



# Diocesan Education Committees Measure 1955

1955 No. 1 4 and 5 Eliz 2

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To consolidate with amendments certain provisions of the Diocesan Education Committees Measure 1943 and the Diocesan Education Committees Measure 1943 (Amendment) Measure 1951; to provide for the validation and continuance of orders made under the provisions of those Measures and for purposes connected therewith. [21st December 1955]

### Modifications etc. (not altering text)

- C1 Measure amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 163(1), 231(7), 235(6)**
- C2 Measure modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 163(1), 231(7), 235(6), 236(2)**
  - (a)

## 1 Establishment and constitution of Diocesan Education Committees. E

- (1) For every diocese within the provinces of Canterbury and York except the diocese of Sodor and Man there shall be a diocesan education committee (whether corporate or unincorporate) responsible to the diocesan conference and having such rights, powers, duties and obligations as are vested in the committee by this Measure.
- (2) Subject to the provisions of this Measure, a diocesan education committee shall be constituted either in accordance with the Schedule to this Measure or in accordance with an order made by the Minister upon and in accordance with a request in that behalf made on resolution of the diocesan conference and with the consent of the bishop.

A diocesan education committee constituted in accordance with the Schedule to this Measure shall be known as the diocesan education committee with the addition of the name of the diocese and a diocesan education committee constituted in accordance with an order made by the Minister shall be known by the name designated in the order.

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- (3) The Minister upon and in accordance with a request in that behalf made on resolution of the diocesan conference and with the consent of the bishop may by order amend, vary or revoke any order made under the provisions of this section.
- (4) Where a diocesan education committee is constituted in accordance with the Schedule to this Measure, the Minister upon a request in that behalf made on resolution of the diocesan conference and with the consent of the bishop may by order direct that the provisions of the said Schedule shall cease to apply to that committee.

## 2 **Rights powers duties and obligations of committees.** E

- (1) The diocesan education committee for each diocese shall have the right, power, duty and obligation from time to time:—
  - (i) to take such steps as may appear to the committee to be conducive to the promotion of religious education according to the faith and practice of the Church of England and to watch the interests of church schools;
  - (ii) to take such action as may appear desirable to secure the provision of new schools;
  - (iii) to promote, and co-operate with other religious bodies and with local education authorities in promoting, religious education within the diocese;
  - (iv) to give advice as and when the committee thinks fit to trustees or owners, and managers or governors, of church schools and others concerned as to any matters affecting church schools within the diocese and also to the governing bodies of church educational endowments as to any matters affecting church educational endowments within the diocese;
  - (v) to make plans calculated in the opinion of the committee to further the development and organisation of religious education in the diocese and, in particular, of instruction in religious knowledge according to the faith and practice of the Church of England after consultation with such trustees or owners, and managers or governors, of church schools, within the diocese and with such other persons as in the opinion of the committee are interested or as may be in any way affected thereby.
- (2) The trustees or owners and managers or governors of every church school in a diocese shall be bound to consult the diocesan education committee for the diocese and to have regard to its representations in any negotiations for, and before making, any agreement or arrangement with the Minister, the Charity Commissioners or the local education authority for or with respect to the restoration, rearrangement, continuance, discontinuance, closing, sale or lease of, or other dealing with such church school, or for or with respect to the amalgamation thereof with any other school.
- (3) In this section references to church schools shall (unless the context otherwise requires) be deemed to include the sites, properties and endowments thereof.
- (4) The governing body of every church educational endowment in a diocese shall be bound to inform the diocesan education committee for the diocese before any change in the use of such endowment is made, whether by scheme or otherwise, and to have regard to any advice given under subsection (1) of this section.

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### 3 Interpretation. **E**

- (1) In this Measure, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:—

“bishop” means the bishop of the diocese concerned or, in relation to the diocese of an archbishop, the archbishop or, during a vacancy in the see of either, the guardian of the spiritualities thereof;

“church educational endowment” means an educational endowment which includes among the purposes for which it has been made applicable or is applied instruction in religious knowledge according to the faith and practice of the Church of England;

“church school” means a voluntary school within the meaning of subsection (2) of section nine of the <sup>M1</sup>Education Act 1944, including the site and buildings thereof, which by virtue of a statute, or charter, or scheme order or other instrument made by virtue of a statute or other authority, or any trust, or usage, or repute, or any combination thereof is for the time being held on trust for the purposes of primary or secondary education as defined in the Education Acts 1944 to 1953, together with instruction (either as part thereof or in addition thereto) in religious knowledge according to the faith and practice of the Church of England;

“educational endowment” “endowment” and “governing body” have the same meanings respectively as in the Endowed Schools Acts 1869 to 1948;

“local education authority” has the same meaning as in the <sup>M2</sup>Education Act 1944;

“Minister” means the [<sup>F1</sup>Secretary of State for Education and Science].

- (2) In section three of the <sup>M3</sup>Diocesan Education Committees Measure 1943, the expression “church school” has the same meaning as in this Measure and the expression “managers” in relation to a school providing secondary education as defined in the Education Acts 1944 to 1953, means the governors of the school.
- (3) References in this Measure to any other Act or Measure or to any provision thereof shall, except so far as the context otherwise requires, be construed as references to that Act or Measure or provision as amended by or under any other Act or Measure, including this Measure.

