



# Education Act 1944

## 1944 CHAPTER 31

### PART IV

#### GENERAL.

#### FINANCIAL PROVISIONS.

#### **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 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-

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*Status: This is the original version (as it was originally enacted).*

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mentioned former authority would have remained so liable if that Act had not been repealed, the child shall be deemed to belong to the area of the local education authority responsible for the liabilities of the first-mentioned former authority.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.