Provided that nothing in these Regulations shall affect the terms of office of members of the said Councils in office at the date on which these Regulations come into operation.

Given under the Official Seal of the Minister of Education this 27th day of September, 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.)

These Regulations provide for a uniform initial term of office of three years for all members of the Central Advisory Councils for Education and revoke the provisions of the existing Regulations which provide for the curtailment of terms of office in certain circumstances.

GRANTS

The Schools Grant Regulations, 1951

1951 No. 1743

Made - - - -	*28th September,* 1951
Laid before Parliament	*1st October,* 1951
Coming into Operation	*15th October,* 1951

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

CONTENTS

Part I—Introductory:
Regulations 1 and 2.

Part II—Conditions applicable to Maintained Schools:
Regulations 3 to 20.

Part III—Conditions applicable to Assisted Schools:
Regulations 21 to 23.

Part IV—Conditions applicable to Direct-Grant Grammar Schools:
Regulations 24 to 48.

Part V—Conditions applicable to Direct-Grant Schools other than Direct-Grant Grammar Schools:
Regulations 49 to 54.

Part VI—Supplementary:
Regulation 55.

SCHEDULES

Schedule I—Temporary Teachers and Occasional Teachers.

Schedule II—Employment of Teachers.

(a) 7 & 8 Geo. 6. c. 31

PART I

1.—(1) These Regulations may be cited as the Schools Grant Regulations, 1951, and shall come into operation on the 15th day of October, 1951.

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

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

"the Minister" means the Minister of Education;

"Authority" means Local Education Authority;

"approved" means approved by the Minister for the purposes to which the context relates;

"recognised" means recognised by the Minister for the purposes of payment of grant;

"school" means any Primary or Secondary School as mentioned in this Part of these Regulations or any school of such class of those schools as is within the scope of any other Part of these Regulations as the case may be;

"department" means such part, if any, of a school as is organised under a separate head teacher;

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

"direct-grant" means grant paid by the Minister under Section 100 (1) (*b*) of the Act; 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.

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

(4) The Minister shall determine any question as to whether any condition imposed by these Regulations for the payment of grant is fulfilled or as to the amount of any grant payable.

2.—(1) These Regulations prescribe the conditions, whether general or special, which shall be satisfied by any Primary or Secondary School not being a Special School in order that grant may be payable in respect thereof under Sections 100, 102, 103 and 104 of the Act.

(2) The Regulations which have hitherto prescribed the conditions aforesaid are hereby revoked, that is to say the Primary and Secondary Schools (Grant Conditions) Regulations, 1945(b), as amended by the Primary and Secondary Schools (Grant Conditions) Amending Regulations No. 1, 1946(c), No. 2, 1946(d), No. 3, 1947(e), No. 4, 1947(f), No. 5, 1948(g), No. 6, 1948(h), No. 8, 1949(i), No. 9, 1950(j), and No. 10, 1951(k), but such revocation shall not affect the operation of those Regulations in relation to any period before the date on which these Regulations come into operation.

(a) 52 & 53 Vict. c. 63.
(b) S.R. & O. 1945 (No. 636) I, p. 269
(c) S.R. & O. 1946 (No. 495) I, p. 407.
(d) S.R. & O. 1946 (No. 1287) I, p. 408.
(e) S.R. & O. 1947 (No. 1371) I, p. 555.
(f) S.R. & O. 1947 (No. 2854) I, p. 556.
(g) S.I. 1948 (No. 374) I, p. 723.
(h) S.I. 1948 (No. 1265) I, p. 724.
(i) S.I. 1949 (No. 250) I, p. 1504.
(j) S.I. 1950 (No. 423) I, p. 561.
(k) S.I. 1951 No. 371.

PART II

Conditions applicable to Maintained Schools

3. For the purposes of this Part of these Regulations "school" means except where the context otherwise requires, a maintained school.

4. In order to be recognised the school shall comply with the requirements imposed on the school by or under the Act and if it does not so comply recognition may be withdrawn.

5. The school shall be kept on a satisfactory level of efficiency.

6.—(1) Without prejudice to the general requirement of Regulation 4, the premises of the school shall be safe in case of fire and kept in a proper state of repair, cleanliness, and hygiene.

(2) Proposals to provide new premises for the school or to alter its existing premises and the plans and estimates of the cost thereof shall require the approval of the Minister before the work is begun unless the Minister otherwise directs.

7.—(1) Whenever a pupil ceases to attend the school and becomes a pupil at any other school or place of education or training, not being a place of education or training conducted for private profit, adequate medical and educational information concerning him shall be supplied to the persons conducting that other school or place.

