



Education Act 1944 (repealed 1.11.1996)

1944 CHAPTER 31 7 and 8 Geo 6

PART V

SUPPLEMENTAL

108—^{F1}
110.

Textual Amendments

F1 Ss. 106, 108—110, 114(4) and Sch. 7 repealed by Statute Law (Repeals) Act 1975 (c. 10), Sch. Pt. IV

111 Revocation and variation of orders and directions.

Any order made or directions given by the [^{F2}Secretary of State for Education and Science], the [^{F3}Secretary of State for Social Services], or a local education authority under the provisions of this Act may be varied or revoked by a further order or further directions made or given by the [^{F2}Secretary of State for Education and Science], the [^{F3}Secretary of State for Social Services], or that authority, as the case may be:
Provided that where the power to make or give any such order or directions is exercisable only upon the application or with the consent of any person or body of persons, or after consultation with any person or body of persons, or otherwise subject to any conditions, no order or directions made or given thereunder shall be varied or revoked except upon the like application, with the like consent, after the like consultation, or subject to the like conditions, as the case may be.

Textual Amendments

F2 Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

F3 Words substituted by virtue of S.I. 1968/1699, art. 5(4)(a)

Status: Point in time view as at 01/04/1994.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), Part V. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 111 extended (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 89\(5\)](#); S.I. 1992/831, art.2, [Sch. 1](#)
- S. 111 extended (1.10.1993) by [1993 c. 35, s. 260\(8\)](#); S.I. 1993/1975, art. 9, [Sch.1](#)
- C2** S. 111 applied (27.7.1993) by [1993 c. 35, s. 301\(7\)](#)

[^{F4}111A Regulations: different provision for Wales.

- (1) Regulations under this Act may make in relation to Wales provision different from that made in relation to England.
- (2) Subsection (1) above is without prejudice to any express or implied power to make different provision for different cases or circumstances.]

Subordinate Legislation Made

- P1** S. 111A: s. 100(1) (with ss. 100(3) and 111A) power exercised by [S.I.1991/1975](#)
For previous exercises of power see Index to Government Orders

Textual Amendments

- F4** S. 111A inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 229\(1\), 231\(7\), 235\(6\)](#)

112 Regulations to be laid before Parliament.

All regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

113 Notices.

Any [^{F5}order, notice or other document] required or authorised by this Act to be served upon any person may be served by delivering it to that person, or by leaving it at his usual or last known place of residence, or by sending it in a pre-paid letter addressed to him at that place.

Textual Amendments

- F5** Words substituted by [Education Act 1946 \(c. 50\), Sch. 2 Pt. I](#)

114 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Status: Point in time view as at 01/04/1994.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), Part V. (See end of Document for details)

“Agreed syllabus” means, subject to the provisions of subsection (4) of this section, an agreed syllabus of religious [F⁶education] prepared in accordance with the provisions of the Fifth Schedule to this Act and adopted or deemed to be adopted thereunder;

[F⁷ “alterations”, in relation to any school premises, includes improvements, extensions and additions, but does not include any significant enlargement of the school premises;]

“Assist”, in relation to any school . . . F⁸ or institution, has the meaning assigned to it by [F⁹ subsections (2) and (2A)] of this section;

“Child” means a person who is not over compulsory school age;

“Clothing” includes boots and other footwear;

“Compulsory school age” has F¹⁰ . . ., the meaning assigned to it by section thirty-five of this Act;

“County” means [F¹¹a county within the meaning of the M¹Local Government Act 1972];

[F¹² “enlargement”, in relation to any school premises, includes any modification of the existing premises which has the effect of increasing the number of pupils for whom accommodation can be provided, and “enlarge” shall be construed accordingly;]

“Former authority” means any authority which was a local education authority within the meaning of any enactment repealed by this Act or any previous Act;

[F¹³ “foundation governors” means, in relation to any voluntary school, governors appointed] otherwise than by a local education authority or a minor authority for the purpose of securing, so far as is practicable, that the character of the school as a voluntary school is preserved and developed, and, in particular, that the school is conducted in accordance with the provisions of any trust deed relating thereto; and, unless the context otherwise requires, references in this Act to . . . F¹⁴ “governors” shall, in relation to any function thereby conferred or imposed exclusively on . . . F¹⁴ foundation governors, be construed as references to such . . . F¹⁴ governors;

