole of the interest in the premises held by any persons for the purposes of any trust deed relating to the school, or of any less interest in the premises, and may include such other provisions, whether relating to the consideration for the said transfer or otherwise, as may be agreed upon between the authority and the managers or governors of the school.
- 6 Where any agreement made under this Schedule has been approved by the Minister, the managers or governors of the school may, whether or not the interest to be transferred to the authority by virtue of the agreement is vested in them, convey that interest to the authority.
- 7 Where any person other than the managers or governors of the school has a right to the occupation or use of the school premises or any part thereof for any particular purpose, no provision of any agreement made under this Schedule shall affect that right unless he has consented thereto.
- 8 In this Schedule, the expression " premises " includes a teacher's dwelling-house.

THIRD SCHEDULE

Section 15.

SPECIAL AGREEMENTS IN RESPECT OF CERTAIN VOLUNTARY SCHOOLS.

- 1 Where proposals for the establishment of a school or for the alteration of the premises of a school have been submitted to a former authority, within the time limited by subsection (2) of section eight of the Education Act, 1936, with a view to the making of an agreement under that section, but the said proposals have not been carried out before the date of the commencement of Part II of this Act, a local education authority shall have power to make an agreement in accordance with the provisions of this Schedule in respect of those proposals or in respect of any revised proposals submitted to the authority in accordance with those provisions :

Provided that no such agreement shall have effect unless it is approved by the Minister, and no such agreement shall be made or approved unless the authority and the Minister are satisfied that the performance thereof will facilitate the execution of provisions relating to school accommodation for senior pupils contained or proposed to be contained in the development plan for the area.
- 2 If upon the application of any persons interested in any such proposals the Minister is satisfied that by reason of the passing of this Act or the making of any regulations thereunder, or by reason of movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning, or by reason of war damage, it is desirable that the proposals should be revised, the Minister may give directions authorising a local education authority, in lieu of making an agreement in accordance with the provisions of this Schedule with respect to those proposals, to make such an agreement with respect to any revised proposals submitted to the authority before the expiration of such period as may be specified in the directions, being proposals which appear to the authority to serve substantially the same purpose as the proposals originally submitted.
- 3 No agreement shall be made under this Schedule after the expiration of six months or such extended period as the Minister may in any particular case allow from the date upon which the local education order for the area of the local education authority first comes into force.
- 4 Any such agreement shall provide for the making of a grant by the local education authority to persons specified in the agreement in consideration of the execution by those persons of the proposals to which the agreement relates.
- 5 The amount of the grant to be made in pursuance of any such agreement shall not be less than one half or more than three quarters of the cost of executing the proposals to which the agreement relates.
- 6 Where the agreement relates to proposals for the establishment of a school submitted to the local education authority for the County Borough of Liverpool, the authority may, if the agreement so provides, discharge their liabilities under the agreement by providing premises for the school and executing a lease of those premises to such persons as may be specified in the agreement for the purpose of enabling a voluntary school to be conducted thereon.

Any such lease shall provide for the reservation of a yearly rent of an amount not less than one nor more than two per cent. of the cost incurred by the authority in providing the premises for the school.
- 7 Any agreement made under this Schedule may provide for the giving of religious instruction in the school in accordance with the provisions of the trust deed relating

