



# Education Act 1944

## 1944 CHAPTER 31

### PART II

#### THE STATUTORY SYSTEM OF EDUCATION.

#### FURTHER EDUCATION.

#### **44 Duty to attend county colleges in accordance with college attendance notices.**

- (1) This section shall come into operation on such date as soon as practicable after the date determined by Order in Council under the last foregoing section as the Minister may by order direct.
- (2) It shall be the duty of the local education authority to serve upon every young person residing in their area who is not exempt from compulsory attendance for further education a notice (hereinafter referred to as a " college attendance notice ") directing him to attend at a county college, and it shall be the duty of every young person upon whom such a notice is served to attend at the county college named in the notice in accordance with the requirements specified therein.
- (3) Subject to the provisions of the next following subsection, the requirements specified in a college attendance notice shall be such as to secure the attendance of the person upon whom it is served at a county college—
  - (a) for one whole day, or two half-days, in each of forty-four weeks in every year while he remains a young person ; or
  - (b) where the authority are satisfied that continuous attendance would be more suitable in the case of that young person, for one continuous period of eight weeks, or two continuous periods of four weeks each, in every such year ;

and in this section the expression " year " means, in relation to any young person, in the case of the first year the period of twelve months beginning with the first day on which he is required by a college attendance notice served on him to attend a county college, and in the case of every subsequent year the period of twelve months beginning immediately after the expiration of the last preceding year:

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Provided that in respect of the year in which the young person attains the age of eighteen the requirements specified in the notice shall be reduced to such extent as the local education authority think expedient for securing that the attendances required of him until he attains that age shall be as nearly as may be proportionate to those which would have been required of him during a full period of twelve months.

- (4) If, by reason of the nature of the employment of any young person or of other circumstances affecting him, the local education authority are satisfied that attendance in accordance with the provisions of the last foregoing subsection would not be suitable in his case, a college attendance notice may, with the consent of the young person, require his attendance in accordance with such other arrangements as may be specified in the notice, so, however, that the requirements specified in the notice in accordance with such arrangements as aforesaid shall be such as to secure the attendance of the young person for periods amounting in the aggregate to three hundred and thirty hours in each year, or, in the case of the year in which he attains the age of eighteen, to the proportionately reduced number of hours.
- (5) Except where continuous attendance is required, no college attendance notice shall require a young person to attend a county college on a Sunday or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, or, so far as practicable, during any holiday or half-holiday which is allowed in accordance with any custom of his employment, or between the hours of six in the evening and half past eight in the morning:

Provided that the Minister may, on the application of any local education authority, direct that in relation to young persons in their area or in any part thereof employed at night or otherwise employed at abnormal times this subsection shall have effect as if for the reference to the hours of six in the evening and half past eight in the morning there were substituted a reference to such other times as may be specified in the direction.

- (6) The place, days, times, and periods, of attendance required of a young person, and the period for which the notice is to be in force, shall be specified in any college attendance notice served on him ; and the requirements of any such notice in force in the case of a young person may be amended as occasion may require either by the authority by whom it was served on him or by any other local education authority in whose area he may for the time being reside, so, however, that the provisions of every such notice shall be such as to secure that the requirements imposed on the young person during each year while he remains a young person shall comply with the provisions of the last three foregoing subsections.
- (7) In determining what requirements shall be imposed upon a young person by a college attendance notice or by any amendments to such a notice, the local education authority shall have regard, so far as practicable, to any preference which he, and in the case of a young person under the age of sixteen years his parent, may express, to the circumstances of his employment or prospective employment, and to any representations that may be made to the authority by his employer or any person proposing to employ him.
- (8) The following persons shall be exempt from compulsory attendance for further education, that is to say—

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- (a) any person who is in full-time attendance at any school or other educational institution (not being a county college);
- (b) any person who is shown to the satisfaction of the local education authority to be receiving suitable and efficient instruction either full-time or for such times as in the opinion of the authority are equivalent to not less than three hundred and thirty hours instruction in a period of twelve months;
- (c) any person who having been exempt under either of the last two foregoing paragraphs did not cease to be so exempt until after he had attained the age of seventeen years and eight months;
- (d) any person who is undergoing a course of training for the mercantile marine or the sea fishing industry approved by the Minister or who, having completed such a course, is engaged in the mercantile marine or in the said industry ;
- (e) any person to whom, by reason of section one hundred and fifteen or section one hundred and sixteen of this Act, the duties of local education authorities do not relate ;
- (f) any person who attained the age of fifteen years before the date on which this section comes into operation, not being a person who immediately before that date was required to attend a continuation school under the provisions of the Education Act, 1921.

If any person is aggrieved by a decision of a local education authority given under paragraph (b) of this subsection, he may refer the question to the Minister, who shall give such direction thereon as he thinks fit.

- (9) If any young person upon whom a college attendance notice has been served fails to comply with any requirement of the notice, he shall be guilty of an offence against this section unless he proves either—
- (a) that he was at the material time exempt from compulsory attendance for further education ; or
  - (b) that he was prevented from complying with the requirement by reason of sickness or any unavoidable cause ; or
  - (c) that the requirement does not comply with the provisions of this section.