“Further education” has the meaning assigned to it by section forty-one of this Act [F¹⁵as read with section 14 of the Further and Higher Education Act 1992];

[F¹⁶ “Higher education” has the meaning assigned to it by section 120(1) of the Education Reform Act 1988;]

“Independent school” means any school at which full-time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided for pupils under or over that age), not being a school maintained by a local education authority [F¹⁷a grant-maintained school] or [F¹⁸a special school not maintained by a local education authority];

“Junior pupil” means a child who has not attained the age of twelve years;

“Local education authority” means, in relation to any area for which a joint education board is constituted as the local education authority under the provisions of Part I of the First Schedule to this Act, the board so constituted, and, save as aforesaid, means, [F¹⁹in relation to a non-metropolitan county, the council of the county, and in relation to a metropolitan district, the council of the district];

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“Local government elector” has the meaning assigned to it by [F21 section 270(1) of the M2 Local Government Act 1972]; and in relation to the area of any joint education board constituted under Part I of the First Schedule to this Act a local government elector for the area of any council by whom members are appointed to the board shall be deemed to be a local government elector for the area of the authority;

“Maintain” in relation to any school . . . F22 has the meaning assigned to it by subsection (2) of this section;

“Maintenance contribution”, in relation to any voluntary school, means a contribution payable under section one hundred and two of this Act;

..... F23

“Medical officer” means, in relation to any local education authority, a duly qualified medical practitioner employed or engaged, whether regularly or for the purposes of any particular case, by that authority [F24 or whose services are made available to that authority by the Secretary of State];

..... F23

[F25 “Minor authority” means, in relation to a school maintained by a local education authority,—

- (a) where the area which appears to the local education authority to be served by the school is a parish or community, the parish or community council or, in the case of a parish which has no council, the parish meeting;
- (b) where the said area is a community having no community council or is an area in England which is not within a parish and is not situated in a metropolitan county, the council of the district for the area concerned;
- (c) where the said area comprises two or more of the following, a parish, a community or an area in England which is not within a parish and is not situated in a metropolitan county—
 - (i) the parish or community council or councils, if any;
 - (ii) in the case of a parish which has no council, the parish meeting;
 - (iii) in the case of an area which is a community having no community council or which is in England and is not within a parish, the council of the district concerned;

acting jointly;]

F26 . . .

F27 . . .

F28 . . .

“Premises”, in relation to any school, includes any detached playing fields, but, except where otherwise expressly provided, does not include a teacher’s dwelling-house;

“Prescribed”, means prescribed by regulations made by the [F29 Secretary of State for Education and Science];

“Primary education” has the meaning assigned to it by section eight of this Act;

[“Primary school” means, subject to regulations under section 1 of the Education Act 1964, a school for providing primary education, whether or not it also provides [F30 part-time education suitable to the requirements of junior pupils or] further education]

Status: Point in time view as at 01/04/1994.

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“Proprietor”, in relation to any school, means the person or body of persons responsible for the management of the school, and for the purposes of the provisions of this Act relating to applications for the registration of independent schools, includes any person or body of persons proposing to be so responsible;

“Provisionally registered school” means an independent school registered in the register of independent schools, whereof the registration is provisional only;

[“Pupil” has the meaning assigned to it by section 14(6) of the Further and Higher Education Act 1992]

“Registered pupil” means, in relation to any school, a ^{F31}person registered as a pupil in the register kept in accordance with the requirements of this Act . . . ^{F32}

“Registered school” means an independent school registered in the register of independent schools, whereof the registration is final;

[“School” has the meaning assigned to it by section 14(5) of the Further and Higher Education Act 1992]

“Secondary education” has the meaning assigned to it by section ^{F33}14 of the Further and Higher Education Act 1992];

[“Secondary school” means, subject to regulations under section 1 of the Education Act 1964, a school for providing secondary education, whether or not it also provides ^{F34}. . . further education]

“Senior pupil” means a person who has attained the age of twelve years but has not attained the age of nineteen years;

^{F35} “Significant”, in relation to a change in the character of a school or an enlargement of school premises, implies that there is a substantial change in the function or size of the school;]

“Special agreement” means an agreement made under the provisions of the Third Schedule to this Act;

^{F36} “Special educational needs” and “Special educational provision” have the meanings given to them by section ^{F37}156 of the Education Act 1993;]

“Trust deed”, in relation to any voluntary school, includes any instrument (not being an . . . ^{F38} instrument of government, . . . ^{F38} or articles of government, made under this Act) regulating the maintenance management or conduct of the school or the constitution of the body of . . . ^{F38} governors thereof;

“Young person” means a person over compulsory school age who has not attained the age of eighteen years.

