

## CHAPTER 43.

An Act to make provision for the better administration by the Central and Local Authorities in England and Wales of the enactments relating to Education.

[28th August 1907.]

**B**E it enacted by the King's most Excellent Majesty, by and *with the advice and consent* of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1.—(1) A local education authority shall have the same power, exerciseable in the same manner, and subject to the Purchase and appropriation of land.

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2 Edw. 7. c. 42. same provisions, for the purchase of land either compulsorily or by agreement for the purposes of Part II. of the Education Act, 1902, as they have under the Education Acts for the purposes of Part III. of that Act, but the powers given by this section shall be in addition to and not in derogation of any other powers for the purpose possessed by the authority.

(2) A local education authority may—

- (i) appropriate, with the consent of the Board of Education, for the purpose of Part II. of the Education Act, 1902, any land acquired by them for the purposes of Part III. of the Education Act, 1902, or taken over by them under that Act as successors of a school board ; and
- (ii) appropriate, with the consent of the Board of Education, for the purposes of Part III. of the Education Act, 1902, any land acquired by them for the purpose of Part II. of the Education Act, 1902, either under that Act, or for similar purposes under any Act repealed by that Act ; and
- (iii) appropriate, with the consent of and after inquiry by the Local Government Board, for any of the purposes of the Education Acts, any land acquired by them otherwise than in their capacity as local education authority :

(3) The council of a non-county borough or urban district may appropriate, with the consent of and after inquiry by the Local Government Board, for the purpose of their power to supply or aid the supply of education other than elementary, any land acquired by them under any other power.

(4) The appropriation of land by a local education authority or a council under this section shall be subject in any case to any special covenants or agreements affecting the use of the land in their hands.

(5) Where the capital expenditure in connection with any land appropriated under this section or any loan for the purpose of repaying that expenditure or any part of that expenditure or loan has been or is charged on, or raised within, any special part of the area of the local education authority or council, and the Board of Education, or, in the case of land appropriated under this section and not acquired for any of the purposes of the Education Acts, the Local Government Board, are of opinion that the use of the land for the purposes for which it is appropriated will alter the area benefited by the expenditure, the Board of Education, or the Local Government Board, as the case requires, shall order such equitable adjustment in respect thereof to be made as they think right under the circumstances, and the local education authority or council shall comply with any order so made.

(6) A council shall have power, with the consent of and after inquiry by the Board of Education, to alienate any land

acquired or held by them for the purposes of education other than elementary under Part II. of the Education Act, 1902, and, in the case of the sale of any such land, the proceeds of sale shall be applied in such manner as the Local Government Board sanction, towards the discharge of any loan of the council under the Education Acts, or otherwise for any purpose for which capital may be applied by the council under those Acts.

2. The consent of the Board of Education shall be substituted for the consent of the Secretary of State for the Home Department in cases where the consent of the said Secretary of State is required under section fourteen of the School Sites Act, 1841, and section one of the School Grants Act, 1855 (which relate to sales, exchange, or mortgages of school premises).

Substitution, in certain cases, of consent of Board of Education for consent of Home Secretary.  
4 & 5 Vict. c. 38  
18 & 19 Vict. c. 131.

3. In the application of section sixty-nine of the Local Government Act, 1888, to money borrowed after the passing of this Act under the Education Acts by the council of a county, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which borrowed money is to be repaid, and any money reborrowed for the purpose of discharging a loan raised for the purposes of the Education Acts may, if the Local Government Board approve, and subject to such conditions as they impose, be repaid within such period, not exceeding sixty years from the date of the original loan, as the Local Government Board fix.

Extension of period for repayment of money borrowed by county council.

51 & 52 Vict. c. 41.

4.—(1) In the exercise of their powers and duties under section two of the Education Act, 1902, a county council shall have power, and at all times since the commencement of that Act shall be deemed to have had power, to agree with the council of any non-county borough or urban district within their area for the payment to that last-mentioned council of a contribution towards the capital expenditure incurred by them in respect of education other than elementary, to such an amount and in such instalments, and for such period and subject to such conditions, as may be specified in the agreement.

Power of county council to contribute towards capital expenditure incurred by non-county boroughs or urban districts within their county for the purposes of higher education.

(2) Where any such agreement is made the contribution agreed to be paid by the county council shall, for the purposes of section nineteen of the Education Act, 1902, form part of the security on which money may be borrowed by the council of the non-county borough or urban district under that section.

