(3) A copy of the principal Act with every such enactment and word inserted in the place so assigned shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act.

CHAPTER 39.

An Act to make further provision with respect to Education in England and Wales and for purposes connected therewith. [8th August 1918.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

NATIONAL SYSTEM OF PUBLIC EDUCATION.

Progressive and comprehensive organisation of education.

1. With a view to the establishment of a national system of public education available for all persons capable of profiting thereby, it shall be the duty of the council of every county and county borough, so far as their powers extend, to contribute thereto by providing for the progressive development and comprehensive organisation of education in respect of their area, and with that object any such council from time to time may, and shall when required by the Board of Education, submit to the Board schemes showing the mode in which their duties and powers under the Education Acts are to be performed and exercised, whether separately or in co-operation with other authorities.

Development of education in public elementary schools. 2 Edw. 7. c. 42.

2.—(1) It shall be the duty of a local education authority so to exercise their powers under Part III. of the Education Act, 1902, as—

(*a*) to make, or otherwise to secure, adequate and suitable provision by means of central schools, central or special classes, or otherwise—

(i) for including in the curriculum of public elementary schools, at appropriate stages, practical instruction suitable to the ages, abilities, and requirements of the children; and

(ii) for organising in public elementary schools courses of advanced instruction for the older or more intelligent children in attendance at such schools including children who stay at such schools beyond the age of fourteen;

(*b*) to make, or otherwise to secure, adequate and suitable arrangements under the provisions of paragraph (*b*) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, for attending to the health and physical condition of children educated in public elementary schools; and 7 Edw. 7. c. 43.

(*c*) to make, or otherwise to secure, adequate and suitable arrangements for co-operating with local education authorities for the purposes of Part II. of the Education Act, 1902, in matters of common interest, and particularly in respect of—

(i) the preparation of children for further education in schools other than elementary, and their transference at suitable ages to such schools; and

(ii) the supply and training of teachers;

and any such authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes for the exercise of their powers as an authority for the purposes of Part III. of the Education Act, 1902.

(2) So much of the definition of the term "elementary school" in section three of the Elementary Education Act, 1870, as requires that elementary education shall be the principal part of the education there given, shall not apply to such courses of advanced instruction as aforesaid. 33 & 34 Vict. c. 75.

Establishment of continuation schools.

3.—(1) It shall be the duty of the local education authority for the purposes of Part II. of the Education Act, 1902, either separately or in co-operation with other local education authorities, to establish and maintain, or secure the establishment and maintenance under their control and direction, of a sufficient supply of continuation schools in which suitable courses of study, instruction, and physical training are provided without payment of fees for all young persons resident in their area who are, under this Act, under an obligation to attend such schools.

(2) For the purposes aforesaid the local education authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes for the progressive organisation of a system of continuation schools, and for securing general and regular attendance thereat, and in preparing schemes under this section the local education authority shall have regard to the desirability of including therein arrangements for co-operation with universities in the provision of lectures and classes for scholars for whom instruction by such means is suitable.

(3) The council of any county shall, if practicable, provide for the inclusion of representatives of education authorities for the purposes of Part III. of the Education Act, 1902, in any body of managers of continuation schools within the area of those authorities.

Preparation and submission of schemes.

4.—(1) The council of any county, before submitting a scheme under this Act, shall consult the other authorities within

their county (if any) who are authorities for the purposes of Part III. of the Education Act, 1902, with reference to the mode in which and the extent to which any such authority will co-operate with the council in carrying out their scheme, and when submitting their scheme shall make a report to the Board of Education as to the co-operation which is to be anticipated from any such authority, and any such authority may, if they so desire, submit to the Board as well as to the council of the county any proposals or representations relating to the provision or organisation of education in the area of that authority for consideration in connection with the scheme of the county.

(2) Before submitting schemes under this Act a local education authority shall consider any representations made to them by parents or other persons or bodies of persons interested, and shall adopt such measures to ascertain their views as they consider desirable, and the authority shall take such steps to give publicity to their proposals as they consider suitable, or as the Board of Education may require.

(3) A local education authority in preparing schemes under this Act shall have regard to any existing supply of efficient and suitable schools or colleges not provided by local education authorities, and to any proposals to provide such schools or colleges.

(4) In schemes under this Act adequate provision shall be made in order to secure that children and young persons shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees.

Approval of schemes by Board of Education.

5.—(1) The Board of Education may approve any scheme (which term shall include an interim, provisional, or amending scheme) submitted to them under this Act by a local education authority, and thereupon it shall be the duty of the local education authority to give effect to the scheme.

(2) If the Board of Education are of opinion that a scheme does not make adequate provision in respect of all or any of the purposes to which the scheme relates, and the Board are unable to agree with the authority as to what amendments should be made in the scheme, they shall offer to hold a conference with the representatives of the authority and, if requested by the authority, shall hold a public inquiry in the matter.

(3) If thereafter the Board of Education disapprove a scheme, they shall notify the authority, and, if within one month after such notification an agreement is not reached, they shall lay before Parliament the report of the public inquiry (if any) together with a report stating their reasons for such disapproval and any action which they intend to take in consequence thereof by way of withholding or reducing any grants payable to the authority.

Provisions as to co-operation and combination.

6.—(1) For the purpose of performing any duty or exercising any power under the Education Acts, a council having powers

under those Acts may enter into such arrangements as they think proper for co-operation or combination with any other council or councils having such powers, and any such arrangement may provide for the appointment of a joint committee or a joint body of managers, for the delegation to that committee or body of managers of any powers or duties of the councils (other than the power of raising a rate or borrowing money), for the proportion of contributions to be paid by each council, and for any other matters which appear necessary for carrying out the arrangement.

(2) The Board of Education may, on the application of two or more councils having powers under the Education Acts, by scheme provide for the establishment and (if thought fit) the incorporation of a federation for such purposes of any such arrangements as aforesaid as may be specified in the scheme as being purposes relating to matters of common interest concerning education which it is necessary or convenient to consider in relation to areas larger than those of individual education authorities, and the powers conferred on councils by this section shall include power to arrange for the performance of any educational or administrative functions by such a federation as if it were a joint committee or a joint body of managers:

Provided that no council shall without its consent be included in a scheme establishing a federation, and no council shall be obliged to continue in a federation except in accordance with the provisions of a scheme to which it has consented.

(3) A scheme made by the Board of Education constituting a federation, and an arrangement establishing a joint committee or a joint body of managers, shall provide for the appointment of at least two-thirds of the members by councils having powers under the Education Acts, and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education and of representatives of universities or other bodies.

(4) A scheme constituting a federation may on the application of one or more of the councils concerned be modified or repealed by a further scheme, and, where a scheme provides for the discontinuance of a federation, provision may be made for dealing with any property or liabilities of the federation.

(5) Where any arrangement under this section provides for the payment of an annual contribution by one council to another, the contribution shall, for the purposes of section nineteen of the Education Act, 1902, form part of the security on which money may be borrowed under that section.

Provision as to amount of expenditure for education.

7. The limit under section two of the Education Act, 1902, on the amount to be raised by the council of a county out of rates for the purpose of education other than elementary shall cease to have effect.

ATTENDANCE AT SCHOOL AND EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

Provisions as to attendance at elementary schools.