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- to the school, or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school, and for the employment in the school, for the purpose of giving such religious instruction, of such number of reserved teachers as may be specified in the agreement.
- 8 Any agreement made by a local education authority under this Schedule may be varied by a further agreement between the authority and the managers or governors of the school to which the agreement relates, or in such other manner, if any, as may be specified in the agreement.
- 9 Where a grant has been made in respect of any school in pursuance of an agreement made under this Schedule, the managers or governors of the school may, at any time while the school is a special agreement school, repay the grant to the local education authority by which the school is maintained.
- 10 Where an agreement has been made under this Schedule in relation to any school, then, until the proposals to which the agreement relates have been carried out, the provisions of this Act relating to the respective obligations of the managers or governors of voluntary schools and the local education authority in respect of repairs and alterations to the premises of the school shall not have effect in relation to that school, but the respective obligations of the managers or governors of the school and the local education authority in relation to those matters shall be such as may be determined by agreement between the managers or governors and the authority, or, in default of such agreement, by the Minister.
- 11 Where any local authority have, before the date of the commencement of Part II of this Act, made an agreement under the powers conferred by section eight of the Education Act, 1936, with respect to proposals submitted to the authority within the time limited by subsection (2) of that section, then :—
- (a) if the said proposals have been carried out before that date the agreement shall be deemed to have been made under this Schedule, and the provisions of this Act relating to special agreements shall have effect accordingly ;
 - (b) if the said proposals have not been carried out before that date, the agreement shall cease to have effect, but without prejudice to the making of a further agreement under this Schedule with respect to those proposals or with respect to any revised proposals submitted to the authority in accordance with the provisions of this Schedule.

FOURTH SCHEDULE

Section 21.

MEETINGS AND PROCEEDINGS OF MANAGERS AND GOVERNORS.

- 1 The quorum of the managers or governors shall not be less than three, or one third of the whole number of managers or governors, whichever is the greater.
- 2 The proceedings of the managers or governors shall not be invalidated by any vacancy in their number or by any defect in the election, appointment or qualification of any manager or governor.
- 3 Every question to be determined at a meeting of the managers or governors shall be determined by a majority of the votes of the managers or governors present and voting on the question, and where there is an equal division of votes the chairman of the meeting shall have a second or casting vote.

- 4 The managers or governors shall hold a meeting at least once in every three months.
- 5 A meeting of the managers or governors may be convened by any two of their number.
- 6 The minutes of the proceedings of the managers or governors shall be kept in a book provided for the purpose.

FIFTH SCHEDULE

Section 29.

PROCEDURE FOR PREPARING AND BRINGING INTO OPERATION
AN AGREED SYLLABUS OF RELIGIOUS INSTRUCTION.

- 1 For the purpose of preparing any syllabus of religious instruction to be adopted by a local education authority, the authority shall cause to be convened a conference constituted in accordance with the provisions of this Schedule.
- 2 For the purpose of constituting such a conference as aforesaid, the local education authority shall appoint constituent bodies (hereinafter referred to as "committees") consisting of persons representing respectively—
- (a) such religious denominations as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented;
 - (b) except in the case of an area in Wales or Monmouthshire, the Church of England;
 - (c) such associations representing teachers as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented; and
 - (d) the authority:
- Provided that where a committee is appointed consisting of persons representing the Church of England, the committee of persons appointed to represent other religious denominations shall not include persons appointed to represent that Church.
- 3 Before appointing a person to represent any denomination or associations as a member of any such committee, a local education authority shall take all reasonable steps to assure themselves that he is representative thereof, but no proceedings under this Schedule shall be invalidated on the ground that a member of such a committee did not represent the denomination or associations which he was appointed to represent unless it is shown that the local education authority failed to take such steps as aforesaid.
- 4 A person so appointed may resign his membership of any such committee or may be withdrawn therefrom by the local education authority if in the opinion of the authority he ceases to be representative of the religious denomination or associations which he was appointed to represent, or of the authority, as the case may be; and where a vacancy occurs among the persons so appointed the authority shall fill the vacancy in like manner as they made the original appointment.
- 5 The conference shall consist of the committees aforesaid and it shall be the duty of the conference to seek unanimous agreement upon a syllabus of religious instruction to be recommended for adoption by the local education authority.
- 6 Where the local education authority propose to adopt more than one syllabus of religious instruction for use in schools maintained by them, the authority shall