(2) For the purposes of this Regulation the expression "school" includes a Special School.

8. There shall be a time-table showing—

(*a*) the times at which the school session shall begin and end on any day; and

(*b*) the place of any instruction or religious observance regularly given or held elsewhere than on the ordinary premises of the school.

9.—(1) No pupil shall be entered for an external examination in any year unless he attains the age of 16 on or before the 1st September in that year.

(2) No charge shall be made for entering a pupil for an approved examination.

Size of Classes

10. The number of pupils on the register of any class shall not exceed the maximum herein prescribed for that class, that is to say:—

(*a*) for a class of pupils mainly under the age of three years, fifteen registered pupils;

(*b*) for a class of pupils mainly between the ages of three years and five years, thirty registered pupils;

(*c*) for a class mainly of senior pupils in a Primary School, thirty registered pupils;

(*d*) for any other class in a Primary School, forty registered pupils; and

(*e*) for any class in a Secondary School, thirty registered pupils:

Provided that a class may exceed the prescribed maximum so long as the Minister is satisfied that every effort is being made to comply with the requirements aforesaid and that failure to do so is due to causes beyond the control of the Authority or Managers, or Governors, as the case may be.

Teachers

11.—(1) Subject as herein provided—

(*a*) every Nursery School shall have a qualified superintendent teacher;

(*b*) every other school or department shall have a qualified head teacher who shall take an appropriate part in the teaching of the school; and

(*c*) every school shall have a qualified teaching staff suitable and sufficient in number for providing full-time education suitable to the ages, abilities, and aptitudes of the children.

(2) In order to be qualified a teacher shall, subject as herein provided, have completed to the satisfaction of the Minister an approved course of training or possess such special qualifications as the Minister may approve.

(3) Notwithstanding the foregoing provisions of this Regulation:—

(*a*) teachers in service at any time before 1st April, 1945, in schools which were maintained or aided by a former Authority or were in receipt of grant from the Minister may continue to be employed or, subject to the approval of His Majesty's Inspector in the case of a supplementary teacher, may be re-employed;

(*b*) persons may be employed as temporary teachers or occasional teachers in accordance with the provisions of Schedule I to these Regulations;

(*c*) where a Nursery School is one of a number of such schools grouped under a qualified supervising teacher, the Minister may allow such school during the whole or part of the period for which it is so grouped to have a superintendent teacher who is not a qualified teacher;

(*d*) where immediately before 1st April, 1945, a person was the head teacher of a school he may continue to be the head teacher of that school, or may, with the approval of the Minister, be appointed as head teacher of another school notwithstanding that he is not a qualified teacher; and

(*e*) the Minister may, during such period as he thinks fit, allow the appointment to the assistant staff of any Nursery School or to the staff of a Nursery Class of a person who is not a teacher if that person has completed to the satisfaction of the Minister a course of instruction of Senior and Supplementary Child Care Reserve type or has other approved qualifications.

12. Teachers shall be employed in accordance with the provisions of Schedule II to these Regulations.

Admission, Sessions and Attendances

13.—(1) A pupil shall not be refused admission to or excluded from a school on other than reasonable grounds.

(2) A pupil shall not be admitted to a Nursery School under the age of two years or to a Nursery Class under the age of three years or be retained in such school or class over the age of five years:

Provided that—

(*a*) if there are exceptional circumstances in the case of a pupil, he may be admitted to any such school under the age of two years or to any such class under the age of three years or retained in such school or class over the age of five years; and

(*b*) if a Nursery School is approved for the purpose, pupils may be retained therein up to the age of seven years.

14.—(1) A morning or afternoon session or the attendance of a pupil thereat shall comprise—

(*a*) in the case of a Nursery School or Nursery Class, at least one and a half hours of suitable training and activities; and

(*b*) in any other case—

(i) at least one and a half hours of secular instruction in a school or class for pupils mainly under the age of eight years; and

(ii) at least two hours of such instruction in a school or class for pupils mainly over that age:

Provided that the Authority may approve less than the prescribed minimum period of secular instruction for one session on any day if they are satisfied that the pupils attending that session will on that day receive in the aggregate, as may be appropriate to their ages, not less than three hours or not less than four hours of such instruction.

(2) In calculating any period as aforesaid, the time allowed for marking the registers shall be excluded but the necessary time for recreation and any part of the school hours occupied by the medical examination, inspection and treatment of pupils may be included.

