



# Education Act 1944

## 1944 CHAPTER 31

### PART V

#### SUPPLEMENTAL.

#### 114 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Agreed syllabus " means, subject to the provisions of subsection (4) of this section, an agreed syllabus of religious instruction prepared in accordance with the provisions of the Fifth Schedule to this Act and adopted or deemed to be adopted thereunder ;

" Alterations ", in relation to any school premises, includes any improvements or enlargements which do not amount to the establishment of a new school;

" Assist ", in relation to any school college or institution, has the meaning assigned to it by subsection (2) of this section;

" Child " means a person who is not over compulsory school age ;

" Clothing " includes boots and other footwear ;

" Compulsory school age " has, subject to the provisions of section thirty-eight of this Act, the meaning assigned to it by section thirty-five of this Act;

" County " means an administrative county within the meaning of the Local Government Act, 1933 ;

" Former authority " means any authority which was a local education authority within the meaning of any enactment repealed by this Act or any previous Act;

" Foundation managers " and " foundation governors " mean, in relation to any voluntary school, managers and governors appointed otherwise than by a local education authority or a minor authority for the purpose of securing, so far as is practicable, that the character of the school as a voluntary school is preserved and developed, and, in particular, that the school is conducted in accordance with the provisions of any trust deed relating thereto ; and, unless

---

*Status: This is the original version (as it was originally enacted).*

---

the context otherwise requires, references in this Act to " managers " or " governors " shall, in relation to any function thereby conferred or imposed exclusively on foundation managers or foundation governors, be construed as references to such managers or governors;

" Further education " has the meaning assigned to it by section forty-one of this Act ;

" Independent school " means any school at which full-time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided for pupils under or over that age), not being a school maintained by a local education authority or a school in respect of which grants are made by the Minister to the proprietor of the school;

" Junior pupil " means a child who has not attained the age of twelve years ;

" Local education authority " means, in relation to any area for which a joint education board is constituted as the local education authority under the provisions of Part I of the First Schedule to this Act, the board so constituted, and, save as aforesaid, means, in relation to a county, the council of the county, and, in relation to a county borough, the council of the county borough ;

" Local education order " means an order made by the Minister under section twelve of this Act;

" Local government elector " has the meaning assigned to it by section three hundred and five of the Local Government Act, 1933 ; and in relation to the area of any joint education board constituted under Part I of the First Schedule to this Act a local government elector for the area of any council by whom members are appointed to the board shall be deemed to be a local government elector for the area of the authority.

" Maintain " in relation to any school or county college has the meaning assigned to it by subsection (2) of this section ;'

" Maintenance contribution ", in relation to any voluntary school, means a contribution payable under section one hundred and two of this Act;

" Medical inspection " means inspection by or under the directions of a medical officer of a local education authority or by a person registered under the Dentists Act, 1878, employed or engaged, whether regularly or for the purposes of any particular case, by a local education authority ;

" Medical officer " means, in relation to any local education authority, a duly qualified medical practitioner employed or engaged, whether regularly or for the purposes of any particular case, by that authority ;

" Medical treatment " includes treatment by any duly qualified medical practitioner or by any person registered under the Dentists Act, 1878, but does not, in relation to any pupil other than a pupil receiving primary or secondary education otherwise than at school under arrangements made by a local education authority, include treatment in that pupil's home ;

" Minor authority " means, in relation to any school maintained by the local education authority for a county, the council of any borough (other than a county borough) or urban district or rural parish which appears to the local education authority to be the area served by the school, so, however, that where it appears to the local education authority that the area served by the school is a rural parish which has no parish council, the parish meeting of that parish shall be the minor authority, and where it appears to the local education authority that a school serves the area of two or more minor authorities, that expression shall be construed as referring to all those minor authorities acting jointly;

---

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

---

" Parent ", in relation to any child or young person, includes a guardian and every person who has the actual custody of the child or young person ;

" Premises ", in relation to any school, includes any detached playing fields, but, except where otherwise expressly provided, does not include a teacher's dwelling-house ;

" Prescribed " means prescribed by regulations made by the Minister;

" Primary education " has the meaning assigned to it by section eight of this Act ;

" Primary school " means, subject to the provisions of subsection (3) of this section, a school for providing primary education ;

" Proprietor ", in relation to any school, means the person or body of persons responsible for the management of the school, and for the purposes of the provisions of this Act relating to applications for the registration of independent schools, includes any person or body of persons proposing to be so responsible ;

