## CHAPTER 40.

An Act to amend the Education Acts, 1944 and 1946, the Endowed Schools Acts, 1869 to 1908, the provisions of the Mental Deficiency Act, 1913, as to children incapable of receiving education, and the provision of the Children and Young Persons Act, 1933, as to the minimum age of employment.

[30th June 1948.]

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 :—

Provisions as to transfer of powers conferred by the Charitable Trusts Acts, etc. 62 & 63 Vict. c. 33.

**1.**—(1) Powers conferred by the Charitable Trusts Acts, 1853 to 1939, or other enactments, and vested for the time being in the Charity Commissioners as respects endowments or trusts of any class other than the educational endowments and trusts mentioned in the Orders in Council made under the Board of Education Act, 1899 (which, as respects those educational endowments and trusts, effected a general transfer to the Minister's predecessor of powers then vested in the said Commissioners) may by Order in Council be transferred to the Minister, or be made exercisable by him, as respects all or any endowments or trusts of any such other class as aforesaid, in so far as it appears to His Majesty in Council to be expedient so to provide having regard to the relation between the purposes of the endowments or trusts to be dealt with by the Order and the purposes of endowments or trusts as respects which the same or associated powers are already vested in or exercisable by the Minister by virtue of the said Act of 1899.

(2) If it appears to His Majesty in Council to be expedient that any powers formerly vested in the Charity Commissioners

as respects all or any endowments or trusts of any class, and for the time being vested as respects them in the Minister, should as respects them cease to be vested in him and be vested in the said Commissioners, he may by Order in Council make provision accordingly.

(3) An Order in Council made under this section may be varied or revoked by a subsequent Order in Council.

(4) A draft of any Order in Council under this section shall be laid before Parliament.

(5) The Orders in Council made under the Board of Education Act, 1899, shall continue in operation, subject to the provisions of subsection (2) of this section.

(6) The preceding provisions of this section shall be in substitution for subsection (2) of section two of the Education Act, 1944 (in this Act referred to as " the principal Act ").

7 & 8 Geo. 6. c.31.

Extension of the Endowed Schools Acts to education generally in lieu of education of boys and girls, and to modern endowments.

**2.**—(1) Subject to the provisions of subsections (5) and (6) of this section, the Endowed Schools Acts, 1869 to 1908 (which confer powers as respects educational endowments by schemes made thereunder to alter or add to existing trusts and to make new trusts and to consolidate or divide endowments) shall have effect subject to the amendments thereof specified in this section, and to the consequential and minor amendments thereof specified in the First Schedule to this Act.

(2) The endowments to which the said Acts apply as educational endowments shall comprise endowments for any educational purposes in lieu of being confined to endowments for the purposes of education at school of boys and girls or of exhibitions.

(3) Any limitation on the power to make schemes under the said Acts imposed thereby, whether expressly or by implication, by reference to the time of the giving of an endowment or part of an endowment, including the requirement imposed by paragraph (1) of section fourteen of the Endowed Schools Act, 1869, of assent of the governing body of an endowment to a scheme where the original gift was less than fifty years before the commencement of that Act, shall cease to have effect, and the said power shall extend to endowments and parts of endowments whenever given, whether before or after the commencement of that Act or of this Act, so however that such assent as is mentioned in the said paragraph (1) shall be required for the making of a scheme as to an endowment or part of an endowment given as mentioned in that paragraph less than fifty years before the time of the making of the scheme.

(4) In accordance with the last preceding subsection, references to the time of the making of a scheme shall be substituted for the references to the commencement, or to the passing, of the said Act of 1869, or to the first day of January, 1869, in that Act and in sections seven and eight of the Endowed Schools Act, 1873 :

Provided that this subsection shall not have effect as to the reference to the passing of the said Act of 1869 in section fifty-five of that Act (which provides against the acquisition after the passing of that Act of vested interests in endowments).