15.—(1) Leave of absence shall not be granted to enable a pupil to be employed during school hours or to enable a pupil to take holidays during term-time:

Provided that—

(*a*) the Minister may approve arrangements permitting such employment temporarily if he considers that the general welfare of the community justifies him in taking that course;

(*b*) nothing in this Regulation prohibiting employment shall affect a pupil who is absent from school in accordance with a licence granted under Section 22 of the Children and Young Persons Act, 1933(**a**), as amended by the Act; and

(*c*) if a parent of a pupil desires the pupil to accompany him on his annual holiday, leave of absence for not more than two weeks in any educational year may be granted for that purpose.

(2) For the purpose of this Regulation "employment" includes assistance by a pupil in a trade or occupation carried on for profit notwithstanding that the pupil receives no reward for his labour.

16.—(1) The educational year shall be divided into terms being not more than four in number and amounting in the aggregate, except for some unavoidable cause, to a period of not less than forty weeks during which the school shall meet on not less than two hundred days:

Provided that, in the case of a school at which the number of boarders is either not less than fifty or not less than half the total number of registered pupils, the terms in any educational year may amount to a period of less than forty weeks and the school may meet on less than two hundred days.

(2) In addition to the normal holiday periods of a school, mid-term or other occasional holidays during term-time may be granted to such an extent as shall not be inconsistent with the requirements of paragraph (1) of this Regulation:

Provided that holidays so granted, to the extent of not more than ten days in the educational year, may be counted as days on which the school meets.

(**a**) 23 & 24 Geo. 5 c. 12.

Further Conditions applicable to Maintained Schools

17. Classrooms and other rooms used for instruction shall not be overcrowded.

18. The Minister may, if he thinks fit, approve an establishment of teachers for all schools maintained by an Authority.

19.—(1) Subject as in this Regulation provided no clerk in Holy Orders or regular Minister of any religious denomination may be employed as a teacher other than an occasional teacher unless having been employed in a school immediately before 1st April, 1945, he continues to be employed in that school.

(2) If a school or proposed school is of a type in which the employment as teachers of such persons as aforesaid was not prohibited by the regulations of the Minister which were in force immediately before the said date, the employment or continued employment of such persons as teachers in the school shall be within the discretion of the persons with whom the appointment of the teachers in that school rests.

(3) If a school is not of such type as aforesaid but the Minister is satisfied that the special circumstances of the case justify him in taking that course, he shall approve the employment of such a person as aforesaid as a teacher in that school if application is made to him for that purpose by the persons with whom the appointment of the teachers in that school rests.

20. The following conditions apply to any aided school or special agreement school whenever it is proposed that the Minister shall pay a maintenance contribution or grant to the managers or governors under Section 102, Section 103 or Section 104 of the Act:—

(*a*) Particulars of any repairs estimated to cost more than £100, and, in the case of alterations to school buildings estimated to cost more than £100 or of provision of premises, plans, specifications and estimates of cost, shall be submitted in such form and manner as the Minister may direct to the Authority and forwarded by them to the Minister and shall be approved before the work is begun.

(*b*) Where it is proposed to apply for grant under Section 103 or Section 104 in respect of the purchase of a site, such site shall not be purchased unless the Minister has first approved the purchase.

(*c*) Where the proposals involve the establishment of schools in substitution for former schools or of schools for the accommodation of displaced pupils, the Minister will estimate what proportion of the new accommodation he will deem eligible for payment of grant.

(*d*) Where the proposals involve the transfer of a school to new premises the Minister will deem the whole of the new accommodation as eligible for payment of grant.

(*e*) Subject as aforesaid and to any provisions of the said Sections, maintenance contribution or grant will be equal to one-half of the sums expended by the managers or governors in carrying out the work involved in their proposals, provided that the Minister may disallow any expenditure in excess of the estimate if he considers it to be unreasonable.

(*f*) Claims for payment of maintenance contribution or grant shall be submitted in such form and with such vouchers and particulars as the Minister may direct to him through the Authority.

PART III

Conditions applicable to Assisted Schools

21. For the purpose of this Part of these Regulations—

" school " means a Secondary School which immediately before the 1st April, 1945, was recognised under the Regulations for Secondary Schools, 1935(a), as amended by any subsequent Regulations, or under the Regulations for Further Education, 1934(b), and as respects which proposals are or will be made that the school shall become a controlled school or an aided school ;

" preparatory department " means the preparatory department of a school whether or not such department is organised under a separate head teacher ; and

" transitional period " means as respects a school the period until the question whether the school shall be a controlled school or an aided school is determined by an Order made under the Act.

