



# Education Act 1944 (repealed 1.11.1996)

1944 CHAPTER 31 7 and 8 Geo 6

## PART II

### THE STATUTORY SYSTEM OF EDUCATION

#### SUPPLEMENTARY PROVISIONS AS TO PRIMARY, SECONDARY AND FURTHER EDUCATION

##### *Ancillary Services*

#### 48 Medical inspection and treatment of pupils.

(1) ..... <sup>F1</sup>

(4) It shall be the duty of every local education authority [<sup>F2</sup>or, in the case of pupils at a grant-maintained school, the duty of the governing body of the school] to make arrangements for encouraging and assisting pupils to take advantage of [<sup>F3</sup>the provision for medical and dental inspection and treatment made for them in pursuance of [<sup>F4</sup>section 5(1) of the <sup>M1</sup>National Health Service Act 1977 or paragraph 1(a)(i) of Schedule 1 to that Act]]:

Provided that if the parent of any pupil gives to the authority [<sup>F5</sup>or, as the case may be, to the governing body] notice that he objects to the pupil availing himself of any [<sup>F3</sup>of the provision so made], the pupil shall not be encouraged or assisted so to do.

(5) ..... <sup>F1</sup>

#### Textual Amendments

- F1** S. 48(1)–(3), (5) repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 5**
- F2** Words inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 2(a)**
- F3** Words substituted by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 4 para. 7**
- F4** Words substituted by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 15 para. 2**

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**F5** Words inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 2(b)**

**Modifications etc. (not altering text)**

**C1** S. 48(4) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt.I**.

**C2** S. 48(4) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt.I**.

**Marginal Citations**

**M1** 1977 c. 49.

**49** <sup>F6</sup> .....

**Textual Amendments**

**F6** S. 49 repealed by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), **Sch. 7**

**50 Provision of board and lodging otherwise than at boarding schools or colleges.**

- (1) Where the local education authority are satisfied with respect to any [<sup>F7</sup>pupil] that primary or secondary education suitable to his age ability and aptitude [<sup>F8</sup>and to any special educational needs he may have] can best be provided <sup>F9</sup>. . . for him at any particular county school, voluntary school [<sup>F10</sup>, grant-maintained school], or special school, . . . <sup>F11</sup> but that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school . . . <sup>F11</sup>, [<sup>F12</sup>and where a local education authority are satisfied, with respect to a pupil [<sup>F13</sup>having special educational needs], that provision for him of board and lodging is necessary for enabling him to receive the required special educational [<sup>F13</sup>provision],] the authority may provide such board and lodging for him under such arrangements as they think fit.
- (2) In making any arrangements under this section for any [<sup>F7</sup>pupil] . . . <sup>F11</sup>, a local education authority shall, so far as practicable, give effect to the wishes of the parent of the [<sup>F7</sup>pupil] . . . <sup>F11</sup>, with respect to the [<sup>F14</sup>religion or]religious denomination of the person with whom he will reside.

**Textual Amendments**

**F7** Words substituted by Education Act 1946 (c. 50), **Sch. 2 Pt. I**

**F8** Words inserted by Education Act 1981 (c. 60, SIF 41:1), s. 21, **Sch. 3 para. 3(a)**

**F9** Words in s. 50(1) repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 12(a), **Sch. 21 Pt. II**; S.I. 1994/507, art. 4(1), **Sch. 2A**appendix.

**F10** Words inserted by Education Reform Act 1988 (c. 40, SIF 41:1), **s. 100(2)**

**F11** Words repealed by Education Reform Act 1988 (c. 40, SIF 41), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**

**F12** Words inserted by Education (Miscellaneous Provisions) Act 1948 (c. 40), **Sch. 1 Pt. I**

**F13** Word(s) substituted by Education Act 1981 (c. 60, SIF 41:1), s. 21, **Sch. 3 para. 3(b)(c)**

**F14** Words in s. 50(2) inserted (1.4.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 12(b)**; S.I. 1994/507, art. 4(1), **Sch.2**.