(5) No provision shall be made by a scheme as to, or as to the governing body of, an endowment which constitutes or forms part of the endowment of—

(*a*) a university, a university college or a college of a university, or

(*b*) a school not maintained by a local education authority,

other than such provision, if any, as could have been made if the amendments of the said Acts of 1869 to 1908 specified in this section and in the First Schedule to this Act had not been enacted.

For the purposes of this subsection—

(i) the expression " college of a university " includes, in the case of a university organised on a collegiate basis, a constituent college or other society recognised by the university, and, in the case of London University, a college incorporated in the university or a school of the university;

(ii) the reference to the endowment of a university, college or school shall be construed as including a reference to any endowment which, or the income whereof, is applicable solely for the purposes of education of persons at the university, college or school or for purposes ancillary thereto.

(6) No provision shall be made by a scheme as to, or as to the governing body of, an endowment which, or the income whereof, is applicable solely or mainly for the purposes of education for imparting professional skill or learning, unless the governing body of the endowment assent to the scheme.

(7) The Welsh Intermediate Education Act, 1889, shall cease to have effect. 52 & 53 Vict. c. 40.

**3.**—(1) The definitions of primary and secondary education in subsection (1) of section eight of the principal Act shall be amended in accordance with the provisions of this section. Allocation between primary and secondary education of children between ten and a half and twelve years old.

(2) In paragraph (*a*) of the said subsection (1), which defines primary education, for the words " primary education, that is to say, full-time education suitable to the requirements of junior pupils ", there shall be substituted the words " primary education, that is to say, full-time education suitable to the requirements of junior pupils who have not attained the age of ten years and six months, and full-time education suitable to the requirements of junior pupils who have attained that age and whom it is expedient to educate together with junior pupils who have not attained that age ".

(3) At the end of paragraph (*b*) of the said subsection (1), which defines secondary education, there shall be inserted the words " and full-time education suitable to the requirements of junior pupils who have attained the age of ten years and six months and whom it is expedient to educate together with senior pupils ".

Provisions as to pupils becoming registered pupils at, and being withdrawn from, schools.

**4.**—(1) A local education authority shall have power to make arrangements with respect to a primary school maintained by them, not being a school which is for the time being organised for the provision of both primary and secondary education, under which any junior pupils who have attained the age of ten years and six months and who are registered pupils at the school may be required to be withdrawn therefrom for the purpose of receiving secondary education.

(2) The provision of section eight of the principal Act which renders it the duty of every local education authority to secure that there shall be available for their area sufficient schools for providing primary and secondary education shall not be construed as imposing any obligation on proprietors of schools to admit children as registered pupils otherwise than at the beginning of a school term, except as regards admission at a school during the currency of a school term of a child who was prevented from entering the school at the beginning of the term—

(*a*) by his being ill or by other circumstances beyond his parent's control; or

(*b*) by his parent's having been then resident at a place whence the school was not accessible with reasonable facility;

and, notwithstanding anything in section thirty-six of the principal Act, the parent of a child shall not be under any duty to cause him to receive full-time education during any period during which, having regard to the preceding provisions of this subsection, it is not practicable for the parent to arrange for him to become a registered pupil at a school.

(3) In cases not falling within the exception mentioned in the last preceding subsection, the managers or governors of schools maintained by a local education authority shall comply, as respects the time of admission of children as registered pupils, with any general directions given by the authority in that behalf.

(4) In subsection (1) of section eighty of the principal Act (which requires the proprietor of every school to cause a register to be kept containing particulars of all persons of compulsory school age who are pupils at the school), the words " of compulsory school age " are hereby repealed.

(5) Subsection (3) of the said section eighty (which requires regulations to be made as to the procedure by which children

may become registered pupils at a school, and may be withdrawn from a school) shall cease to have effect.

(6) The regulations made under the said section eighty shall prescribe the grounds on which names are to be deleted from a register kept thereunder, and the name of a person entered in such a register as a registered pupil shall be deleted therefrom when occasion arises on some one or other of the prescribed grounds and shall not be deleted therefrom on any other ground.

