



# Education Act 1944 (repealed 1.11.1996)

1944 CHAPTER 31 7 and 8 Geo 6

## PART IV

### GENERAL

#### MISCELLANEOUS PROVISIONS

##### [<sup>F1</sup>77] **Inspection of educational establishments.**

- (1) In this section the expression “educational establishment” means a school, [<sup>F2</sup>an institution within the PCFC funding sector or an institution which is maintained or assisted by a local education authority and provides higher education or further education (or both)]; and if the persons responsible for the management of any institution which is not an educational establishment within the foregoing definition request the [<sup>F3</sup>Secretary of State] or any local education authority to cause an inspection of that institution to be made under the powers conferred by this section, the institution shall, for the purposes of that inspection, be deemed to be also included within that definition.
- (2) It shall be the duty of the [<sup>F3</sup>Secretary of State for Education and Science] to cause inspections to be made of every educational establishment at such intervals as appear to him to be appropriate, and to cause a special inspection of any such establishment to be made whenever he considers such an inspection to be desirable; and for the purpose of enabling such inspections to be made on behalf of the [<sup>F3</sup>Secretary of State for Education and Science], inspectors may be appointed by His Majesty on the recommendation of the [<sup>F3</sup>Secretary of State for Education and Science], and persons may be authorised by the [<sup>F3</sup>Secretary of State for Education and Science] to assist such inspectors and to act as additional inspectors:  
Provided that the [<sup>F3</sup>Secretary of State for Education and Science] shall not be required by virtue of this subsection to cause inspections to be made of any educational establishment during any period during which he is satisfied that suitable arrangements are in force for the inspection of that establishment otherwise than in accordance with this subsection.

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- (3) Any local education authority may cause an inspection to be made of any educational establishment maintained by the authority, and such inspections shall be made by officers appointed by the local education authority.
- (4) If any person obstructs any person authorised to make an inspection in pursuance of the provisions of this section in the execution of his duty, he shall be liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 4 on the standard scale], or, in the case of a second or subsequent conviction, to a fine not exceeding [<sup>F4</sup>level 4 on the standard scale] or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.
- (5) Subject as hereinafter provided, the religious [<sup>F5</sup>education] given in any school maintained by a local education authority shall not be subject to inspection except by one of His Majesty's Inspectors or by a person ordinarily employed for the purpose of inspecting secular [<sup>F5</sup>education] either as an additional inspector appointed by the [<sup>F3</sup>Secretary of State for Education and Science] or as an officer in the whole-time employment of a local education authority:  
 Provided that the religious instruction given in a voluntary school otherwise than in accordance with an agreed syllabus shall not be subject to such inspection as aforesaid, but may be inspected under arrangements made for that purpose by the . . . <sup>F6</sup>governors of the school, or, in the case of a controlled school, by the . . . <sup>F6</sup>foundation governors thereof so, however, that such inspections shall not be made on more than two days in any year and not less than fourteen days' notice of the dates fixed therefor shall be given to the local education authority.
- (6) No pupil who has been excused from attendance at religious worship or [<sup>F7</sup>receiving religious education in a voluntary school in accordance with section 9 of the Education Reform Act 1988] shall be required to attend the school on a day fixed for an inspection by arrangements made under the proviso to the last foregoing subsection.]

#### Textual Amendments

- F1** S. 77 ceased to have effect in relation to any institution other than a school (1.9.1992 for certain purposes and otherwise 1.4.1993) by virtue of [Further and Higher Education Act 1992 \(c. 13\), s. 93\(1\), Sch. 8 para.10](#); (E.) S.I. 1992/831, [art. 3](#); (W.) S.I. 1992/2377, [art. 3](#)
- F2** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237\(1\), Sch. 12 para. 57](#)
- F3** Words substituted by virtue of S.I. 1964/490, [art. 3\(2\)\(a\)](#)
- F4** Words substituted by virtue of [Criminal Law Act \(c. 45, SIF 39:1\)](#) and of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 39\(1\), 46, Sch.3](#)
- F5** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 9, 231\(7\), 235\(6\), Sch. 1 para. 5\(a\)](#)
- F6** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\), s. 1\(3\), Sch. 1 para. 11](#)
- F7** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 9, 231\(7\), 235\(6\), 237\(1\), Sch. 1 para. 5\(b\)](#)

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

- C1** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 35](#) (in relation to liability on first and subsequent convictions) applies

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## 78 Provision of certain ancillary services for pupils not in attendance at schools maintained by local education authorities.

- (1) . . . . .<sup>F8</sup>
- (2) A local education authority may, with the consent of the proprietor of any school in their area which is not a school maintained by the authority, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school, make arrangements for securing—
- (a) the provision of milk, meals and other refreshment for pupils in attendance at the school; . . .<sup>F9</sup>

Provided that any arrangements made under this subsection shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by them in the provision thereof if the pupil had been a pupil at a school maintained by them.

### Textual Amendments

**F8** Ss. 69(1), 78(1), 79 repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**

**F9** Words repealed by Education (Miscellaneous Provisions) Act 1948 (c. 40), **Sch. 2** and National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**

### Modifications etc. (not altering text)

**C2** S. 78(2)(a) extended by Education Act 1980 (c. 20, SIF 41:1), s. 22(5)

## 79<sup>F10</sup> . . . . .

### Textual Amendments

**F10** Ss. 69(1), 78(1), 79 repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**

## 80 Registration of pupils at schools.

- (1) The proprietor of every school (that is to say in the case of a county school or voluntary school the . . .<sup>F11</sup> governors thereof [<sup>F12</sup>and in the case of a grant-maintained school the governing body of the school]) shall cause to be kept in accordance with regulations made by the [<sup>F13</sup>Secretary of State for Education and Science] a register containing the prescribed particulars with respect to all persons . . .<sup>F14</sup> who are pupils at the school, and such regulations may make provision for enabling such registers to be inspected, for enabling extracts therefrom to be taken for the purposes of this Act by persons duly authorised in that behalf under the regulations, and for requiring the persons by whom any such register is required to be kept to make to the [<sup>F13</sup>Secretary of State for Education and Science], and to local education authorities, such periodical or other returns as to the contents thereof as may be prescribed.