(1A) ^{F39}

(1B) ^{F39}

(1C) ^{F39}

^{F40}(1D) In this Act, unless the context otherwise requires, ‘parent’, in relation to a child or young person, includes any person-

- (a) who is not a parent of his but who has parental responsibility for him, or
- (b) who has care of him,

except for the purposes of the enactments mentioned in subsection (1E) of this section, where it only includes such a person if he is an individual.

Status: Point in time view as at 01/04/1994.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), Part V. (See end of Document for details)

(1E) The enactments are—

(a) sections 5(4), 15(2) and (6), 31 and 65(1) of, and paragraph 7(6) of Schedule 2 to, the Education (No. 2) Act 1986; and

^{F41}(b) [sections 25 to 27, 29, 37, 60, 63 and 65 of the Education Act 1993, paragraph 9 of Schedule 6 to that Act and Schedule 7 to that Act]

(1F) For the purposes of subsection (1D) of this section—

(a) “parental responsibility” has the same meaning as in the Children Act 1989; and

(b) in determining whether an individual has care of a child or young person any absence of the child or young person at a hospital or boarding school and any other temporary absence shall be disregarded.]

(2) [^{F42}Subject to subsection (2A) of this section] for the purposes of this Act:—

(a) the duty of a local education authority to maintain a school . . . ^{F43} shall include the duty of defraying all the expenses of maintaining the school . . . ^{F43} except, in the case of an aided school or a special agreement school, any expenses that by virtue of any provision of this Act or of any special agreement made thereunder are payable by the . . . ^{F44} governors of the school, and the expression “maintain” shall be construed accordingly; and

(b) where a local education authority make to the proprietor of any school which is not maintained by the authority, or to the persons responsible for the maintenance of any [^{F45}institution other than a school], any grant in respect of the school . . . ^{F46} or institution or any payment in consideration of the provision of educational facilities thereat, the school . . . ^{F46} or institution shall be deemed to be assisted by the authority.

^{F47}(2A) Neither a university nor any institution [^{F48}within the further education sector or] within the [^{F49}higher education sector other than a university] shall be deemed under subsection (2)(b) of this section to be assisted by a local education authority by virtue of the making by that authority to the persons responsible for the maintenance of that university or institution of any such grant or payment as is there mentioned.]

(3) ^{F50}

(4) ^{F51}

(5) ^{F52}

(6) ^{F53}

(7) Where at any time before the date of the commencement of Part II of this Act the premises of any school which was for the time being a public elementary school within the meaning of the enactments repealed by this Act have ceased by reason of war damage, or by reason of any action taken in contemplation or in consequence of war, to be used for the purposes of a school, then, for the purposes of this Act, the school, unless it has been closed in accordance with those enactments, shall be deemed to have been a public elementary school within the meaning of those enactments immediately before that date and, if it was maintained by a former authority immediately before the premises ceased to be used for the purposes of a school, to have been maintained by such an authority immediately before that date.

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- (8) In this Act, unless the context otherwise requires, references to any enactment or any provision of any enactment shall be construed as references to that enactment or provision as amended by any subsequent enactment, including this Act.