Amendment and consolidation of enactments as to provision of clothing.

**5.**—(1) A local education authority may provide clothing—

(*a*) for any pupil who is a boarder at any educational institution maintained by the authority;

(*b*) for any pupil at a nursery school so maintained; or

(*c*) for any pupil in a nursery class at any school so maintained.

(2) Where it appears to a local education authority that—

(*a*) a pupil not falling within the preceding subsection at a school maintained by them, or

(*b*) a pupil not falling within the preceding subsection at a special school whether maintained by them or not,

is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as in the opinion of the authority is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

(3) The Minister may make regulations empowering a local education authority to provide—

(*a*) for pupils at a school maintained by them, or at a county college or other establishment for further education so maintained, and

(*b*) for persons who make use of facilities for physical training made available for them by the authority under subsection (1) of section fifty-three of the principal Act,

such articles of clothing as may be prescribed suitable for the physical training provided at the school, college or other establishment, or under the facilities so made available.

(4) A local education authority may, with the consent of the proprietor of a school not maintained by the authority other than a special school, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school, make arrangements for securing, for any pupil at the school who is unable by reason of the

inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the provision of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school:

Provided that any arrangements made under this subsection shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any article under the arrangements shall not exceed the expense which would have been incurred by them in the provision thereof if the pupil had been a pupil at a school maintained by them.

(5) Provision of clothing under any of the powers conferred by this section may be made in such way as to confer either a right of property in the clothing or a right of user only, at the option of the providing authority except in any circumstances for which the adoption of one or other way of making such provision is prescribed.

(6) Where a local education authority have, under the powers conferred by this section, provided a person with clothing, then, in such circumstances respectively as may be prescribed—

(*a*) the authority shall be under obligation to require the parent to pay to them in respect thereof such sum, if any, as in the opinion of the authority he is able without financial hardship to pay, not exceeding the cost to the authority of the provision;

(*b*) the authority shall have power to require the parent to pay to them in respect thereof such sums as aforesaid or any less sums; or

(*c*) the parent shall not be required to pay any sum in respect thereof.

Any sum which a parent is duly required to pay by virtue of paragraph (*a*) or (*b*) of this subsection may be recovered summarily as a civil debt.

(7) The preceding provisions of this section shall be in substitution for the provisions of the Education Acts, 1944 and 1946, relating to the provision of clothing.

Recoupment to local education authority of cost of providing education for persons not belonging to their area.

**6.**—(1) Where any provision for primary or secondary education is made by a local education authority in respect of a pupil who does not belong to their area, they shall be entitled to recoupment of an amount equal to the cost to them of the provision—

(*a*) if the pupil belongs to the area of another such authority, from that authority, the amount in that case being determined by agreement between the authorities, or, in default of agreement, by the Minister, or

(*b*) if the pupil is one not belonging to the area of any local education authority, in accordance with

regulations to be made by the Minister for securing that the cost of such provision in such cases is apportioned amongst all local education authorities, the amount in that case being determined in accordance with the regulations,

subject in either case to the providing authority's making a claim in that behalf within the prescribed period:

Provided that in a case falling within paragraph (*a*) of this subsection, if the Minister is satisfied that the other authority ought not to be required to make recoupment in respect of the provision having regard to availability of provision of the kind in question under arrangements made by them and to all other circumstances of the case, he may, on their application, direct that the providing authority shall not be entitled to recoupment in respect thereof.

(2) For the purposes of this Act, a pupil shall be treated as belonging to the area of a particular local education authority, or as not belonging to the area of any such authority, in accordance with the following rule, namely—

(*a*) in the normal case, that is to say, where there is a person ordinarily resident in England or Wales with whom the pupil habitually resides, either both during terms and during holidays or, if he is being educated as a boarder, during holidays, being a person who has the actual charge of him whilst he is resident with that person, the pupil shall be treated as belonging to the area of the local education authority in whose area that person ordinarily resides; and

(*b*) in a case in which there is no such person, the pupil shall be treated as not belonging to the area of any local education authority;

subject however to the provisions of the next succeeding subsection.

