



Education Act 1946

1946 CHAPTER 50

1 Enlargement of controlled schools

(1) If upon the application of a local education authority and the managers or governors of a controlled school maintained by the authority the Minister of Education (hereinafter referred to as "the Minister") is satisfied—

- (a) that it is expedient that the premises of the school should be enlarged to such an extent that the enlargement would amount to the establishment of a new school; and
- (b) that the enlargement is wholly or mainly required for the purpose of providing accommodation for pupils for whom accommodation would have been provided in some other voluntary school if that other school had not been discontinued or had not otherwise ceased to be available for the purpose ;

then, if proposals for carrying out the enlargement are thereafter approved under section thirteen of the Education Act, 1944 (hereinafter referred to as "the principal Act"), the Minister may by order direct that the expense of giving effect to those proposals shall be payable by the local education authority.

(2) In this section the expression " enlargement," in relation to the premises of a school, includes any addition to those premises, and the expression " enlarge" shall be construed accordingly.

2 Division of a single school into two or more schools

(1) Where a county school, an aided school or a controlled school is organized in two or more separate departments, and proposals are submitted to the Minister—

- (a) in the case of a county school by the local education authority ; and
- (b) in the case of an aided school or a controlled school, by the managers or governors of the school after consultation with the local education authority;

that the school should be divided into two or more separate schools, the Minister may by order direct—

- (i) if the school is a county school, that the school shall be divided into two or more separate county schools ; and

Status: This is the original version (as it was originally enacted).

(ii) if the school is an aided school or a controlled school, that the school shall be divided into two or more separate voluntary schools ;

and when any such order comes into operation it shall become the duty of the local education authority to maintain each of the separate schools constituted by the order as a county school or as a voluntary school, as the case may be.

- (2) The constitution of a separate school in pursuance of any such order shall not, for the purposes of section thirteen of the principal Act, be deemed to amount to the establishment of a new school.
- (3) Where any such order is made upon proposals submitted by the managers or governors of a controlled school, the order shall direct that each of the schools constituted in pursuance of the order shall be a controlled school.
- (4) Where any such order is made upon proposals submitted by the managers or governors of an aided school, the order shall direct that each of the schools constituted in pursuance of the order shall be an aided school:

Provided that if the managers or governors of the original school have requested the Minister to direct that all or any of the schools constituted in pursuance of the order shall be controlled schools, the order shall direct accordingly.

- (5) Subsection (4) of section fifteen of the principal Act (which relates to the circumstances in which an order directing that a school is to be an aided school is to be revoked) shall have effect as if the references therein to an order by virtue of which a school is an aided school included references to a direction that a school shall be an aided school under this section.
- (6) Where an order is made under this section upon proposals submitted by the managers or governors of a voluntary school which is being conducted in accordance with the transitional provisions contained in section thirty-two of the principal Act, the provisions of that section shall continue to have effect with respect to each of the schools constituted in pursuance of the order until the question whether that school shall be a controlled school, an aided school or a special agreement school is determined by an order made under subsection (2) of section fifteen of the principal Act.
- (7) Any order made under this section shall come into operation upon such date as may be specified in the order and may contain such incidental, consequential and supplemental provisions as appear to the Minister to be expedient, and, without prejudice to the generality of the preceding provisions of this subsection, may in particular provide for defining the premises of each of the separate schools to be constituted in pursuance of the order.
- (8) No order shall be made under this section for the division of any school with respect to which a special agreement is in force.

3 Maintenance of voluntary schools

- (1) In relation to the maintenance of voluntary schools, the duties of local education authorities and of the managers and governors of such schools shall be performed in accordance with the provisions of the First Schedule to this Act.
- (2) This section and the said First Schedule shall be deemed to have come into operation on the first day of April, nineteen hundred and forty-five.

4 Letting or hiring of school premises other than school buildings and definition of " school buildings."

- (1) Any sum received after the passing of this Act by the managers, governors or trustees of a voluntary school, so far as it is paid in respect of the letting or hiring of any part of the school premises other than school buildings, shall be paid over to the local education authority.
- (2) In this Act the expression " school buildings ", in relation to any school, means any building or part of a building forming part of the school premises, except that it does not include any building or part of a building required only—
 - (a) as a caretaker's dwelling ;
 - (b) for use in connection with playing fields ;
 - (c) for affording facilities for enabling the local education authority to carry out their functions with respect to medical inspection or treatment; or
 - (d) for affording facilities for providing milk, meals or other refreshment for pupils in attendance at the school;

and in the principal Act the said expression shall be deemed always to have had the meaning assigned to it by this section.