- inform the conference as to the schools in which, or in the case of a syllabus intended to be used for certain pupils only, the class or description of pupils for which, the syllabus to be prepared by the conference is to be used.
- 7 Any sub-committees appointed by the conference shall include at least one member of each of the committees constituting the conference.
- 8 Upon any question to be decided by the conference or by any sub-committee thereof one vote only shall be given for each of the committees constituting the conference.
- 9 If the conference unanimously recommend any syllabus of religious instruction, the authority may adopt it for use in the schools for which, or for the class or description of pupils for which, it was prepared.
- 10 If the authority report to the Minister that the conference are unable to reach unanimous agreement as aforesaid, or if it appears to the Minister that an authority have failed to adopt any syllabus unanimously recommended to them by the conference, the Minister shall appoint to prepare a syllabus of religious instruction a body of persons having experience in religious instruction which shall, so far as is practicable, be of the like representative character as is required by paragraph 2 of this Schedule in the case of a conference.
- 11 The body of persons so appointed :—
- (a) shall give to the authority, the conference, and every committee constituting the conference, an opportunity of making representations to it, but, save as aforesaid, may conduct the proceedings in such manner as it thinks fit;
 - (b) shall, after considering any such representations made to it, prepare a syllabus of religious instruction ;
 - (c) shall transmit a copy of the said syllabus to the authority and to the Minister, and as from such date as the Minister may direct, the syllabus so prepared shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared until a further syllabus is prepared for use in those schools, or for pupils of that class or description, in accordance with the provisions of this Schedule.
- 12 Whenever a local education authority are of opinion (whether upon representations made to them or otherwise) that any agreed syllabus for the time being adopted by them ought to be reconsidered, the authority shall cause to be convened for that purpose a conference constituted in accordance with the provisions of this Schedule. If the conference convened for the reconsideration of any syllabus unanimously recommend that the existing syllabus should continue to be the agreed syllabus or that a new syllabus should be adopted in substitution therefor, the authority may give effect to the recommendation of the conference, but if the authority report to the Minister that the conference are unable to reach unanimous agreement, or if it appears to the Minister that the authority have failed to give effect to the unanimous recommendation of the conference, the Minister shall proceed in accordance with the provisions of paragraph 10 of this Schedule, and paragraph 11 thereof shall apply accordingly.

SIXTH SCHEDULE

Section 72.

CONSTITUTION OF INDEPENDENT SCHOOLS TRIBUNALS.

- 1 For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require there shall be appointed two panels, that is to say—
- (a) a panel (hereinafter referred to as the " legal panel ") appointed by the Lord Chancellor, of persons who will be available to act when required as chairman of any such tribunal; and
 - (b) a panel (hereinafter referred to as the " educational panel") appointed by the Lord President of the Council, of persons who will be available to act when required as members of any such tribunal.
- 2 No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable, and no person shall be qualified to be appointed to the educational panel unless he has had such experience in teaching or in the conduct management or administration of schools as the Lord President of the Council considers suitable. An officer of any government department and a person employed by a local education authority otherwise than as a teacher shall be disqualified from being appointed to either of the said panels.
- 3 Any person appointed to be a member of either of the said panels shall hold office as such subject to such conditions as to the period of his membership and otherwise as may be determined by the Lord Chancellor or the Lord President of the Council, as the case may be.
- 4 Where any appeal is required to be determined by an Independent Schools Tribunal the tribunal shall consist of a chairman being a member of the legal panel and two other members being members of the educational panel, and the chairman and other members of the tribunal shall be impartial persons appointed from those panels by the Lord Chancellor and the Lord President of the Council respectively.

SEVENTH SCHEDULE

Section 110.

ADJUSTMENT OF VARIATIONS OF RATES CONSEQUENT UPON COMMENCEMENT OF PART II OF THIS ACT.

PART I

- 1 For the purposes of this Schedule, the following expressions have the meanings hereby assigned to them, that is to say :—
- " Standard year " means the financial year which ended on the thirty-first day of March, nineteen hundred and thirty-nine;
 - " Elementary education authority " means a council which in the standard year was a local education authority for the purposes of elementary education;
 - " Standard rateborne expenditure " means, in relation to any elementary education authority, the amount by which the expenditure of the authority in connection with elementary education incurred in the standard year recognised for purposes of grant under regulations made by the Board of

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Education exceeded the amount of the grant payable under those regulations in respect of that expenditure.