#### Textual Amendments

**F1** Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

#### Marginal Citations

**M1** 1944 c. 31.

**M2** 1944 c. 31.

**M3** 1943 No. 3.

### 4 Repeals and Savings. **E**

- (1) Sections one, two and four of and the Schedule to the <sup>M4</sup>Diocesan Education Committees Measure 1943, and the <sup>M5</sup>Diocesan Education Committees Measure 1943 (Amendment) Measure 1951 are hereby repealed:

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Provided that without prejudice to the provisions of section thirty-eight of the <sup>M6</sup>Interpretation Act 1889, this subsection shall have effect subject to the following provisions of this section.

- (2) Any diocesan education committee (whether corporate or unincorporate) which immediately before the passing of this Measure was constituted in accordance with the Schedule to the <sup>M7</sup>Diocesan Education Committees Measure 1943, if in existence at the passing of this Measure shall be deemed to be duly constituted as a diocesan education committee in accordance with the Schedule to this Measure.
- (3) Any order expressed to have been made by the Board of Education or the Minister under section one of the <sup>M8</sup>Diocesan Education Committees Measure 1943, as originally passed or as amended by the <sup>M9</sup>Diocesan Education Committees Measure 1943 (Amendment) Measure 1951, shall be deemed always to have been validly made and shall have effect as from the passing of this Measure as if so made under section one of this Measure; and any body of persons (whether corporate or unincorporate), which by virtue of any such order is deemed to have been a diocesan education committee duly set up and constituted in accordance with the provisions of the said Measure of 1943 as originally passed or as amended by the said Measure of 1951 shall, as from the passing of this Measure, be deemed to be a diocesan education committee duly constituted as required by section one of this Measure.
- (4) Without prejudice to the provisions of subsection (3) of this section, where any such order directs, in relation to any diocese, that a body of persons shall be deemed to be a diocesan education committee duly set up and constituted in accordance with the provisions of the said Measure of 1943 as amended by the said Measure of 1951 and that body of persons had before the making of the order been incorporated under the <sup>M10</sup>Companies Act 1948, that order shall be deemed to have had effect as from the date on which that body of persons was so incorporated, and accordingly that body of persons shall be deemed as from that date to have taken the place of the diocesan education committee in existence for that diocese immediately before that date.
- (5) Nothing in this section shall affect any representation, arrangement, agreement or request made, resolution passed, advice, direction, consent or notice given, or thing done under any Measure or provision of a Measure repealed by this Measure, but every such representation, arrangement, agreement, request, resolution, advice, direction, consent, notice or thing shall continue in force and shall, so far as it could have been made, passed, given or done under this Measure have effect as if it had been made, passed, given or done under this Measure.
- (6) Any person holding office, or acting or serving, under or by virtue of any Measure or any provision of any Measure repealed by this Measure shall continue to hold office, or to act or serve as if he had been elected, co-opted, nominated or appointed or had acted or served under this Measure, and nothing in this repeal shall affect the terms and conditions on and subject to which he held such office or acted or served immediately before the passing of this Measure.
- (7) Any instrument or other document referring to any Measure or any provision of any Measure repealed by this Measure shall be construed as referring to this Measure or to the corresponding provision of this Measure.

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**Marginal Citations**

**M4** 1943 No. 3.

**M5** 1951 No. 1.

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<b>M6</b>	1889 c. 63.
<b>M7</b>	1943 No. 3.
<b>M8</b>	1943 No. 3.
<b>M9</b>	1951 No. 1.
<b>M10</b>	1948 c. 38.

## 5 Short title and citation. **E**

This Measure may be cited as the Diocesan Education Committees Measure 1955, and this Measure and the Diocesan Education Committees Measure 1943, may be cited together as the Diocesan Education Committees Measures 1943 and 1955.

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## SCHEDULE U.K.

Section 1.

### CONSTITUTION OF DIOCESAN EDUCATION COMMITTEES

A Diocesan Education Committee shall be constituted as follows, namely:—

- (1) The bishop, suffragan bishops, assistant bishops, and archdeacons shall be ex-officio members.
- (2) The diocesan conference shall elect not more than twenty and not fewer than twelve members of whom four members at least shall be ministers holding separate cure of souls in a parish or conventional district within the diocese; six at least shall be lay persons of whom two at least shall be women.

Elections shall be held in such manner as the diocesan conference may direct. The first elected members shall hold office until the expiration of the conference by which they are elected or until their successors shall be elected and thereafter the elected members shall hold office for three years or until their successors shall be elected, whichever in each case shall be the later.

- (3) The Committee shall co-opt not more than eight additional members being persons who are for the time being trustees, foundation managers, foundation governors, or otherwise interested in church schools in the diocese of whom not less than half shall be foundation managers, or foundation governors of such schools.
- (4) The bishop shall have power to nominate not more than four additional members of whom two at least shall be teachers in church schools.
- (5) The Chairman of the Committee shall be the bishop or, if he shall decide not to act as chairman, some other person appointed by the Committee.
- (6) The Committee shall appoint its own secretary.
- (7) The Committee shall have power to fill any casual vacancies and may act notwithstanding any vacancy in its membership.
- (8) Eight members of the Committee shall form a quorum.
- (9) The Committee may appoint sub-committees including or not including persons not members of the Committee.
- (10) Subject to the foregoing provisions, and to any directions given by the diocesan conference, the Committee shall have power to regulate its own procedure.
- (11) Subject to any limit or restriction imposed by the diocesan conference the expenses of the Committee shall unless otherwise provided for be defrayed by the diocesan board of finance out of any moneys applicable to the expenses of that board.

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