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**Modifications etc. (not altering text)**

- C3** S. 50 excluded (1.4.1994) by 1993 c. 35, ss. 12(6), 298, Sch. 2 Pt. III paras. 4, **13(1)(a)** (with Sch. 18 para. 12); S.I. 1994/507, art. 4(1), **Sch.2**.

**51** <sup>F15</sup> .....

**Textual Amendments**

- F15** Ss. 51, 53(3) repealed by Education (Miscellaneous Provisions) Act 1948 (c. 40), **Sch. 2**

**52** †**Recovery of cost of boarding accommodation and of clothing.**

(1) Where a local education authority have, under the powers conferred by the foregoing provisions of this Act, provided a pupil with board and lodging otherwise than at a boarding school . . . <sup>F16</sup> . . . <sup>F17</sup> the authority shall require the parent to pay to the authority in respect thereof such sums, if any, as in the opinion of the authority he is able without financial hardship to pay:

Provided that—

- (a) where the board and lodging provided for the pupil were so provided under arrangements made by the local education authority on the ground that in their opinion education suitable to his age ability and aptitude [<sup>F18</sup>or special educational needs] could not otherwise be provided <sup>F19</sup>. . . no sum shall be recoverable in respect thereof under this section . . . <sup>F16</sup>
- (b) . . . <sup>F16</sup>

(2) The sums recoverable under this section shall not exceed the cost to the local education authority of providing the board and lodging . . . <sup>F17</sup>

(3) Any sums payable by virtue of this section may be recovered summarily as a civil debt.

**Textual Amendments**

- F16** Words repealed by Education Reform Act 1988 (c. 40, SIF 41), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F17** Words repealed by Education (Miscellaneous Provisions) Act 1948 (c. 40), **Sch. 2**
- F18** Words inserted by Education Act 1981 (c. 60, SIF 41:1), s. 21, **Sch. 3 para. 4**
- F19** Words in s. 52(1) repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 13, **Sch. 21 Pt. II**; S.I. 1994/507, art. 4(1), **Sch. 2**Appendix.

**Modifications etc. (not altering text)**

- C4** Unreliable marginal note.
- C5** S. 52 excluded (1.4.1994) by 1993 c. 35, ss. 12(6), 298(8), Sch. 2 Pt.III paras. 4, **13(1)(a)** (with Sch. 18 para. 12); S.I. 1994/507, art. 4(1), **Sch.2**.
- C6** S. 52(1) excluded (1.4.1994) by 1993 c. 35, ss. 12(6), 298(8), **Sch. 2 Pt. I para. 1(2)** (with Sch. 18 para. 12); S.I. 1994/507, art. 4(1), **Sch.2**.

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### 53 Provision of facilities for recreation and social and physical training.

- (1) It shall be the duty of every local education authority to secure that the facilities for primary secondary and further education provided for their area include adequate facilities for recreation and social and physical training, and for that purpose a local education authority . . . <sup>F20</sup> may establish maintain and manage, or assist the establishment, maintenance, and management of camps, holiday classes, playing fields, play centres, and other places (including playgrounds, gymnasiums, and swimming baths not appropriated to any school [<sup>F21</sup>or other educational institution], at which facilities for recreation and for such training as aforesaid are [<sup>F22</sup>available for persons receiving primary secondary or further education], and may organise games, expeditions and other activities for such persons, and may defray or contribute towards the expenses thereof.
- (2) A local education authority, in making arrangements for the provision of facilities or the organisation of activities under the powers conferred on them by the last foregoing subsection shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.
- (3) . . . . . <sup>F23</sup>
- (4) . . . . . <sup>F24</sup>