22. Where the Authority wish to assist a school during the transitional period, the following conditions shall apply both for the purpose of the approval of arrangements under Section 9 (1) of the Act with respect to the school and for recognition of the expenditure to be incurred by the Authority in assisting the school: —

(*a*) the school shall comply with the conditions prescribed by the foregoing Regulations 4 to 18 as if the school were a maintained school ;

(*b*) the scales of remuneration for teachers in the school shall accord with those subject to an order of the Minister in force under Section 89 of the Act ;

(*c*) no fees shall be charged in respect of admission to the school or of the education provided therein ;

(*d*) any scale of fees for boarding or lodging pupils shall be submitted for the approval of the Minister ;

(*e*) adequate provision shall be made for the supply to day pupils in the school of mid-day meals and milk to drink, but so that any charge to parents for such meals, or any remission of such charge or part thereof, shall be in accordance with the Regulations made by the Minister under Section 49 of the Act for the provision of meals for day pupils in maintained schools and milk for drinking shall be supplied free of any charge ;

(*f*) adequate provision shall be made for the medical inspection of all pupils and for the medical care of boarders during term-time ; and

(*g*) in other respects the school shall be governed and conducted in like manner to that in which it was governed and conducted immediately before 1st April, 1945 :

Provided that—

(i) if a preparatory department of a school is excepted from the assistance given to the school in accordance with the foregoing provisions of this Regulation, the conditions prescribed by those provisions shall not apply to that department and the department shall during the transitional period be governed and conducted in all respects in like manner to that in which it was governed and conducted immediately before 1st April, 1945 ; and

(a) S.R. & O. 1935 (No. 679) p. 418. (b) S.R. & O. 1934 (No. 303) I, p. 518.

(ii) milk for drinking supplied to boarders shall be supplied free of charge only to such extent as it is obtained for such pupils under arrangements for the provision of free milk to school pupils.

23. Where the Authority propose to assist a school which forms part of an Institution for Further Education, the Minister may require the school to comply with such of the conditions laid down by these Regulations for other schools as he thinks proper both for the purpose of approval of arrangements under Section 9 (1) of the Act with respect to the school and for recognition of the expenditure to be incurred by the Authority in assisting the school.

PART IV

Conditions applicable to Direct-Grant Grammar Schools

24. For the purpose of this Part of these Regulations—

" direct-grant " means, except where the context otherwise requires, grant paid by the Minister under Section 100 (1) (*b*) of the Act to the governors of a Secondary School ;

" direct-grant Grammar School " means a Secondary School recognised for direct-grant under this Part of these Regulations ;

" free place " means, in relation to any school, a place to be filled by a pupil in respect of whom the tuition fees and any entrance fees are remitted in full by the governors or paid by an Authority or out of funds of an endowed foundation for the whole period of the school life of the pupil ;

" scheme " means, in relation to any school, a scheme made under the Endowed Schools Acts or the Charitable Trusts Acts or any other instrument regulating the constitution of the body of governors of the school or the maintenance, management or conduct thereof ;

" school " means, unless the context otherwise requires, a direct-grant Grammar School ; and

" upper school " means a direct-grant Grammar School or part of such a school which is organised mainly for senior pupils.

General Conditions

25. In order to be recognised a school must comply with the requirements of these Regulations and if it does not so comply recognition may be withdrawn.

26. The school shall be kept on a satisfactory level of efficiency.

27. The governors shall furnish to the Minister such information and returns as may be required by him, and if in addition to the register required under Section 80 of the Act the Minister directs that any other registers or records shall be kept the governors shall comply with the direction.

28. The school shall not be conducted for profit.

29.—(1) The premises of the school must be healthy, convenient for teaching purposes, adapted to the circumstances of the school and provided with adequate equipment and appliances for the curriculum ; they must be safe in case of fire and kept in a proper state of repair, cleanliness and hygiene.

(2) Proposals to provide new premises for the school or to alter its existing premises and the plans and estimates of the cost thereof shall require the approval of the Minister before the work is begun unless the Minister otherwise directs.

30. The number of pupils taught together in any class shall not exceed thirty, but temporary exceptions from this rule may be made in special circumstances with the consent of an Inspector.

31.—(1) The governors shall provide for day pupils in the school a satisfactory service for the supply of milk to drink and mid-day meals. The charge for mid-day meals shall be approved and shall be remitted or reduced in case of need. Milk for drinking shall be supplied free of charge.

