

*Status: Point in time view as at 14/10/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996).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

## SCHEDULES

### FIRST SCHEDULE

#### LOCAL ADMINISTRATION

##### PART I

##### JOINT EDUCATION BOARDS

- 1 Where it appears to the [<sup>F1</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>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.

##### Textual Amendments

**F1** Words substituted by virtue of [S.I. 1964/490](#), [art. 3\(2\)\(a\)](#)

- 2 A joint education board so constituted shall be a body corporate with perpetual succession and a common seal . . . <sup>F2</sup>

##### Textual Amendments

**F2** Words repealed by [Charities Act 1960 \(c. 58\)](#), [Sch. 7 Pt. II](#)

- 3 An order constituting a joint education board:—
- (a) may . . . <sup>F3</sup> 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

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- and apportionment of liabilities) as appear to the [<sup>F4</sup>Secretary of State for Education and Science] to be expedient for enabling the board to exercise their functions;
- (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 <sup>M1</sup>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 [<sup>F4</sup>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 <sup>M2</sup>Children and Young Persons Acts, 1933 <sup>M3</sup> and 1938, otherwise than as a local education authority.

#### Textual Amendments

**F3** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 38(6), [Sch. 7](#)

**F4** Words substituted by virtue of [S.I. 1964/490](#), [art. 3\(2\)\(a\)](#)

#### Marginal Citations

**M1** [1933 c. 51](#).

**M2** [1933 c. 12](#).

**M3** [1938 c. 40](#).

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

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## PART II

### EDUCATION COMMITTEES

- 1 Every local education authority shall, in accordance with arrangements approved by the [<sup>F5</sup>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.

#### Textual Amendments

**F5** Words substituted by virtue of [S.I. 1964/490, art. 3\(2\)\(a\)](#)

<sup>F6</sup> .....

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#### Textual Amendments

**F6** [Sch. 1 Pt. II para. 2, Pt. III](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

- 3 Where it appears to the [<sup>F7</sup>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 [<sup>F7</sup>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 [<sup>F7</sup>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 [<sup>F7</sup>Secretary of State for Education and Science] thinks desirable.

#### Textual Amendments

**F7** Words substituted by virtue of [S.I. 1964/490, art. 3\(2\)\(a\)](#)

#### Modifications etc. (not altering text)

**C1** Functions of Secretary of State for Education and Science under [Sch. 1 Pt. II para. 3](#) in relation to Wales now exercisable by Secretary of State for Wales: [S.I. 1970/1536, art. 2\(3\)\(a\)](#)

- 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.

[<sup>F8</sup>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.]

#### Textual Amendments

**F8** Sch. 1 Pt.II para. 5A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), [Sch. 11 para. 4](#)

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.

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 . . . <sup>F9</sup>

#### Textual Amendments

**F9** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

#### Modifications etc. (not altering text)

**C2** Sch. 1 Pt. II paras. 7, 8 modified (inner London) by [London Government Act 1963 \(c. 33\)](#), s. 30(5)

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.

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**Modifications etc. (not altering text)**

**C3** Sch. 1 Pt. II paras. 7, 8 modified (inner London) by [London Government Act 1963 \(c. 33\)](#), **s. 30(5)**

- 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 [<sup>F10</sup>5 p], and any such local government elector may make a copy thereof or an extract therefrom.

**Textual Amendments**

**F10** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31(5)(6)** and of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 45**

- 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 [<sup>F11</sup>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.

**Textual Amendments**

**F11** Words substituted by virtue of [S.I. 1964/490](#), **art. 3(2)(a)**

- 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. . . . .** <sup>F12</sup>

**Textual Amendments**

**F12** Sch. 1 Pt. II para. 2, Pt. III repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

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## SECOND SCHEDULE

### TRANSFER TO A LOCAL EDUCATION AUTHORITY OF AN INTEREST IN THE PREMISES OF A VOLUNTARY SCHOOL

- 1 A local education authority and the . . . <sup>F13</sup> governors of any voluntary school maintained by the authority may, subject to and in accordance with the provisions of this Schedule, make an agreement for the transfer to the authority of any interest in the school premises held by any persons for the purposes of any trust deed relating to the school.

