EXPLANATORY NOTE

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

These Amending Regulations raise the limits up to which local education authorities may defray expenditure on paying, or contributing towards, yearly subscriptions to associations or other bodies whose functions involve the regular discussion of questions relating to education.

GRANTS

1953 No. 507

The Local Education Authorities (Recoupment) Regulations, 1953

Made - - - -	23*rd March*, 1953
Laid before Parliament	24*th March*, 1953
Coming into Operation	1*st April*, 1953

The Minister of Education, in exercise of the powers conferred on her 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, 1953, and shall come into operation on the 1st day of April, 1953, 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 day of March, 1952.

(2) The Local Education Authorities (Recoupment) Regulations, 1949(**b**), as amended by the Local Education Authorities (Recoupment) Amending Regulations, 1950(**c**), hereinafter called " the existing Regulations ", are hereby revoked without prejudice to the previous operation of, or anything duly done under, those Regulations.

(3) The Interpretation Act, 1889(**d**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

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

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

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

" 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;

(**a**) 11 & 12 Geo. 6. c. 40.
(**b**) S.I. 1949/318; 1949 I, p. 1502.
(**c**) S.I. 1950/651; 1950 I, p. 560.
(**d**) 52 & 53 Vict. c. 63.
(**e**) 7 & 8 Geo. 6. c. 31.

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

" holiday home " means any establishment in which pupils are boarded and lodged for payment during holidays ;

" handicapped pupil " means a handicapped pupil as defined by Regulation 1 (*a*) of the Handicapped Pupils and School Health Service Regulations, 1945(**a**) ;

" Visiting Force " means any body, contingent or detachment of the forces of a country to which the Visiting Forces Act, 1952(**b**), 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 ; 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 for recoupment in respect of the provision by them of primary or secondary education for a pupil who belongs to the area of some other Authority shall be sent to that Authority within eighteen months after the end of the year during which the attendances on which the claim is based were made.

(2) Every claim by an Authority for recoupment in respect of the provision by them of primary or secondary education for a pupil who does 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 year during which the attendances on which the claim is based were made.

3. Where an Authority provide primary or secondary 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(**c**).

4.—(1) Notwithstanding any other provision in these Regulations, where a local Authority under the Children Act, 1948(**d**) receive into their care under that Act a child as defined in that Act, 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) Notwithstanding any other provision in these Regulations, where a local Authority as aforesaid is appointed as a fit person under the Children and Young Persons Act, 1933(**e**), as amended by any subsequent enactment, for a 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.

(**a**) S.R. & O. 1945/1076; Rev. VI, p. 350; 1945 I, p. 316.
(**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
(**c**) S.I. 1952/1331; 1952 I, p. 812.
(**d**) 11 & 12 Geo. 6. c. 43.
(**e**) 23 & 24 Geo. 5. c. 12.

(3) A pupil, not falling into any of the categories specified in Regulation 5 of these Regulations, who is provided by an Authority with board and lodging otherwise than at school under Section 50 (1) of the Act, shall, whether or not he spends his holidays at the place where he has been boarded out, be treated as belonging to the area of the Authority in which the person, with whom the pupil would habitually reside but for the fact that he has been boarded out by the Authority, ordinarily resides.

(4) Where the person with whom a pupil, not being a pupil falling into any of the categories specified in Regulation 5 of these Regulations, ordinarily resides, makes arrangements for the pupil to reside during terms with another person and to attend school as a day pupil, both the aforesaid persons being resident in the area of the same Authority, the pupil shall be treated as belonging to the area of that Authority.

(5) A handicapped pupil, not falling into any of the categories specified in Regulation 5 of these Regulations, who is sent by an Authority to a boarding school, and does not spend his holidays with the person with whom he habitually resided immediately before he was sent to the boarding school, shall nevertheless be treated as belonging to the area of the Authority in which the said person ordinarily resides.

(6) A pupil, not falling into any of the categories specified in Regulation 5 of these Regulations, who resides as a patient in a hospital and who receives primary or secondary education therein, shall be treated as belonging to the area of the Authority in which the person, with whom the pupil would habitually reside but for the fact that he is in hospital, ordinarily resides.

(7) Notwithstanding any other provision in these Regulations, where immediately before the commencement of these Regulations an Authority were making payments under paragraph (4) of Regulation 4 of the existing Regulations (which continued in certain circumstances the effect of 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, the pupil shall be treated as belonging to their area.

5.—(1) Where a pupil, not being a pupil falling into any of the categories hereinafter specified in this Regulation or falling to be dealt with under Section 6 (2) (*b*) of the Act of 1948, has begun his education as a boarder either—

(*a*) at a school maintained by an Authority, or

(*b*) at any other school, with the assistance of a grant by an Authority in respect of the whole or part of the fees,

and thereafter the person with whom the pupil habitually resides during holidays changes his place of ordinary residence to the area of another Authority, the pupil shall thereupon 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.

(2) The following categories of pupils, not being pupils included in the categories specified in paragraphs (1), (2) and (7) 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 are ordinarily resident, or are 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, Gibralter or Malta ;

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

(*d*) pupils whose parents, being aliens, are resident for the time being in hostels or camps in England or. Wales ;

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

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

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.

(3) A pupil who is educated as a boarder at a boarding school and who, by virtue of these Regulations or of Section 6 (2) (*b*) of the Act of 1948, has, after the 31st day of March, 1952, been treated as not belonging to the area of any Authority, shall continue to be so treated while he remains a boarder at the same school.

Given under the Official Seal of the Minister of Education this 23rd day of March, 1953.

(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 consolidate and amend the Local Education Authorities (Recoupment) Regulations, 1949, and the Local Education Authorities (Recoupment) Amending Regulations, 1950. The most important change relates to pupils attending boarding schools who will be regarded as not belonging to the area of any Local Education Authority if their parents change their place of ordinary residence after the pupils have begun their boarding school career. Provision is also included in regard to children of members of visiting armed forces.