(2) Milk for drinking supplied to boarders shall be required to be supplied free of charge only to such extent as it is obtained for such pupils under arrangements for the provision of free milk to school pupils.

32. Adequate provision shall be made, either by arrangements made by an Authority under Section 78 (2) of the Act or otherwise, for the medical inspection of all pupils and for the medical care of boarders during term-time.

33.—(1) No pupil shall be entered for an external examination in any year unless he attains the age of sixteen on or before the 1st September in that year.

(2) No charge shall be made for entering a pupil for an approved examination.

34.—(1) Whenever a pupil ceases to attend the school and becomes a pupil at any other school or place of education or training, not being a place of education or training conducted for private profit, adequate medical and educational information concerning him shall be supplied to the persons conducting that other school or place.

(2) For the purposes of this Regulation the expression " school " includes a Special School.

Governing Bodies

35.—(1) The scheme regulating every direct-grant Grammar School shall make approved provision—

(*a*) for the appointment of not less than one-third of the governors by the Authority for the area in which the school is situated or, in approved proportions, by two or more Authorities for areas served by the school; or

(*b*) if the persons for the time being responsible for carrying on the school so desire, for the appointment of a majority of representative governors as provided by the next following paragraph:

Provided that—

(i) where a school forms part of an institution in which pupils are boarded, the body of governors may consist of the persons who manage the institution; and

(ii) where a school is attended by boarders whose fees are paid by means of grant made by the Minister, governors may be appointed by the Minister in substitution either wholly or partly for those to be appointed by Authorities under sub-paragraph (*a*) of this paragraph.

(2) The appointment of representative governors in pursuance of sub-paragraph (*b*) of the last foregoing paragraph may be effected by—

(*a*) conferring a power of appointment on any one or more of the following bodies, that is to say, a local authority, an education committee of an Authority, the members of a local authority elected for part of the area of that local authority, and a parish meeting; or

(*b*) appointing by virtue of his office any one or more of the following persons, that is to say, a member of Parliament, a mayor, a chairman or vice-chairman of a local authority, or an education committee or of a parish meeting, and a member of a local authority.

36. Except in approved special circumstances no governor shall take or hold any interest in any property belonging to the school, otherwise than as a trustee for the purpose thereof, or receive any remuneration, or be interested in the supply of work or goods at the cost of the school.

37. No person employed by the governors for the purposes of the school shall be a governor.

Admission and Fees

38. The criterion for admission for all pupils in any direct-grant Grammar School shall be the capacity of the pupil to profit by education in the school, and for the purpose of securing that no pupils shall be precluded from entering the school by reason of the inability of his parent to pay fees the following provisions shall have effect:—

(*a*) the governors shall make adequate arrangements for ensuring that no pupil who is incapable of profiting by the education in the school shall be admitted thereto or retained therein; that the minimum educational standard qualifying the pupil for admission to or retention in the school shall be the same for all pupils of similar age; and that preference in admission shall be given to candidates who are considered on the ground of their abilities and aptitudes likely to profit most by the education in the school, so however that such preference shall not affect—

(i) the award of a minimum percentage of free places as required by these Regulations;

(ii) any arrangements made between the governors and Authorities for the admission of pupils;

(iii) any preference in admission prescribed by any scheme relating to the school; or

(iv) in the case of a school attached to an institution, any requirement that pupils in the school shall be members of the institution;

(*b*) the governors shall in each year offer to pupils who have at any time previously attended a grant-aided Primary School for not less than two years free places in the upper school to the extent of not less than twenty-five per cent. of the admission to the upper school during the previous year: such free places may be offered either directly by the governors or through the agency of an Authority;

(*c*) if in any year the number of free places which the governors are willing to offer through the agency of the Authority for any area served by the school is insufficient for the needs of that Authority, the Authority may, not later than six months before the beginning of the next educational year, require the governors to put at their disposal for suitably qualified pupils (whether or not previously educated at a grant-aided Primary School) such number of places, hereinafter called "reserved places" as they need, so however that the aggregate number of free places and reserved places filled in any year shall not, except with the consent of the governors, exceed 50 per cent. of the admissions to the upper school during the previous year;

(*d*) any places remaining in the upper school when the free places have been offered and the reserved places, if any, have been put at the disposal of Authorities shall be called "residuary places" and shall be

filled by the governors in accordance with paragraph (*a*) of this Regulation; and the approved fees shall be payable in respect of pupils holding such places, so however, that if the parent of any such pupil, not being a boarder, makes application for a total or partial remission of tuition fees the governors shall make such remission, if any, as the parent may be entitled to in accordance with an approved income scale;

(*e*) the approved tuition fees in respect of pupils holding free places offered through the agency of an Authority, and in respect of any reserved places put at the disposal of an Authority, shall be paid by the Authority;

(*f*) in addition to the capitation grant payable under these Regulations the Minister will pay for each educational year a grant equal to the difference between the amount of the approved fees which could have been charged to any holder of a residuary place as a day pupil in the upper school and the amount actually charged in respect of the pupil under the approved income scale or received in respect of the pupil from other sources.

