

SCHEDULES

FIRST SCHEDULE

Section 3.

MAINTENANCE OF VOLUNTARY SCHOOLS

- 1 The duty of a local education authority to maintain a voluntary school under the principal Act shall include the duty of providing any site which is to be provided for the school in addition to, or instead of, the whole or any part of the existing site of the school, and shall, in the case of a controlled school, include the duty of providing any buildings which are to form part of the school premises :
- Provided that nothing in this paragraph shall require a local education authority :—
- (a) to perform any duties which, under section thirteen of the principal Act (which includes provisions relating to the establishment of new schools and to the procedure by which a school which is not a voluntary school may become such a school) are required to be performed by any persons other than the authority ; or
 - (b) to execute any proposals which are required to be executed under a special agreement made under the Third Schedule to the principal Act.
- 2 Where under subsection (1) of section sixteen of the principal Act the Minister has made an order authorising the transfer to a new site of an aided school or a special agreement school, the duties of the managers or governors of the school shall include the duty of defraying, with the assistance of any grant which may be made in accordance with section one hundred and three of the principal Act, the expenses of providing any school buildings to be provided on the new site, and accordingly—
- (a) the Minister shall not direct that a school shall be an aided school or a special agreement school unless he is satisfied that the managers or governors of the school will be able and willing to defray any such expenses ;
 - (b) the duty of the local education authority to maintain an aided school or a special agreement school shall not include the duty of defraying any such expenses ; and
 - (c) if at any time the managers or governors of an aided school or a special agreement school are unable or unwilling to carry out their obligations under this paragraph, it shall be their duty to apply to the Minister for an order revoking the order or direction by virtue of which the school is an aided school or a special agreement school, and upon such an application being made to him the Minister shall revoke the order or direction.
- 3 If when a local education authority provide a site for an aided school or a special agreement school in accordance with paragraph of this Schedule, any work is required to be done to the site for the purpose of clearing it or making it suitable for building purposes, the authority and the managers or governors of the school may by agreement provide for the making of such payments, or of such other adjustments of their respective rights and liabilities, as will secure that the cost of that work is borne by the local education authority.

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4 If when a local education authority provide a site for an aided school or a special agreement school in accordance with paragraph 1 of this Schedule there are, on the site so provided, any buildings which are of value for the purposes of the school, the authority and the managers or governors of the school may by agreement provide for the making of such payments, or of such other adjustments of their respective rights and liabilities, as appear to be desirable having regard to the duties of the managers or governors with respect to the school buildings.

5 Where it appears to the Minister that provision for any payment or other adjustment ought to have been made under either of the last two preceding paragraphs, but that such provision has not been made, he may by directions provide for the making of such payment or other adjustment as he thinks proper in the circumstances.

6 Where a local education authority provide a site for a school in accordance with the preceding provisions of this Schedule, it shall be the duty of the authority to convey their interest in the site and in any buildings on the site which are to form part of the school premises to the trustees of the school to be held on trust for the purposes of the school.

If any doubt or dispute arises as to the persons to whom a local education authority are required to make a conveyance under this paragraph, the conveyance shall be made to such persons as the Minister thinks proper.

7 Where an interest in any premises which are to be used for the purposes of a controlled school is conveyed in accordance with the last preceding paragraph to any persons who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school, those persons or their successors shall pay to the local education authority so much of that sum as the Minister may determine to be just having regard to the value of the interest so conveyed ; and any sum so paid shall be deemed for the purposes of section fourteen of the School Sites Act, 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) to be a sum applied in the purchase of a site for the school.

In this paragraph the expression " sale " includes the creation or disposition of any kind of interest.

8 Where in accordance with paragraph 6 of this Schedule a local education authority convey premises to be held on trust for the purposes of any voluntary school, and any person thereafter acquires the premises or any part thereof from the trustees, whether compulsorily or otherwise, the Minister may require the trustees or their successors to pay to the authority so much of the compensation or purchase money paid in respect of the acquisition as he thinks just having regard to—

- (a) the value of the premises conveyed by the authority in accordance with the said paragraph 6 ; and
- (b) any sums which have been received by the authority in respect of the premises under the preceding provisions of this Schedule.

In this paragraph the expression " premises " includes any interest in premises.

SECOND SCHEDULE

Section 14.