- 2 The Minister shall ascertain the amount of the standard rateborne expenditure of each elementary education authority in the county, and the amount in the pound of the rate which would have been necessary to raise that amount.
- 3 The aggregate of the amounts of the standard rateborne expenditure of elementary education authorities in the county ascertained under the last foregoing paragraph shall be deemed to be the total rate charge of the county for elementary education for the standard year, and the Minister shall ascertain the amount in the pound of the rate which would have been required by precept of the county council to be levied by rating authorities for the purpose of meeting that charge if it had fallen to be borne by that council as part of their expenses for general county purposes.
- 4 The amount in the pound ascertained in respect of any elementary education authority under paragraph 2 of this Schedule is hereinafter referred to as the actual rate poundage of the authority, and the amount in the pound ascertained under paragraph 3 of this Schedule is hereinafter referred to as the notional rate poundage.
- 5 The Minister shall ascertain in the case of every elementary education authority in the county the amount of the difference between the actual rate poundage of the authority and the notional rate poundage, and where the notional rate poundage exceeds the actual rate poundage of an authority the difference is hereinafter referred to as the rate disadvantage of that authority, and where the notional rate poundage is less than the actual rate poundage of an authority the difference is hereinafter referred to as the rate advantage of that authority.

PART II

- 1 If the rate disadvantage of any elementary education authority in any county is more than sixpence, but not otherwise, the Minister may, after consultation with the county council, make an order for the county under this Part of this Schedule.
- 2 Any such order shall come into operation on the date of the commencement of Part II of this Act and no such order shall remain in force after the expiration of the period of five years from that date.
- 3 The number of years during which (subject to the provisions of the last foregoing paragraph) an order made under this Part of this Schedule shall continue in force shall be the quotient which results from dividing by six the amount of the rate disadvantage of the elementary education authority having the greatest rate disadvantage in the county.

In making any calculation for the purposes of this paragraph, fractions shall be disregarded.
- 4 An order made under this Part of this Schedule for any county shall provide that in each year during which the order is in force the precepts issued by the county council in accordance with section nine of the Rating and Valuation Act, 1925, for general county purposes shall, instead of being of the same amount in the case of each rating authority as required by that section, be increased or decreased by such amount in the pound as may be determined by the order, being an amount calculated, in the case of a precept issued to a rating authority which is an elementary education authority by reference to the rate advantage or disadvantage of that authority, and

in the case of a precept issued to any other rating authority by reference to the rate advantage or disadvantage of the county council.

- 5 The amount by which the precept issued to a rating authority is to be required by the order to be increased or decreased in any financial year shall be a fraction of the rate advantage or disadvantage by reference to which the amount is to be calculated ; and the denominator of the said fraction shall be the total number of years, increased by one, comprised in the period for which the order has effect, and the numerator thereof shall be :—
- (a) in the case of the first year for which the order has effect, one less than the denominator, and
 - (b) in the case of each subsequent year, one less than the numerator in the case of the previous year.

EIGHTH SCHEDULE

Section 120.

AMENDMENT OF ENACTMENTS.

PART I

ENACTMENTS AMENDED FROM DATE OF
COMMENCEMENT OF PART II OF THIS ACT.

Enactment to be amended.	Amendment.
The Mental Deficiency Act, 1913. Section two	For sub-paragraph (v) of paragraph (b) of subsection (1), there shall be substituted the following paragraph:— “(v) who is a person with respect to whom a report has been issued under the enactments relating to education that he has been found incapable of receiving education at school, or that by reason of a disability of mind he may require supervision after leaving school.”
Section thirty-one The Ministry of Agriculture and Fisheries Act, 1919.	The section shall cease to have effect.

