



Education (Miscellaneous Provisions) Act 1953

1953 CHAPTER 33

- 7 Recoupment to local education authority of cost of providing further education for persons not belonging to their area**
- (1) Where any provision for further education is made by a local education authority in respect of a pupil who belongs to the area of another such authority, and that other authority have consented to the making of the provision, the providing authority shall, upon making a claim in that behalf within the prescribed period, be entitled to recoupment from the other authority of the prescribed fraction, or (if it is so prescribed) the whole, of the amount of the cost to the providing authority of the provision, the amount being determined by agreement between the authorities or, in default of agreement, by the Minister.
 - (2) Where any provision for further education is made by a local education authority in respect of a pupil who does not belong to the area of any such authority, the providing authority shall, upon making a claim in that behalf within the prescribed period, be entitled to recoupment of the prescribed fraction, or (if it is so prescribed) the whole, of the amount aforesaid, in accordance with regulations to be made by the Minister for securing that the cost of such provision in such cases is apportioned amongst all local education authorities, the amount in that case being determined in accordance with the regulations.
 - (3) A local education authority may make a payment by way of recoupment to another such authority of the cost incurred by the other authority in making any provision for further education in respect of a pupil belonging to the area of the paying authority notwithstanding that the paying authority are not under a legal obligation to make the payment.
 - (4) Subsection (2) of section six of the Education (Miscellaneous Provisions) Act, 1948 (which lays down a rule for determining, for the purposes of the enactments relating to education, whether a pupil shall be treated as belonging to the area of a particular local education authority or as not belonging to the area of any such authority) and subsection (3) of that section (which contains exceptions from the rule) shall not apply for the purposes of this section ; but for the purposes of this section a pupil shall

Status: This is the original version (as it was originally enacted).

be treated as belonging to the area of a particular local education authority or as not belonging to the area of any such authority in accordance with the following rule, namely:—

- (a) if the pupil is ordinarily resident within the area of a local education authority, he shall be treated as belonging to the area of that authority; and
- (b) if the pupil is not so resident, he shall be treated as not , belonging to the area of any local education authority ;

but that rule shall be subject to the exception that, in such cases as may be prescribed, a pupil shall be treated for the purposes of this section in accordance with the regulations either as belonging to the area of a prescribed local education authority or as not belonging to the area of any such authority.

- (5) Any question whether a pupil ought to be treated as belonging to the area of any particular local education authority, or as not belonging to the area of any such authority, shall, in case of dispute, be determined by the Minister.
- (6) References in this section to provision for education include references to the provision of any benefits or services for which provision is made by or under the enactments relating to education.
- (7) This section shall have effect as respects provision for further education only in so far as the cost of the provision is attributable to any period after the passing of this Act and, So far as relating to voluntary payments, shall so have effect in substitution for subsection (5) of section six of the Education (Miscellaneous Provisions) Act, 1948, so far as that subsection relates to further education.