(3) The general rule specified in the last preceding subsection shall be subject to the following exceptions, that is to say,—

(*a*) a pupil for whom a local education authority is for the time being appointed as a fit person under the Children and Young Persons Act, 1933, shall be treated as belonging to the area of that authority; 23 & 24 Geo. 5. c. 12.

(*b*) a pupil for whom a person other than a local education authority is for the time being appointed as a fit person as aforesaid, or for whom a guardian is for the time being appointed under the Guardianship (Refugee Children) Act, 1944, shall be treated as 7 & 8 Geo. 6. c. 8.

belonging to the area of such local education authority as may be prescribed, or, if none is prescribed, as not belonging to the area of any such authority;

(*c*) where immediately before the date of the commencement of Part II of the principal Act a former authority had been required under the Education (Institution Children) Act, 1923, to make payments in respect of a pupil to another former authority and were liable to make such payments, then, so long as the first-mentioned former authority would have remained so liable if the said Act of 1923 had not been repealed, the pupil shall be treated as belonging to the area of the local education authority responsible for the liabilities of the first-mentioned former authority; and

13 & 14 Geo. 5. c. 38.

(*d*) in such other cases as may be prescribed a pupil shall be treated in accordance with the regulations either as belonging to the area of a prescribed local education authority or as not belonging to the area of any such authority.

(4) Any question whether a pupil ought to be treated as belonging to the area of any particular local education authority, or as not belonging to the area of any such authority, shall, in case of dispute, be determined by the Minister.

(5) A local education authority may make a payment by way of recoupment to another such authority of cost incurred by the other authority in making any provision—

(*a*) for primary or secondary education in respect of a pupil belonging to the area of the paying authority, or

(*b*) for further education in respect of a person ordinarily resident in the area of the paying authority,

notwithstanding that the paying authority are not under a legal obligation to make the payment.

(6) References in this section to provision for education include references to provision of any benefits or services for which provision is made by or under the enactments relating to education.

(7) This section shall have effect, as respects any provision for education, in substitution for section one hundred and six of the principal Act, in so far as the cost of the provision is attributable to any period after the thirty-first day of March, nineteen hundred and forty-eight, and regulations for the purposes of this section may accordingly be made so as to extend to any such provision made before the coming into operation of the regulations in so far as the cost of the provision is attributable to any such period.

Amendments as to modifying the requirement of conformity to prescribed standards as to premises of schools.

**7.**—(1) For the proviso to subsection (2) of section ten of the principal Act (which empowers the Minister to give such a direction as is therein mentioned where he is satisfied that it would be unreasonable in the case of any particular school to require conformity in any particular respect with the requirements of the regulations as to the prescribed standards as to the premises of schools), the following proviso shall be substituted, that is to say—

"Provided that, if the Minister is satisfied with respect to any school—

(*a*) that having regard to the nature of the existing site or to any existing buildings thereon or to other special circumstances affecting the school premises it would be unreasonable to require conformity with a requirement of the regulations as to any matter, or

(*b*) where the school is to have an additional or new site that, having regard to shortage of suitable sites it would be unreasonable to require conformity with a requirement of the regulations relating to sites, or

(*c*) where the school is to have additional buildings or is to be transferred to a new site, and existing buildings not theretofore part of the school premises, or temporary buildings, are to be used for that purpose, that having regard to shortage of labour or materials it would be unreasonable to require conformity with a requirement of the regulations relating to buildings,

he may give a direction that, notwithstanding that that requirement is not satisfied, the school premises shall, whilst the direction remains in force, be deemed to conform to the prescribed standards as respects matters with which the direction deals if such conditions, if any, as may be specified in the direction as respects those matters are observed."

