(2) Grant shall be payable to an amount not exceeding 75 per cent. of such expenditure as approved by the Minister, including expenditure on furniture and equipment, and no grant shall be payable in respect of such expenditure under regulation 30 of these regulations.

(3) Grant shall not be payable under this regulation unless the Minister shall, under regulation 6, have given his final approval to the proposals before 30th September, 1961.

(4) Grant paid under this regulation shall be capital grant for the purpose of regulation 31."

Given under the Official Seal of the Minister of Education this 14th day of October, 1958.

(L.S.)

Geoffrey Lloyd,
Minister of Education.

EXPLANATORY NOTE

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

These regulations provide for a new form of capital grant, at a rate not exceeding 75 per cent., which the Minister may pay towards the building of a new or the enlargement of an existing voluntary training college, provided he has approved the proposals before the 30th September, 1961.

INDEPENDENT SCHOOLS

1958 No. 519

The Independent Schools Tribunal Rules, 1958

Made - - - - 25*th March,* 1958
Coming into Operation 1*st April,* 1958

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 75(1) of the Education Act, 1944(a), and with the approval of the Treasury in regard to the remuneration and allowances of members of the tribunal prescribed by these Rules, hereby make the following Rules with the concurrence of the Lord President of the Council:—

Citation, Commencement and Interpretation

1.—(1) These Rules may be cited as the Independent Schools Tribunal Rules, 1958, and shall come into operation on the first day of April, 1958.

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

(a) 7 & 8 Geo. 6. c. 31. (b) 52 & 53 Vict. c. 63.

(3) In these Rules, unless the context otherwise requires—

"The Act" means the Education Act, 1944;

"The Minister" means the Minister of Education;

"Notice of complaint" means a notice served by the Minister under section 71 of the Act;

"The tribunal" means an Independent Schools Tribunal constituted in accordance with the provisions of the Sixth Schedule to the Act.

Notice of Appeal

2.—(1) An appeal to the tribunal shall be instituted by sending to the Minister a written notice of appeal signed by the appellant, setting out the grounds of appeal and stating an address to which communications regarding the appeal should be sent.

(2) The notice shall be sent to the Minister—

(i) in the case of an appeal against a notice of complaint, within the time limited by that notice; or

(ii) in the case of an appeal against a refusal of the Minister to remove a disqualification imposed by an order under Part III of the Act, within one month after the communication of the refusal to the appellant.

(3) Where the appeal is against a notice of complaint alleging that a teacher is not a proper person to be employed as a teacher in any school, the appellant shall at the same time send a copy of the notice of appeal to the proprietor of the school or to the teacher, as the case may be.

Constitution of Tribunal

3.—(1) On receipt of a notice of appeal the Minister shall forthwith request the Lord Chancellor and the Lord President of the Council respectively to appoint the chairman and members of the tribunal to hear the appeal.

(2) The Lord Chancellor shall appoint a person to act as secretary of the tribunal for the purposes of the appeal and the Minister shall as soon as may be send four copies of the notice of appeal to the secretary so appointed.

Time and Place of Hearing

4. The chairman of the tribunal shall fix a date, time and place for the hearing of the appeal and shall cause to be served upon the appellant, not less than twenty-eight days before the date so fixed, a notice in the form set out in the First Schedule hereto and shall at the same time send a copy of the notice to the Minister and, where the appeal is against a notice of complaint alleging that a teacher is not a proper person to be employed as a teacher in any school, to the proprietor of the school or to the teacher, as the case may be.

Abandonment of Appeal

5. An appellant may at any time before the hearing give notice in writing to the secretary of the tribunal that he desires to withdraw his appeal and thereupon the appeal shall be deemed to be dismissed in regard to that appellant without prejudice to its continuance in regard to any other appellant.

Default of Appearance

6. If an appellant fails to appear at the time fixed for the hearing of the appeal, the tribunal may, if it is satisfied that he has been afforded an adequate opportunity of attending, dismiss the appeal in regard to that appellant or hear and determine it in his absence and, if the Minister fails to appear at the time so fixed, the tribunal may proceed to hear and determine the appeal in his absence.

Right of Audience

7.—(1) An appellant may appear and be heard—

(i) in person,

(ii) by counsel or solicitor,

(iii) if a partnership, by a partner,

(iv) if a company, by a duly authorised director or officer of the company, or

(v) by any other person allowed by the tribunal to appear on behalf of the appellant.

(2) The Minister may appear and be heard by counsel or solicitor or by any officer of his department.

Hearing

8. The hearing of an appeal shall take place in public unless the tribunal determines that there are exceptional reasons which make it desirable that the hearing or some part of it should take place in private.

Procedure at Hearing

9.—(1) An appellant and the Minister shall have the right to address the tribunal and call witnesses, who shall be subject to cross-examination and to re-examination.

(2) The tribunal may require the attendance of further witnesses in addition to those called by or on behalf of the appellant and the Minister.