[<sup>F15</sup>(1A) Without prejudice to the generality of subsection (1) of this section, the prescribed particulars shall include particulars of the name and address of every person known to the proprietor of the school to be a parent of a pupil at the school.]

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- (2) If any person contravenes or fails to comply with any requirement imposed on him by regulations made under this section, he shall be liable on summary conviction to a fine not exceeding [<sup>F16</sup>level 1 on the standard scale].
- (3) . . . . . <sup>F17</sup>

#### Subordinate Legislation Made

- P1** S. 80: s. 80 power exercised by S.I. 1991/1582
- P2** S. 80: power previously exercised by S.I. 1987/1285 and 1988/1185.

#### Textual Amendments

- F11** Words repealed by Education Act 1980 (c. 20, SIF 41:1), s. 1(3), **Sch. 1 para. 1**
- F12** Words inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 5**
- F13** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F14** Words repealed by Education (Miscellaneous Provisions) Act 1948 (c. 40), **Sch. 2**
- F15** S. 80(1A) inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 58**
- F16** Words substituted by virtue of Criminal Law Act 1977 (c. 45, SIF 39:1), **s. 31** and of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**
- F17** S. 80(3) repealed by Education (Miscellaneous Provisions) Act 1948 (c. 40), **Sch. 2**

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

- C3** S. 80 amended by Education (Miscellaneous Provisions) Act 1948 (c. 40), **s. 4(6)**

### 81 Power of local education authorities to give assistance by means of scholarships and otherwise.

Regulations shall be made by the [<sup>F18</sup>Secretary of State for Education and Science] empowering local education authorities, for the purpose of enabling [<sup>F19</sup>persons] to take advantage without hardship to themselves or their parents of any educational facilities available to them—

- (a) to defray such expenses of children attending county schools, voluntary schools, [<sup>F20</sup>grant-maintained schools], or special schools, as may be necessary to enable them to take part in any school activities:
- (b) to pay the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable:
- <sup>X1</sup>(c) to grant scholarships, exhibitions, bursaries, and other allowances in respect of [<sup>F21</sup>persons] over compulsory school age <sup>F22</sup>. . .
- (d) to grant allowances in respect of any child in respect of whom any scholarship exhibition bursary or other allowance has been granted by a former authority before the date of the commencement of Part II of this Act.

#### Editorial Information

- X1** S. 81(c) repealed in relation to courses to which Education Act 1962 (c. 2), **ss. 1** and 2(1) apply and in relation to training of teachers by Education Act 1962 (c. 12), **s. 4(4)-(6)**

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**Textual Amendments**

- F18** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F19** Word in s. 81 substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 11(a)**; S.I. 1992/831, art. 2, **Sch. 3**
- F20** Words inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 6**
- F21** Word in s. 81(c) substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8, Pt. I para. 11(b)(i)**; S.I. 1992/831, art.2, **Sch. 3**
- F22** Words in s. 81(c) omitted (1.4.1993) by virtue of Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 11(b)(ii)**; S.I. 1992/831, art. 2, **Sch. 3**

**82 Powers of local education authorities as to educational research.**

A local education authority may, . . . <sup>F23</sup> make such provision for conducting or assisting the conduct of research as appears to the authority to be desirable for the purpose of improving the educational facilities provided for their area.

**Textual Amendments**

- F23** Words repealed by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), **Sch. 7**

**83 Powers of local education authorities as to educational conferences.**

. . . . . <sup>F24</sup> A local education authority may organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and may expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend any such conference.

**Textual Amendments**

- F24** Words repealed by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), **Sch. 7**

**84** <sup>F25</sup> . . . . .

**Textual Amendments**

- F25** Ss. 60, 61, 84 repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**

**85 Power of local education authorities to accept gifts for educational purposes.**

(1) Subject to the provisions of this section, a local education authority shall have power, and any such authority or any former authority shall be deemed always to have had power, to accept hold and administer any property upon trust for purposes connected with education.

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[<sup>F26</sup>(2) Any intention on the part of a local education authority that a school <sup>F27</sup> . . . (other than a nursery school or a special school) should be vested in the authority as trustees shall be treated for the purposes of subsection (1) of section 12 of the Education Act 1980 as an intention on the part of the authority to maintain the school as a county school; and accordingly proposals for that purpose shall be published and submitted as required by that section, and the other provisions of that section and of sections 14 and 16 of that Act shall apply as in a case where a local education authority intend to maintain a school as a county school.

(3) Any school <sup>F27</sup> . . . which in accordance with subsection (2) above is vested in a local education authority as trustees shall be a county school.]

**Textual Amendments**

**F26** S. 85(2)(3) substituted by Education Act 1980 (c. 20, SIF 41:1), s. 16(4), **Sch. 3 para. 3**

**F27** Words in s. 85(2) and (3) repealed (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1)(2), Sch. 8, Pt. I para. 12, **Sch.9**; S.I. 1992/831, art.2, **Sch. 3**

**86** <sup>F28</sup> .....

**Textual Amendments**

**F28** S. 86 repealed by Education Act 1973 (c. 16), **Sch. 2 Pt. II**

**87** <sup>F29</sup> .....

**Textual Amendments**

**F29** S. 87 repealed by Charities Act 1960 (c. 58), **Sch. 7 Pt. II**

**Status:**

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**Changes to legislation:**

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