(2) Where it is proposed to establish a new school to be maintained by a local education authority, if the Minister is satisfied, on the submission to him of the specifications and plans of the school premises, either—

(*a*) with respect to the site of the school, as to the matters mentioned in paragraph (*b*) set out in the preceding subsection, or

(*b*) with respect to buildings where the school is to be established in premises comprising existing buildings or temporary buildings, as to the matters mentioned in paragraph (*c*) set out in the preceding subsection,

he may (notwithstanding the provisions of section thirteen of the principal Act as to conformity to the prescribed standards)

approve the specifications and plans, and may undertake to give a direction as to the school under the proviso to subsection (2) of section ten of the principal Act on the school's being established.

(3) This section shall be deemed to have had effect since the commencement of Part II of the principal Act.

Cancellation of report that a child is incapable of receiving education at school owing to disability of mind.

**8.**—Where a report has been made under subsection (3) of section fifty-seven of the principal Act of a decision that a child is incapable on the ground of mental disability of receiving education at school, if at any time thereafter the local health authority, or an authority or body responsible for the management of an institution in which the child is under care, are of opinion that the decision ought to be reviewed, they shall notify the local education authority of their opinion, and thereupon the provisions of subsections (1) and (2) of that section as to the medical examination of the child shall apply as on its first appearing to the local education authority that the child was suffering from the disability, and if they decide, after considering the advice given by the medical officer and any reports or information from the authority or body who notified the opinion that the decision ought to be reviewed or other persons, that the child is capable of receiving education at school, they shall cancel their original report.

Presumption of age in proceedings to enforce attendance at school.

**9.**—(1) For the purposes of a prosecution of the parent of a child for an offence against section thirty-seven or section thirty-nine of the principal Act (which relate respectively to failure to comply with a school attendance order and to failure of a child to attend regularly at school), in so far as the child's having been of compulsory school age at any time is material, the child shall be presumed to have been of compulsory school age at that time unless the parent proves the contrary.

(2) An obligation under the preceding subsection to presume a child to have been of compulsory school age at any time shall be in substitution, so far as regards the purposes for which that presumption is required to be made, for the power conferred on the court by subsection (1) of section ninety-five of the principal Act (which is a power to presume a person to be under, of, or over, an age alleged by the person by whom any proceedings under the principal Act are brought on his satisfying the court that, having used all reasonable diligence to obtain evidence as to the age of that person, he has been unable to do so).

Provisions as to power of local education authorities to acquire land by agreement.

**10.**—(1) Subsection (1) of section ninety of the principal Act (under which a local education authority may be authorised to purchase compulsorily land required for the purposes of any school or college which is, or is to be, maintained by them, or otherwise for the purposes of their functions under that Act) shall be amended by inserting therein, after the words " for

the purposes of any school or college which is, or is to be, maintained by them" the words "or which they have power to assist."

(2) For the removal of doubt it is hereby declared that the rendering available of land for the purposes of a school, college or other institution which is, or is to be, maintained by a local education authority, or which they have power to assist, is a function of the authority within the meaning of section one hundred and fifty-seven of the Local Government Act, 1933, or, as the case may be, of section ninety-seven of the London Government Act, 1939 (which relate to the acquisition by a local authority by agreement of land for the purpose of any of their functions), notwithstanding that the land will not be held by the authority. 23 & 24 Geo. 5. c. 51. 2 & 3 Geo. 6. c. 40.

(3) A local education authority shall not acquire by agreement any land required for the purposes of a voluntary school unless they are satisfied that the arrangements made as to the vesting of the land to be acquired, and as to the appropriation thereof for those purposes, are such as to secure that the expenditure ultimately borne by them will not include any expenditure which, if the land had been acquired by the managers or governors of the school, would have fallen to be borne by the managers or governors.

Miscellaneous amendments and repeals.