8.—(1) Subject as provided in this Act, no exemption from attendance at school shall be granted to any child between the ages of five and fourteen years, and any enactment giving a power, or imposing a duty, to provide for any such exemption, and any provision of a byelaw providing for any such exemption, shall cease to have effect, without prejudice to any exemptions already granted. Any byelaw which names a lower age than fourteen as the age up to which a parent shall cause his child to attend school shall have effect as if the age of fourteen were substituted for that lower age.

63 & 64 Vict. c. 53.

(2) In section seventy-four of the Elementary Education Act, 1870, as amended by section six of the Elementary Education Act, 1900, fifteen years shall be substituted for fourteen years as the maximum age up to which byelaws relating to school attendance may require parents to cause their children to attend school, and any such byelaw requiring attendance at school of children between the ages of fourteen and fifteen may apply either generally to all such children, or to children other than those employed in any specified occupations:

Provided that it shall be lawful for a local education authority to grant exemption from the obligation to attend school to individual children between the ages of fourteen and fifteen for such time and upon such conditions as the authority think fit in any case where after due inquiry the circumstances seem to justify such an exemption.

(3) It shall not be a defence to proceedings relating to school attendance under the Education Acts or any byelaws made thereunder that a child is attending a school or institution providing efficient elementary instruction unless the school or institution is open to inspection either by the local education authority or by the Board of Education, and unless satisfactory registers are kept of the attendance of the scholars thereat.

(4) A local education authority may with the approval of the Board of Education make a byelaw under section seventy-four of the Elementary Education Act, 1870, providing that parents shall not be required to cause their children to attend school or to receive efficient elementary instruction in reading, writing, and arithmetic before the age of six years:

Provided that in considering any such byelaw the Board shall have regard to the adequacy of the provision of nursery schools for the area to which the byelaw relates, and shall, if requested by any ten parents of children attending public elementary schools for that area, hold a public inquiry for the purpose of determining whether the byelaw should be approved.

(5) Notwithstanding anything in the Education Acts the Board of Education may, on the application of the local education authority, authorise the instruction of children in public elementary schools till the end of the school term in which they reach the age of sixteen or (in special circumstances) such later age as appears to the Board desirable:

Provided that, in considering such application, the Board shall have regard to the adequacy and suitability of the arrangements made by the authority under paragraphs (*a*) and (*c*) of subsection (1) of section two of this Act and to the effective development and organisation of all forms of education in the area, and to any representations made by the managers of schools.

(6) The power of a local education authority under section seven of the Education Act, 1902, to give directions as to secular instruction shall include the power to direct that any child in attendance at a public elementary school shall attend during such hours as may be directed by the authority at any class, whether conducted on the school premises or not, for the purpose of practical or special instruction or demonstration, and attendance at such a class shall, where the local education authority so direct, be deemed for the purpose of any enactment or byelaw relating to school attendance to be attendance at a public elementary school:

Provided that, if by reason of any such direction a child is prevented on any day from receiving religious instruction in the school at the ordinary time mentioned in the time-table, reasonable facilities shall be afforded, subject to the provisions of section seven of the Elementary Education Act, 1870, for enabling such child to receive religious instruction in the school at some other time.

(7) In section eleven of the Elementary Education Act, 1876, (which relates to school attendance) for the words "there is not within two miles" there shall be substituted the words "there is not within such distance as may be prescribed by the byelaws." 39 & 40 Vict. c. 79.

(8) Nothing in this section shall affect the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, relating to the attendance at school of the children to whom those Acts apply. 56 & 57 Vict. c. 42.

Provisions for avoidance of broken school terms.

9.—(1) If a child who is attending or is about to attend a public elementary school or a school certified by the Board of Education under the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, attains any year of age during the school term, the child shall not, for the purpose of any enactment or byelaw, whether made before or after the passing of this Act, relating to school attendance, be deemed to have attained that year of age until the end of the term.

(2) The Local Education Authority for the purposes of Part III. of the Education Act, 1902, may make regulations with the approval of the Board of Education providing that a child may, in such cases as are prescribed by the regulations, be refused admission to a public elementary school or such certified school as aforesaid except at the commencement of a school term.

Compulsory attendance at continuation schools.

10.—(1) Subject as hereinafter provided, all young persons shall attend such continuation schools at such times, on such days, as the local education authority of the area in which they reside may require, for three hundred and twenty hours in each year, distributed as regards times and seasons as may best suit the circumstances of each locality, or, in the case of a period of less than a year, for such number of hours distributed as aforesaid as the local education authority, having regard to all the circumstances, consider reasonable:

Provided that—

(*a*) the obligation to attend continuation schools shall not, within a period of seven years from the appointed day on which the provisions of this section come into force, apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period; and

(*b*) during the like period, if the local education authority so resolve, the number of hours for which a young person may be required to attend continuation schools in any year shall be two hundred and eighty instead of three hundred and twenty.

(2) Any young person—

(i) Who is above the age of fourteen years on the appointed day; or

(ii) who has satisfactorily completed a course of training for, and is engaged in, the sea service, in accordance with the provisions of any national scheme which may hereafter be established, by Order in Council or otherwise, with the object of maintaining an adequate supply of well-trained British seamen, or, pending the establishment of such scheme, in accordance with the provisions of any interim scheme approved by the Board of Education; or

(iii) who is above the age of sixteen years and either—

(*a*) has passed the matriculation examination of a university of the United Kingdom or an examination recognised by the Board of Education for the purposes of this section as equivalent thereto; or

(*b*) is shown to the satisfaction of the local education authority to have been up to the age of sixteen under full-time instruction in a school recognised by the Board of Education as efficient or under suitable and efficient full-time instruction in some other manner,

shall be exempt from the obligation to attend continuation schools under this Act unless he has informed the authority in writing of his desire to attend such schools and the authority have prescribed what school he shall attend.

(3) The obligation to attend continuation schools under this Act shall not apply to any young person—

(i) who is shown to the satisfaction of the local education authority to be under full-time instruction in a school recognised by the Board of Education as efficient or to be under suitable and efficient full-time instruction in some other manner; or

(ii) who is shown to the satisfaction of the local education authority to be under suitable and efficient part-time instruction in some other manner for a number of hours in the year (being hours during which if not exempted he might be required to attend continuation schools) equal to the number of hours during which a young person is required under this Act to attend a continuation school.

(4) Where a school supplying secondary education is inspected by a British university, or in Wales or Monmouthshire by the Central Welsh Board, under regulations made by the inspecting body after consultation with the Board of Education, and the inspecting body reports to the Board of Education that the school makes satisfactory provision for the education of the scholars, a young person who is attending, or has attended, such a school shall for the purposes of this section be treated as if he were attending, or had attended, a school recognised by the Board of Education as efficient.

(5) If a young person who is or has been in any school or educational institution, or the parent of any such young person, represents to the Board that the young person is entitled to exemption under the provisions of this section, or that the obligation imposed by this section does not apply to him, by reason that he is or has been under suitable and efficient instruction, but that the local education authority have unreasonably refused to accept the instruction as satisfactory, the Board of Education shall consider the representation, and, if satisfied that the representation is well founded, shall make an order declaring that the young person is exempt from the obligation to attend a continuation school under this Act for such period and subject to such conditions as may be named in the order:

Provided that the Board of Education may refuse to consider any such representation unless the local education authority or the Board of Education are enabled to inspect the school or educational institution in which the instruction is or has been given.

