EDUCATION, ENGLAND AND WALES

[*See* also Class 9 of the Classified List of Local Instruments printed at the end of this volume.]

1. *Compensation Forms.*
2. *Educational Conferences*, p. 712.
3. *Grants*, p. 713.
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7. *Teachers*, p. 756.

1. COMPENSATION FORMS

The Education (Compensation Forms) Regulations, 1948

1948 No. 2527

Made - - - -	*23rd November*, 1948
Laid before Parliament	*23rd November*, 1948
Coming into Operation	*29th November*, 1948

The Minister of Education, in pursuance of the powers conferred upon him by Paragraph 11 of the Fourth Schedule to the Local Government Act, 1933(**a**), as applied by sub-section (3) of Section 12 of the Education Act, 1946(**b**), hereby makes the following Regulations:—

1. These Regulations may be cited as the Education (Compensation Forms) Regulations, 1948, and shall come into operation on the twenty-ninth day of November, 1948.

2. The Interpretation Act, 1889(**c**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In these Regulations unless the context otherwise requires—

" Act " means the Education Act, 1946.

" Act of 1933 " means the Local Government Act, 1933.

" Emoluments " has the meaning assigned to that expression by Section 305 of the Act of 1933.

" Local Education Authority " has the meaning assigned to that expression by section 114 (1) of the Education Act, 1944(**d**).

" Material date " has the meaning assigned to that expression in paragraph 12 of the Fourth Schedule to the Act of 1933.

" Minister " means the Minister of Education.

" Office " has the meaning assigned to that expression by paragraph 12 of the Fourth Schedule to the Act of 1933.

" Public Appointment " has the meaning assigned to that expression by paragraph 12 of the Fourth Schedule to the Act of 1933.

4. The Minister in pursuance of paragraph 11 of the Fourth Schedule to the Act of 1933, as applied by sub-Section (3) of Section 12 of the Act, hereby prescribes as follows:—

(*a*) Every claim for compensation under Section 12 of the Act shall be in the form set out in the First Schedule to these Regulations and shall be accompanied by a statement in the form set out in the Second Schedule to these Regulations.

(*b*) Every decision of the Local Education Authority on a claim for compensation as aforesaid shall be in the form set out in the Third Schedule to these Regulations.

(**a**) 23 & 24 Geo. 5. c. 51. (**b**) 9 & 10 Geo. 6. c. 50.
(**c**) 52 & 53 Vict. c. 63. (**d**) 7 & 8 Geo. 6. c. 31.

(*c*) Every notice of appeal to the Minister under paragraph 8 of the Fourth Schedule to the Act of 1933 shall be in the form set out in the Fourth Schedule to these Regulations:

Provided that the requirements of this Regulation may be deemed to have been fulfilled in any case if a form is used which is as near to the appropriate form hereinbefore prescribed as circumstances may permit.

FIRST SCHEDULE

Claim for Compensation for Direct Pecuniary Loss

Education Act, 1946

To the Local Education Authority

I, , hereby claim compensation under the above-mentioned Act for the direct pecuniary loss suffered by me by reason of $\frac{\text{the determination of my appointment}}{\text{diminution of my emoluments}}$ as in the $\frac{\text{whole-time}}{\text{part-time}}$ service of the

A statement is attached giving particulars in support of my claim.

Signature

Address

Date

SECOND SCHEDULE

Statement to accompany Claim for Compensation

Education Act, 1946

1. Name in Full
2. Date of Birth
3. Description of $\frac{\text{whole-time}}{\text{part-time}}$ office $\frac{\text{which has been determined.}}{\text{the emoluments of which have been diminished.}}$
4. Material Date
5. Amount of annual pecuniary loss
6. The following are the grounds upon which I contend that the loss was sustained as a result of action taken by the County Council in consequence of the establishment of a Scheme of Divisional Administration.

7.—(*a*) Particulars of the emoluments of the office and any expenses incurred by me in connection with the office in respect of the period of five years next before the material date are annexed hereto in the form set out in Part I of Appendix I to the Second Schedule to the Education (Compensation Forms) Regulations, 1948.

(*b*) [Estimates of the emoluments of the office and of the expenses to be incurred by me in the office after the material date together with a statement of any emoluments actually received and of any expenses actually incurred after the material date are annexed hereto in the form set out in Part II of Appendix I to the Second Schedule to the Education (Compensation Forms) Regulations, 1948.]

8. The date of appointment to the office and the terms of the appointment are as follows—

9. Particulars are annexed hereto in the form set out in Appendix II to the Second Schedule to the Education (Compensation Forms) Regulations, 1948, of all my service in any office after attainment of the age of 18 years, including any service which is reckoned as service either by virtue of paragraph 7 of the Fourth Schedule to the Act of 1933 or by virtue of paragraph (*c*) of sub-Section (3) of Section 12 of the Act.