#### Textual Amendments

**F13** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 1](#)

- 2 No such agreement shall take effect unless it has been approved by the [<sup>F14</sup>Secretary of State for Education and Science .]

#### Textual Amendments

**F14** Words substituted by virtue of [S.I. 1964/490, art. 3\(2\)\(a\)](#)

- 3 The [<sup>F15</sup>Secretary of State for Education and Science] shall not approve any such agreement unless he is satisfied—
- (a) that due notice of the agreement has been given to any persons other than the . . . <sup>F16</sup> governors of the school who, by virtue of any trust deed relating to the school, have an interest therein and to any other persons who appear to the [<sup>F15</sup>Secretary of State for Education and Science] to be concerned; and
  - (b) that the execution of the agreement will effect the transfer of all interests necessary for the purpose of enabling the authority to maintain the school as a county school.

#### Textual Amendments

**F15** Words substituted by virtue of [S.I. 1964/490, art. 3\(2\)\(a\)](#)

**F16** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 1](#)

- 4 Before approving any such agreement, the [<sup>F17</sup>Secretary of State for Education and Science] shall consider any representations made to him by or on behalf of any persons appearing to the [<sup>F17</sup>Secretary of State for Education and Science] to be concerned with the proposed transfer.

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#### Textual Amendments

**F17** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**

- 5 An agreement under this Schedule may provide for the transfer to the authority, subject to such conditions, reservations and restrictions, if any, as may be specified in the agreement, of the whole of the interest in the premises held by any persons for the purposes of any trust deed relating to the school, or of any less interest in the premises, and may include such other provisions, whether relating to the consideration for the said transfer or otherwise, as may be agreed upon between the authority and the . . . <sup>F18</sup> governors of the school.

#### Textual Amendments

**F18** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), **Sch. 1 para. 1**

- 6 Where any agreement made under this Schedule has been approved by the [<sup>F19</sup>Secretary of State for Education and Science], the . . . <sup>F20</sup> governors of the school may, whether or not the interest to be transferred to the authority by virtue of the agreement is vested in them, convey that interest to the authority.

#### Textual Amendments

**F19** Words substituted by virtue of S.I. 1964/490, **art. 3(2)(a)**

**F20** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), **Sch. 1 para. 1**

- 7 Where any person other than the . . . <sup>F21</sup> governors of the school has a right to the occupation or use of the school premises or any part thereof for any particular purpose, no provision of any agreement made under this Schedule shall affect that right unless he has consented thereto.

#### Textual Amendments

**F21** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), **Sch. 1 para. 1**

- 8 In this Schedule, the expression “premises” includes a teacher’s dwelling-house.

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## THIRD SCHEDULE

### SPECIAL AGREEMENTS IN RESPECT OF CERTAIN VOLUNTARY SCHOOLS

- 1 Where proposals for the establishment of a school or for the alteration of the premises of a school have been submitted to a former authority, within the time limited by subsection (2) of section eight of the <sup>M4</sup>Education Act 1936, with a view to the making of an agreement under that section, but the said proposals have not been carried out before the date of the commencement of Part II of this Act, a local education authority shall have power to make an agreement in accordance with the provisions of this Schedule in respect of those proposals or in respect of any revised proposals submitted to the authority in accordance with those provisions:  
Provided that no such agreement shall have effect unless it is approved by the [<sup>F22</sup>Secretary of State for Education and Science], and no such agreement shall be made or approved unless the authority and the [<sup>F22</sup>Secretary of State] are satisfied that the performance thereof will facilitate the execution of provisions relating to school accommodation for senior pupils contained or proposed to be contained in the development plan for the area.

#### Textual Amendments

**F22** Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

#### Marginal Citations

**M4** 1936 c. 41.

- 2 If upon the application of any persons interested in any such proposals the [<sup>F23</sup>Secretary of State for Education and Science] is satisfied that by reason of the passing of this Act or the making of any regulations thereunder, or by reason of movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning, or by reason of war damage, it is desirable that the proposals should be revised, the [<sup>F23</sup>Secretary of State for Education and Science] may give directions authorising a local education authority, in lieu of making an agreement in accordance with the provisions of this Schedule with respect to those proposals, to make such an agreement with respect to any revised proposals submitted to the authority before the expiration of such period as may be specified in the directions, being proposals which appear to the authority to serve substantially the same purpose as the proposals originally submitted.

