then as from 1st April, 1952, in the former case, or as from the date of the change in the latter case, the pupil shall be treated as not belonging to the area of any Authority and shall continue to be so treated while he remains a boarder at the same school:

Provided that the foregoing provisions of this paragraph shall not apply to a handicapped pupil."

Given under the Official Seal of the Minister of Education this 23rd day of July, 1954.

(L.S.) *Florence Horsbrugh,*
Minister of Education.

EXPLANATORY NOTE

These amending Regulations provide for the treatment of boarding pupils as pupils not belonging to the area of any Authority in cases where the person with whom the pupil habitually resides during holidays changed his place of residence between 1st September, 1949, and 31st March, 1952, or changes his place of residence after the latter date. Their retrospective effect is covered by the provisions of Section 6 (7) of the Education (Miscellaneous Provisions) Act, 1948.

1954 No. 815

The Local Education Authorities Recoupment (Further Education) Regulations, 1954

Made - - - -	21*st June*, 1954
Laid before Parliament	24*th June*, 1954
Coming into Operation	29*th June*, 1954

The Minister of Education in exercise of the powers conferred on her by Section 7 of the Education (Miscellaneous Provisions) Act, 1953(a), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Local Education Authorities Recoupment (Further Education) Regulations, 1954, and shall come into operation on the 29th day of June, 1954, and shall extend to any provision for further education made before that date in so far as the cost of the provision is attributable to any period after the 13th July, 1953.

(2) The Interpretation Act, 1889(b), 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:—

(*a*) "the Act" means the Education Act, 1944(c), as amended by any subsequent enactment;

"the Act of 1948" means the Education (Miscellaneous Provisions) Act, 1948(d);

(a) 1 & 2 Eliz. 2. c. 33. (b) 52 & 53 Vict. c. 63. (c) 7 & 8 Geo. 6. c. 31.
(d) 11 & 12 Geo. 6. c. 40.

"the Act of 1953" means the Education (Miscellaneous Provisions) Act, 1953;

"academic year" means the period of twelve months beginning with 1st August in any year and ending with 31st July in the next following year;

"Authority" means Local Education Authority;

"Minister" means Minister of Education;

"parents" means father and mother or surviving father or surviving mother, or where a pupil is ordinarily in the charge of one only of his parents, then the father or mother as the case may be;

"charitable institution" means any establishment in which persons are boarded and lodged from motives of charity;

"child" means a person under the age of eighteen years;

"Visiting Force" means any body, contingent or detachment of the forces of a country to which the Visiting Forces Act, 1952(a), applies, being a body, contingent or detachment for the time being present in England or Wales on the invitation of Her Majesty's Government in the United Kingdom;

"young person" means a person who has attained the age of fourteen years and is under the age of seventeen years; and

(*b*) other expressions which have meanings assigned to them by the Act shall have the same respective meanings for the purposes of these Regulations.

2.—(1) Every claim by an Authority for recoupment in respect of the provision by them of further education for a pupil who belongs to the area of some other Authority, that other Authority having consented to the making of the provision, shall be sent to that Authority within eighteen months after the end of the academic year during which the provision was made.

(2) Claims by an Authority for recoupment in respect of the provision by them of further education for pupils who do not belong to the area of any Authority shall be included in the claim made by the Authority on the Minister for grant under Section 100 of the Act in respect of the financial year ending next after the end of the academic year during which the provision was made.

3.—(1) Where an Authority provide further education for a pupil who belongs to the area of some other Authority, that other Authority having consented to the making of the provision, the providing Authority shall be entitled to recoupment from the other Authority of $\frac{7}{8}$ths of the amount of the cost to the providing Authority of the provision.

(2) Where an Authority provide further education for a pupil who does not belong to the area of any Authority, the cost of the provision shall be recouped to the Authority by the Minister and the aggregate amounts of the cost of recouping all Authorities who make such provision shall be apportioned amongst all Authorities in accordance with the Regulations made by the Minister under Section 100 of the Act providing for the payment of recoupment grant to Authorities(b).

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (b) S.I. 1952/1331 (1952 I, p. 812).

4.—(1) Notwithstanding any subsequent provision in these Regulations, other than paragraph (3) of Regulation 5, where immediately before the 14th July, 1953, an Authority was either—

(*a*) making payments under Section 6 (5) (*b*) of the Act of 1948 to another Authority in respect of the full-time further education of a pupil, or

(*b*) making payments to a pupil to assist him to receive full-time further education

then, so long as the pupil continues to receive the further education aforesaid, he shall be treated as belonging to the area of the first-mentioned Authority.