Textual Amendments

- F6** Word substituted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 1, 231(7), 235(6), **Sch. 1 para. 6**
- F7** Definition substituted by [Education Act 1968](#) (c. 17), **Sch. 1 para. 5(a)**
- F8** Word repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 234(4), 235(7), 237(2), **Sch. 13 Pt. II**
- F9** Words substituted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 231(7)**, 234(4)(b), 235(6)
- F10** Words repealed by [Education \(School-leaving Dates\) Act 1976](#) (c. 5), **Sch.**
- F11** Words substituted by virtue of [Interpretation Act 1889](#) (c. 63), **s. 38(1)** and [Local Government Act 1972](#) (c. 70), **s. 179(2)**
- F12** Definition inserted by [Education Act 1968](#) (c. 17), **Sch. 1 para. 5(b)**
- F13** Words substituted by [Education Act 1980](#) (c.20, SIF 41:1), s. 1(3), **Sch. 1 para. 13(a)**
- F14** Words repealed by [Education Act 1980](#) (c.20, SIF 41:1), s. 1(3), **Sch. 1 para. 13(a)**
- F15** Words in the definition of "further education" in s. 114(1) added (6.5.1992) by [Further and Higher Education Act 1992](#) (c. 13), s. 93(1), **Sch. 8 para. 13(2)(a)**; S.I. 1992/831, art. 2, **Sch. 1**
- F16** Definition inserted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 120(9)(a)(i)**, 231(7), 235(6)
- F17** Words inserted by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 7(2)**
- F18** Words substituted by virtue of [Education Act 1980](#) (c. 20, SIF 41:1), **s. 34(1)**
- F19** Words substituted by S.I. 1977/293, **art. 4(1)**
- F20** Definition repealed by [Education Act 1980](#) (c. 20, SIF 41:1), s. 38(6), **Sch. 7**
- F21** Words substituted by virtue of [Interpretation Act 1889](#) (c. 63), **s. 38(1)**
- F22** Words repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F23** Definitions repealed by [National Health Service Reorganisation Act 1973](#) (c. 32), **Sch. 5**
- F24** Words inserted by [National Health Service Reorganisation Act 1973](#) (c. 32), **Sch. 4 para. 8**
- F25** Definition substituted by [Local Government Act 1972](#) (c. 70), **s. 192(4)**
- F26** Definition repealed (14.10.1991) by [Children Act 1989](#) (c. 41, SIF 20), s. 108(6)(7), Sch. 14 paras. 1(1), 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F27** Definition of "part-time senior education" in s. 114(1) repealed (1.4.1993) by [Further and Higher Education Act 1992](#) (c. 13), s. 93(1), Sch. 8 para. 13(2)(b), **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**
- F28** Definition of "post-school age education" in s. 114(1) repealed (1.4.1993) by [Further and Higher Education Act 1992](#) (c. 13), s. 93(1)(2), Sch. 8 para. 13(2)(b), **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**
- F29** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F30** Words in the definition of "primary school" in s. 114(1) inserted (1.4.1994) by 1993 c. 35, **s. 304(2)**; S.I. 1994/507, art. 4(1), **Sch.2**.
- F31** Words in the definition of "registered pupil" substituted (1.10.1993) by 1993 c. 35, s. 307(1), **Sch. 19 para. 24(a)(ii)**; S.I. 1993/1975, art. 9, **Sch. 1**
- F32** Words repealed by [Education \(Miscellaneous Provisions\) Act 1948](#) (c. 40), **Sch. 2**
- F33** Words in the definition of "secondary school" in s. 114(1)(f) substituted (1.4.1993) by [Further and Higher Education Act 1992](#) (c. 13), S. 93(1), **Sch. 8 para. 13(2)(f)**; S.I. 1992/831, art. 2, **Sch. 3**
- F34** Words in the definition of "secondary school" repealed (1.10.1993) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 24(a)(iii), **Sch. 21 Pt. II**; S.I. 1993/1975, art. 9, **Sch. 1**
- F35** Definition inserted by [Education Act 1968](#) (c. 17), **Sch. 1 para. 5(c)**
- F36** Definition substituted by [Education Act 1981](#) (c. 60, SIF 41:1), **Sch. 3 para. 6**
- F37** Words in the definition of "special educational needs" and "special educational provision" substituted (1.1.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 24(a)(iv)**; S.I. 1993/3106, art. 4, **Sch. 1**

Status: Point in time view as at 01/04/1994.