" Provisionally registered school " means an independent school registered in the register of independent schools, whereof the registration is provisional only ;

" Pupil ", where used without qualification, means a person of any age for whom education is required to be provided under this Act;

" Registered pupil " means, in relation to any school, a pupil registered as such in the register kept in accordance with the requirements of this Act, but does not include any child who has been withdrawn from the school in the prescribed manner;

" Registered school " means an independent school registered in the register of independent schools, whereof the registration is final;

" School " means an institution for providing primary or secondary education or both primary and secondary education, being a school maintained by a local education authority, an independent school, or a school in respect of which grants are made by the Minister to the proprietor of the school; and the expression " school " where used without qualification includes any such school or all such schools as the context may require ;

" Secondary education " has the meaning assigned to it by section eight of this Act;

" Secondary school " means, subject to the provisions of subsection (3) of this section, a school for providing secondary education ;

" Senior pupil " means a person who has attained the age of twelve years but has not attained the age of nineteen years ;

" Special agreement " means an agreement made under the provisions of the Third Schedule to this Act;

" Special educational treatment " has the meaning assigned to it by paragraph (c) of subsection (2) of section eight of this Act;

" Trust deed ", in relation to any voluntary school, includes any instrument (not being an instrument of management, instrument of government, rules of management, or articles of government, made under this Act) regulating the maintenance management or conduct of the school or the constitution of the body of managers or governors thereof;

" Young person " means a person over compulsory school age who has not attained the age of eighteen years.

---

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

---

(2) For the purposes of this Act:—

- (a) the duty of a local education authority to maintain a school or county college shall include the duty of defraying all the expenses of maintaining the school or college except, in the case of an aided school or a special agreement school, any expenses that by virtue of any provision of this Act or of any special agreement made thereunder are payable by the managers or governors of the school, and the expression " maintain " shall be construed accordingly ; and
- (b) where a local education authority make to the proprietor of any school which is not maintained by the authority, or to the persons responsible for the maintenance of any training college or other institution which is not so maintained, any grant in respect of the school college or institution or any payment in consideration of the provision of educational facilities thereat, the school college or institution shall be deemed to be assisted by the authority.

(3) So long as any county school or voluntary school is used for providing both primary and secondary education, references in this Act to primary schools shall be construed as including references to that school and references therein to secondary schools shall be construed as excluding any reference thereto :

Provided that where the primary education provided in any such school is provided in a separate junior or preparatory department, the Minister may direct that the school shall be deemed for the purposes of this Act to be a secondary school and such references as aforesaid shall be construed accordingly.

- (4) Where before the date of the commencement of Part II of this Act a syllabus of religious instruction had been adopted by a former authority for use in any school which after that date is a county school or a voluntary school or for any class or description of pupils, that syllabus shall be deemed to be the agreed syllabus for that school, or for that class or that description of pupils, as the case may be, until a syllabus in substitution therefor is prepared in accordance with the provisions of the Fifth Schedule to this Act and adopted or deemed to be adopted thereunder, or until the expiration of two years after the said date, whichever first occurs.
- (5) For the purposes of this Act, a person in attendance at a school or county college who attains any age during the term of the school or college shall be deemed not to have attained that age until the end of the term.
- (6) Any person who before the commencement of Part II of this Act had attained an age at which his parent had ceased to be under any obligation imposed under section forty-six of the Education Act, 1921, shall be deemed to be over compulsory school age, and any person who after the said date ceases to be of compulsory school age shall not, in the event of any subsequent change in the upper limit of the compulsory school age, again become a person of compulsory school age.
- (7) Where at any time before the date of the commencement of Part II of this Act the premises of any school which was for the time being a public elementary school within the meaning of the enactments repealed by this Act have ceased by reason of war damage, or by reason of any action taken in contemplation or in consequence of war, to be used for the purposes of a school, then, for the purposes of this Act, the school, unless it has been closed in accordance with those enactments, shall be deemed to have been a public elementary school within the meaning of those enactments immediately before that date and, if it was maintained by a former authority immediately before the premises ceased to be used for the purposes of a school, to have been maintained by such an authority immediately before that date.

- (8) In this Act, unless the context otherwise requires, references to any enactment or any provision of any enactment shall be construed as references to that enactment or provision as amended by any subsequent enactment, including this Act.