**11.**—(1) The provisions of the principal Act specified in the first column of Part I of the First Schedule to this Act, and the provisions of other Acts specified in the first column of Part II of that Schedule, shall have effect subject to the amendments specified in the second column of that Schedule (being amendments which relate to minor matters and consequential amendments).

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

Provisions as to regulations.

**12.** Regulations made for any of the purposes of this Act, save in so far as they are subject to corresponding provision by virtue of their being made under a power conferred by the principal Act, shall be made by statutory instrument and shall be subject to annulment in pursuance of resolution of either House of Parliament.

Expenses.

**13.** Any increase attributable to the provisions of this Act in the expenses to be defrayed out of moneys provided by Parliament under section one hundred and seven of the principal Act shall be defrayed out of moneys so provided.

Short title, citation, construction and extent.

**14.**—(1) This Act may be cited as the Education (Miscellaneous Provisions) Act, 1948.

(2) This Act (except section two thereof and the provisions of the Schedules thereto relating to the Endowed Schools Acts, 1869 to 1908) and the Education Acts, 1944 and 1946, may be cited together as the Education Acts, 1944 to 1948, and the said excepted section and provisions and the Endowed Schools Acts, 1869 to 1908, may be cited together as the Endowed Schools Acts, 1869 to 1948.

(3) This Act (other than the said excepted section and provisions) shall be construed as one with the Education Acts, 1944 and 1946, and the said excepted section and provisions shall be construed as one with the Endowed Schools Acts, 1869 to 1908.

(4) References in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

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

# SCHEDULES.

## FIRST SCHEDULE.

Sections 2, 11.

### MINOR AND CONSEQUENTIAL AMENDMENTS.

#### PART I.

AMENDMENTS OF THE PRINCIPAL ACT (7 & 8 GEO. 6. c. 31.)

| *Enactment amended and subject matter thereof.* | *Amendment.* |
|---|---|
| Section thirty-three, subsection (2).<br>(Special educational treatment in a maintained or assisted school in lieu of in a special school) | For the words " in any school maintained or assisted by the local education authority ", substitute " in any school maintained or assisted by a local education authority ". |
| Section forty, subsection (2).<br>(Duty to take proceedings to enforce school attendance) | For the words " It shall be the duty of the local education authority ", substitute " It shall be the duty—<br>(*a*) in the case of an offence against section thirty-seven of this Act, of the local education authority by whom the school attendance order in question was made, or<br>(*b*) in the case of an offence against section thirty-nine of this Act, of the local education authority for the area to which the child in question belongs (unless they are satisfied that proceedings for the offence have been or are to be instituted by the local education authority for the area in which the school is at which the child is a registered pupil), or, if the child does not belong to the area of any local education authority, of the local education authority for the area in which that school is ". |

1ST SCH. —*cont.*

| *Enactment amended and subject matter thereof.* | *Amendment.* |
|---|---|
| Section forty ... (Enforcement of school attendance) | After subsection (3) insert— "(3A) The power to direct that a child be brought before a juvenile court conferred by the last preceding subsection on the court before which a person is prosecuted in respect of failure of the child to attend regularly at the school at which the child is a registered pupil shall be exercisable also by the court before which a person is convicted of failing to comply with the requirements of a school attendance order, and, where a child is brought before the juvenile court pursuant to a direction given by virtue of this subsection, that court shall have the like power as is conferred on such a court by the last preceding subsection." |
| Section forty-eight, subsection (3). (Provision of free medical treatment) | For the words "for pupils in attendance at any school or county college maintained by them", substitute "for pupils for whom primary secondary or further education is provided by them at any school or county college maintained by them"; and for the words "pupils in attendance at any other educational establishment maintained by them", substitute "pupils for whom secondary or further education is provided by them at any other educational establishment maintained by them". |
| Section fifty, subsection (1). (Circumstances in which board and lodging may be provided) | Before the words "the authority may provide such board and lodging for him under such arrangements as they think fit", insert "and where a local education authority are satisfied, with respect to a pupil requiring special educational treatment, that provision for him of board and lodging is necessary for enabling him to receive the required special educational treatment". |
| Section fifty-three, subsection (1). (Provision by local education authority of facilities for recreation and training) | For the words "available for persons for whom primary secondary or further education is provided by the authority", substitute "available for persons receiving primary secondary or further education". |