#### Textual Amendments

- F20** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 7](#)
- F21** Words substituted by [Educational Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), [Sch. 12 para. 54](#)
- F22** Words substituted by [Education \(Miscellaneous Provisions\) Act 1948 \(c. 40\)](#), [Sch. 1 Pt. I](#)
- F23** [Ss. 51,53\(3\)](#) repealed by [Education \(Miscellaneous Provisions\) Act 1948 \(c. 40\)](#), [Sch. 2](#)
- F24** [S. 53\(4\)](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)

### 54 Power to ensure cleanliness.

- (1) A local education authority may, by directions in writing issued with respect to all schools maintained by them [<sup>F25</sup>and grant-maintained schools within their area]or with respect to any of such schools named in the directions, authorise a medical officer of the authority to cause examinations of the persons and clothing of pupils in attendance at such school to be made whenever in his opinion such examinations are necessary in the interests of cleanliness . . . <sup>F26</sup>.
- (2) Any such examination as aforesaid shall be made by a person authorised by the local education authority to make such examinations, and if the person or clothing of any pupil is found upon such an examination to be infested with vermin or in a foul condition, any officer of the authority may serve upon the parent of the pupil . . . <sup>F26</sup> a notice requiring him to cause the person and clothing of the pupil to be cleansed.
- (3) A notice served under the last foregoing subsection shall inform the person upon whom it is served that unless within the period limited by the notice, not being less than twenty-four hours after the service thereof, the person and clothing of the pupil to whom the notice relates are cleansed to the satisfaction of such person as may be specified in the notice the cleansing thereof will be carried out under arrangements made by the local education authority; and if, upon a report being made to him by

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that person at the expiration of that period, a medical officer of the authority is not satisfied that the person and clothing of the pupil have been properly cleansed, the medical officer may issue an order directing that the person and clothing of the pupil be cleansed under such arrangements.

- (4) It shall be the duty of the local education authority to make arrangements for securing that any person or clothing required under this section to be cleansed may be cleansed (whether at the request of a parent . . . <sup>F26</sup> or in pursuance of an order issued under this section) at suitable premises by suitable persons and with suitable appliances; and where [<sup>F27</sup>the council of any . . . <sup>F28</sup>district in the area of the authority][<sup>F27</sup>the council of any inner London borough or the Common Council of the City of London] are entitled to the use of any premises or appliances for cleansing the person or clothing of persons infested with vermin, the authority may require the council to permit the authority to use those premises or appliances for such purposes upon such terms as may be determined by agreement between the authority and the council or, in default of such agreement, by the [<sup>F29</sup>Secretary of State for Social Services].
- (5) Where an order has been issued by a medical officer under this section directing that the person and clothing of a pupil be cleansed under arrangements made by a local education authority, the order shall be sufficient to authorise any officer of the authority to cause the person and clothing of the pupil in the order to be cleansed in accordance with arrangements made under the last foregoing subsection, and for that purpose to convey him to, and detain him at, any premises provided in accordance with such arrangements.
- (6) If, after the cleansing of the person or clothing of any pupil has been carried out under this section, his person or clothing is again found to be infested with vermin or in a foul condition at any time while he is in attendance at a school maintained by a local education authority [<sup>F30</sup>or at a grant-maintained school] . . . <sup>F26</sup>, and it is proved that the condition of his person or clothing is due to neglect on the part of his parent . . . <sup>F26</sup>, the parent . . . <sup>F26</sup> shall be liable on summary conviction to a fine not exceeding [<sup>F31</sup>level 1 on the standard scale.]
- (7) Where a medical officer of a local education authority suspects that the person or clothing of any pupil in attendance at a school maintained by the authority [<sup>F32</sup>or at a grant-maintained school within the area of the authority] . . . <sup>F26</sup> is infested with vermin or in a foul condition, but action for the examination or cleansing thereof cannot immediately be taken, he may, if he considers it necessary so to do either in the interest of the pupil or of other pupils in attendance at the school . . . <sup>F26</sup>, direct that the pupil be excluded from the school . . . <sup>F26</sup> until such action has been taken; and such a direction shall be a defence to any proceedings under [<sup>F33</sup>Part IV of the Education Act 1993] in respect of the failure of the pupil to attend school . . . <sup>F26</sup> on any day on which he is excluded in pursuance of the direction, unless it is proved that the issue of the direction was necessitated by the wilful default of the pupil or his parent.
- (8) No girl shall be examined or cleansed under the powers conferred by this section except by a duly qualified medical practitioner or by a woman authorised for that purpose by a local education authority.

