The Local Authorities and Local Education Authorities (Allocation of Functions) Regulations, 1951

1951 No. 472

Made - - - -	*20th March*, 1951
Laid before Parliament	*20th March*, 1951
Coming into Operation	*1st May*, 1951

In pursuance of the powers conferred on them by Section 21 of the Children Act, 1948(a), the Secretary of State and the Minister of Education hereby make the following Regulations:—

1. These Regulations may be cited as the Local Authorities and Local Education Authorities (Allocation of Functions) Regulations, 1951, and shall come into operation on the first day of May, 1951.

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

(2) In these Regulations, unless the context otherwise requires:—

"the Act" means the Children Act, 1948;

"child" has the meaning assigned to that expression by subsection (1) of Section 59 of the Act, and the expression "child who is in the care of a local authority under the Act" means any child in relation to whom the provisions of Part II of the Act apply;

"compulsory school age" has, subject to the provisions of Section 8 of the Education Act, 1946(c), the meaning assigned to that expression by Section 35 of the Education Act, 1944(d), or, in relation to registered pupils at special schools, by subsection (1) of Section 38 of the said last mentioned Act;

"local authority" means the council of a county or county borough in England or Wales;

"local education authority" has the meaning assigned to that expression by subsection (1) of Section 114 of the Education Act, 1944;

"school" has the meaning assigned to that expression by subsection (1) of Section 114 of the Education Act, 1944;

"special educational treatment" has the meaning assigned to that expression by paragraph (*c*) of subsection (2) of Section 8 of the Education Act, 1944.

3. As respects the functions of the local education authority under Regulation 10 of the Provision of Milk and Meals Regulations, 1945(e), as amended by the Provision of Free Milk Regulations, 1946(f), the Milk and Meals (Amending) Regulations, 1949(g), and the Milk and Meals (Amending) Regulations, 1951(h), made by the Minister of Education under Section 49 of the

(a) 11 & 12 Geo. 6. c. 43.
(b) 52 & 53 Vict. c. 63.
(c) 9 & 10 Geo. 6. c. 50.
(d) 7 & 8 Geo. 6. c. 31.
(e) S.R. & O. 1945 (No. 698) I, p. 336.
(f) S.R. & O. 1946 (No. 1293) I, p. 429.
(g) S.I 1949 (No. 2280) I, p. 1515,
(h) S.I. 1951 No. 340, p. 553 below.

Education Act, 1944 (which Regulation relates to payment for meals or other refreshment), a child who is in the care of a local authority under the Act shall be treated as a child of parents of sufficient resources to pay the whole of any sum payable under the said Regulation.

4. Where the local education authority are of opinion that a child who is in the care of a local authority under the Act should be provided with board and lodging to enable him to attend a particular county school, voluntary school or special school, or to receive special educational treatment, they shall inform the local authority accordingly, and where the child attends any such school as aforesaid or receives such special educational treatment, the function of providing any such board and lodging shall be exercised by the local authority under the Act, and not by the local education authority under Section 50 of the Education Act, 1944, as amended by the Education Act, 1946, and by the Education (Miscellaneous Provisions) Act, 1948(**a**).

5. Where it is necessary for payment to be made of the reasonable travelling expenses of a child who is in the care of a local authority under the Act to enable him to attend school or any establishment for further education, such payments shall be made by the local authority under the Act, and accordingly the local education authority shall not exercise their functions under subsection (2) of Section 55 of the Education Act, 1944, in respect of such child.

6. Where a child who is in the care of a local authority under the Act is provided under subsection (2) of Section 61 of the Education Act, 1944, by the local education authority with board and lodging at a school maintained by a local education authority, the child shall be treated as a child of parents without resources, and accordingly the local education authority shall remit the whole of the boarding fees.

7.—(1) As respects the functions of the local education authority under the Regulations for Scholarships and Other Benefits, 1945(**b**), made by the Minister of Education under Section 81 of the Education Act, 1944, a child who is in the care of a local authority under the Act shall be treated—

(*a*) for the purposes of paragraph (*a*) of the said Section 81, as a child of parents of sufficient resources, and accordingly the local education authority shall not exercise their functions under the said paragraph in respect of such a child;

(*b*) for the purposes of paragraph (*b*) of the said Section 81, as a child of parents without resources, and accordingly the local education authority shall pay the whole of the fees and expenses of such a child;

(*c*) for the purposes of paragraph (*c*) of the said Section 81, as a child of parents without resources, and accordingly the local education authority shall pay the whole of the cost of any such scholarships, exhibitions, bursaries or other allowances as are mentioned in the said paragraph (*c*):

Provided that the Local Education Authority shall not exercise their functions under the said paragraph (*c*) so far as those functions relate to the payment of maintenance allowances to parents in respect of pupils over compulsory school age attending school.

(a) 11 & 12 Geo. 6. c. 40. (b) S.R. & O. 1945 (No. 666) I, p. 340.

(2) The functions of a local authority under Section 20 of the Act in relation to a person who has attained the age of eighteen, and who is in receipt of education or training, shall only be exercised to the extent that the exercise of the functions of the local education authority under paragraph (*c*) of the said Section 81 does not meet the needs of such a person.

8. As respects the functions of the local education authority under Section 5 of the Education (Miscellaneous Provisions) Act, 1948, a child who is in the care of a local authority under the Act, shall, for the purposes of the Provision of Clothing Regulations, 1948(**a**), made by the Minister of Education under sub-section (6) of the said Section 5, be treated as a child of parents of sufficient resources to pay the whole of any sums which under the Regulations the local education authority either shall be obliged to require, or may require, a parent to pay.

Given under my hand this 19th day of March, 1951.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Given under the Official Seal of the Minister of Education this 20th day of March, 1951.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

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

Under Part II of the Children Act, 1948, which is concerned with the treatment of children in the care of local authorities, these authorities have certain functions concurrent with those of local education authorities as such. These regulations determine by which authority these functions are to be exercised, and, where the local education authority must, in the exercise of their functions, have regard to the resources of a child's parent, determine whether a child in the care of a local authority shall be treated as a child of parents of sufficient resources or of parents without resources.

(a) S.I. 1948 (No. 2222) I, p. 748.