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

PART I

Section fifty	For the word " child", wherever that word occurs, there shall be substituted the word " pupil ".
Section sixty-eight	At the end of the section there shall be inserted the following words :— “In this section, references to a local education authority shall be construed as including references to any body of persons authorised, in accordance with the First Schedule to this Act, or in accordance with section thirteen of the Education Act, 1946, to exercise functions of such an authority”.
Section seventy-three	After subsection (4), there shall be inserted the following subsection :— “(5) For the purposes of the foregoing provisions of this Part of this Act, a person who is disqualified by an order made under Part IV of the Education (Scotland) Act, 1945, from being the proprietor of an independent school or from being a teacher in any school shall be deemed to be so disqualified by virtue of an order made under this Part of this Act.”
Section eighty-six	In subsection (1), the words " for the pupils in attendance at a voluntary school" shall be omitted.
Section one hundred and thirteen.	For the word " notice " there shall be substituted the words " order, notice or other document. "
Part III of the First Schedule.	At the end of paragraph 3 there shall be inserted the following proviso :— “Provided that where the Minister has under the last preceding paragraph, made an order directing that this Part of this Schedule shall not apply to a local education authority, then, if the order is subsequently revoked, the provisions of this paragraph shall have effect in relation to that authority as if for the reference to the commencement of Part II of

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this Act there were substituted a reference to the date of the revocation of the order”.

In paragraph 5, the words " and shall transmit the scheme to the local education authority for submission to the Minister" shall be omitted.

For paragraph 7 there shall be substituted the following paragraph :—

- “7 (1) A local education authority shall, before making a scheme of divisional administration, consult the council of every county district in the area of the authority, and the council of a borough or urban district which is an excepted district shall, before making any such scheme, consult the council of every other county district in the area of the local education authority, and for the purpose of complying with this sub-paragraph the authority or council making the scheme shall furnish a statement of their proposals, in the form of a draft scheme, to the councils who are to be consulted :
Provided that if in any particular case the Minister is satisfied that compliance with the requirements of this sub-paragraph is unnecessary, the Minister may give directions dispensing with those requirements in that case.
- (2) Where the council of a county district have made a scheme of divisional administration, they shall transmit the scheme to the local education authority for submission to the Minister.
- (3) Before any scheme of divisional administration is submitted by a local education authority to the Minister in accordance with the requirements of paragraph 6 of this Part of this Schedule, the authority or council by whom the scheme was made shall publish

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such notices with, respect thereto as may be prescribed :
Provided that if, in relation to any particular scheme, the Minister is satisfied that the publication of prescribed notices is unnecessary, he may direct that the prescribed notices shall, in relation to that scheme, be deemed to have been published if in lieu of publishing those notices the authority or council publish such other notices as may be specified in the direction ; and where any such direction is given in relation to any scheme the reference in paragraph 10 of this Part of this Schedule to the prescribed notices shall, in relation to that scheme, be construed as a reference to the notices so specified.”

At the beginning of paragraph 8 there shall be inserted the words " Subject as hereinafter provided. "

For paragraph 9 there shall be substituted the following paragraph :—

- “9 (1) If on the application of any local education authority the Minister is satisfied that it is expedient that any functions under this Act relating to further education should be exercised on behalf of the authority either—
- (a) by divisional executives constituted under this Part of this Schedule for the purpose of exercising functions in relation to primary or secondary education ; or
 - (b) by divisional executives specially constituted for the purpose of exercising functions relating to further education ;
- the Minister may direct that provision for that purpose may be made by scheme of divisional administration.

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- (2) If on the application of the council of any borough or urban district which is an excepted district the Minister is, after consultation with the local education authority, satisfied that it is expedient that any functions under this Act relating to further education should be exercised on behalf of the authority by the council acting as a divisional executive, the Minister may direct that provision for that purpose may be made by a scheme of divisional administration.
- (3) In relation to any scheme of divisional administration to be made under this paragraph, the Minister may give directions dispensing with any of the requirements of paragraph 8 of this Part of this Schedule if he is satisfied that, in the case of that scheme, compliance with that requirement is unnecessary having regard to the contents of any other scheme of divisional administration which is for the time being in force.”

In paragraph 10, for the words " two months from " there shall be substituted the words " one month beginning with " ; and after the word " published " there shall be inserted the words " or within such longer period beginning with that date as the Minister may in any particular case determine to be appropriate ".

