The Local Education Authorities (Recoupment) Regulations, 1949

1949 No. 318

Made - - - -	28*th February*, 1949
Laid before Parliament	28*th February*, 1949
Coming into Operation	1*st March*, 1949

The Minister of Education in exercise of the powers conferred on him by Section 6 of the Education (Miscellaneous Provisions) Act, 1948(**a**), hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Local Education Authorities (Recoupment) Regulations, 1949.

(2) These Regulations shall come into operation on the first day of March, 1949, and shall extend to any provision for primary or secondary education made before that date in so far as the cost of the provision is attributable to any period after the 31st March, 1948.

(3) The Interpretation Act, 1889(**b**), applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

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

(*a*) " the Act " means the Education Act, 1944(**c**), as amended by any subsequent enactment ;
" Authority " means Local Education Authority ;
" Minister " means Minister of Education ;
" parents " mean father and mother or surviving father or surviving mother ;
" charitable institution " means any place in which persons are boarded and lodged from motives of charity ;
" holiday home " means any place in which pupils are boarded and lodged for payment during holidays ; and
" year " means financial year ; 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 in respect of the provision by them of primary or secondary education for a pupil who does not belong to their area shall be made within two years after the end of the year in which such education was first provided for that pupil or within such longer period as the Minister may allow in any particular case or class of cases.

(2) Any such claim shall be sent—

(*a*) if the pupil belongs to the area of another Authority, to that Authority ;

(*b*) if the pupil does not belong to the area of any Authority, to the Minister.

3. Where an Authority provide for the primary or secondary education of 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

(**a**) 11 & 12 Geo. 6. c. 40. (**b**) 52 & 53 Vict. c. 63. (**c**) 7 & 8 Geo. 6. c. 31.

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(a).

4.—(1) Where a local Authority under the Children Act, 1948(b), receive into their care under that Act a child as defined in that Act, then 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.

(2) Where any local Authority as aforesaid is appointed as a fit person under the Children and Young Persons Act, 1933(c), as amended by any subsequent enactment, for any child or young person that child or young person shall be treated for the purposes of these Regulations as belonging to the area of that local Authority.

(3) A pupil, not falling into any of the categories covered by Regulation 5 of these Regulations, who is sent by an Authority to a boarding special school or other type of boarding school and who remains in such school both during terms and holidays, shall be treated as belonging to the area of that Authority.

(4) Notwithstanding any other provision in these Regulations, where immediately before the 1st April, 1948, an Authority were making payments under Section 106 of the Act to another Authority in respect of a pupil, then, so long as the first-mentioned Authority would have continued to make such payments if the said Section had remained in force after the said date, the pupil shall be treated as belonging to their area :

Provided that—

(*a*) the first-mentioned Authority shall not be required to continue to make such payments in respect of any period after the said date if some other Authority who have been appointed as a fit person under the Children and Young Persons Act, 1933, become liable to make such payments by Section 6 (3) (*a*) of the Education (Miscellaneous Provisions) Act, 1948 ; and

(*b*) if the pupil was billeted or otherwise accommodated as an unaccompanied child in a reception area under the Government Evacuation Scheme and has no home to which to return, then, in the event of that pupil falling into the category covered by paragraph (1) of this Regulation, the responsibility for making payments in respect of him shall shift from the first-mentioned Authority to the Authority responsible under the said paragraph.

5. The following categories of pupils, not being pupils included in any category under 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 are ordinarily resident for the time being outside England and Wales, or whose parents, though resident for the time being in England or Wales, were formerly resident in, and may be expected to return as soon as possible to, Gibraltar ;

(*b*) pupils who habitually reside in holiday homes as inmates thereof ;

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

(*d*) pupils whose parents have no fixed abode ; and

(*e*) pupils who are resident in charitable institutions or boarded out by such institutions or sent from such institutions to residential schools.

(a) S.I. 1949 No. 317, p. 1498 above. (b) 11 & 12 Geo. 6. c. 43. (c) 23 & 24 Geo. 5. c. 12.

6. The Contributions between Local Education Authorities (Period for Claims) Regulations, 1946(**a**), are hereby revoked.

Given under the Official Seal of the Minister of Education this 28th day of February, 1949.

(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.)

These Regulations are designed to give effect to the provisions under Section 6 of the Education (Miscellaneous Provisions) Act, 1948, for the recoupment to Local Education Authorities of the cost of providing education for pupils not belonging to their area ; in particular, they indicate categories of pupils to be treated as pupils not belonging to the area of any Authority. They also revoke and replace the Contributions between Local Education Authorities (Period for Claims) Regulations, 1946.

These Regulations should be read with the Education (Local Education Authorities) Amending Grant Regulations No. 1, 1949, which are being issued concurrently and which make provision for the determination of the amount of the Recoupment Grant and its apportionment amongst all Authorities.

---

(3) PRIMARY AND SECONDARY SCHOOLS

The Primary and Secondary Schools (Grant Conditions) Amending Regulations No. 8, 1949

1949 No. 250

Made - - - -	17*th February*, 1949
Laid before Parliament	18*th February*, 1949
Coming into Operation	21*st February*, 1949

Minister of Education
Grant Regulations No. 2
(Amendment No. 8, 1949)

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

1. These Regulations may be cited as the Primary and Secondary Schools (Grant Conditions) Amending Regulations, No. 8, 1949, and shall come into operation on the twenty-first day of February, 1949.

2. The existing Regulations hereby amended are the Primary and Secondary Schools (Grant Conditions) Regulations, 1945(**c**), as amended by

(a) S.R. & O. 1946 (No. 106) I, p. 379.
(b) 7 & 8 Geo. 6. c. 31.
(c) S.R. & O. 1945 (No. 636) I, p. 269.