39. No pupil shall be refused admission to or removed from the school on other than reasonable grounds.

40. No fees or other charges for tuition or boarding in the school shall be made in respect of pupils except under rules of payment approved from time to time: Provided that the fees from time to time approved shall be sufficient to enable the school to maintain its standards of education.

Teaching Staff

41.—(1) The teaching staff of the school must be suitable and sufficient, in number and qualifications, for providing adequate instruction in each subject of the curriculum and the scales of remuneration for teachers in the school shall be adequate and reasonable.

(2) A teacher shall not receive any less emolument or be deprived of or disqualified for any promotion or other advantage by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship.

(3) A teacher shall not be dismissed without an opportunity of appearing in person before the governors accompanied, if he so desires, by a friend.

42. A teacher, other than an occasional teacher, shall be employed under a written agreement which must, either directly or by reference to specified regulations or minutes, define the conditions of service and indicate whether the teacher is employed in full-time service exclusively in the capacity of a teacher, or in part-time service in the capacity of a teacher, or partly in the capacity of a teacher and partly in another capacity.

43. If a teacher's engagement is terminated, whether by dismissal or resignation, on account of misconduct, grave professional default or conviction of a criminal offence, the facts shall be reported to the Minister.

44.—(1) If and so far as the Minister declares a teacher to be unsuitable for employment on grounds of misconduct or grave professional default, the teacher shall not be employed. Before taking such action the Minister will use every available means of informing the teacher of the charges against him and giving him an opportunity for explanation.

(2) The aforesaid prohibition shall also apply in the case of any person as to whom a like declaration has been made by the Minister or the Board of Education before the date on which these Regulations come into operation.

Religious Education

45.—(1) Subject to the provisions of the next following Regulation there shall, on every school day, be collective worship on the part of all pupils in attendance at the school.

(2) Religious instruction shall be given in accordance with the trust deed, if any, or practice previously observed in the school.

(3) No pupil shall be required as a condition of attending the school to attend or abstain from attending any Sunday School or place of religious worship elsewhere than on the school premises.

46.—(1) If the parent of any pupil in attendance at the school requests that he be wholly or partly excused from attendance at religious worship in the school or from attendance at religious instruction in the school or from attendance at both religious worship and religious instruction in the school, the pupil shall be excused from such attendance, until the request is withdrawn.

(2) Where under the last foregoing paragraph a pupil has been excused from attendance at religious worship or instruction, and the governors are satisfied that arrangements have been made for him to receive, during the periods during which he is so excused, religious instruction of a kind not provided in the school and that the arrangements are such as will not involve unreasonable interference with his attendance at school during other periods, he shall, if his parent so desires, be allowed to be withdrawn from the school at such times as are reasonably necessary for the purpose of enabling him to receive religious instruction in accordance with the arrangements.

(3) Reasonable facilities, on the school premises or elsewhere, shall at the request of the parent of any pupil attending the school as a boarder be afforded for the pupil to attend religious worship on Sundays and other days exclusively set apart for religious observance by the religious body to which the parent belongs, or to receive religious instruction outside school hours in accordance with the tenets of a particular denomination, but the governors shall not be required to incur expense in the provision of such facilities.

Grants

47.—(1) (For new paragraph (1) substit. by S.I. 1951, No. 1882, *see* p. 545 below.)

(2) Subject to the provisions of these Regulations, direct grant will be payable for each year and instalments of grant may be paid during each year without prejudice to subsequent adjustments.

(3) If a school is recognised for direct-grant for part only of a year, grant will be reduced as the Minister thinks proper having regard to the length of the period.

(4) If a school ceases to be recognised as a direct-grant school, a direct grant will not exceed the net outstanding liabilities of the school for maintenance at the date from which recognition ceases.

48. Notwithstanding any other provision of these Regulations—

(*a*) the direct grant payable to a school will include a sum equal to half the amount of the contributions required to be paid by the employer in respect of the employment in the school of teachers in contributory service as calculated for the purposes of Section 9 (1) (*b*) of the Teachers (Superannuation) Act, 1925(**a**) ; and

(a) 15 & 16 Geo. 5. c. 59.