1ST SCH. —*cont.*

| *Enactment amended and subject matter thereof.* | *Amendment.* |
|---|---|
| Section fifty-five, subsection (2).<br>(Payment of travelling expenses of pupils) | For the words "may pay the reasonable travelling expenses", substitute "may pay the whole or any part, as the authority think fit, of the reasonable travelling expenses". |
| Section fifty-six ...<br>(Provision for full-time education otherwise than at school in extraordinary circumstances) | For the words "they shall have power with the approval of the Minister to make special arrangements for him to receive such education otherwise than at school", substitute "they shall have power with the approval of the Minister to make special arrangements for him to receive education otherwise than at school, being primary or secondary education, as the case may require, or, if the authority are satisfied that it is impracticable for him to receive full-time education and the Minister approves, education similar in other respects but less than full-time". |
| Section fifty-seven, subsection (6).<br>(Dealing with certain children under the Mental Deficiency Act, 1913) | For the words "ought to be dealt with under that Act", substitute "ought to be dealt with under the enactments relating to mental health". |
| Section one hundred and sixteen.<br>(Exclusion from principal Act of persons of unsound mind and persons detained by order of a court) | In the provision "is undergoing treatment as a voluntary patient under section one, or a temporary patient under section five, of the Mental Treatment Act, 1930", omit the words "a voluntary patient under section one or".<br>For the words "has been reported under subsection (3) of section fifty-seven of this Act", substitute "is for the time being the subject of a report in force under subsection (3) of section fifty-seven of this Act".<br>At the end of the section insert—<br>"or of an order of recall made by the Prison Commissioners, but a local education authority shall have power to make arrangements for a person who is detained in pursuance of an order made by a court, or |

1ST SCH. —*cont.*

| *Enactment amended and subject matter thereof.* | *Amendment.* |
|---|---|
| Section one hundred and sixteen—*cont.* | of such an order of recall, to receive the benefit of educational facilities provided by the authority.<br><br>Where a child or young person is being educated as a boarder at a school, the fact that he is required to be at the school by virtue of an order made by a court under the Children and Young Persons Act, 1933, or by virtue of anything done under such an order, or by virtue of a requirement of a probation order or by virtue of anything done under such a requirement, shall not render him a person detained in pursuance of an order made by a court within the meaning of those words in this section ". |
| Third Schedule, paragraph 5.<br>(Amount of grant on execution of special agreement proposals) | At the end of the paragraph insert—<br><br>" Provided that, where the proposals include proposals for establishing a playing field or any buildings of a kind which it is, under subsection (7) of section thirteen of this Act, the duty of the local education authority to provide,—<br><br>(*a*) if the proposals as respects the playing field or buildings are to be executed by the persons specified in the agreement, the amount of the grant so far as attributable to the cost thereof, shall be equal to the whole of that cost; and<br><br>(*b*) if the proposals as respects the playing field or buildings are to be executed by the local education authority, the cost thereof shall be borne by them and excluded in computing the amount of the grant." |
| Fourth Schedule, paragraph 4.<br>(Times for meetings of managers or governors of schools) | For the words " at least once in every three months ", substitute " at least once in every school term ". |

PART II.

AMENDMENTS OF OTHER ENACTMENTS.