#### Textual Amendments

**F23** Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

*F24*  
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### Textual Amendments

**F24** Sch. 3 para. 3 repealed by Education Act 1980 (c. 20, SIF 41:1), s. 38(6), Sch. 7

- 4 Any such agreement shall provide for the making of a grant by the local education authority to persons specified in the agreement in consideration of the execution by those persons of the proposals to which the agreement relates.
- 5 The amount of the grant to be made in pursuance of any such agreement shall not be less than one-half or more than three-quarters of the cost of executing the proposals to which the agreement relates:  
 [F25 Provided that, where the proposals include proposals for establishing a playing field or any buildings of a kind which it is, under [F26 section 13(6) of the Education Act 1980], the duty of the local education authority to provide,—
- (a) if the proposals as respects the playing field or buildings are to be executed by the persons specified in the agreement, the amount of the grant so far as attributable to the cost thereof, shall be equal to the whole of that cost; and
  - (b) if the proposals as respects the playing field or buildings are to be executed by the local education authority, the cost thereof shall be borne by them and excluded in computing the amount of the grant.]

### Textual Amendments

**F25** Words inserted by Education (Miscellaneous Provisions) Act 1948 (c. 40), Sch. 1 Pt. I

**F26** Words substituted by Education Act 1980 (c. 20, SIF 41:1), s. 16(4), Sch. 3 para. 5

- 6 Where the agreement relates to proposals for the establishment of a school submitted to the local education authority for the County Borough of Liverpool, the authority may, if the agreement so provides, discharge their liabilities under the agreement by providing premises for the school and executing a lease of those premises to such persons as may be specified in the agreement for the purpose of enabling a voluntary school to be conducted thereon.
- Any such lease shall provide for the reservation of a yearly rent of an amount not less than one nor more than two per cent. of the cost incurred by the authority in providing the premises for the school.
- 7 Any agreement made under this Schedule may provide for the giving of religious instruction in the school in accordance with the provisions of the trust deed relating to the school, or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school, and for the employment in the school, for the purpose of giving such religious instruction, of such number of reserved teachers as may be specified in the agreement.

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- 8 Any agreement made by a local education authority under this Schedule may be varied by a further agreement between the authority and the . . . <sup>F27</sup> governors of the school to which the agreement relates, or in such other manner, if any, as may be specified in the agreement.

**Textual Amendments**

**F27** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 1](#)

- 9 Where a grant has been made in respect of any school in pursuance of an agreement made under this Schedule, the . . . <sup>F28</sup> governors of the school may, at any time while the school is a special agreement school, repay the grant to the local education authority by which the school is maintained.

**Textual Amendments**

**F28** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 1](#)

- 10 Where an agreement has been made under this Schedule in relation to any school, then, until the proposals to which the agreement relates have been carried out, the provisions of this Act relating to the respective obligations of the . . . <sup>F29</sup> governors of voluntary schools and the local education authority in respect of repairs and alterations to the premises of the school shall not have effect in relation to that school, but the respective obligations of the . . . <sup>F29</sup> governors of the school and the local education authority in relation to those matters shall be such as may be determined by agreement between the managers or governors and the authority, or, in default of such agreement, by the [<sup>F30</sup>Secretary of State for Education and Science].

**Textual Amendments**

**F29** Words repealed by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 1](#)

**F30** Words substituted by virtue of [S.I. 1964/490](#), [art. 3\(2\)\(a\)](#)

- 11 Where any local authority have, before the date of the commencement of Part II of this Act, made an agreement under the powers conferred by section eight of the <sup>M5</sup>Education Act 1936, with respect to proposals submitted to the authority within the time limited by subsection (2) of that section, then:—
- (a) if the said proposals have been carried out before that date the agreement shall be deemed to have been made under this Schedule, and the provisions of this Act relating to special agreements shall have effect accordingly;
  - (b) if the said proposals have not been carried out before that date, the agreement shall cease to have effect, but without prejudice to the making of a further agreement under this Schedule with respect to those proposals or with respect to any revised proposals submitted to the authority in accordance with the provisions of this Schedule.