Status: This is the original version (as it was originally enacted).

Enactment to be amended.	Amendment.
<p>Section seven</p> <p>The Children and Young Persons Act, 1933.</p> <p>Section ten</p>	<p>In subsection (2), for the words " under the Education Act, 1902, stand referred to the education committee," there shall be substituted the words " relate to the functions of local education authorities. "</p> <p>In subsection (1), after the word " years " there shall be inserted the words " or any young person who has not attained the age at which under the enactments relating to education children cease to be of compulsory school age ", and for the words from " is totally exempted " to the end of the subsection there shall be substituted the words " or young person is not, by being so taken with him, prevented from receiving efficient full-time education suitable to his age ability and aptitude, be liable on summary conviction to a fine not exceeding twenty shillings " ; in subsection (2) after the word " child " in both places where that word occurs, there shall be inserted the words " or young person " ; for subsection (3) there shall be substituted the following subsection :—</p> <p style="padding-left: 40px;">“(3) Where in any proceedings for an offence against this section it is proved that the parent or guardian of the child or young person is engaged in any trade or business of such a nature as to require him to travel from place to place, the person against whom the proceedings were brought shall be acquitted if it is proved that the child or young person has attended a school at which he was a registered pupil as regularly as the nature of the trade or business of the parent or guardian permits : Provided that in the case of a child or young person who has attained the age of six years the person against whom the proceedings were brought shall not be entitled to be acquitted under this subsection unless it is proved that the child or young person has made at least two hundred attendances during the period of twelve months ending with the date</p>

Status: This is the original version (as it was originally enacted).

Enactment to be amended.	Amendment.
Section eighteen	<p>on which the proceedings were instituted.”</p> <p>In subsection (1), for paragraph (a) there shall be substituted the following paragraph :—</p> <p>“(a) until he has attained an age not less than two years below that at which under the enactments relating to education children cease to be of compulsory school age ; or”;</p> <p>and in subsection (2), in sub-paragraph (i) of paragraph (a), for the words " under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) " there shall be substituted the words " before they attain the age at which employment ceases to be prohibited under paragraph (a) of the last foregoing subsection.</p>
Section twenty-two	<p>After subsection (3) there shall be inserted the following subsection :—</p> <p>“(3A) A licence granted under this section shall specify the times, if any, during which the child to which the licence relates may be absent from school for the purposes authorised by the licence, and for the purposes of the enactments relating to education a child who is so absent during any times so specified shall be deemed to be absent with leave granted by a person authorised in that behalf by the managers, governors or proprietor of the school.”</p>
Section sixty-one	<p>In subsection (1), in paragraph (c) thereof, after the word " child " there shall be inserted the words " or young person ", and after the word " children " there shall be inserted the words " or young persons ".</p>
Section ninety-six	<p>In subsection (1), the words " as respects children " and the words from " for elementary education" (where those words first occur) to the end of the subsection shall be omitted; subsection (2) shall be omitted; in subsection (3) for the words from " for elementary education " to the end of the</p>

Status: This is the original version (as it was originally enacted).

Enactment to be amended.	Amendment.
	subsection there shall be substituted the words " shall be defrayed as expenses under the enactments relating to education " ; in subsection (4), for the word " under " (where that word secondly occurs) there shall be substituted the words " in accordance with " , and the words " as expenses of elementary education under the Education Act, 1921 " shall be omitted.
The Local Government Act, 1933. Section ninety-four	After the words " Public Libraries Act, 1892," there shall be inserted the words " or of a sub-committee of any such committee ; " the words " aided, provided or" shall be omitted ; and at the end of the section there shall be inserted the words " or sub-committee. "
Section one hundred and eighteen	The words " or The Education Act, 1921," shall be omitted.
The Seventh Schedule	The words " The Education Acts, 1921 to 1933," shall be omitted.
The Factories Act, 1937. Section one hundred and fifty-two.	In the definition of " young person " for the words " attained the age of fourteen and " there shall be substituted the words " ceased to be a child but " , and the words from " but does not include " to the end of the definition shall be omitted.
The London Government Act, 1939. Section sixty-four	After the words " mental hospitals committee of the county council" there shall be inserted the words " or of a sub-committee of any such committee " ; and the words " aided, provided or " shall be omitted.
Section eighty-five	The words " the Education Act, 1921 or " shall be omitted.
The Fifth Schedule	The words " The Education Acts, 1921 to 1937," shall be omitted.