(6) The local education authority may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit

from attendance at the school: Provided that, if any question arises between the local education authority and the employer of a young person whether a requirement made under this subsection is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board of Education determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.

(7) The local education authority shall not require any young person to attend a continuation school on a Sunday, or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, nor so far as practicable during any holiday or half-holiday which in his employment he is accustomed to enjoy, nor between the hours of seven in the evening and eight in the morning: Provided that the local education authority may, with the approval of the Board, vary those hours in the case of young persons employed at night or otherwise employed at abnormal times.

(8) A local education authority shall not, without the consent of a young person, require him to attend any continuation school held at or in connection with the place of his employment. The consent given by a young person for the purpose of this provision may be withdrawn by one month's notice in writing sent to the employer and to the local education authority.

Any school attended by a young person at or in connection with the place of his employment shall be open to inspection either by the local education authority or by the Board of Education at the option of the person or persons responsible for the management of the school.

(9) In considering what continuation school a young person shall be required to attend a local education authority shall have regard, as far as practicable, to any preference which a young person or the parent of a young person under the age of sixteen may express, and, if a young person or the parent of a young person under the age of sixteen represents in writing to the local education authority that he objects to any part of the instruction given in the continuation school which the young person is required to attend, on the ground that it is contrary or offensive to his religious belief, the obligation under this Act to attend that school for the purpose of such instruction shall not apply to him, and the local education authority shall, if practicable, arrange for him to attend some other instruction in lieu thereof or some other school.

Enforcement of attendance at continuation schools.

11.—(1) If a young person fails, except by reason of sickness or other unavoidable cause, to comply with any requirement imposed upon him under this Act for attendance at a continuation school, he shall be liable on summary conviction to a fine not exceeding five shillings, or, in the case of a second or subsequent offence, to a fine not exceeding one pound.

(2) If a parent of a young person has conduced to or connived at the failure on the part of the young person to attend a continuation school as required under this Act, he shall, unless an order has been made against him in respect of such failure under section ninety-nine of the Children Act, 1908, be liable on summary conviction to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, whether relating to the same or another young person, to a fine not exceeding five pounds. 8 Edw. 7. c. 67.

Administrative provisions relating to continuation schools.

12.—(1) The Board of Education may from time to time make regulations prescribing the manner and form in which notice is to be given as to the continuation school (if any) which a young person is required to attend, and the times of attendance thereat, and as to the hours during which his employment must be suspended, and providing for the issue of certificates of age, attendance and exemption, and for the keeping and preservation of registers of attendance, and generally for carrying into effect the provisions of this Act relating to continuation schools.

(2) For the purposes of the provisions of this Act relating to continuation schools, the expression "year" means in the case of any young person the period of twelve months reckoned from the date when he ceased to be a child, or any subsequent period of twelve months.

Amendment of 3 Edw. 7. c. 45. and 4 Edw. 7. c. 15.

13.—(1) The Employment of Children Act, 1903, so far as it relates to England and Wales, shall be amended as follows:—

(i) For subsection (1) of section three the following subsection shall be substituted:—

"A child under the age of twelve shall not be employed; and a child of the age of twelve or upwards shall not be employed on any Sunday for more than two hours, or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening:

"Provided that a local authority may make a byelaw permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents, but so that any employment permitted by byelaw on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon."

(ii) In subsection (2) of section three, which prohibits the employment of a child under the age of eleven years in street trading, the words "under the age of eleven years" shall be repealed:

(iii) For section twelve the following section shall be substituted:—

"Except as regards the City of London, the powers and duties of a local authority under this Act shall be deemed to be powers and duties under Part III. of the Education Act, 1902, and the provisions of the Education Acts for the time being in force with regard to those powers and duties and as to the manner in which the expenses of an authority under that Part of that Act shall be paid shall apply accordingly":

(iv) For the definition of the expression "local authority" there shall be substituted the following definitions:—

"The expression 'local authority' means in the case of the City of London the mayor, aldermen, and commons of that city in common council assembled and elsewhere the local education authority for the purposes of Part III. of the Education Act, 1902."

(2) The Prevention of Cruelty to Children Act, 1904, so far as it relates to England and Wales, shall be amended as follows:—

(i) In paragraph (*b*) of section two, which restricts the employment of boys under the age of fourteen years and of girls under the age of sixteen years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m., "eight p.m." shall be substituted for "nine p.m." so far as relates to children under fourteen years of age:

(ii) In paragraph (*c*) of section two, which restricts the employment of children under eleven years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, twelve years shall be substituted for eleven years:

(iii) In section three, which relates to licences for the employment of children exceeding ten years of age, the age of twelve years shall be substituted for the age of ten years:

(iv) A licence under section three to take part in any entertainment or series of entertainments, instead of being granted, varied, added to, or rescinded as provided by that section, shall be granted by the local education authority for the purposes of Part III. of the Education Act, 1902, of the area in which the

child resides, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, and may be rescinded by the authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject as aforesaid, may be varied or added to by that authority at the request of the holder of the licence:

(v) The holder of a licence shall at least seven days before a child takes part in any entertainment or series of entertainments furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable on summary conviction to a fine not exceeding five pounds:

(vi) Subsections (3) and (4) of section three shall cease to apply with respect to licences to take part in an entertainment or series of entertainments:

(vii) If the applicant for a licence or a person to whom a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section:

(viii) The provisions of this subsection shall not apply to any licence in force on the appointed day:

(ix) References to the Employment of Children Act, 1903, shall be construed as references to that Act as amended by this Act.

Prohibition against employment of children in factories, workshops, mines, and quarries. 1 & 2 Geo. 5. c. 50. 35 & 36 Vict. c. 77. 38 & 39 Vict. c. 39.

14. No child within the meaning of this Act shall be employed—

(*a*) in any factory or workshop to which the Factory and Workshop Acts, 1901 to 1911, apply; or

(*b*) in any mine to which the Coal Mines Act, 1911, applies; or

(*c*) in any mine or quarry to which the Metalliferous Mines Acts, 1872 and 1875, apply;

unless lawfully so employed on the appointed day; and those Acts respectively shall have effect as respects England and Wales as if this provision, so far as it relates to the subject-matter thereof, was incorporated therewith.

Further restrictions on employment of children.

15.—(1) The local education authority, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either pro-

hibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable on summary conviction to a fine not exceeding forty shillings.

Penalties on illegal employment of children and young persons.

16. If any person—

(*a*) employs a child in such a manner as to prevent the child from attending school according to the Education Acts and the byelaws in force in the district in which the child resides; or

(*b*) having received notice of any prohibition or restriction as to the employment of a child issued by a local education authority under this Act, employs a child in such a manner as to contravene the prohibition or restriction; or

(*c*) employs a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act; or

(*d*) employs a young person at any time when, in pursuance of any requirement under this Act issued by a local education authority, the employment of that young person must be suspended;

he shall be deemed to have employed the child or young person in contravention of the Employment of Children Act, 1903, and subsections (1) and (2) of section five and section six and section eight of that Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Act as well as to children within the meaning of that Act.