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- F38** Words repealed by Education Act 1980 (c. 20, SIF 41:1), **Sch. 1 para. 13(b)**
- F39** S. 114(1A)(1B) and (1C) repealed (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1)(2), Sch. 8 para. 13(3), **Sch. 9**, S.I. 1992/831, art. 2, Sch. 3
- F40** S. 114(1D)(1E)(1F) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 10, **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**
- F41** S. 114(1E)(b) substituted (1.1.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 24(b)**; S.I. 1993/3106, art. 4, **Sch. 1**
- F42** Words inserted by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 231(7), 234(2)(a), 235(6)**
- F43** Words repealed by Education Reform Act 1988 (c. 40, SIF 41), **ss. 231(7), 235(6), 237(2), Sch. 13 Pt. II**
- F44** Words repealed by Education Act 1980 (c. 20, SIF 41:1), s. 1(3), **Sch. 1 para. 1**
- F45** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 231(7), 234(3)(a), 235(6)**
- F46** Word repealed by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 231(7), 234(3)(b), 235(6), 237(2), Sch. 13 Pt. II**
- F47** S. 114(2A) inserted by Education Reform Act 1988 (c. 40, SIF 41:1), **s. 234(2)(b)** (with **ss. 231(7), 235(7)**) (which s. 234(2)(b) was repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 57(b), **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**)
- F48** Words in s. 114(2A) inserted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 13(4)(b)**; S.I. 1992/831, art. 2, **Sch. 3**
- F49** Words in s. 114(2A) substituted (1.4.1993) by virtue of Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 13(4)(a)**; S.I. 1992/831, art. 2, **Sch. 3**
- F50** S. 114(3) repealed by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), **Sch. 7**
- F51** Ss. 106, 108—110, 114(4) and Sch. 7 repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. IV**
- F52** S. 114(5) repealed by Education Act 1946 (c. 50), **s. 8(4)**
- F53** S. 114(6) repealed by Education (School-leaving Dates) Act 1976 (c. 5), **Sch.**

Modifications etc. (not altering text)

- C3** Definitions of “local education authority”, “minor authority” amended by London Government Act 1963 (c. 33), **ss. 30(1), 31(10)**
- C4** S. 114(2)(a) explained by Rating and Valuation Act 1961 (c. 45), **s. 12(6)**

Marginal Citations

- M1** 1972 c. 70.
M2 1972 c. 70.

115 Saving as to persons in the service of the Crown.

No power or duty conferred or imposed by this Act on the [^{F54}Secretary of State for Education and Science], on local education authorities, or on parents, shall be construed as relating to any person who is employed by or under the Crown in any service or capacity with respect to which the [^{F54}Secretary of State for Education and Science] certifies that, by reason of the arrangements made for the education of children and young persons employed therein, the exercise and performance of those powers and duties with respect to such children and young persons is unnecessary.

Textual Amendments

- F54** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**

Status: Point in time view as at 01/04/1994.

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116 Saving as to persons of unsound mind and persons detained by order of a court.

No power or duty conferred or imposed by this Act [^{F55}or by or under the Education Act 1993]on the [^{F56}Secretary of State for Education and Science], on local education authorities, or on parents, shall be construed as relating . . . ^{F57} to any person who is detained in pursuance of an order made by any court [^{F58}or of an order of recall made by the Prison Commissioners, but a local education authority shall have power to make arrangements for a person who is detained in pursuance of an order made by a court, or of such an order of recall, to receive the benefit of educational facilities provided by the authority. Where a child or young person is being educated as a boarder at a school, the fact that he is required to be at the school by virtue of an order made by a court under the [^{F59}M3Children and Young Persons Act 1969] or by virtue of anything done under such an order, or by virtue of a requirement of a probation order or by virtue of anything done under such a requirement, shall not render him a person detained in pursuance of an order made by a court within the meaning of those words in this section.]

Textual Amendments

- F55** Words in s. 116 inserted (1.10.1993) by 1993 c. 35, s. 307(1), **Sch. 19 para. 25**; S.I. 1993/1975, art. 9, **Sch. 1**
- F56** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**
- F57** Words repealed by Education (Handicapped Children) Act 1970 (c. 52), **Sch.**
- F58** Words inserted by Education (Miscellaneous Provisions) Act 1948 (c. 40), **Sch. 1 Pt. I**
- F59** Words inserted by virtue of Interpretation Act 1889 (c. 63), **s. 38(1)**

Marginal Citations

- M3** 1969 c. 54.

117 ^{F60}

Textual Amendments

- F60** S. 117 repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

118 Application to Isles of Scilly.

The Minister shall by order provide for the application of this Act to the Isles of Scilly as if those isles were [^{F61}a separate non-metropolitan county], and any such order may provide for the application of this Act to those isles subject to such modifications as may be specified in the order.

Textual Amendments

- F61** Words substituted by S.I. 1977/293, **art. 4(1)**

119 ^{F62}

Status: Point in time view as at 01/04/1994.

