teacher in the employment of the Workers' Educational Association in respect of which grant is paid by the War Office, as if such service were contributory service.

Given under the Official Seal of the Minister of Education this 26th day of May, 1949.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

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

The purpose of this Scheme is to extend Teachers' Superannuation to teachers employed by the Workers' Educational Association in Army Education.

7. TRANSFER OF FUNCTIONS

The Minister of Education (Transfer of Functions) Order, 1949

1949 No. 1845

Made - - - - 29th September, 1949

At the Court at Buckingham Palace, the 29th day of September, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by sub-section (1) of Section 1 of the Education (Miscellaneous Provisions) Act, 1948(a), it is enacted that it shall be lawful for His Majesty in Council to transfer to, or make exercisable by, the Minister of Education powers conferred on the Charity Commissioners by the Charitable Trusts Acts, 1853 to 1939, or other enactments, as respects endowments or trusts of any class, other than the educational endowments and trusts mentioned in the Orders in Council made under the Board of Education Act, 1899(b), insofar as it appears to His Majesty in Council to be expedient so to provide, having regard to the relation between the purposes of the endowments or trusts to be transferred to, or made exercisable by, the Minister of Education, and the purposes of the endowments or trusts as respects which the same or associated powers are already vested in, or exercisable by, the Minister of Education by virtue of the said Act of 1899:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the Authority committed to Him by the Education (Miscellaneous Provisions) Act, 1948, and of all other powers enabling Him in that behalf, is pleased to Order, and it is hereby Ordered, as follows:—

1. This Order may be cited as the Minister of Education (Transfer of Functions) Order, 1949.

2. All powers (except the powers of appointing the Official Trustees of Charitable Funds and of making orders for vesting or transferring lands or funds in, to, or from, the Official Trustee of Charity Lands or the Official

(a) 11 & 12 Geo. 6. c. 40. (b) 62 & 63 Vict. c. 33.

Trustees of Charitable Funds) vested in the Charity Commissioners and their officers (except the said Official Trustees) by any enactment, measure or instrument shall, so far as those powers relate to endowments or trusts of the following classes, be transferred to, or be exercisable by, the Minister of Education:—

(*a*) endowments, comprising land, one of the principal trusts of which is use for a school, so long only as such endowments are used for schools;

(*b*) endowments, comprising land, held for the purposes of recreation and social and physical training of such a nature that the Minister of Education has power to make grants in aid thereof under the Education Act, 1944(**a**), or the Physical Training and Recreation Act, 1937(**b**), and endowments or trusts, comprising funds, held for promoting the said purposes or for maintaining or improving such land;

(*c*) endowments, comprising land, the sole or principal trust, or one of the principal trusts, of which is use for education and research, and endowments or trusts, comprising funds, the sole or principal trust, or one of the principal trusts, of which is the promotion of education and research or the maintenance or improvement of premises used for education and research;

(*d*) endowments, comprising land, held for the purposes of Public Libraries, Museums or Art Galleries, and endowments or trusts, comprising funds, held for the purposes of the maintenance or improvement of Public Libraries, Museums or Art Galleries;

(*e*) endowments, comprising land, held for the purpose of Polytechnic Institutes, and endowments or trusts, comprising funds, held for the purposes of the maintenance or improvement of Polytechnic Institutes;

(*f*) endowments or trusts held for the sole purpose of apprenticing, including advancement in life, or for purposes comprising both apprenticing, including advancement in life, and education.

3. References in any enactment, measure or instrument to the Charity Commissioners, or their officers (except the said Official Trustees) shall, as respects endowments or trusts of the classes hereinbefore specified, be construed as references to the Minister of Education or his officers.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

Under the Board of Education Act, 1899, and the Orders in Council made thereunder, the jurisdiction conferred by the Charitable Trusts Acts was, in regard to endowments or trusts for *solely* educational purposes, transferred from the Charity Commissioners to the Board of Education. Subsequently the Board of Education, and more recently the Minister, became vested, as a result of various statutes, with other powers regarding endowments or trusts which, though related to education, are not solely educational and consequently for the purposes of the Charitable Trusts Acts are still under the jurisdiction of the Charity Commissioners.

The purpose of this order is to transfer to the jurisdiction of the Minister the classes of quasi-educational endowments or trusts specified, so as to avoid duality of control.

(**a**) 7 & 8 Geo. 6. c. 31. (**b**) 1 Edw. 8 & 1 Geo. 6. c. 46.