PART II

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

Enactment to be amended.	Amendment.
The Unemployment Insurance Act; 1935. Section seventy-eight	<p>For the word " Minister " (wherever that word occurs) there shall be substituted the words " Minister of Education " ; in subsection (2), for paragraph (a) there shall be substituted the following paragraph :—</p> <p>“(a) in England or Wales he shall be liable on summary conviction, in the case of a first offence to a fine not exceeding one pound, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment so, however, that no proceedings for such an offence shall be taken except by or on behalf of the Minister of Education”;</p> <p>for subsection (4) there shall be substituted the following subsection :—</p> <p>“(4) The regulations made by the Minister of Education under this section shall make provision as to the functions to be performed by local education authorities .with respect to persons required under this section to attend at authorised courses, and, in particular, shall direct such authorities to make in any college attendance notice served on any such person such modifications as may be provided by the regulations, and shall make provision as to the circumstances in which and the extent to which attendances in pursuance of requirements under this section may be reckoned as attendances in pursuance of the</p>

Status: This is the original version (as it was originally enacted).

Enactment to be amended.	Amendment.
Section eighty-one	requirements of college attendance notices.” In subsection (1), in paragraph (b) thereof, for the words " that age" there shall be substituted the words " the age of eighteen years ".
Section eighty-seven	In subsection (1), after the words " this Act," where those words first occur, there shall be inserted the words " other than an offence under section seventy-eight of this Act " ; in subsection (3), for the words " an offence under this Act" there shall be substituted the words " any such offence as aforesaid ".
Section one hundred and four.	In subsection (1) after the word "Act," where that word first occurs, there shall be inserted the words " except under section seventy-eight thereof ".
Section one hundred and thirteen.	In subsection (1) for the definition of "Authorised course " there shall be substituted the following definition :— “Authorised course means a county college established under the enactments relating to education or a training course provided under section seventy-seven of this Act and includes, in relation to insured contributors who have attained the age of eighteen years, any training course provided by the Assistance Board under the Unemployment Act, 1934.”

NINTH SCHEDULE

Section 121.

ENACTMENTS REPEALED.

PART I

ENACTMENTS REPEALED FROM DATE OF
 COMMENCEMENT OF PART II OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 40	The Welsh Intermediate Education Act, 1889.	Section nine.

Status: This is the original version (as it was originally enacted).

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. 28	The Mental Deficiency Act, 1913.	Subsection (2) of section two; proviso (iv) of section thirty ; and section thirty-one.
9 & 10 Geo. 5. c. 91	The Ministry of Agriculture and Fisheries Act, 1919.	Proviso (i) to subsection (2) of section seven.
10 & 11 Geo. 5. c. 65	The Employment of Women, Young Persons and Children Act, 1920.	In section four, the definition of the expression " child."
11 & 12 Geo. 5. c. 51	The Education Act, 1921.	The whole Act.
13 & 14 Geo. 5. c. 38	The Education (Institution Children) Act, 1923.	The whole Act.
16 & 17 Geo. 5. c. 9	The Economy (Miscellaneous Provisions) Act, 1926.	Section twelve.
19 & 20 Geo. 5. c. 17	The Local Government Act, 1929.	Subsection (1) of section eighty-two.
21 & 22 Geo. 5. c. 6	The Education (Local Authorities) Act, 1931.	The whole Act.
23 & 24 Geo. 5. c. 12	The Children and Young Persons Act, 1933.	In section thirty the words from " A person who is attending" to the words " of that term " ; in subsection (3) of section forty-six the words from " For the purposes of this subsection " to the end of the subsection; in section ninety-six, in subsection (1) thereof, the words " as respects children" and the words from " for elementary education " (where those words first occur) to the end of the subsection, subsection (2) thereof, in subsection (4) thereof the words " as expenses of elementary education under the Education Act, 1921 ", in subsection (5) thereof the words " or urban district", in subsection (6) thereof the words " or urban district ", and in subsection (7) thereof the words " Subject to the provisions of section four of the Education Act, 1921 (which require certain matters to be referred to