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#### Marginal Citations

M5 1936 c. 41.

### FOURTH SCHEDULE

. . . F31

#### Textual Amendments

F31 Sch. 4 repealed by Education Act 1980 (c. 20, SIF 41:1), s. 4(6), 38(6), Sch. 7

### FIFTH SCHEDULE

#### PROCEDURE FOR PREPARING AND BRINGING INTO OPERATION AN AGREED SYLLABUS OF RELIGIOUS INSTRUCTION

#### Modifications etc. (not altering text)

C4 Sch. 5 modified by S.I. 1989/46, art. 3 (1), Sch. 1

- 1 For the purpose of preparing any syllabus of religious [<sup>F32</sup>education] to be adopted by a local education authority, the authority shall cause to be convened a conference constituted in accordance with the provisions of this Schedule.

#### Textual Amendments

F32 Word substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 9, 231(7), 235(6), Sch. 1 para. 7(1)

- 2 For the purpose of constituting such a conference as aforesaid, the local education authority shall appoint constituent bodies (hereinafter referred to as “committees”) consisting of persons representing respectively—
- [<sup>F33</sup>(a) such Christian and other religious denominations as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;]
  - (b) except in the case of an area in Wales or Monmouthshire, the Church of England;
  - (c) such associations representing teachers as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented; and
  - (d) the authority:

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Provided that where a committee is appointed consisting of persons representing the Church of England, the committee of persons appointed to represent other religious denominations shall not include persons appointed to represent that Church.

**Textual Amendments**

**F33** Sch. 5 para. 2(a) substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(2\)](#)

3 Before appointing a person to represent any denomination or associations as a member of any such committee, a local education authority shall take all reasonable steps to assure themselves that he is representative thereof, but no proceedings under this Schedule shall be invalidated on the ground that a member of such a committee did not represent the denomination or associations which he was appointed to represent unless it is shown that the local education authority failed to take such steps as aforesaid.

4 A person so appointed may resign his membership of any such committee or may be withdrawn therefrom by the local education authority if in the opinion of the authority he ceases to be representative of the religious denomination or associations which he was appointed to represent, or of the authority, as the case may be; and where a vacancy occurs among the persons so appointed the authority shall fill the vacancy in like manner as they made the original appointment.

5 The conference shall consist of the committees aforesaid and it shall be the duty of the conference to seek unanimous agreement upon a syllabus of religious [<sup>F34</sup>education] to be recommended for adoption by the local education authority.

**Textual Amendments**

**F34** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

6 Where the local education authority propose to adopt more than one syllabus of religious [<sup>F35</sup>education] for use in schools maintained by them, the authority shall inform the conference as to the schools in which, or in the case of a syllabus intended to be used for certain pupils only, the class or description of pupils for which, the syllabus to be prepared by the conference is to be used.

**Textual Amendments**

**F35** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

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- 7 Any sub-committees appointed by the conference shall include at least one member of each of the committees constituting the conference.
- 8 Upon any question to be decided by the conference or by any sub-committee thereof one vote only shall be given for each of the committees constituting the conference.
- 9 If the conference unanimously recommend any syllabus of religious [<sup>F36</sup>education], the authority may adopt it for use in the schools for which, or for the class or description of pupils for which, it was prepared.

#### Textual Amendments

**F36** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

- 10 If the authority report to the [<sup>F37</sup>Secretary of State] that the conference are unable to reach unanimous agreement as aforesaid, or if it appears to the [<sup>F37</sup>Secretary of State] that an authority have failed to adopt any syllabus unanimously recommended to them by the conference, the [<sup>F37</sup>Secretary of State] shall appoint to prepare a syllabus of religious [<sup>F38</sup>education] a body of persons having experience in religious [<sup>F38</sup>education] which shall, so far as is practicable, be of the like representative character as is required by paragraph 2 of this Schedule in the case of a conference.