(2) Notwithstanding any subsequent provision in these Regulations, other than paragraph (3) of Regulation 5, where a child is in the care of a local Authority under the Children Act, 1948(**a**), that child shall be treated for the purposes of these Regulations as belonging to the area of the local Authority responsible for meeting the expenses incurred in respect of that child under that Act.

(3) Notwithstanding any subsequent provision in these Regulations, other than paragraph (3) of Regulation 5, where a local Authority as aforesaid is appointed as a fit person under the Children and Young Persons Act, 1933(**b**), as amended by any subsequent enactment, for a young person, that young person shall be treated for the purposes of these Regulations as belonging to the area of that local Authority.

(4) A pupil, not being a pupil falling into any of the categories specified in Regulation 5 of these Regulations, who becomes ordinarily resident in the area of an Authority for the purpose of receiving full-time further education shall be treated as belonging to the area of the Authority in which he ordinarily resided immediately before he became ordinarily resident in the area of the first-mentioned Authority:

Provided that for the purpose of this paragraph any place of residence during a period of whole-time service for the purpose of the National Service Acts, 1948 to 1950, shall be disregarded.

(5) A pupil who is provided by an Authority with part-time further education shall be treated as belonging to the area of the Authority in which he is for the time being residing.

(6) A pupil, not being a pupil falling into any of the categories specified in Regulation 5 of these Regulations, or falling to be dealt with under Section 7 (4) (*b*) of the Act of 1953, who is in receipt of a grant from an Authority to enable him to receive a course of full-time further education, shall, while he continues to attend that course, be treated as belonging to the area of the Authority to whose area he was treated as belonging at the date when the grant was first made.

5.—(1) The following categories of pupils who are provided by Authorities with full-time further education, not being pupils included in the categories specified in paragraphs (1), (2) and (3) of the last foregoing Regulation, shall be included among the categories of pupils treated as not belonging to the area of any Authority:—

(*a*) pupils whose parents would ordinarily reside in England and Wales but for the fact that they are employed for the time being outside England and Wales;

(**a**) 11 & 12 Geo. 6. c. 43. (**b**) 23 & 24 Geo. 5. c. 12.

(*b*) pupils resident for the time being in England or Wales by virtue of their having entered England or Wales with members of a Visiting Force ;

(*c*) pupils resident for the time being in hostels or camps for aliens in England or Wales ; and

(*d*) pupils resident in charitable institutions or boarded out by such institutions:

Provided that a pupil shall only be treated as resident in a charitable institution if he is boarded and lodged therein during both terms and holidays.

(2) A pupil who is provided by an Authority with full-time further education and who at the time he ceased to receive secondary education had been treated, under Section 6 of the Act of 1948, or the Regulations(a) made thereunder, as not belonging to the area of any Authority shall continue to be so treated.

(3) Notwithstanding any other provision in these Regulations, a pupil who resides as a patient in a hospital and who receives further education therein, shall be treated as not belonging to the area of any Authority.

(4) A pupil who by virtue of these Regulations, or of Section 7 (4) (*b*) of the Act of 1953, has been treated as not belonging to the area of any Authority shall continue to be so treated while he is provided by an Authority with full-time further education.

Given under the Official Seal of the Minister of Education this 21st day of June, 1954.

(L.S.)

Florence Horsbrugh,
Minister of Education.

EXPLANATORY NOTE

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

These Regulations prescribe conditions governing the recoupment to local education authorities in accordance with the provisions of Section 7 of the Education (Miscellaneous Provisions) Act, 1953, of the cost of providing further education for students not belonging to their area, and specify categories of students to be treated as students not belonging to the area of any authority.

1954 No. 361

The Schools Grant Amending Regulations No. 5, 1954

Made - - - -	*22nd March,* 1954
Laid before Parliament	*23rd March,* 1954
Coming into Operation	*1st April,* 1954

The Minister of Education in exercise of the powers conferred upon her by Section 100 of the Education Act, 1944(b), hereby makes the following Regulations:—

1. These Regulations may be cited as the Schools Grant Amending Regulations No. 5, 1954, and shall come into operation on the 1st day of April, 1954.

(a) S.I. 1953/507 (1953 I, p. 606). (b) 7 & 8 Geo. 6. c. 31.