(*b*) where a school receiving direct grant organises special or experimental work approved by the Minister and involving special expense, including work which involves visits by the teaching staff to other institutions, the Minister may pay a further grant of such amount and subject to such conditions as he thinks fit towards meeting the special expense involved.

PART V

Conditions applicable to Direct-Grant Schools other than Direct-Grant Grammar Schools

49. For the purpose of this Part of these Regulations—

"school" means a school, not being a direct-grant grammar school as hereinbefore defined, in respect of which direct-grant is paid to the managers or governors.

50. The following conditions shall apply in order that a school may be recognised—

(*a*) the school shall comply with the conditions prescribed by the foregoing Regulations—

7, 10 to 13, 26 to 29, 31, 36, 37, 41 except paragraph (1) thereof, 47 except paragraph (1) thereof, 48 and, if the school is not a Nursery School, 23, 33, 45 and 46;

(*b*) the number of pupils on the register of the school shall not exceed the approved number, and classrooms and other rooms used for instruction shall not be overcrowded;

(*c*) the school shall provide primary education or secondary education unless it is approved for the provision of both primary and secondary education;

(*d*) every primary school shall have a body of managers and every secondary school shall have a body of governors;

(*e*) the persons responsible for carrying on the school shall, where the Minister so requires, appoint to the body of managers or governors representatives of the Authority for the area in which the school is situated, or, in approved proportions, of two or more Authorities for areas served by the school:

Provided that—

(i) the representatives of Authorities shall not, without the consent of the persons responsible for carrying on the school, exceed one-third of the total number of managers or governors; and

(ii) the provisions of this paragraph shall not apply where the school forms part of an institution in which pupils are boarded;

(*f*) the scales of remuneration for teachers in the school shall be adequate and reasonable;

(*g*) no fees or other charges for tuition or boarding in the school shall be made except under rules for payment approved from time to time; and

(*h*) the managers or governors of the school shall reserve for pupils from the area in which the school is situated or from any other area normally served by the school such number of the vacancies falling due in any year as may be agreed between the managers or governors and the Authorities of those areas, or, failing such agreement, as may be determined by the Minister.

51. In the case of a school which immediately before 1st April, 1945, was in receipt of yearly grant at the rate of 45s. or 48s. 6d. for each unit of average attendance under Article 25 of the Education Code, 1926(a), direct-grant will be paid at those rates until the Minister is satisfied that such higher rate as he may determine ought to be paid by reason of expenditure incurred or to be incurred in meeting the requirements of these Regulations.

52. In the case of a school which immediately before 1st April, 1945, was in receipt of direct-grant under the Regulations for Further Education, 1934, or of any other type of school which the Minister thinks fit to recognise for direct-grant under this Part of these Regulations, direct-grant will be payable at such rate as the Minister may determine from time to time after consideration of the character, efficiency, volume and cost of the work of the school and of the resources, other than direct-grant, available for meeting such cost.

53. In the case of a Nursery School direct-grant will be payable at a rate not exceeding one-half of the net cost of maintaining the school, such net cost being ascertained by excluding from the total cost any sums received by way of contributions from the Authority or of payments from or on behalf of pupils, and any expenditure which the Minister thinks proper to exclude.

54. Grant payable in respect of any school shall be payable for each financial year.

PART VI

Supplementary

55.—(1) Grant payable in respect of expenditure by an Authority in the maintenance or assistance of any school to which these Regulations apply will be payable under the regulations, made by the Minister under Section 100 of the Act, providing for the payment of grant to Authorities and not directly under these Regulations.

(2) Direct-Grant and any maintenance contribution or grant payable under Sections 102, 103 and 104 of the Act will be payable to the managers or governors of the school directly under these Regulations.

(3) The Minister may withhold or make a deduction from any grant if the requirements of these Regulations are not fulfilled.

SCHEDULES

SCHEDULE I

(Regulation 11 (3) (*b*))

Temporary Teachers and Occasional Teachers

Temporary Teachers

1. The Minister may approve the employment as a temporary teacher of a person over the age of eighteen years, subject to the following conditions:—

(*a*) The period of such approval shall not exceed five years unless the Minister, having regard to the available supply of teachers and candidates, thinks fit to extend the period from year to year.

(*b*) The teacher shall in every case satisfy the Minister of his health and physical capacity for teaching.

(a) S.R. & O. 1926 (No. 856) p. 387.