EXTENSION OF POWERS AND DUTIES.

Power to promote social and physical training.

17. For the purpose of supplementing and reinforcing the instruction and social and physical training provided by the public system of education, and without prejudice to any other powers, a local education authority for the purposes of Part III. of the Education Act, 1902, as respects children attending public elementary schools, and a local education authority for the purposes of Part II. of that Act as respects other children and young persons and persons over the age of eighteen attending educational institutions, may, with the approval of the Board

of Education, make arrangements to supply or maintain or aid the supply or maintenance of—

(*a*) holiday or school camps, especially for young persons attending continuation schools;

(*b*) centres and equipment for physical training, playing fields (other than the ordinary playgrounds of public elementary schools not provided by the local education authority), school baths, school swimming baths;

(*c*) other facilities for social and physical training in the day or evening.

Medical inspection of schools and educational institutions.

18.—(1) The local education authority for the purposes of Part II. of the Education Act, 1902, shall have the same duties and powers with reference to making provision for the medical inspection and treatment of children and young persons attending—

(i) secondary schools provided by them;

(ii) any school to the governing body of which, in pursuance of any scheme made under the Welsh Intermediate Education Act, 1889, any payments are made out of any general fund administered by a local education authority as a governing body under that Act, and any school of which a local education authority are the governing body under that Act; 52 & 53 Vict. c. 40.

(iii) continuation schools under their direction and control; and

(iv) such other schools or educational institutions (not being elementary schools) provided by them as the Board direct;

as a local education authority for the purposes of Part III. of the Education Act, 1902, have under paragraph (*b*) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, with reference to children attending public elementary schools, and may exercise the like powers as respects children and young persons attending any school or educational institution, whether aided by them or not, if so requested by or on behalf of the persons having the management thereof.

(2) The Local Education Authorities (Medical Treatment) Act, 1909, shall apply where any medical treatment is given in pursuance of this section as it applies to treatment given in pursuance of section thirteen of the Education (Administrative Provisions) Act, 1907. 9 Edw. 7. c. 13.

Nursery schools.

19.—(1) The powers of local education authorities for the purposes of Part III. of the Education Act, 1902, shall include power to make arrangements for—

(*a*) supplying or aiding the supply of nursery schools (which expression shall include nursery classes) for children over two and under five years of age, or such later age as may be approved by the Board of Education, whose attendance at such a school is

necessary or desirable for their healthy physical and mental development; and

(*b*) attending to the health, nourishment, and physical welfare of children attending nursery schools.

(2) Notwithstanding the provisions of any Act of Parliament the Board of Education may, out of moneys provided by Parliament, pay grants in aid of nursery schools, provided that such grants shall not be paid in respect of any such school unless it is open to inspection by the local education authority, and unless that authority are enabled to appoint representatives on the body of managers to the extent of at least one-third of the total number of managers, and before recognising any nursery school the Board shall consult the local education authority.

Education of physically defective and epileptic children. 4 & 5 Geo. 5. c. 45.

20. A local education authority shall make arrangements under the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, for ascertaining what children in their area are physically defective or epileptic within the meaning of those Acts, and the provisions of the Elementary Education (Defective and Epileptic Children) Act, 1914, relating to mentally defective children, shall be extended so as to apply to physically defective and epileptic children, and accordingly that Act shall have effect as if references therein to mentally defective children included references to physically defective and epileptic children.

Powers for the education of children in exceptional circumstances.

21. Where a local education authority for the purposes of Part III. of the Education Act, 1902, are satisfied in the case of any children that, owing to the remoteness of their homes or the conditions under which the children are living, or other exceptional circumstances affecting the children, those children are not in a position to receive the full benefit of education by means of the ordinary provision made for the purpose by the authority, the authority may, with the approval of the Board of Education, make such arrangements, either of a permanent or temporary character, and including the provision of board and lodging, as they think best suited for the purpose of enabling those children to receive the benefit of efficient elementary education, and may for that purpose enter into such agreement with the parent of any such child as they think proper:

Provided that where a child is boarded out in pursuance of this section the local education authority shall, if possible, and, if the parent so requests, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parents.

Amendment of Education (Choice of Employment) Act, 1910. 10 Edw. 7. and 1 Geo. 5. c. 37.

22. Section one of the Education (Choice of Employment) Act, 1910, which confers on certain local education authorities the power of assisting boys and girls with respect to the choice of employment, shall have effect as if "eighteen years of age" were therein substituted for "seventeen years of age."

23. With a view to promoting the efficiency of teaching and advanced study, a local education authority for the purposes of Part II. of the Education Act, 1902, may aid teachers and students to carry on any investigation for the advancement of learning or research in or in connection with an educational institution, and with that object may aid educational institutions. Power to aid research.

24. It is hereby declared that the powers as to the provision of scholarships conferred by subsection (2) of section twenty-three of the Education Act, 1902, and by section eleven of the Education (Administrative Provisions) Act, 1907, include a power to provide allowances for maintenance. Provision of maintenance allowances.

25. A local education authority shall not, in exercise of the powers conferred upon them by paragraph (*b*) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, or by this Act, establish a general domiciliary service of treatment by medical practitioners for children or young persons, and in making arrangements for the treatment of children and young persons a local education authority shall consider how far they can avail themselves of the services of private medical practitioners. Provisions as to medical treatment.

ABOLITION OF FEES IN PUBLIC ELEMENTARY SCHOOLS.

26.— (1) No fees shall be charged or other charges of any kind made in any public elementary school, except as provided by the Education (Provision of Meals) Act, 1906, and the Local Education Authorities (Medical Treatment) Act, 1909. Abolition of fees in public elementary schools. 6 Edw. 7. c. 57. 9 Edw. 7. c. 13.

(2) During a period of five years from the appointed day the Board of Education shall in each year, out of moneys provided by Parliament, pay to the managers of a school maintained but not provided by a local education authority in which fees were charged immediately before the appointed day, the average yearly sum paid to the managers under section fourteen of the Education Act, 1902, during the five years immediately preceding the appointed day.

(3) Nothing in this Act shall affect the provisions of section nine of the Elementary Education (Blind and Deaf Children) Act, 1893, or of section eight of the Elementary Education (Defective and Epileptic Children) Act, 1899. 62 & 63 Vict. c. 32.

ADMINISTRATIVE PROVISIONS.

27. If the governing body of any school or educational institution not liable to inspection by any Government department, or, if there is no governing body, the headmaster, requests the Board of Education to inspect the school or institution and to report thereon, the Board of Education may do so, if they think fit, free of cost; but this section shall be without prejudice to the provisions relating to the Central Welsh Board Voluntary inspection of schools.

62 & 63 Vict. c. 33.

contained in subsection (1) of section three of the Board of Education Act, 1899.

Collection of information respecting schools.