#### Textual Amendments

**F25** Words in s. 54(1) inserted (1.10.1993) by 1993 c. 35, ss. 307(1), **Sch. 19 para. 14(a)**; S.I. 1993/1975, art. 9, **Sch. 1**

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- F26** Words repealed by [Education Reform Act 1988](#) (c. 40, SIF 41), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F27** Words “the council of any inner London borough” to “London” substituted (in relation to I.L.E.A.) for words “the council of any district” to “authority” by [London Government Act 1963](#) (c. 33), **s. 32(7)**
- F28** Words omitted by virtue of [Local Government Act 1972](#) (c. 70), **s. 179(3)**
- F29** Words substituted by virtue of [S.I. 1968/1699](#), **art. 5(4)(a)**
- F30** Words in [s. 54\(6\)](#) inserted (1.10.1993) by 1993 c. 35, s. 307(1), **Sch. 19 para. 14(b)**; [S.I. 1993/1975](#), **art. 9, Sch. 1**
- F31** Words substituted by virtue of [Criminal Law Act 1977](#) (c. 45, SIF 39:1), **s. 31(5)(6)** and of [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **s. 45**
- F32** Words in [s. 54\(7\)](#) inserted (1.10.1993) by 1993 c. 35, s. 307(1), **Sch. 19 para. 14(c)(i)**; [S.I. 1993/1975](#), **art. 9, Sch. 1**
- F33** Words in [s. 54\(7\)](#) substituted (1.10.1993) by 1993 c. 35, s. 307(1), **Sch. 19 para. 14(c)(ii)**; [S.I. 1993/1975](#), **art. 9, Sch. 1**

**Modifications etc. (not altering text)**

- C7** [S. 54](#) applied (1.4.1994) by [S.I. 1994/653](#), **reg. 42(1), Sch. Pt. I.**
- C8** [S. 54](#) applied (9.5.1994) by [S.I. 1994/1084](#), **reg. 8(1), Sch. 2 Pt. I.**

**55 Provision of transport and other facilities.**

- [<sup>F34</sup>(1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary or as the Secretary of State may direct for the purpose of facilitating the attendance of persons receiving education—
- (a) at schools,
  - (b) at any institution maintained or assisted by them which provides higher education or further education (or both),
  - (c) at any institution within the further education sector, or
  - (d) at any institution outside the further education sector and higher education sector, where a further education funding council has secured provision for those persons at the institution under section 4(3) or (5) of the Further and Higher Education Act 1992;
- and any transport provided in pursuance of such arrangements shall be provided free of charge.]
- (2) A local education authority [<sup>F35</sup>may pay the whole or any part, as the authority think fit, of the reasonable travelling expenses] of any [<sup>F36</sup>person receiving education] at any school [<sup>F37</sup>or any such institution as is mentioned in subsection (1) above] for whose transport no arrangements are made under this section.
- [<sup>F38</sup>(3) In considering whether or not they are required by subsection (1) above to make arrangements in relation to a particular [<sup>F39</sup>person], the local education authority shall have regard (amongst other things) to the age of the [<sup>F39</sup>person] and the nature of the route, or alternative routes, which he could reasonably be expected to take][<sup>F40</sup>and to any wish of his parent for him to be provided with education at a school or institution in which the religious education provided is that of the religion or denomination to which his parent adheres]
- [<sup>F41</sup>(4) Arrangements made by a local education authority under subsection (1) above shall make provision—