#### Textual Amendments

**F37** Words substituted by virtue of [S.I. 1964/490, art. 3\(2\)\(a\)](#)

**F38** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

- 11 The body of persons so appointed:—
- (a) shall give to the authority, the conference, and every committee constituting the conference, an opportunity of making representations to it, but, save as aforesaid, may conduct the proceedings in such manner as it thinks fit;
  - (b) shall, after considering any such representations made to it, prepare a syllabus of religious [<sup>F39</sup>education];
  - (c) shall transmit a copy of the said syllabus to the authority and to the [<sup>F40</sup>Secretary of State],
- and as from such date as the [<sup>F40</sup>Secretary of State] may direct, the syllabus so prepared shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared until a further syllabus is prepared for use in those schools, or for pupils of that class or description, in accordance with the provisions of this Schedule.

#### Textual Amendments

**F39** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 9, 231(7), 235(6), [Sch. 1 para. 7\(1\)](#)

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**F40** Words substituted by virtue of S.I. 1964/490, art. 3(2)(a)

*[<sup>F41</sup> Reconsideration of agreed syllabus]*

**Textual Amendments**

**F41** Sch. 5 paras. 12 and 13 substituted for Sch. 5 para. 12 by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 9, 231(7), 235(6), Sch. 1 para. 7(3)

- 12 Whenever a local education authority are of opinion (whether upon representations made to them or otherwise) that any agreed syllabus for the time being adopted by them ought to be reconsidered, the authority shall cause to be convened for that purpose a conference constituted in accordance with the provisions of this Schedule.
- 13 (1) The following provisions of this paragraph apply where a local education authority cause such a conference to be convened for the purpose of reconsidering any agreed syllabus, whether under paragraph 12 of this Schedule or under section 11(8) of the Education Reform Act 1988 (obligation of authority to cause such a conference to be convened if required to do so by representative groups on standing advisory council for religious education).
- (2) If the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus, the authority may give effect to the recommendation.
- (3) If—
- (a) the conference unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus; and
  - (b) it appears to the authority that the new syllabus complies with section 8(3) of that Act (new agreed syllabus to reflect mainly Christian religious traditions);
- the authority may give effect to the recommendation.
- (4) If either—
- (a) the authority report to the Secretary of State that the conference are unable to reach unanimous agreement; or
  - (b) it appears to the Secretary of State that the authority have failed to exercise their power under sub-paragraph (2) or (3) above to give effect to the unanimous recommendation of the conference;
- the Secretary of State shall proceed in accordance with the provisions of paragraph 10 of this Schedule, and paragraph 11 of this Schedule shall apply accordingly.

*Status: Point in time view as at 14/10/1991.*

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

## SIXTH SCHEDULE

### CONSTITUTION OF INDEPENDENT SCHOOLS TRIBUNALS

- 1 For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require there shall be appointed two panels, that is to say—
- (a) a panel (hereinafter referred to as the “legal panel”) appointed by the Lord Chancellor, of persons who will be available to act when required as chairman of any such tribunal; and
  - (b) a panel (hereinafter referred to as the “educational panel”) appointed by the Lord President of the Council, of persons who will be available to act when required as members of any such tribunal.
- 2 No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable, and no person shall be qualified to be appointed to the educational panel unless he has had such experience in teaching or in the conduct management or administration of schools as the Lord President of the Council considers suitable. An officer of any government department and a person employed by a local education authority otherwise than as a teacher shall be disqualified from being appointed to either of the said panels.
- 3 Any person appointed to be a member of either of the said panels shall hold office as such subject to such conditions as to the period of his membership and otherwise as may be determined by the Lord Chancellor or the Lord President of the Council, as the case may be.

VALID FROM 31/03/1995

[<sup>F42</sup>3A No appointment of a person to be a member of the legal panel shall be such as to extend beyond the day on which he attains the age of seventy years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]

#### Textual Amendments

**F42** Sch. 6 para. 3A inserted (31.3.1995) by 1993 c. 8, s. 26(10), Sch. 6 para. 51 (with Sch. 7 paras. 2(2), 3(2)); S.I. 1995/631, art.2.