(*c*) The teacher, in the case of a school or class other than a nursery School or Nursery Class, shall have passed one of the examinations specified in Schedule II to the Training of Teachers Grant Regulations, 1950(**a**), which prescribes the examination qualifications for candidates seeking admission to Training Colleges, or shall possess other approved qualifications.

(*d*) The teacher, in the case of a Nursery School or Nursery Class, shall have completed to the satisfaction of the Minister a course of instruction of Senior and Supplementary Child Care Reserve type, or shall possess other approved qualifications.

Occasional Teachers

2. In an emergency or on a special occasion a person who is not qualified for employment as a regular assistant teacher may be employed as an occasional teacher in substitution for a regular assistant teacher, subject to the Authority being satisfied as to his physical capacity.

3. In special circumstances a person who is not qualified for employment as a regular assistant teacher but is otherwise suitable may be employed for part-time instruction in approved subjects.

SCHEDULE II

(Regulation 12)

Employment of Teachers

1. Subject to the provisions of the Disabled Persons (Employment) Act, 1944(**b**), a teacher, not being a teacher to whom Regulation 11 (3) applies, shall satisfy the Minister of his health and physical capacity for teaching unless he has so satisfied the Minister for the purposes of the Teachers (Superannuation) Acts, 1918 to 1946.

2.—(1) The initial period of service of a teacher as a qualified teacher shall be a probationary period during which he may be required to satisfy the Minister of his practical proficiency as a teacher, and such period shall be—

(*a*) two years for any qualified teacher whose approved course of training was a one-year course of Emergency Training; and

(*b*) one year for any other qualified teacher;

Provided that in exceptional cases the Minister may approve a probationary period which is less or more than two years or one year, as the case may be, or waive the requirement of a probationary period.

(2) During his probationary period a teacher shall be employed in such school and under such supervision and conditions of work as shall be suitable to a teacher on probation.

(3) If at the end of the probationary period the Minister declares the teacher to be unsuitable for further employment as a qualified teacher he shall not be so employed.

3.—(1) A teacher, other than an occasional teacher, shall be employed under a written agreement, or, in the case of a teacher appointed by an Authority, either under a written agreement or under a minute of the Authority.

(2) The agreement or minute shall, either expressly or by reference to specified regulations or minutes, define the conditions of service and indicate whether the

(a) S.I. 1950 (No. 1203) I, p. 566. (b) 7 & 8 Geo. 6. c. 10.

teacher is employed in full-time service exclusively in the capacity of a teacher, or in part-time service in the capacity of a teacher, or partly in the capacity of a teacher and partly in another capacity.

(3) The agreement or minute, unless it relates to employment partly in the capacity of a teacher and partly in another capacity or in a school in which pupils are boarded, shall provide that the teacher shall not be required to perform any duties except such as are connected with the work of a school or to abstain outside the school hours from any occupations which do not interfere with the due performance of his duties.

(4) A teacher shall be furnished with a copy of the agreement or minute under which he is employed. He shall also be furnished with a copy of any specified Regulations or minutes referred to in the agreement or minute under which he is employed unless facilities are otherwise afforded to him for acquainting himself with their contents.

4. If a teacher's engagement is terminated, whether by dismissal or resignation, on account of misconduct, grave professional default or conviction of a criminal offence, the facts shall be reported to the Minister.

5.—(1) If and so far as the Minister declares a teacher to be unsuitable for employment on grounds of misconduct or grave professional default, the teacher shall not be employed. Before taking action the Minister will use every available means of informing the teacher of the charges against him and of giving him an opportunity for explanation.

(2) The aforesaid prohibition shall also apply in the case of any person as to whom a like declaration has been made before 1st April, 1945, by the Minister or the Board of Education.

6. The Minister may, after consultation with the Authority, the managers, or the governors as the case may be, at any time on educational or medical grounds require that the employment of a teacher be suspended or terminated or made subject to such conditions or qualifications as the Minister may determine. Before taking action the Minister will use every available means of informing the teacher of the grounds of the proposed action and of giving the teacher an opportunity of making representations on the subject.

Given under the Official Seal of the Minister of Education this 28th day of September, 1951.

(L.S.)

John P. R. Maud,
Secretary to the Ministry of Education.

EXPLANATORY NOTE

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

The primary purpose of these Regulations is to consolidate the previous Regulations and the amendments thereof in one body of Regulations. The opportunity has been taken to embody certain changes of administrative practice, in accordance with the recommendations of the Local Government Manpower Committee, and to introduce other minor changes designed to simplify the Regulations and bring them up to date.