For paragraph 11, there shall be substituted the following paragraph :—

- “11 (1) A local education authority or the council of a borough or urban district which is an excepted district may, with the consent of the Minister, make schemes of divisional administration for varying, revoking or supplementing any scheme of divisional administration previously made

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by that authority or council, or for replacing any such scheme by a fresh scheme of divisional administration ; and if at any time the Minister is of opinion that an authority or council ought to make a scheme of divisional administration under this paragraph for any purpose, he may direct them to make such a scheme for that purpose.

- (2) Where the Minister has, under this paragraph, given his consent to or directions for the making of any scheme, he may, if he thinks fit, direct that the requirements imposed by paragraph 8 of this Part of this Schedule shall be dispensed with, either wholly or in part, in relation to that scheme.”

PART II

Section thirteen

In subsection (7), for the words from " required only " to the word " refreshment " there shall be substituted the words " which are to form part of the school premises but are not to be school buildings. "

Section fourteen

For the proviso to subsection (1), there shall be substituted—

“Provided that, except by leave of the Minister, no such notice as aforesaid shall be served by the managers or governors of any voluntary school in respect of the premises of which expenditure has been incurred otherwise than in connection with repairs by the Minister or by any local education authority or former authority. If the Minister grants such leave, he may impose such requirements as he thinks just—

- (a) in regard to the repayment of the whole or any part of the amount of the expenditure so incurred by the Minister ;
- (b) where the Minister is satisfied that the local

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Section fifteen

- education authority will require, for any purpose connected with education, any premises which are for the time being used for the purposes of the school in regard to the conveyance of those premises to the authority ;
- (c) in regard to the payment by the local education authority of such part of the value of any premises so conveyed as is just having regard to the extent to which those premises were provided otherwise than at the expense of the authority or a former authority ;
- (d) where any premises for the time being used for the purposes of the school are not to be so conveyed, in regard to the payment to the authority by the managers or governors of the school of such part of the value of those premises as is just having regard to the extent to which they were provided at the expense of the authority or a former authority.”

In subsection (3), in paragraph (a) thereof, for the words " for the purposes of establishing or carrying on the school " there shall be substituted the words " in connection with the provision of premises or equipment for the purposes of the school, " and for the words " school premises " where those words secondly occur, there shall be substituted the words " school buildings ".

In subsection (3) for paragraph (b) thereof there shall be substituted the following paragraph—

- “(b) the managers or governors of the school shall not be responsible for repairs to the interior of the school buildings, or for repairs to those buildings necessary in consequence of the use

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	<p>of the school premises, in pursuance of any direction or requirement of the authority, for purposes other than those of the school.”</p>
<p>Subsection (6) shall be omitted.</p>	
<p>Section thirty-four</p>	<p>At the end of subsection (4) there shall be inserted the words " unless the parent makes suitable arrangements for the provision of such treatment for the child otherwise than by the authority ".</p> <p>In subsection (6), for the words " cease to provide " there shall be substituted the words " if they are providing " ; and after the word " issued," where that word secondly occurs, there shall be inserted the words " shall cease to provide such treatment for the child ".</p>
<p>Section one hundred and two.</p>	<p>After the word " alterations," where that word first occurs, there shall be inserted the words " and repairs " ; and the words " and repairs to the school premises " shall be omitted.</p>
<p>Section one hundred and six.</p>	<p>In subsection (1), the words " in any school maintained by the authority" shall be omitted.</p> <p>In subsection (5), for the words " education provided" there shall be substituted the words " functions performed " ; and for the words " the education is provided" there shall be substituted the words " the functions are performed " .</p>
	<p>After subsection (5) there shall be inserted the following subsection :—</p> <p>“(6) In determining for the purposes of this section the cost to a local education authority of providing for the education of any child or young person, account shall be taken of any expenses reasonably incurred by the authority in providing for the child or young person any benefits or services for which provision is made by or under the enactments relating to education”.</p>
<p>Section one hundred and fourteen.</p>	<p>In subsection (1), in the definition of " alterations ", for the words " or enlargements " there shall be substituted the words " enlargements or additions ".</p>

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Part III of the First Schedule.

For the proviso to paragraph 2, there shall be substituted the following proviso :—

“Provided that the Minister may by order direct that this Part of this Schedule shall not apply to any local education authority specified in the order ; but where any such order is made the provisions of this Schedule relating to excepted districts shall have effect in relation to any borough or urban district within the area of the authority to which the order relates as if the authority were an authority required by this Part of this Schedule to make schemes of divisional administration.”