- 4 Where any appeal is required to be determined by an Independent Schools Tribunal the tribunal shall consist of a chairman being a member of the legal panel and two other members being members of the educational panel, and the chairman and other members of the tribunal shall be impartial persons appointed from those panels by the Lord Chancellor and the Lord President of the Council respectively.

*Status: Point in time view as at 14/10/1991.*  
**Changes to legislation:** *There are currently no known outstanding effects for the Education Act 1944 (repealed 1.11.1996). (See end of Document for details)*

SEVENTH  
 SCHEDULE. . . . .  
 F43

**Textual Amendments**  
**F43** Ss. 106, 108—110, 114(4) and Sch. 7 repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. IV**

EIGHTH SCHEDULE Section 120.

AMENDMENT OF ENACTMENTS.

**PART I**

ENACTMENTS AMENDED FROM DATE OF  
 COMMENCEMENT OF PART II OF THIS ACT.

**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.

<b>Enactment to be amended.</b>	<b>Amendment.</b>
The Mental Deficiency Act, 1913	
. . . F44	. . . F44
. . . F44	. . . F44
The Ministry of Agriculture and Fisheries Act, 1919	
. . . F44	. . . F44
The Children and Young Persons Act, 1933.	
Section ten	In subsection (1), after the word “years” there shall be inserted the words “or any young person who has not attained the age at which under the enactments relating to education children cease to be of compulsory school age”, and for the words from “is totally exempted” to the end of the subsection there shall be substituted the words “or young person is not, by being so taken with him,



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*Status:* Point in time view as at 14/10/1991.

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

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prevented from receiving efficient full-time education suitable to his age ability and aptitude, be liable on summary conviction to a fine not exceeding twenty shillings” ; in subsection (2) after the word “child” in both places where that word occurs, there shall be inserted the words “or young person” ; for subsection (3) there shall be substituted the following subsection :—

“(3) Where in any proceedings for an offence against this section it is proved that the parent or guardian of the child or young person is engaged in any trade or business of such a nature to require him to travel from place to place, the person against whom the proceedings were brought shall be acquitted if it is proved that the child or young person has attended a school as which he was a registered pupil as regularly as the nature of the trade or business of the parent or guardian permits :  
Provided that in the case of a child or young person who has attained the age of six years the person against whom the proceedings were brought shall not be entitled to be acquitted under this subsection unless it is proved that the child or young person has made at least two hundred attendances during the period of twelve months ending with the date on which the proceedings were instituted.”

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Section ninety-six

In subsection (1), the words “as respects children” and the words from “for elementary education” (where those words first occur) to the end of the subsection shall be omitted ; subsection (2) shall be omitted ; in subsection (3) for the words from “for elementary education” to the end of the subsection there shall be substituted the words “shall be defrayed as expenses under the enactments relating to education” ; in

*Status: Point in time view as at 14/10/1991.*

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

subsection (4), for the word “under” (where that word secondly occurs) there shall be substituted the words “in accordance with”, and the words “as expenses of elementary education under the Education Act, 1921” shall be omitted.

#### Textual Amendments

**F44** Sch. 8 Pt. I entries, except those relating to ss. 10 and 96 of the Children and Young Persons Act 1933 repealed by virtue of [Mental Health Act 1959 \(c. 72\)](#), s. 149(2), [Sch. 8 Pt. I](#), [London Government Act 1963 \(c. 33\)](#), s. 93(1), [Sch. 18 Pt. II](#), [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64(3), [Sch. 5](#), [Children Act 1972 \(c. 44\)](#), s. 2(2), [Sch.](#) and [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1, [Sch. 1 Pt. V](#)

## PART II

ENACTMENTS AMENDED FROM DATE ON WHICH SECTION FORTY-FOUR OF THIS ACT COMES INTO OPERATION . . . <sup>F45</sup>

#### Textual Amendments

**F45** Sch. 8 Pt. II repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. V](#)

## <sup>F46</sup>NINTH SCHEDULE

#### Textual Amendments

**F46** S. 119, [Sch. 9](#) repealed by [Education Act 1973 \(c. 16\)](#), [Sch. 2 Pt. I](#)

<sup>F46</sup>

**Status:**

Point in time view as at 14/10/1991.

**Changes to legislation:**

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