

*Status: Point in time view as at 01/04/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996), FIRST SCHEDULE.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

# SCHEDULES

## FIRST SCHEDULE

### LOCAL ADMINISTRATION

#### <sup>F1</sup>PART I

##### Textual Amendments

**F1** Sch. 1 Pt. I repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 26, **Sch. 21 Pt. II**; S.I. 1994/507, art. 4(1), **Sch. 2A** appendix.

1 Where it appears to the Secretary of State for Education and Science that the establishment of a joint board as the local education authority for the areas of two or more councils to whom this Part of this Schedule applies would tend to diminish expense or to increase efficiency or would otherwise be of public advantage, the Secretary of State for Education and Science may by order constitute a joint board (in this Act referred to as a “joint education board”), consisting of members appointed by those councils, and direct that the board shall be the local education authority for the areas of those councils:

Provided that the Secretary of State for Education and Science shall not make such an order except after a local inquiry, unless all the councils for the areas of which the board are to be the local education authority have consented to the making of the order.

2 A joint education board so constituted shall be a body corporate with perpetual succession and a common seal . . .

3 An order constituting a joint education board:—

- (a) may . . . provide for regulating the appointment and term of office of members of the board, for regulating the meetings and proceedings of the board, and for determining the manner in which the expenses of the board are to be defrayed;
- (b) may contain such other provisions (including provision for the transfer of officers, property, and liabilities, and for the adjustment of accounts and apportionment of liabilities) as appear to the Secretary of State for Education and Science to be expedient for enabling the board to exercise their functions;

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- (c) may provide for securing that where in consequence of the establishment of the board as the local education authority for the area of any council any person who was an officer of that council immediately before the date on which the board became the local education authority for the area thereof suffers direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation therefor from the board, and for securing that the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act 1933, and of the Fourth Schedule to that Act shall have effect for the purposes of any claim for such compensation and for the purposes of the determination and payment of the compensation, subject to such modifications and adaptations as appear to the Secretary of State for Education and Science to be necessary; and
- (d) may, with the consent of the council of any county or county borough for the area for which the board is to be the local education authority, provide for the transfer to the board of any functions exercisable by that council under the Children and Young Persons Acts, 1933 and 1938, otherwise than as a local education authority.

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4 An order constituting a joint education board shall be laid before Parliament as soon as may be after it is made.

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5 This Part of this Schedule applies to the council of any county, to the council of any county borough, and to the council of any other borough of which the population was not less than half of the population of the county in which the borough is situated, according to the last census before the passing of this Act.

<sup>F6</sup>**PART II**

**Textual Amendments**

**F6** Sch. 1 Pt. II repealed (1.4.1994) by 1993 c. 35, s. 296, 307(3), **Sch. 21 Pt. II**; S.I. 1994/507, art. 4(1), **Sch. 2**Appendix.

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1 Every local education authority shall, in accordance with arrangements approved by the Secretary of State for Education and Science, establish such education committees as they think it expedient to establish for the efficient discharge of their functions with respect to education.

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3        Where it appears to the Secretary of State for Education and Science to be expedient that two or more local education authorities should combine for the purpose of exercising some but not all of their functions with respect to education and that those authorities should establish a joint committee for that purpose, the Secretary of State for Education and Science may after consultation with the authorities by order establish a joint education committee of those authorities and provide for the reference to the committee of such questions relating to those functions as in the opinion of the Secretary of State for Education and Science should be so referred; and any such order may provide for authorising the joint education committee to exercise any of those functions on behalf of the authorities concerned, and may include such incidental and consequential provisions, including provisions with respect to the appointment and functions of sub-committees, as the Secretary of State for Education and Science thinks desirable.

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4        In the following provisions of this Part of this Schedule the expression “education committee” includes a joint education committee.

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5        Every education committee of a local education authority shall include persons of experience in education and persons acquainted with the educational conditions prevailing in the area for which the committee acts.

.....

5A    (1) The Secretary of State may by directions to local education authorities require every education committee, or education committee of a description specified in the direction, to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors of voluntary schools in the area for which the committee acts.

      (2) The power of the Secretary of State to give directions under sub-paragraph (1) of this paragraph shall be exercisable in relation to sub-committees of education committees as it is exercisable in relation to the committees themselves.

      (3) Arrangements approved under paragraph 1 above, orders made under paragraph 3 above and restrictions imposed under paragraph 10 below shall have effect (whether approved, made or imposed before or after the coming into force of this paragraph or the giving of the direction) subject to the requirements of any direction under this paragraph.

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6        At least a majority of every education committee of a local education authority shall be members of the authority:  
      Provided that in the case of a joint education committee, the provisions of this paragraph shall be deemed to have been complied with if the committee consists, as to more than one half of the members thereof, of persons who are members of any of the authorities for which the committee is established.

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7 Every local education authority shall consider a report from an education committee of the authority before exercising any of their functions with respect to education: Provided that an authority may dispense with such a report if, in their opinion, the matter is urgent . . .

.....  
8 A local education authority may authorise an education committee of the authority to exercise on their behalf any of their functions with respect to education, except the power to borrow money or to raise a rate.

.....  
9 The minutes of proceedings of an education committee of the local education authority shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding 5 p, and any such local government elector may make a copy thereof or an extract therefrom.

.....  
10 Every education committee of a local education authority may, subject to any restrictions imposed by the local education authority or the order of the Secretary of State for Education and Science by which the committee was established:—  
(a) appoint such sub-committees constituted in such manner as the committee may determine; and  
(b) authorise any such sub-committees to exercise any of the functions of the committee on their behalf.

.....  
11 Nothing in this Part of this Schedule shall require the reference to any education committee of a local education authority, or to any sub-committee of such a committee, of any matter which under any enactment for the time being in force is referred to any committee of the authority other than an education committee.

**PART III..... F14**

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**Textual Amendments**  
F14 Sch. 1 Pt. II para. 2, Pt. III repealed by Local Government Act 1972 (c. 70), Sch. 30

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