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Textual Amendments

F62 S. 119, Sch. 9 repealed by Education Act 1973 (c. 16), Sch. 2 Pt. I

120 Amendment of enactments.

(1) On and after the date of the commencement of Part II of this Act any enactment passed before that date shall, unless the context otherwise requires, be construed as if:—

- (a) for references therein to an elementary school or to a public elementary school (whether or not any reference is made therein to the payment of parliamentary grants in respect of the school) there were substituted references to a county school or voluntary school as the context may require;
- (b) for references therein to a school certified by the Board of Education, in accordance with the provisions of Part V of the ^{M4}Education Act 1921, as suitable for providing education for blind deaf defective or epileptic children, there were substituted references to a special school;
- (c) for references therein to the managers of a school there were substituted, in relation to a county . . . ^{F63} school or a voluntary . . . ^{F63} school, references to the governors of the school;
- (d) for references therein to elementary education or to higher education there were substituted references to such education as may be provided by a local education authority in the exercise of their functions under Part II of this Act;
- (e) for references therein to a local education authority, to a local education authority for elementary education, or to a local education authority for higher education, there were substituted references to a local education authority within the meaning of this Act.

(2) ^{F64}

(3) The enactments mentioned in the first column of the Eighth Schedule to this Act shall, except in so far as any them extend to Scotland, have effect subject to the amendments specified in the second column of that Schedule :

Provided that Part I of the said Schedule shall come into operation on the date of the commencement of Part II of this Act, and Part II of the said Schedule shall come into operation on the date on which section forty-four of this Act comes into operation.

(4) Where by virtue of this Act any functions cease to be exercisable by the council of a county district under the ^{M5}Children and Young Persons Acts, 1933 ^{M6} and 1938, the following provisions of this Act, that is to say:—

- (a) subsections (3) and (4) of section six; and
- (b) section ninety-seven;

shall have effect as if those functions had been exercisable under the Education Acts, 1921 and 1939; and, in relation to any such functions, the provisions of section ninety-six and of subsection (3) of section ninety-eight of this Act shall have effect as if for the references therein to the Minister of Education there were substituted references to the Secretary of State.

(5) For the purposes of any byelaws under Part II of the ^{M7}Children and Young Persons Act 1933, the expression “child” shall have the same meaning as it has for the purposes of the said Part II; and any byelaws made by the council of a county district under the said Part II which are in force immediately before the date of the commencement of Part

Status: Point in time view as at 01/04/1994.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), Part V. (See end of Document for details)

II of this Act shall, in relation to the area to which they extend, continue in operation on and after that date as if they had been made by the local education authority for the area in which the county district is situated, and may be varied or revoked accordingly.

Textual Amendments

F63 Word repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 14](#)

F64 [S. 120\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. V](#)

Modifications etc. (not altering text)

C5 The text of ss. 120(3), 121, and Sch. 8 Pt. I is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M4 1921 c. 51.

M5 1933 c. 12.

M6 1938 c. 40.

M7 1933 c. 12.

121 Repeal of enactments.

Section eighty-three of the ^{M8}Elementary Education Act, 1870, the Board of Education Act, 1899, and sections one and two of the Education act, 1921, are hereby repealed as from the date declared by His Majesty in Council to be the date on which the first appointment under this Act of a Minister of Education took effect ; the enactments mentioned in the first column of Part I of the Ninth Schedule to this Act are, to the extent mentioned in the third column of that Part, hereby repealed, except in so far as any of them extend to Scotland, as from the date of the commencement of Part II of this Act ; and the enactments mentioned in the first column of Part II of that Schedule are to the extent mentioned in the third column of that Part hereby repealed, except in so far as they extend to Scotland, as from the date on which section forty-four of this Act comes into operation :

Provided that—

- (a) any regulation Order in Council order or other instrument in force under any enactment hereby repealed shall continue in operation and have effect as if made under this Act and may be varied or revoked accordingly ; and
- (b) the provisions of the Education Act, 1921, relating to continuation schools shall, in any area in which sections seventy-six, seventy seven and ninety-three of that Act were in operation immediately before the commencement of Part II of this Act, continue in force until the date on which section forty-four of this Act comes in to operation.

Modifications etc. (not altering text)

C6 The text of ss. 120(3), 121, and Sch. 8 Pt. I is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 01/04/1994.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), Part V. (See end of Document for details)

Marginal Citations

M8 33 & 34 Vict. c. 75.

122 Short title and extent.

- (1) This Act may be cited as the Education Act 1944.
- (2) This Act shall not extend to Scotland or to Northern Ireland.

Status:

Point in time view as at 01/04/1994.

Changes to legislation:

There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), Part V.