



# Education Act 1944

## 1944 CHAPTER 31

### PART I

#### CENTRAL ADMINISTRATION.

#### **1 Appointment of Minister in charge of education and establishment of Ministry of Education.**

- (1) It shall be lawful for His Majesty to appoint a Minister (hereinafter referred to as "the Minister"), whose duty it shall be to promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose, and to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive educational service in every area.
- (2) The Minister shall for all purposes be a corporation sole under the name of the Minister of Education, and the department of which he is in charge shall be known as the Ministry of Education.
- (3) The Minister may appoint a Parliamentary Secretary to the Ministry of Education, and such other secretaries, officers, and servants, as the Minister may, with the consent of the Treasury, determine, and, subject to the provisions of the Ministers of the Crown Act, 1937, as to the remuneration of the Parliamentary Secretary, there shall be paid to such secretaries, officers, and servants, such remuneration as may be determined in like manner.
- (4) The Minister shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the Minister of Education were named in the First Part of the Schedule to that Act.

#### **2 Transfer of property and functions to Minister and construction of Acts and documents.**

- (1) All property which, immediately before the date declared by His Majesty in Council to be the date on which the first appointment under this Act of a Minister of Education

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*Status: This is the original version (as it was originally enacted).*

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took effect, was held by the Board of Education constituted under the Board of Education Act, 1899, and all functions exercisable by that Board or the President thereof immediately before that date, and all rights and liabilities, whether vested or contingent, to which that Board or the President thereof were entitled or subject immediately before that date, shall, by virtue of this Act, be transferred to the Minister; and, except where the context otherwise requires, references in any enactment or other document to the Board of Education, the President of the Board of Education, the Education Department, or the Department of Science and Art shall be construed as references to the Minister, or, where the case so requires, as references to the Ministry of Education.

- (2) His Majesty may by Order in Council transfer to, or make exercisable by, the Minister any of the functions of the Charity Commissioners in matters appearing to His Majesty to relate to education, and any such Order may make such provision as appears to His Majesty to be necessary for applying to the exercise of those functions by the Minister any enactments relating to the Charity Commissioners; and any Order in Council made under this subsection may be varied or revoked by any subsequent Order so made :

Provided that any such Order shall make provision for the determination by the Charity Commissioners of any question whether an endowment or any part of an endowment is held for, or ought to be applied to, educational purposes.

### **3 Seal and acts of Minister.**

- (1) The Minister shall have an official seal which shall be authenticated by the signature of the Minister or of a secretary to the Ministry of Education or of any person authorised by the Minister to authenticate the seal.
- (2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and either to be sealed with the seal of the Minister authenticated in the manner provided by this section, or to be signed by a secretary to the Ministry of Education or by any other officer of the Ministry authorised to sign it, shall in any legal proceedings be deemed to be so made or issued without further proof, unless the contrary is shown.
- (3) A certificate signed by the Minister certifying that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of the fact certified.
- (4) The Documentary Evidence Act, 1868, shall have effect as if there were included in the first column of the Schedule to that Act the words " the Minister of Education ", and as if there were included in the second column of the said Schedule the words " the Minister of Education, any secretary to the Ministry of Education, or any person authorised by the Minister of Education to issue a certificate for the purposes of subsection (3) of section two of this Act ", and as if the regulations referred to in that Act included any document made or issued by the Minister.

### **4 Central Advisory Councils.**

- (1) There shall be two Central Advisory Councils for Education, one for England and the other for Wales and Monmouthshire, and it shall be the duty of those Councils to advise the Minister upon such matters connected with educational theory and practice as they think fit, and upon any questions referred to them by him.

- (2) The members of each Council shall be appointed by the Minister, and the Minister shall appoint a member of each Council to be Chairman thereof and shall appoint an officer of the Ministry of Education to be secretary thereto.
- (3) Each Council shall include persons who have had experience of the statutory system of public education as well as persons who have had experience of educational institutions not forming "part of that system;
- (4) The Minister shall by regulations make provision as to the term of office and conditions of retirement of the members of each Council, and regulations made by the Minister for either Council may provide for periodical or other meetings of the Council and as to the procedure thereof, but, subject to the provisions of any such regulations, the meetings and procedure of each Council shall be such as may be determined by them.

## **5 Annual report to Parliament.**

The Minister shall make to Parliament an annual report giving an account of the exercise and performance of the powers and duties conferred and imposed upon him by this Act and of the composition and proceedings of the Central Advisory Councils for Education.