28.—(1) In order that full information may be available as to the provision for education and the use made of such provision in England and Wales,—

(*a*) It shall be the duty of the responsible person as hereinafter defined, in respect of every school or educational institution not in receipt of grants from the Board of Education, to furnish to the Board of Education in a form prescribed by the Board—

(i) in the case of a school or educational institution existing at the appointed day, within three months of that day;

(ii) in the case of a school or educational institution opened after the appointed day, within three months of the opening thereof;

the name and address of the school or institution and a short description of the school or institution:

(*b*) It shall be the duty of every such responsible person when required by the Board of Education to furnish to the Board such further particulars with respect to the school or institution as may be prescribed by regulations made by the Board:

Provided that the Board may exempt from both or either of the above obligations any schools or educational institutions with respect to which the necessary information is already in the possession of the Board or is otherwise available.

(2) If the responsible person fails to furnish any information required by this section, he shall be liable on summary conviction to a penalty not exceeding ten pounds, and to a penalty not exceeding five pounds for every day on which the failure continues after conviction therefor.

(3) For the purposes of this section "the responsible person" means the secretary or person performing the duty of secretary to the governing body of the school or institution, or, if there is no governing body, the headmaster or person responsible for the management of the school or institution.

(4) Any regulations made by the Board of Education under this section with respect to the particulars to be furnished shall be laid before Parliament as soon as may be after they are made.

Provisions with respect to appointment of certain classes of teachers.

29.—(1) Notwithstanding anything in the Education Act, 1902, the appointment of all teachers of secular subjects not attached to the staff of any particular public elementary school and teachers appointed for the purpose of giving practical instruction, pupil teachers, and student teachers, shall be made by the local education authority, and it is hereby declared that the local education authority have power to direct the managers of any public elementary schools not provided by them to make

arrangements for the admission of any such teachers to the schools.

(2) The provisions of subsection (3) of section seven of the Education Act, 1902, shall apply to any question which arises under this section between the local education authority and the managers of a school.

Provisions as to closing of schools.

30.—(1) The managers of a public elementary school not provided by the local education authority, if they wish to close the school, shall give eighteen months' notice to the local education authority of their intention to close the school, and a notice under this provision shall not be withdrawn except with the consent of the local education authority.

(2) If the managers of a school who have given such a notice are unable or unwilling to carry on the school up to the expiration of the period specified in the notice, the school house shall be put at the disposal of the local education authority, if the authority so desire, for the whole or any part of the period, free of charge, for the purposes of a school provided by them, but subject to an obligation on the part of the authority to keep the school house in repair and to pay any outgoings in respect thereof, and to allow the use of the school house and the school furniture by the persons who were the managers of the school to the like extent and subject to the like conditions as if the school had continued to be carried on by those managers.

The use by the authority of the school house during such period for the purposes of a school provided by them shall not be deemed, for the purposes of section eight of the Education Act, 1902, to constitute the provision of a new school.

Grouping of non-provided schools of the same denominational character.

31. Where there are two or more public elementary schools not provided by the local education authority of the same denominational character in the same locality, the local education authority, if they consider that it is expedient for the purpose of educational efficiency and economy, may, with the approval of the Board of Education, give directions for the distribution of the children in those schools according to age, sex, or attainments, and otherwise with respect to the organisation of the schools; and for the grouping of the schools under one body of managers constituted in the manner provided by subsection (2) of section twelve of the Education Act, 1902:

Provided that, if the constitution of the body of managers falls to be determined by the Board of Education under that section, the Board shall observe the principles and proportions prescribed by sections six and eleven of that Act; and that, if the managers of a school affected by any directions given under this section request a public inquiry, the Board shall hold a public inquiry before approving those directions.

Provisions relating to central schools and classes. 3 Edw. 7. c. 24.

32.—(1) Notwithstanding the provisions of section six of the Education Act, 1902, or, in the case of London, subsection (1) of section two of the Education (London) Act, 1903,

as to the appointment of managers, any public elementary school which in the opinion of the Board is organised for the sole purpose of giving advanced instruction to older children may be managed in such manner as may be approved by the local education authority, and, in the case of a school not provided by that authority, also by the managers of the school.

(2) Notwithstanding anything contained in sections six and eight of the Education Act, 1902, or in section two of the Education (London) Act, 1903, the provision of premises for classes in practical or advanced instruction for children attending from more than one public elementary school shall not be deemed to be the provision of a new public elementary school, and any class conducted in such premises may be managed in such manner as may be approved by the local education authority.

Saving for certain statutory provisions.

33. Except as expressly provided by this Act, nothing in this Act shall affect the provisions of the Education Acts relating to public elementary schools not provided by the local education authority or the provisions of Part II. of the Education Act, 1902.

Acquisition of land by local education authority.

34.—(1) A local education authority may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under the Education Acts, by means of an order submitted to the Board of Education and confirmed by the Board in accordance with the provisions contained in paragraphs (1) to (13) of the First Schedule to the Housing, Town Planning, &c. Act, 1909, and those provisions shall have effect for the purpose, with the substitution of the Board of Education for the Local Government Board, of the local education authority for the local authority, and of references to the Education Acts for references to "this Act":

9 Edw. 7. c 44.

Provided that—

(*a*) the Board of Education shall not confirm any such order even when unopposed if they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired;

(*b*) an order for the compulsory purchase of land in the administrative county of London shall be subject to the provisions of subsection (2) of section two of the Education (London) Act, 1903;

(*c*) an order for the compulsory purchase of land which by section forty-five of the Housing, Town Planning, &c., Act, 1909, is exempt from compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890, shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

53 & 54 Vict. c. 70.

(2) The powers given by this section in relation to the compulsory purchase of land by the local education authority

shall be in substitution for any other powers existing for that purpose, but without prejudice to any powers conferred by any Provisional Order confirmed by Parliament before the appointed day.

Power to provide elementary schools outside area.

35. A local education authority may, with the consent of the Board of Education, who shall consult the authority of the area in which the proposed site is situated, provide a public elementary school, in cases where it appears convenient to do so, on a site outside their area for the use of children within their area, and for the purposes of the Education Acts a school so provided shall be deemed to be situated within the area of the authority.

Amendments with respect to the allocation of expenses to particular areas.

36.—(1) It shall not be obligatory on a county council to charge on or raise within particular areas any portion of such expenses as are mentioned in paragraph (*c*) or paragraph (*d*) of subsection (1) of section eighteen of the Education Act, 1902, and accordingly each of those paragraphs shall have effect as if for the word "shall" there was substituted the word "may" and as if the words "less than one half or" were omitted therefrom; and, where before the passing of this Act any portion of such expenses has been charged on or allocated to any area, the county council may cancel or vary the charge or allocation.

(2) Before charging any expenses under section eighteen (1) (*a*) of the Education Act, 1902, on any area situate within a borough or urban district the council of which is an authority for the purposes of Part III. of the Education Act, 1902, a county council shall consult the council of the borough or urban district concerned.

Provisions as to expenses of Provisional Orders, &c.

37. Any expenses incurred by a council in connection with any Provisional Order for the purposes of the Education Acts, or any Order under this Act for the purpose of the acquisition of land, shall be defrayed as expenses of the council under the Education Act, 1902, and the council shall have the same power of borrowing for the purpose of those expenses as they have under section nineteen of the Education Act, 1902, for the purpose of the expenses therein mentioned.

Expenses of education meetings, conferences, &c.