5 Powers of local education authorities to provide temporary assistance for voluntary schools

The principal Act shall be deemed, always to have had effect as if for section one hundred and nine thereof there were substituted the following section :—

If upon representations made to him by any local education authority the Minister is satisfied that, by reason of difficulties arising out of war conditions, or out of conditions occasioned by the coming into operation of Part II of this Act, temporary accommodation is required for any voluntary school for pupils who are attending the school or whose parents desire them to attend the school, the Minister may authorise the authority to provide, or assist in providing, temporary accommodation for the school in accordance with arrangements approved by him, so, however, that any such authority shall be withdrawn as soon as, in the opinion of the Minister, there has been a sufficient opportunity for permanent accommodation to be provided for such pupils in accordance with the development plan for the area.”

6 Power of local education authorities to execute work for the purposes of controlled schools

Where a local education authority are liable to pay the expense of carrying out any building work, repair work or Work of a similar character which is required for the purposes of a controlled school, that work shall, if the local authority so determine, be carried out by persons employed by the authority ; and it shall be the duty of the managers or governors of the school and of any trustees thereof to provide the authority and any such persons with all such facilities as they may reasonably require for the purpose of securing that any such work is properly executed.

7 Additional provisions relating to religious worship

- (1) Subject to the provisions of this section, the collective worship with which the school day in county schools and voluntary schools is required to begin shall take place on the school premises.
- (2) If the managers or governors of an aided school or a special agreement school are of opinion that it is desirable that a school day should, on any special occasion, begin with collective worship elsewhere than on the school premises, they may make such arrangements for that purpose as they think appropriate :

Provided that the powers of managers and governors under this subsection shall not be so exercised as to derogate from the rule that, in every aided school and special agreement school, the collective worship with which the school day is required to begin must normally take place on the school premises.

- (3) Any reference in the principal Act to religious worship in any school shall be construed as including a reference to religious worship which, under the provisions of the last preceding subsection, takes place otherwise than on the school premises.

8 Provisions for avoiding broken terms

- (1) Where a person attains any particular age during the term of any school at which, when he attains that age, he is a registered pupil, he shall, for the purposes of the provisions of the principal Act relating to the limits of the compulsory school age, be deemed not to have attained that age until the end of the term.
- (2) Where a person attains a particular age while he is not a registered pupil at a school, then, if he has been such a pupil at any time during the year preceding the date on which he attains that age, the provisions of the foregoing subsection shall have effect in relation to him as if he were a registered pupil at the school at which he last was a registered pupil before attaining that age.
- (3) Where a person attains the age of eighteen years during the term of any county college which, when he attains that age, he is for the time being required to attend by a college attendance notice, he shall, for the purposes of the provisions of the principal Act relating to the period during which a person remains a young person, be deemed not to have attained that age until the end of the term, and the attendance required of him by any such notice may extend until the end of the term in which he has attained or will attain that age.
- (4) Subsection (5) of section one hundred and fourteen of the principal Act is hereby repealed.

9 Additional powers to provide clothing

Without prejudice to any powers conferred upon them by the principal Act, a local education authority may provide clothing free of charge

- (a) for any pupil who is a boarder at any educational institution maintained by the authority ;
- (b) for any pupil at any nursery school so maintained ; or
- (c) for any pupil in a nursery class at any school so maintained.

10 Qualification of teachers for membership of local authorities and their committees

- (1) For the proviso to section ninety-four of the Local Government Act, 1933, there shall be substituted the following proviso :—

“Provided that a person shall not, by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by a local education authority, be disqualified for being a member of any committee or sub-committee of any local authority—

- (a) appointed for the purposes of the enactments relating to education;
- (b) appointed for the care of the mentally defective ; or
- (c) appointed under this Act or under section four of the Public Libraries (Amendment) Act, 1893, for purposes connected with the execution of the Public Libraries Acts, 1892 to 1919 ;

or for being a representative of a local authority on a joint committee appointed by agreement between the authority and other local authorities for any such purpose as aforesaid.”

- (2) Subsection (2) of section fifty-nine of the Local Government Act, 1933, shall not operate so as to disqualify any person for being elected or being a member of the council of a county district by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by a local education authority.
- (3) In Part I of the Eighth Schedule to the principal Act, the provision amending section ninety-four of the Local Government Act, 1933, is hereby repealed.
- (4) This section shall be deemed to have come into operation on the first day of April, nineteen hundred and forty-five.

11 Travelling expenses

- (1) Subject to the provisions of this section, a local education authority shall have power to defray any expenses necessarily incurred by members of any divisional executive having functions in relation to any part of the area of the authority, or by members of any committee or sub-committee of such an executive—

- (a) in travelling to and from meetings of such an executive or of any such committee or sub-committee ; or
- (b) in travelling, by direction of such an executive, or of any such committee or sub-committee, for the purpose of doing anything which the executive, or the committee or sub-committee, require to be done in order that they may properly discharge their functions :

Provided that the foregoing provisions of this subsection shall not authorise local education authority to defray any expenses incurred in respect of any journey which does not involve travel outside the area of a single county district.