10. At the material date the whole of my time $\frac{\text{was devoted}}{\text{was not devoted}}$ to service in offices.

11. [I have not obtained by virtue of the Education Acts, 1944 to 1948, or of anything done in pursuance or in consequence thereof any increase of the emoluments enjoyed by me at the material date.]

12. [On the I obtained by virtue of the Education Acts, 1944 to 1948, or of something done in pursuance or in consequence thereof the following increase of the emoluments enjoyed by me at the material date.]

13. [On the (being a date not earlier than the material date) I accepted $\frac{\text{the office [offices] of}}{\text{the public appointment [appointments] of}}$

the annual emoluments of which are £ s. d. [and £ s. d. respectively.]]

14. [I have not received an offer of the emoluments of any office or public appointment on or after the material date.]

15. [I have declined the emoluments of the following $\frac{\text{office [offices]}}{\text{public appointment [appointments]}}$ which I might have obtained on or after the material date if I had accepted an offer [offers] made to me, namely

The emoluments of $\frac{\text{this office [these offices]}}{\text{this public appointment [these public appointments]}}$ were [respectively] as follows—

My reasons for refusing the said offer [offers] were

No other offer of the emoluments of an office or public appointment has been made to me.]

16. The following particulars relate to the fact that I was appointed as a specially qualified person or had before my appointment been employed (otherwise than in an office) as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of the official duties of the said officer—

Note.—Omit any paragraph in square brackets which is not applicable.

APPENDIX I

PART I

Statement of emoluments of the office and any expenses incurred in respect of the office up to material date.

——	(1) Year ended	(2) Year ended	(3) Year ended	(4) Year ended	(5) Year ended	Totals	Annual rates of emoluments and expenses immediately before the material date 19
1. Gross Emoluments:— (*a*) Salary ... ... (*b*) Wages ... ... (*c*) Fees ... ... (*d*) Other emoluments (specifying them).	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Total emoluments							
2. Expenses :— (*a*) For office accommodation (*b*) For clerical assistance (*c*) Other expenses (specifying them).							
Total Expenses							
3. Net emoluments ...							

PART II

Estimate of emoluments and expenses of office after material date and statement of emoluments actually received and expenses actually incurred in respect thereof after that date.

1. Estimated emoluments and expenses of office.	£ s. d.	Emoluments received and expenses incurred.	£ s. d.
Amount of annual salary or wages Amount of annual fees ... ... Amount of other annual emoluments (specifying them).		Amount of salary or wages received or earned for period from material date to the day of . Amount of fees received or earned during the same period. Amount of other emoluments (specifying them) received or earned during the same period.	
TOTAL		TOTAL	
2. Estimated amount of expenses per annum (specifying items).		Amount of expenses incurred during the same period (specifying items).	
3. Net emoluments		Net emoluments	

Note.—The statement should only include the information provided for in this part of Appendix I in a case where the office is not determined but there has been a diminution of emoluments.

APPENDIX II

Particulars of Service after attaining the age of 18 years

Name of Local Authority	Description of office	Whether whole-time or part-time	Date of commencement of service	Date of termination of service or diminution of emoluments	Period of whole-time service			Period of part-time service			Remarks
					Years	Months	Days	Years	Months	Days	
			TOTALS ...								

I of
in the County of
DO SOLEMNLY AND SINCERELY DECLARE that the foregoing statement is a true statement to the best of my knowledge, information and belief, and I make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Statutory Declarations Act, 1835.

Signature

Declared at
in the County of
this day of 19 .

Before me,
Justice of the Peace or
Commissioner for Oaths.

Note.—This declaration will require a 2s. 6d. stamp which should be impressed before the declaration is made.

THIRD SCHEDULE

NOTICE OF LOCAL EDUCATION AUTHORITY'S DECISION ON CLAIM FOR COMPENSATION

Education Act 1946

To

You are hereby informed that the decision of the Local Education Authority upon the claim for compensation made by you under the above-mentioned Act on the 19 , in respect of
is as follows:—

(*a*) [That no compensation be granted to you]

(*b*) [That an annuity of £ (figures and words) be granted to you as from the day of 19 , payable in equal monthly / quarterly instalments on the day of the month, the first payment being made on the day of on the day of , the day of , and the day of in each year.]

(*c*) [That a capital sum of £ (figures and words) be granted to you, payable on the day of .]