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Session and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 29	The Education (Necessity of Schools) Act, 1933	education committees) " ; in section ninety-seven and in section one hundred and four the words " for elementary education " ; in section one hundred and six in subsection (2) thereof, paragraph (b). The whole Act.
23 & 24 Geo. 5. c. 51	The Local Government Act, 1933.	In section ninety-four the words " aided, provided or " ; in section one hundred and eighteen the words " or the Education Act, 1921 " ; and in the Seventh Schedule the words " The Education Acts, 1921 to 1933."
26 Geo. 5 & 1 Edw. 8. c. 41.	The Education Act. 1936.	The whole Act.
1 Edw. 8 & 1 Geo. 6. c. 25.	The Education (Deaf Children) Act, 1937.	The whole Act.
1 Edw. 8 & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act, 1937.	Sections one and two ; in section three, in subsection (1) thereof the words from "recommendations" to " with" and the words " after considering a recommendation of the grants committee", and in subsection (3) thereof the words " after consultation with the National Council for England and Wales " and the words " on the recommendation of the grants committee and " ; section six ; and subsection (2) of section eight.
1 Edw. 8 & 1 Geo. 6. c. 67.	The Factories Act, 1937.	In subsection (1) of section one hundred and fifty-two, in the definition of " young person", the words from " but does not include " to the end of the definition.
1 & 2 Geo. 6. c. 40	The Children and Young Persons Act, 1938.	Section three ; in section four, in subsection (1) thereof, the words " or

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Session and Chapter.	Short Title.	Extent of Repeal.
1 & 3 Geo. 6. c. 40	The London Government Act, 1939.	under section forty-five of the Education Act, 1921, as so amended ", and in subsection (2) thereof the words " and section forty-five of the Education Act, 1921 " ; in section six, in subsection (1) thereof, the words "or by virtue of subsection (2) of section three of this Act", and in subsection (2) thereof the words " or under subsection (2) of section three of this Act". In subsection (1) of section sixty-one the words from " and the provisions " to the end of the subsection ; in section sixty-four the words "aided, provided or " ; in section eighty-five the words " the Education Act, 1921 or " ; and in the Fifth Schedule the words " The Education Acts, 1921 to 1937."
2 & 3 Geo. 6. c. 60	The Senior Public Elementary Schools (Liverpool) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 111	The Education (Emergency) Act, 1939.	The whole Act.

PART II

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

Session and Chapter.	Short Title.	Extent of Repeal.
25 Geo. 5. c. 8	The Unemployment Insurance Act, 1935.	Section seventy-six; in subsection (1) of section seventy-nine the words " and contribute towards the cost of any other authorised courses " ; in section eighty, in subsection (1) thereof, the words " persons who have not attained the age of eighteen years and of "

Status: This is the original version (as it was originally enacted).

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 6. c. 8	The Unemployment Insurance Act, 1938.	<p>and the words " who have attained that age," and in subsection (2) thereof paragraph (a) ; in section eighty-one, paragraph (a) of subsection (1) thereof, and subsection (3) and subsection (4) ; in subsection (1) of section eighty-three the words from " and the powers and duties" to the end of the subsection ; in section one hundred and four, in subsection (2), the words " section seventy-eight or " ; and section one hundred and twelve.</p> <p>Section one.</p>