- (2) No expenses which a local education authority have power to defray apart from this section shall be defrayed under this section, and this section shall not affect any such power.

- (3) No expenditure by a local education authority under this section shall be taken into account for the purpose of determining the amount of any sum payable to the authority out of moneys provided by Parliament.

12 Compensation for certain officers of county councils

- (1) If as a result of any action taken by the council of a county in consequence of the fact that any of their functions relating to education are, or are to be, exercised in accordance with a scheme of divisional administration, any person who was, immediately before the commencement of Part II of the principal Act, an officer employed by that council suffers, at any time after the commencement of the said Part II, 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 from the council under this section.
- (2) For the purposes of any claim for compensation under this section, the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, shall have effect as if—
- (a) any such alteration as aforesaid had been effected by virtue of an order made by the Minister of Health under Part VI of the said Act of 1933 and coming into operation upon the date of the commencement of Part II of the principal Act; and
 - (b) the expression "existing officer" in those subsections, meant any person who, immediately before the said date, was an officer employed by the council of a county in connection with any functions exercisable by that council under any enactment repealed by the principal Act.
- (3) For the purposes of the determination and payment of compensation under this section, the provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect subject to the following modifications, that is to say—
- (a) references therein to the Minister shall be construed as references to the Minister of Education, and sub-paragraph (1) of paragraph 1 thereof shall have effect as if after the word "prescribed" there were inserted the words "by the Minister of Education";
 - (b) references therein to a scheme or order shall be construed as references to the principal Act; and
 - (c) any period during which a person has been engaged in war service within the meaning of the Local Government Staffs (War Service) Act, 1939, shall be reckoned for the purposes of the said Schedule as a period of service in his office, and where any such period is so reckoned, his emoluments during that period shall, for the purposes of sub-paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.
- (4) Without prejudice to the general effect of the requirement that this Act shall be construed as one with the principal Act, this section shall be deemed to form part of the principal Act—
- (a) for the purposes of paragraph (b) of the last preceding subsection; and
 - (b) for the purpose of construing any reference to "the special Act" in the Compensation of Displaced Officers (War Service) Act, 1945.

13 Additional provisions relating to local administration

- (1) In any legal proceedings any document purporting to be a document issued by a divisional executive and to be signed by a person authorised by the executive to sign it shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be and to be signed by the person by whom it purports to have been signed without proof of his identity, signature or official capacity.
- (2) A divisional executive may, subject to any conditions or restrictions imposed by the scheme of divisional administration, authorise any committee or sub-committee of the executive to exercise any functions which the executive are authorised by the scheme to exercise on behalf of the local education authority; and, without prejudice to the generality of the provisions of Part III of the First Schedule to the principal Act relating to the contents of such schemes, any such scheme may include provisions for requiring a divisional executive to authorise a committee or sub-committee of the executive to exercise any such functions as aforesaid.

14 Miscellaneous amendments of enactments

- (1) The provisions of the principal Act specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, and the said amendments, so far as they are contained in Part II of the said Schedule, shall be deemed to have had effect since the commencement of Part II of the principal Act.
- (2) The said amendments, so far as they relate to Part III of the First Schedule to the principal Act, shall not affect the procedure for making and approving any scheme of divisional administration duly submitted to the Minister before the passing of this Act; and any scheme of divisional administration made and approved in accordance with the said Part III as it had effect before the passing of this Act shall, after the passing of this Act, be deemed to have been made and approved under the said Part III as amended by this Act.
- (3) In section six of the Public Libraries Act, 1919 (which relates to the power of certain library authorities to purchase land compulsorily) the words after " the Education Acts, 1870 to 1918 " shall cease to have effect.

15 Expenses

Any increase attributable to the passing of this Act in the expenditure of the Minister under the enactments relating to education shall be defrayed out of moneys provided by Parliament.

16 Interpretation, etc.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
 - " department " means such part, if any, of a school as is organised under a separate head teacher ;
 - " divisional executive " means a divisional executive having functions under a scheme of divisional administration ;

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

" scheme of divisional administration " has the same meaning as it has in Part III of the First Schedule to the principal Act, as amended by this Act ;

" site ", in relation to any school, does not include playing fields, but, save as aforesaid, includes any site which is to form part of the school premises.

(2) This Act shall be construed as one with the principal Act.

17 Short title, citation and extent

(1) This Act may be cited as the Education Act, 1946.

(2) This Act and the Education Act, 1944, may be cited together as the Education Acts, 1944 and 1946.

(3) This Act shall not extend to Scotland or to Northern Ireland.