(3) The tribunal may permit evidence to be given by affidavit, but may at any stage of the proceedings require the personal attendance of any deponent for examination and cross-examination.

(4) The tribunal shall not reject any evidence on the ground only that such evidence would be inadmissible in a court of law.

(5) After the evidence has been concluded, the Minister and the appellant shall have the right to address the tribunal if they so desire.

Application of Arbitration Act, 1950

10. The provisions of section 12 of the Arbitration Act, 1950(a), with respect to the administration of oaths and the taking of affirmations, the summoning, attendance and examination of witnesses, and the production of documents shall apply to proceedings before the tribunal as they apply to an arbitration where no contrary intention is expressed in the arbitration agreement.

Decision of Tribunal

11.—(1) The decision of the tribunal on the appeal shall, in the event of disagreement, be the decision of the majority and may be given orally at the hearing or in writing as soon as may be after the hearing.

(2) The secretary shall send a copy of the order made by the tribunal, together with a statement of its findings and of the reasons for the decision, to every appellant and to the Minister.

(a) 14 Geo. 6. c. 27.

Extension of Time

12. The time appointed by these Rules for doing any act in connection with an appeal may be extended by the tribunal or by the chairman upon such terms (if any) as may seem just, notwithstanding that the time appointed has expired before an application for extension is made.

Remuneration and Allowances of Tribunal

13.—(1) The chairman of the tribunal shall be remunerated at the rate of fifteen guineas and the members at the rate of ten guineas for each day on which the tribunal sits.

(2) The chairman and members of the tribunal shall be paid the allowances specified in the Second Schedule hereto in respect of travelling and subsistence expenses incurred by them in connection with the performance of their duties.

Power to Regulate Procedure

14.—(1) Subject to the provisions of the Act and these Rules, the tribunal shall have power to regulate its own procedure.

(2) Failure to comply with any requirements of these Rules shall not invalidate any proceedings unless the tribunal so directs.

Dated the 25th day of March, 1958.

Kilmuir, C.

I concur,

Hailsham,
Lord President of the Council.

We approve the remuneration and allowances prescribed by these Rules.

Martin Redmayne, } Lords Commissioners of
Edward Wakefield, } Her Majesty's Treasury.

FIRST SCHEDULE

Rule 4.

Notice of Hearing

The Education Act, 1944

Take Notice that your appeal against the Minister of Education's notice of complaint dated the day of , 19 , alleging that (*here insert short statement of grounds of complaint*) [*or* against the Minister of Education's refusal to remove the disqualification imposed on (*here insert description of disqualification*) under Part III of the Education Act, 1944,] will be heard by the Independent Schools Tribunal sitting at on the day of , 19 , at o'clock. If for any reason you do not wish, or are unable, to attend at the above time and place, you should IMMEDIATELY inform me in writing at the address mentioned at the head of this notice stating the reasons for your inability to attend.

(Signed)

Secretary.

Rule 13 (2).

SECOND SCHEDULE

TRAVELLING AND SUBSISTENCE ALLOWANCES OF THE TRIBUNAL

There shall be paid to the chairman and members of the tribunal—

(1) travelling expenses actually incurred by them in attending a hearing including the cost of first class return railway fares;

(2) where, for the purpose of attending the hearing, the chairman or member—

(*a*) is absent from home for a period of more than five but less than ten hours, 5*s.* 6*d.*; or for a period exceeding ten hours, 12*s.*;

(*b*) spends one or more nights away from home 48*s.* 6*d.* for each night.

Note: The allowance specified in paragraph (*a*) above is not payable for any period of twenty-four hours for which the allowance specified in paragraph (*b*) is payable.

EXPLANATORY NOTE

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

These Rules prescribe the procedure to be followed in proceedings before an Independent Schools Tribunal set up under section 72 of the Education Act, 1944, to hear appeals against a notice of complaint served by the Minister of Education on the proprietor of an independent school or against a refusal of the Minister to remove a disqualification imposed as the result of such a notice.

TEACHERS

1958 No. 2152

The Remuneration of Teachers (Farm Institutes) Amending Order, 1958

Made - - - - 17*th December,* 1958
Coming into Operation 1*st January,* 1959

Whereas in pursuance of Section 89 of the Education Act, 1944(**a**)—

(1) The Minister of Education by the Remuneration of Teachers (Farm Institutes) Order, 1956(**b**), ordered that the remuneration paid by Local Education Authorities to teachers employed as members of the teaching staff of Farm Institutes maintained by Local Education Authorities, or as teachers of agricultural subjects (including horticultural and related subjects) on the staff of Local Education Authorities, should be in accordance with the scales of remuneration submitted by the Burnham Committee constituted for the purpose of considering the remuneration appropriate to such teachers as therein mentioned; and

(2) the said Committee has submitted for the Minister's approval the amendment to the said scales set out in the Schedule to this Order, which amendment has been approved by the Minister:

(a) 7 & 8 Geo. 6. c. 31. (b) S.I. 1956/1442 (1956 I, p. 712).