



Education Act 1944 (repealed 1.11.1996)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

Employment of Children and Young Persons

58 Adaptation of enactments relating to the employment of children or young persons.

For the purposes of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of this Act over compulsory school age shall be deemed to be a child within the meaning of that enactment.

[^{F1}59 Power of local education authorities to prohibit or restrict employment of children.

- (1) If it appears to a local education authority that any child who is a registered pupil at a county school, voluntary school, or special school, is being employed in such manner as to be prejudicial to his health or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority may, by notice in writing served upon the employer, prohibit him from employing the child, or impose such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child.
- (2) A local education authority may, by notice in writing served upon the parent or employer of any child who is a registered pupil at a county school, voluntary school, or special school, require the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the

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child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.

- (3) Any person who employs a child in contravention of any prohibition or restriction imposed under subsection (1) of this section, or who fails to comply with the requirements of a notice served under subsection (2) of this section, shall be guilty of an offence against this section and liable on summary conviction, in the case of a first offence to a fine not exceeding [F2]level 1 on the standard scale], in the case of a second offence to a fine not exceeding [F2]level 1 on the standard scale], and in the case of a third or subsequent offence to a fine not exceeding [F2]level 1 on the standard scale] or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.
- (4) Subsection (1) and subsection (3) of section twenty-eight of the ^{M1}Children and Young Persons Act 1933 (which relate to powers of entry for the enforcement of the provisions of Part II of that Act with respect to the employment of children) shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of the said Part II.]

Textual Amendments

- F1 S. 59 repealed (*prosp.*) by [Employment of Children Act 1973 \(c. 24\), s. 3, Sch. 2](#)
- F2 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](#)

Modifications etc. (not altering text)

- C1 S. 59 extended (1.9.1994) by S.I. 1994/2103, reg. 2, [Sch. 1 Pt. I para.1](#).
- C2 [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 35](#) (in relation to liability on first and subsequent convictions) applies

Marginal Citations

- M1 1933 c. 12.

60, 61. ^{F3}

Textual Amendments

- F3 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](#)

62 †Duties of Minister and of local education authorities as to the training of teachers.

- (1) In execution of the duties imposed on him by this Act, the [F4]Secretary of State for Education and Science] shall, in particular, make such arrangement as he considers expedient for securing that there shall be available sufficient facilities for the training of teachers for [F5]service in schools maintained by local education authorities, grant-maintained schools [F6]institutions within the further education sector] and institutions which are maintained by such authorities and provide higher education or further education (or both)].

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(2) F7

Textual Amendments

- F4 Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F5 Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 56(2)**
- F6 Words in S. 62(1) inserted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 7**; S.I. 1992/831, art. 2, **Sch. 3**
- F7 S. 62(2) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 12 para. 56(3), **Sch. 13 Pt. II**

Modifications etc. (not altering text)

- C3 Unreliable marginal note.
- C4 S. 62(1) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt.I**.
- C5 S. 62(1) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt.I**.

63 Exemption from building byelaws of buildings approved by the Minister.

(1) F8

(2) Where plans for [^{F9}or particulars in respect of] any building required for the purposes of any school or other educational establishment are approved by the [^{F10}Secretary of State for Education and Science], he may by order direct that any provision of any local Act or of any byelaw made under such an Act shall not apply in relation to the building or shall apply in relation thereto with such modifications as may be specified in the order.

Textual Amendments

- F8 S. 63(1) repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**
- F9 Words in s. 63(2) inserted (1.4.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para.18**; S.I. 1994/507, art. 4(1), **Sch.2**.
- F10 Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**

Modifications etc. (not altering text)

- C6 S. 63(2) amended by Education Act 1980 (c. 20, SIF 41:1), **s. 14(4)**
- C7 S. 63(2) amended by Education Reform Act 1988 (c. 40, SIF 41:1), **s. 90(4)**
- C8 S. 63(2) amended by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 218(8)**, 231(7), 235(6)
S. 63(2) amended (1.4.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para.19**; S.I. 1994/507, art. 4(1), **Sch.2**

64 F11

Textual Amendments

- F11 S. 64 repealed by Rating and Valuation Act 1961 (c. 45), **Sch. 5 Pt. I**

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65 Endowments for maintenance of voluntary schools.

Where any sums which accrue after the date of the commencement of this Part of this Act in respect of the income of any endowment are required by virtue of the provisions of any trust deed to be applied towards the maintenance of a school which a local education authority are required to maintain as a voluntary school, the said sums shall not be payable to the local education authority, but shall be applied by the . . . ^{F12} governors of the school towards the discharge of their obligations, if any, with respect to the maintenance of the school, or in such other manner, if any, as may be determined by a scheme for the administration of the endowment made after the date of the commencement of this Part of this Act.

Textual Amendments
F12 Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 1](#)

66 ^{F13}

Textual Amendments
F13 [S. 66](#) repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 38(6), [Sch. 7](#)

67 Determination of disputes and questions.

(1) Save as otherwise expressly provided by this Act, any dispute between a local education authority and the . . . ^{F14} governors of any school with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the . . . ^{F14} governors, be referred to the [^{F15}Secretary of State for Education and Science]; and any such dispute so referred shall be determined by him.