If you are aggrieved by the refusal of the Local Education Authority to grant any compensation or by the amount of compensation assessed, you may within three months after the date on which you receive the above decision of the Local Education Authority appeal to the Minister of Education, Curzon Street, London, W.1.

[You should immediately notify the Local Education Authority in the event of your becoming subject to the provisions of paragraph 10 of the Fourth Schedule to the Local Government Act, 1933, which, as applied by sub-Section (3) of Section 12 of the Education Act, 1946, reads as follows:—

" 10.—(1) If a person receiving compensation under the Education Act, 1946,—

(*a*) obtains any office or other public appointment; or

(*b*) receives, by virtue of the Education Acts, 1944 to 1948, or of anything done in pursuance of or in consequence of those Acts, any increase of the emoluments which were enjoyed by him at the date as at which the compensation was assessed,

he shall not, so long as he holds that office or other public appointment or receives those increased emoluments, be entitled to receive any greater sum by way of compensation in respect of the office for which compensation is awarded than would make up the amount, if any, by which the emoluments which he is receiving fall short of the emoluments of the office in respect of which compensation was awarded:

Provided that where a person held two or more offices at the date as at which the compensation was assessed or has been awarded compensation in respect of two or more offices, the Minister of Education may, on the application of that person or of any Authority by whom the compensation is payable, modify the operation of the foregoing sub-paragraph in relation to that person so far as is, in the opinion of the Minister of Education, necessary in order equitably to meet the circumstances of the case.

(2) Where an officer to whom compensation has been awarded under the Education Act, 1946, subsequently becomes entitled to a superannuation allowance in respect of any office or other public appointment which he has accepted after the material date, and in calculating the amount of such allowance account is taken of any period of service in respect of which compensation is payable, then, if the compensation does not exceed such part of the superannuation allowance as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the superannuation allowance as aforesaid, it shall be reduced by an amount equal to that part of the allowance."]

Dated this day of 19 .

Signed

Clerk of the Council.

Note.—Omit any paragraph in square brackets which is not applicable.

FOURTH SCHEDULE

Notice of Appeal to the Minister of Education by a Claimant for Compensation

Education Act, 1946

To the Minister of Education,
Curzon Street, London, W.1.

I, hereby appeal to the Minister of Education, being aggrieved by the refusal of the Local Education Authority to grant any compensation / the amount of compensation assessed by the Local Education Authority upon the claim delivered by me to the Authority on the in respect of

I enclose a copy of my claim for compensation and of the statement which accompanied it, together with a statement of the grounds on which I am aggrieved by the decision of the Local Education Authority, notice of which was received by me on

Dated this day of , 19

Signature

Address

Given under the official seal of the Minister of Education this 23rd day of November, 1948.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

(This Note is not part of the above Regulations, but is intended to indicate their general purport.)

The purpose of these Regulations is to prescribe the forms to be used in connection with a claim by an officer of a County Council for compensation under Section 12 of the Education Act, 1946, in respect of direct pecuniary loss suffered as the result of the establishment of a Scheme of Divisional Administration for the County.

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2. EDUCATIONAL CONFERENCES

The Educational Conferences Amending Regulations, 1948

1948 No. 195

Made - - - -	*4th February*, 1948
Laid before Parliament	*5th February*, 1948
Coming into Operation	*9th February*, 1948

The Minister of Education, in exercise of the powers conferred upon him by Section 83 of the Education Act, 1944(**a**), hereby makes the following Regulations:—

1. These Regulations may be cited as the Educational Conferences Amending Regulations, 1948, and shall come into operation on the 9th day of February, 1948.

2. The existing Regulations hereby amended are the Educational Conferences Regulations, 1945(**b**).

3. The following Regulation is hereby substituted for Regulation 5 of the existing Regulations:—

"5. An Authority may defray reasonable expenditure for the purpose of paying or contributing towards yearly subscriptions to associations or other bodies of persons whose functions involve the regular discussion of questions relating to education:

Provided that the yearly subscription to any particular association or body shall not exceed the yearly amount prescribed by this Regulation being an amount based on the population of the area of the Authority as ascertained from the last preceding census from time to time, that is to say—

(*a*) £100 if the population is not less than 1,000,000;
(*b*) £85 if the population is under 1,000,000 but not under 500,000;
(*c*) £55 if the population is under 500,000 but not under 100,000; and
(*d*) £25 if the population is under 100,000.

Provided further that the total amount of subscriptions for any year payable by an Authority to the National Association of Divisional Executives for Education in respect of the Divisional Executives in the area of that Authority may exceed the appropriate yearly amount hereinbefore prescribed for that Authority if the excess is approved."

(a) 7 & 8 Geo. 6. c. 31. (b) S.R. & O. 1945 (No. 699) I, p. 349.