*The Endowed Schools Act*, 1869 (32 & 33 *Vict. c.* 56.).

| *Enactment amended and subject matter thereof.* | *Amendment.* |
|---|---|
| Section five ... (Definition for purposes of the Endowed Schools Acts of "educational endowment") | For the section substitute the following section— "5. In this Act, unless the context otherwise requires, the expression "educational endowment" means an endowment or any part of an endowment which, or the income whereof, has been made applicable or is applied for the purposes of education, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument, or other authority". |
| Section nine ... (Purposes for which schemes may be made) | For the words "the education of boys and girls, or either of them", substitute "education". |
| Section twelve ... (Extension to girls of benefits of endowments) | For the section substitute the following section— "12. Without prejudice to the generality of this Act as to the provision which may be made by schemes thereunder, provision may be made thereby for extending to persons of either sex the benefits of endowments which might otherwise be limited to persons of the other sex". |
| Sections fifteen and sixteen. (Exemption from attending religious worship etc.) | At the end of each of those sections insert— "In the application of this section to a scholar attending an educational establishment other than a school within the meaning of the Education Act, 1944, references to the scholar himself shall be substituted for the references therein to his parent or guardian or the person liable to maintain him or having the actual custody of him". |
| Section nineteen ... (Exception of certain endowments from certain provisions of Act unless governing body assents) | In the provision "unless the governing body, constituted as it would have been if no scheme under this Act had been made, assents to such scheme", omit the words "constituted as it would have been if no scheme under this Act had been made". |

1ST SCH. —*cont.*

*The Mental Deficiency Act, 1* (3 & 4 *Geo.* 5. *c.* 28.).

| *Enactment amended and subject matter thereof.* | *Amendment.* |
|---|---|
| Section one, subsection (1), paragraph (*c*). (Definition of defectives) | For the words " or, in the case of children, that they appear to be permanently incapable by reason of such defectiveness of receiving proper benefit from the instruction in ordinary schools ", substitute " or, in the case of children, involves disability of mind of such a nature and extent as to make them, for the purposes of section fifty-seven of the Education Act, 1944, incapable of receiving education at school ". |
| Section two, subsection (1), paragraph (*b*) (v). (Persons who may be dealt with as defectives as mentioned in that section) | For the words " who is a person with respect to whom a report has been issued under the enactments relating to education ", substitute " who is for the time being the subject of a report in force under the enactments relating to education ". |

*The Children and Young Persons Act,* 1933 (23 & 24 *Geo.* 5. *c.* 12.).

| | |
|---|---|
| Section eighteen, subsection (1), paragraph (*a*). (Minimum age for employment) | For the paragraph substitute the following paragraph—<br>" (*a*) until he has attained the age two years below that which is for the time being the upper limit of the compulsory school age by virtue of section thirty-five of the Education Act, 1944, together with any Order in Council made under that section (without regard to the provisions of subsection (1) of section thirty-eight of that Act as to the age of pupils at special schools, or to the provisions of section eight of the Education Act, 1946, as to deeming a person not to have attained a given age until the end of a school term) ". |

## SECOND SCHEDULE.

Section 11.

REPEALS.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 32 & 33 Vict. c. 56. | The Endowed Schools Act, 1869. | In section nineteen, the words "constituted as it would have been if no scheme under this Act had been made". |
| 52 & 53 Vict. c. 40. | The Welsh Intermediate Education Act, 1889. | The whole Act. |
| 7 & 8 Geo. 6. c. 31. | The Education Act, 1944. | In section two, subsection (2).<br>Section fifty-one.<br>In section fifty-two, in subsection (1), the words "or with clothing", and, in subsection (2), the words "or the cost of the clothing provided, as the case may be".<br>In section fifty-three, subsection (3).<br>In section seventy-eight, in subsection (2), the word "and" at the end of paragraph (*a*) and paragraph (*b*).<br>In section eighty, in subsection (1), the words "of compulsory school age", and subsection (3).<br>In section one hundred and fourteen, in subsection (1), in the definition of "Registered pupil", the words from "but does not include" to "in the prescribed manner".<br>In section one hundred and sixteen, the words "a voluntary patient under section one or". |
| 9 & 10 Geo. 6. c. 50. | The Education Act, 1946. | Section nine. |

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