(2) Any dispute between two or more local education authorities as to which of them is responsible for the provision of education for any pupil . . . ^{F16} shall be determined by the [^{F15}Secretary of State for Education and Science.]

(3) Where any trust deed relating to a voluntary [^{F17}or grant-maintained] school makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious [^{F18}education] given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

[^{F19}(4) If in the case of a county [^{F20}voluntary or grant-maintained] school a question arises whether a change in the character of the school or enlargement of the school premises would be a significant change or enlargement, that question shall be determined by the Secretary of State.]

^{F21}(4A)

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Textual Amendments

- F14** Words repealed by [Education Act 1980](#) (c. 20, SIF 41:1), s. 1(3), **Sch. 1 para. 1**
- F15** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F16** Words repealed by [Education \(No.2\) Act 1986](#) (c. 61, SIF 41:1), **s. 67(6) Sch. 6 Pt. I**
- F17** Words inserted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 4(2)**
- F18** Word substituted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 9, 231(7), 235(6), **Sch. 1 para. 4(c)**
- F19** S. 67(4) substituted by [Education Act 1968](#) (c. 17), **Sch. 1 para. 3**
- F20** Words substituted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 234(1), 235(6), **Sch. 12 para. 4(3)**
- F21** S. 67(4A) repealed (1.4.1993) by [Further and Higher Education Act 1992](#) (c. 13), s. 93(1)(2), Sch. 8 para. 8, **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**

Modifications etc. (not altering text)

- C9** S. 67(1) extended by [Education \(No. 2\) Act 1968](#) (c. 37), **s. 3(3)**
- C10** S. 67(1) modified by [Education \(No. 2\) Act 1986](#) (c. 61, SIF 41:1), s. 12(10), **Sch. 2 para. 29(a)**
- C11** S. 67(1) extended by [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 219(1)**, 231(7), 235(6)
- C12** S. 67(4) applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt.I**.
- C13** S. 67(4) applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt.I**.

68 †Power of Minister to prevent unreasonable exercise of functions.

If the [^{F22}Secretary of State for Education and Science] is satisfied, either on complaint by any person or otherwise, that any local education authority or the . . . ^{F23}governors of any county or voluntary school have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, he may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the . . . ^{F23}governors, give such directions as to the exercise of the power or the performance of the duty as appear to him to be expedient.

[^{F24}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, . . . ^{F25}, to exercise functions of such an authority.]

Textual Amendments

- F22** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F23** Words repealed by [Education Act 1980](#) (c. 20, SIF 41:1), s. 1(3), **Sch. 1 para. 1**
- F24** Words inserted by [Education Act 1946](#) (c. 50), **Sch. 2 Pt. I**
- F25** Words repealed by [Local Government Act 1972](#) (c. 70), **Sch. 30**

Modifications etc. (not altering text)

- C14** Unreliable marginal note.
- C15** S. 68 extended by [Education \(No. 2\) Act 1968](#) (c. 37), **s. 3(3)**, [Sex Discrimination Act 1975](#) (c. 65), **s. 25(2)** and [Race Relations Act 1976](#) (c. 74), **s. 19(2)**
- C16** S. 68 modified by [Education \(No.2\) Act 1986](#) (c.61, SIF 41:1), s. 12(10), **Sch. 2 para. 29(b)**
- C17** S. 68 restricted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 23(2)**, 231(7), 235(6)
S. 68 restricted (1.9.1994) by 1993 c. 35, s. 298, **Sch. 18 para. 6(4)**; S.I. 1994/2038, art. 3, **Sch.2**.

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- C18** S. 68 extended by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 219(2)**, 231(7), 235(6)
- C19** S. 68 extended (22.8.1991) by School Teacher's Pay and Conditions Act 1991 (c. 49, SIF 41:1), **s. 5(5)**; S.I. 1991/1874, **art. 2**
- C20** S. 68 extended
- C21** S. 68 extended (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 9**; S.I. 1992/831, art. 2, **Sch. 1**
- C22** s. 68 applied (1.4.1994) by 1993 c. 35, **s. 9(4)**; S.I. 1994/507, **art. 3(1)**.
- C23** S. 68 applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt.I**.
- C24** S. 68 applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt.I**.

69 †Powers of Minister as to medical examinations and inspections.

- (1) ^{F26}
- (2) Where any question is referred to the [^{F27}Secretary of State for Education and Science] under this Part of this Act, then, if in the opinion of the [^{F27}Secretary of State for Education and Science] the examination of any pupil by a duly qualified medical practitioner appointed for the purpose by him would assist the determination of the question referred to him, the [^{F27}Secretary of State for Education and Science] may by notice in writing served on the parent of that pupil . . . ^{F28} require the parent to submit him . . . ^{F28} for examination by such a practitioner; and if any person on whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding [^{F29}level 1 on the standard scale].

Textual Amendments

- F26** Ss. 69(1), 78(1), 79 repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**
- F27** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F28** Words repealed by Education Reform Act 1988 (c. 40, SIF 41), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F29** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**

Modifications etc. (not altering text)

- C25** Unreliable marginal note.

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