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- (a) for pupils at grant-maintained schools which is no less favourable than the provision made in pursuance of the arrangements for pupils at schools maintained by a local education authority,
- (b) for persons receiving full-time education at any institution within the further education sector which is no less favourable than the provision made in pursuance of the arrangements for pupils of the same age at schools maintained by a local education authority, and
- (c) for persons receiving full-time education at institutions mentioned in subsection (1)(d) above which is no less favourable than the provision made in pursuance of the arrangements—
  - (i) for persons of the same age with learning difficulties (within the meaning of section 41(9) of this Act) at schools maintained by a local education authority, or
  - (ii) where there are no such arrangements, for such persons for whom the authority secures the provision of education at any other institution.]

[<sup>F42</sup>(5) Regulations under section 8(5) of the Education Act 1980 may require publication, within the meaning of that section, by every local education authority of such information as may be required by the regulations with respect to the authority's policy and arrangements for provision under this section for persons attending institutions mentioned in subsection (1)(c) or (d) above who are over compulsory school age and who have not attained the age of nineteen years.]

#### Textual Amendments

- F34** S. 55(1) substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. I para. 5(a); S.I. 1992/831, art. 2, Sch. 3
- F35** Words substituted by Education (Miscellaneous Provisions) Act 1948 (c. 40), Sch. 1 Pt. I
- F36** Words in s. 55(2) substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 para. 5(b); S.I. 1992/831, art. 2, Sch. 3
- F37** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), Sch. 12 para. 55(3)
- F38** S. 55(3) added by Education (No.2) Act 1986 (c. 61, SIF 41:1), s. 53
- F39** Word in s. 55(3) substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. I para. 5(c); S.I. 1992/831, art. 2, Sch. 3
- F40** Words in s. 55(3) added (1.10.1993) by 1993 c. 35, s. 307(1), Sch. 19 para. 15; S.I. 1993/1975, art. 9, Sch. 1
- F41** S. 55 (4) substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 para. 5(d); S.I. 1992/831, art. 2, Sch. 3
- F42** S. 55(5) added (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s.93(1), Sch. 8 Pt. I para. 5(e); S.I. 1992/831, art. 2, Sch. 3

#### Modifications etc. (not altering text)

- C9** S. 55 amended by Education (Miscellaneous Provisions) Act 1953 (c. 33), s. 12(1)
- C10** S. 55(4) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), Sch. Pt.I.
- C11** S. 55(4) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), Sch. 2 Pt.I.

[<sup>F43</sup>56]. Power to provide primary and secondary education otherwise than at school.

(1)

If a local education authority are satisfied that by reason of any extraordinary circumstances a child or young person is unable to attend a suitable school for the

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purpose of receiving primary or secondary education [<sup>F44</sup>they shall have power with the approval of the [<sup>F45</sup>Secretary of State for Education and Science] to make special arrangements for him to receive education otherwise than at school, being primary or secondary education, as the case may require, or if the authority are satisfied that it is impracticable for him to receive full-time education and the [<sup>F45</sup>Secretary of State for Education and Science] approves, education similar in other respects but less than full-time.]

[<sup>F43</sup>(2) In this section “secondary education” includes any full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years and, for the purposes of the Education Acts 1944 to 1992—

- (a) any such education, or education similar in other respects but less than full-time, provided in pursuance of this section is to be treated as secondary education; and
- (b) any person for whom education is provided in pursuance of this section is to be treated as a pupil.]

**Textual Amendments**

- F43** S. 56 renumbered as s. 56(1) and at the end subsection (2) added by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8**, Pt. I para. 6; S.I. 1992/831, art. 2, **Sch. 3**
- F44** Words substituted by [Education \(Miscellaneous Provisions\) Act 1948 \(c. 40\)](#), **Sch. 1 Pt. I**
- F45** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**

57— <sup>F46</sup> .....  
57B.

**Textual Amendments**

- F46** Ss. 57–57B repealed by [Education \(Handicapped Children\) Act 1970 \(c. 52\)](#), **Sch.**



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