38. Any council having powers under the Education Acts may, subject to regulations made by the Board of Education, defray as part of their expenses under those Acts any reasonable expenses incurred by them in paying subscriptions towards the cost of, or otherwise in connection with, meetings or conferences held for the purpose of discussing the promotion and organisation of education or educational administration, and the attendance of persons nominated by the council at any such meeting or conference: Provided that—

(*a*) the expenses of more than three persons in connection with any meeting or conference shall not be paid

except with the previous sanction of the Board of Education;

(*b*) payments for travelling expenses and subsistence shall be in accordance with the scale adopted by the council;

(*c*) expenses shall not be paid in respect of any meeting or conference outside the United Kingdom unless the Board of Education have sanctioned the attendance of persons nominated by the council at the meeting or the conference;

(*d*) no expenses for any purpose shall be paid under this section without the approval of the Board of Education, unless expenditure for the purpose has been specially authorised or ratified by resolution of the council, after special notice has been given to members of the council of the proposal to authorise or ratify the expenditure, or, where a council has delegated its powers under this section to the education committee, by resolution of that committee after like notice has been given to the members thereof.

Power to pay expenses of prosecutions for cruelty.

39. The powers of a local education authority for the purposes of Part III. of the Education Act, 1902, shall include a power to prosecute any person under section twelve of the Children Act, 1908, where the person against whom the offence was committed was a child within the meaning of this Act, and to pay any expenses incidental to the prosecution.

Public inquiries by Board of Education.

40.—(1) The Board of Education may hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under the Education Acts.

(2) The following provisions shall (except as otherwise provided by the Education Acts) apply to any public inquiry held by the Board of Education:—

(*a*) The Board shall appoint a person or persons to hold the inquiry:

(*b*) The person or persons so appointed shall hold a sitting or sittings in some convenient place in the neighbourhood to which the subject of the inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into the objections or representations made respecting the subject matter of the inquiry, with power from time to time to adjourn any sitting:

(*c*) Notice shall be published in such manner as the Board direct of every such sitting, except an adjourned sitting, seven days at least before the holding thereof:

(*d*) The person or persons so appointed shall make a report in writing to the Board setting forth the result of the inquiry and the objections and representations, if any,

made thereat, and any opinion or recommendations submitted by him or them to the Board:

(*e*) The Board shall furnish a copy of the report to any local education authority concerned with the subject matter of the inquiry, and, on payment of such fee as may be fixed by the Board, to any person interested:

(*f*) The Board may, where it appears to them reasonable that such an order should be made, order the payment of the whole or any part of the costs of the inquiry either by any local education authority to whose administration the inquiry appears to the Board to be incidental, or by the applicant for the inquiry, and may require the applicant for an inquiry to give security for the costs thereof:

(*g*) Any order so made shall certify the amount to be paid by the local education authority or the applicant, and any amount so certified shall, without prejudice to the recovery thereof as a debt due to the Crown, be recoverable by the Board summarily as a civil debt from the authority or the applicant as the case may be.

Inspection of minutes

41. The minutes of the proceedings of a local education authority and, where a local education authority delegate to their education committee any powers and the Acts and proceedings of the education committee as respects the exercise of those powers are not required to be submitted to the council for their approval, the minutes of the proceedings of the education committee relating to the exercise of those powers, shall be open to the inspection of any ratepayer at any reasonable time during the ordinary hours of business on payment of a fee of one shilling, and any ratepayer may make a copy thereof or take an extract therefrom.

Payments to the Central Welsh Board.

42.—(1) For the yearly sum payable to the Central Welsh Board under the scheme regulating the intermediate and technical education fund of any county, as defined by the Welsh Intermediate Education Act, 1889, there shall be substituted—

(*a*) a yearly sum equal to a percentage not exceeding twenty-two and a half per cent. fixed from time to time at a uniform rate for every county by the Central Welsh Board of the sum produced by a rate of one halfpenny in the pound for the preceding year, calculated in the manner provided by subsection (3) of section eight of the Welsh Intermediate Education Act, 1889; and

(*b*) a yearly sum equal to five per cent. of the net income for the preceding year of any endowment comprised in the intermediate and technical education fund of the county, or, in the alternative, for each year during such period as may be agreed with the Central Welsh Board, such yearly sum as that Board may agree to accept in lieu thereof.

(2) For the purpose of ascertaining the said net income there shall be deducted from the gross income all proper expenses and outgoings in respect of administration and management of the endowment (including charges for interest on and repayment of loans and replacement of capital), and any sums required by the scheme to be treated as capital, and the term "endowment" shall include augmentations acquired by the investment of surplus income whether derived from endowment or county rate, or from any other source, but not property occupied for the purposes of the scheme.

(3) The power of charging capitation fees for scholars offered for examination conferred on the Central Welsh Board by the scheme of the thirteenth day of May, eighteen hundred and ninety-six, regulating the Central Welsh Intermediate Education Fund shall cease.

(4) The provisions of this section shall have effect and be construed as part of the schemes regulating the Central Welsh Intermediate Education Fund and the intermediate and technical education funds of counties in Wales and Monmouthshire, and may be repealed or altered by future schemes accordingly.

Evidence of certificates, &c., issued by local education authorities.

43. All orders, certificates, notices, requirements, and documents of a local education authority under the Education Acts, if purporting to be signed by the clerk of the authority or of the education committee, or by the director of, or secretary for, education, shall until the contrary is proved be deemed to be made by the authority and to have been so signed, and may be proved by the production of a copy thereof purporting to have been so signed.

EDUCATION GRANTS.

Education grants.

44.—(1) The Board of Education shall, subject to the provisions of this Act, by regulations provide for the payment to local education authorities out of moneys provided by Parliament of annual substantive grants in aid of education of such amount and subject to such conditions and limitations as may be prescribed in the regulations, and nothing in any Act of Parliament shall prevent the Board of Education from paying grants to an authority in respect of any expenditure which the authority may lawfully incur.

(2) Subject to the regulations made under the next succeeding subsection, the total sums paid to a local education authority out of moneys provided by Parliament and the local taxation account in aid of elementary education or education other than elementary, as the case may be, shall not be less than one half of the net expenditure of the authority recognised by the Board of Education as expenditure in aid of which parliamentary grants should be made to the authority, and, if the total sums payable out of those moneys to an authority in any year fall short of one half of that expenditure, there shall be

paid by the Board of Education to that authority, out of moneys provided by Parliament, a deficiency grant equal to the amount of the deficiency, provided that a deficiency grant shall not be so paid as to make good to the authority any deductions made from a substantive grant.

(3) The Board of Education may make regulations for the purpose of determining how the amount of any deficiency grant payable under this section shall be ascertained and paid, and those regulations shall, if the Treasury so direct, provide for the exclusion in the ascertainment of that amount of all or any sums paid by any Government department other than the Board of Education and of all or any expenditure which in the opinion of the Board of Education is attributable to a service in respect of which payments are made by a Government department other than the Board of Education.

(4) The fee grant under the Elementary Education Act, 1891, as amended by the Elementary Education (Fee Grant) Act, 1916, the aid grant under section ten of the Education Act, 1902, and the small population grant under section nineteen of the Elementary Education Act, 1876, as amended by the Education Code (1890) Act, 1890, and the Education (Small Population Grants) Act, 1915, shall cease on the appointed day. 54 & 55 Vict. c. 56. 6 & 7 Geo. 5. c. 35. 39 & 40 Vict. c. 79. 53 & 54 Vict. c. 22. 5 & 6 Geo 5. c. 95.

(5) If, by reason of the failure of an authority to perform its duties under the Education Acts or to comply with the conditions on which grants are made, the deficiency grant is reduced or a deduction is made from any substantive grant exceeding five hundred pounds or the amount which would be produced by a rate of a halfpenny in the pound whichever is the less, the Board of Education shall cause to be laid before Parliament a report stating the amount of and the reasons for the reduction or deduction.

(6) Any regulations made by the Board of Education for the payment of grants shall be laid before Parliament as soon as may be after they are made.

EDUCATIONAL TRUSTS.

Power to constitute official trustees of educational trust property.

45.—(1) His Majesty may by Order in Council constitute and incorporate with power to hold land without licence in mortmain one or more official trustees of educational trust property, and may apply to the trustee or trustees so constituted the provisions of the Charitable Trusts Acts, 1853 to 1914, relating to the official trustee of charity lands and the official trustees of charitable funds so far as they relate to endowments which are held for or ought to be applied to educational purposes.

(2) On the constitution of an official trustee or official trustees of educational trust property,—

(*a*) all land or estates or interests in land then vested in the official trustee of charity lands which are held by him as endowments for solely educational purposes, and

(*b*) all securities then vested in the official trustees of charitable funds which those trustees certify to be held by them as endowments for solely educational purposes,

shall by virtue of this Act vest in the official trustee or trustees of educational trust property upon the trusts and for the purposes for which they were held by the official trustee of charity lands and the official trustees of charitable funds, and, on such a certificate by the official trustees of charitable funds as aforesaid being sent to the person having charge of the books or registers in which any such securities are inscribed or registered, that person shall make such entries in the books or registers as may be necessary to give effect to this section.

(3) If any question arises as to whether an endowment or any part of an endowment is held for or ought to be applied to solely educational purposes, the question shall be determined by the Charity Commissioners.

Exemption of assurance of property for educational purposes from certain restrictions under the Mortmain Acts. 51 & 52 Vict. c. 42. 54 & 55 Vict. c. 73. 55 & 56 Vict. c. 11. 55 & 56 Vict. c. 29.

46.—(1) Any assurance, as defined by section ten of the Mortmain and Charitable Uses Act, 1888, of land or personal estate to be laid out in the purchase of land for educational purposes, whether made before or after the passing of this Act, shall be exempt from any restrictions of the law relating to Mortmain and Charitable Uses, and the Mortmain and Charitable Uses Acts, 1888 and 1891, and the Mortmain and Charitable Uses Act Amendment Act, 1892, shall not apply with respect to any such assurance.

(2) Subsection (1) of section ten of the Technical and Industrial Institutions Act, 1892, so far as it relates to the enrolment in the books of the Charity Commissioners of every conveyance or assurance of land for the purposes of institutions established under that Act, is hereby repealed.

(3) Every assurance of land or personal estate to be laid out in the purchase of land for educational purposes, including every assurance of land to any local authority for any educational purpose or purposes for which such authority is empowered by any Act of Parliament to acquire land, shall be sent to the offices of the Board of Education in London for the purpose of being recorded in the books of the Board as soon as may be after the execution of the deed or other instrument of assurance, or in the case of a will after the death of the testator.

Appointment of new trustees under scheme.

47. Where, under any scheme made before the passing of this Act relating to an educational charity, the approval of the Board of Education is required to the exercise by the trustees under the scheme of a power of appointing new trustees, the scheme shall, except in such cases as the Board may otherwise direct, have effect as if no such approval was required thereunder, and the Board may by order make such modifications of any such scheme as may be necessary to give effect to this provision.

GENERAL.

Definitions.

48.—(1) In this Act, unless the context otherwise requires,—

The expression "child" means any child up to the age when his parents cease to be under an obligation to cause him to receive efficient elementary instruction or to attend school under the enactments relating to elementary education and the byelaws made thereunder;

The expression "young person" means a person under eighteen years of age who is no longer a child;

The expression "parent" in relation to a young person includes guardian and every person who is liable to maintain or has the actual custody of the young person;

The expression "practical instruction" means instruction in cookery, laundrywork, housewifery, dairywork, handicrafts, and gardening, and such other subjects as the Board declare to be subjects of practical instruction;

The expression "school term" means the term as fixed by the local education authority;

The expression "sea service" has the same meaning as in the Merchant Shipping Acts, 1894 to 1916, and includes sea-fishing service;

Other expressions have the same meaning as in the Education Acts.

(2) In the Education Acts the expressions "employ" and "employment" used in reference to a child or young person include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person.

Compensation to existing officers. 51 & 52 Vict. c. 41.

49. Section one hundred and twenty of the Local Government Act, 1888, which relates to compensation to existing officers, shall apply to officers serving under local education authorities at the passing of this Act who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, subject as follows:—

(*a*) Teachers in public elementary schools maintained by a local education authority shall be deemed to be officers serving under that authority;

(*b*) References to a county council shall include references to a borough or urban district council;

(*c*) The reference to "the passing of this Act" shall be construed as a reference to the date when the loss arose;

(*d*) The reference to the Acts and rules relating to His Majesty's civil service shall be construed as a reference to the Acts and rules which were in operation at the date of the passing of the Local Government Act, 1888; and

(*e*) Any expenses shall be paid by the council under whom the officer was serving at the date when the loss arose out of the fund or rate out of which the expenses of the council under the Education Acts are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of those Acts.

Extension of certain provisions of the Education Acts.

50. The provisions of the Education Acts mentioned in the first column of the First Schedule to this Act shall apply with respect to young persons, continuation schools, and the Education Acts and instruments made thereunder in like manner as they apply with respect to children, elementary schools, and the enactments mentioned in those provisions and instruments made under those enactments, and accordingly those provisions shall have effect as set out and modified in the second column of that schedule.

Repeals.

51. The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title, construction, extent, and commencement.

52.—(1) This Act may be cited as the Education Act, 1918, and shall be read as one with the Education Acts, 1870 to 1916, and those Acts and this Act may be cited together as the Education Acts, 1870 to 1918, and are in this Act referred to as "the Education Acts."

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall come into operation on the appointed day, and the appointed day shall be such day as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, for different areas or parts of areas, and for different persons or classes of persons:

Provided that the appointed day for the purposes of subsections (1) and (2) of section eight shall not be earlier than the termination of the present war, and for the purposes of paragraph (iii) of subsection (2) of section thirteen shall not be earlier than three years after the passing of this Act, and that for a period of seven years from the appointed day the duty of the council of a county (other than the London County Council) shall not include a duty to establish certified schools for boarding and lodging physically defective and epileptic children.

SCHEDULES.

FIRST SCHEDULE.

Section 50

EXTENSION OF ENACTMENTS.

Enactment extended.	Enactment as extended.
Elementary Education Act, 1870.	
s. 36	Every local education authority may, if they think fit, appoint an officer or officers to enforce the Education Acts and any byelaws, orders, or other instruments made thereunder with reference to the attendance of children or young persons at school.
s. 81	Certificates, notices, requisitions, orders, precepts, and all documents required by the Education Acts or any regulations or byelaws made thereunder to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.
s. 84	After the expiration of three months from the date of any order or requisition of the Board of Education under the Education Acts such order or requisition shall be presumed to have been duly made, and to be within the powers of the Education Acts, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.
Elementary Education Act, 1873.	
s. 24	With respect to proceedings before a court of summary jurisdiction for offences and penalties under the Education Acts or any byelaws made thereunder the following provisions shall have effect:— * * * * * (4) Any justice may require by summons any parent or employer of a child or young person, required by the Education Acts or by

Enactment extended.	Enactment as extended.
Elementary Education Act, 1873.	any byelaws, orders, or other instruments made thereunder to attend school, to produce the child or young person before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings. (5) A certificate purporting to be under the hand of the principal teacher of a public elementary or continuation school, stating that a child or young person is or is not attending such school, or stating the particulars of the attendance of a child or young person at such school, shall be evidence of the facts stated in such certificate. (6) Where a child or young person is apparently of the age alleged for the purposes of the proceedings, it shall lie on the defendant to prove that the child or young person is not of such age. * * * * (8) Where a local education authority are by reason of the default of the managers or proprietor of an elementary or continuation school, unable to ascertain whether a child or young person who is resident within the district of such local education authority and attends such school attends school in conformity with the Education Acts or any byelaws, orders, or other instruments made thereunder, it shall lie on the defendant to show that the child or young person has attended school in conformity with the said Acts, byelaws, orders, or other instruments.
Elementary Education Act, 1876. s 38	No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction by any person appointed to carry out the Education Acts or any byelaws made thereunder, except by the direction of not less than two members of the education committee of a local education authority, or of any sub-committee appointed by that committee for school attendance purposes.

SECOND SCHEDULE.

Section 51.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section seventeen. In section twenty from the beginning of subsection (2) to the end of subsection (8). Section fifty-two. Sections sixty-seven to seventy-two. Section seventy-three. In section seventy-four the words "(3) Providing for "the remission or payment "of the whole or any part "of the fees of any child "where the parent satisfies the school board that "he is unable from poverty to pay the same"; and the words from "Provided that any byelaw" down to the words "specified in such byelaw." Section ninety-four. Section ninety-seven from "Provided that no such "minute" to the end of the section.
35 & 36 Vict. c. 27.	The Elementary Education Act Amendment Act, 1872.	The whole Act.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Section fifteen. Section nineteen. Subsections (3) and (7) of section twenty-four, and in subsection (5) the words "or stating that a child "has been certified by "one of Her Majesty's "Inspectors to have "reached a particular "standard of education."
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section five. Section six. Section seven from "Provided that" to the words "by information and "otherwise." Section nine. Section ten.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 79—*cont.*	The Elementary Education Act, 1876—*cont.*	In section eleven the words "who is under this Act "prohibited from being "taken into full time em- "ployment." Section nineteen. In section twenty-four from the beginning of the section down to "the parent of such child"; and the words "and the persons "by whom and the form "in which certificates of "the said proficiency and "due attendance are to be "granted, and with re- "spect to other matters "relating thereto"; and the words "and other "records of such profi- "ciency and attendance." Section twenty-eight. Section twenty-nine. Section thirty-five. In section thirty-seven the words from "And every "person who shall frau- "dulently" down to "not "exceeding fourteen "days." Section thirty-nine. Section forty. Section forty-five. Section forty-six. Section forty-seven. Section fifty. The First Schedule.
43 & 44 Vict. c. 23.	The Elementary Education Act, 1880	Section four. Section five.
53 & 54 Vict. c. 22.	The Education Code (1890) Act, 1890.	The whole Act.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	The whole Act.
55 & 56 Vict. c. 29.	The Technical and Industrial Institutions Act, 1892.	In section ten the words "but every such convey- "ance or assurance shall "be enrolled as soon as "may be in the books "of the Charity Commis- "sioners."
56 & 57 Vict. c. 51.	The Elementary Education (School Attendance) Act, 1893.	The whole Act.
60 & 61 Vict. c. 32.	The School Board Conference Act, 1897.	The whole Act

Session and Chapter.	Short Title.	Extent of Repeal.
62 & 63 Vict. c. 13.	The Elementary Education (School Attendance) Act (1893) Amendment Act, 1899.	The whole Act.
63 & 64 Vict c. 53.	The Elementary Education Act, 1900.	Section one. In section six the words "and in section four of the Elementary Education Act, 1880." Section seven.
1 Edw. 7. c. 11	The Education Act, 1901 -	The whole Act.
1 Edw. 7. c. 22	The Factory and Workshop Act, 1901.	Sections sixty-eight to seventy-two except as respects children lawfully employed in factories and workshops at the commencement of this Act and except as respects Scotland and Ireland.
2 Edw. 7. c. 19	The Education Act (1901) (Renewal) Act, 1902.	The whole Act.
2 Edw. 7. c 42	The Education Act, 1902 -	In subsection (1) of section two from "Provided that the amount" to the end of the subsection. Subsection (5) of section seven from "and in any case" to the end of the subsection. Section ten. Section fourteen. Subsection (7) of section seventeen. Subsection (1) of section twenty-one. In subsection (2) thereof the words "or provisional order," in subsection (3) thereof the words "or any provisional order made for the purposes of such a scheme." Subsections (5) and (10) of section twenty-three. In the Third Schedule, paragraph (1), from "except as respects" to the end of the paragraph, and paragraph (5).
3 Edw. 7. c. 10	The Education (Provision of Working Balances) Act, 1903.	The whole Act.
3 Edw 7. c. 24	The Education (London) Act, 1903.	In the First Schedule, paragraphs (2) and (7).

Session and Chapter.	Short Title.	Extent of Repeal.
7 Edw. 7. c. 43	The Education (Administrative Provisions) Act, 1907.	Section four, without prejudice to the legality of anything retrospectively legalised thereby. In subsection (1) of section fourteen the words "or a ground of exemption for the purposes of section nine of the latter Act."
9 Edw. 7. c. 29	The Education (Administrative Provisions) Act, 1909.	Section three, without prejudice to the legality of anything retrospectively legalised thereby.
5 & 6 Geo. 5. c. 95.	The Education (Small Population Grants) Act, 1915.	The whole Act.
6 & 7 Geo. 5. c. 35.	The Elementary Education (Fee Grant) Act, 1916.	The whole Act.

CHAPTER 40.

An Act to Consolidate the Enactments relating to Income Tax. [8th August 1918.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

CHARGE OF INCOME TAX.

Charge of income tax.

1. Where any Act enacts that income tax shall be charged for any year at any rate, the tax at that rate shall be charged for that year in respect of all property, profits, or gains respectively described or comprised in the schedules marked A, B, C, D, and E, contained in the First Schedule to this Act and in accordance with the Rules respectively applicable to those Schedules.

Yearly assessments.

2. Every assessment and charge to tax shall be made for a year commencing on the sixth day of April and ending on the following fifth day of April, except where under the provisions of this Act weekly wage-earners are to be assessed and charged quarterly.

Fractions of twenty shillings.

3. The due proportion of tax shall be charged for every fractional part of twenty shillings, but no tax shall be charged of a lower denomination than one penny.