5. If the Local Government Board by order declare that expenses incurred for particular purposes specified in the order may or may not be properly treated under section eighteen of the Education Act, 1902, as expenses incurred in respect of capital expenditure, no question shall be raised on audit as to the treatment of expenses incurred for those particular purposes if they are treated in accordance with the order.

Decision of questions as to capital expenditure.

Audit of accounts of joint educational bodies.

33 & 34 Vict. c. 75.

**6.** Where any receipts or payments of money under the Education Acts are entrusted to any joint education committee established under section seventeen of the Education Act, 1902, or to any joint body established under section fifty-two of the Elementary Education Act, 1870, or otherwise established by two or more local authorities, the accounts of those receipts and payments shall, unless in any case the Local Government Board direct to the contrary, or any provisions to the contrary which have been approved by the Local Government Board are contained in the scheme or instrument establishing the committee or body, be audited as if the joint committee or body were a separate local education authority, and the enactments relating to the audit of the accounts of local education authorities (including the penal provisions of those enactments) shall apply accordingly.

Power to provide for apportionment of expenses in a scheme constituting a joint education committee.

**7.** A scheme providing for the constitution of a joint education committee under subsection (5) of section seventeen of the Education Act, 1902, may make provision for the proportions in which any expenditure on matters referred or delegated to that committee is to be borne as between the councils of the counties, boroughs, or urban districts, or parts thereof forming the area for which the joint committee is constituted.

Borrowing from Public Works Loan Commissioners.

**8.** The Public Works Loan Commissioners may lend to a local education authority any money which that authority are authorised to borrow for the purposes of Part II. of the Education Act, 1902.

Amendment of s. 7. of 56 & 57 Vict. c. 42.

**9.** The condition that the annual expenses of the maintenance of a school not managed by a school authority are, to the extent of not less than one third, to be defrayed out of sources other than local rates or moneys provided by Parliament shall cease to be a condition required for the grant of a certificate under section seven of the Elementary Education (Blind and Deaf Children) Act, 1893, to such a school as a school suitable for providing elementary education for blind or deaf children.

Decision of certain educational questions by Board of Education.

**10.** If any question arises whether any purpose for which a council wish to exercise any powers under the Education Acts is a purpose of Part II. of the Education Act, 1902, or of Part III. of that Act, that question shall be referred to and determined by the Board of Education, and their decision shall be conclusive on the matter.

Provisions with respect to scholarships, bursaries, &c.

**11.** The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include a power to aid by scholarships or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the limit of age fixed for the provision of instruction in a public elementary school by subsection two of section twenty-two of that Act.

**12.** It is hereby declared that any power of a council under the Education Act, 1902, to supply, or aid the supply of, education other than elementary is not confined to the education of persons resident in their area, and the words "ordinarily resident in the area of the council," in subsection (2) of section twenty-three of the Education Act, 1902, are hereby repealed.

Higher education powers not confined to persons resident in area.

**13.**—(1) The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include—

Provisions as to vacation schools, health of school children, &c., in elementary schools.

(a) power to provide, for children attending a public elementary school, vacation schools, vacation classes, play-centres, or other means of recreation during their holidays or at such other times as the local education authority may prescribe, in the schoolhouse or in some other suitable place in the vicinity, so far as the local education authority, in the case of a schoolhouse or place not belonging to them, can obtain for the purpose the use of the schoolhouse or place; and

(b) the duty to provide for the medical inspection of children immediately before, or at the time of, or as soon as possible after, their admission to a public elementary school, and on such other occasions as the Board of Education direct, and the power to make such arrangements as may be sanctioned by the Board of Education for attending to the health and physical condition of the children educated in public elementary schools:

Provided that, in any exercise of powers under this section, the local education authority may encourage and assist the establishment or continuance of voluntary agencies, and associate with itself representatives of voluntary associations for the purpose.

(2) This section shall come into operation on the first day of January nineteen hundred and eight.

**14.**—(1) When a local education authority provide suitable means of conveyance for a child between a reasonable distance of its home and a public elementary school, it shall not be a reasonable excuse for the purposes of section seventy-four of the Elementary Education Act, 1870, or section eleven of the Elementary Education Act, 1876, or a ground of exemption for the purposes of section nine of the latter Act, that there is no public elementary school open which such child can attend within the distance of its residence prescribed by those sections or by any byelaw made under section seventy-four of the Elementary Education Act, 1870.

Distance from school no excuse for non-attendance when conveyance is provided.  
39 & 40 Vict. c. 79.

(2) For the purposes of paragraph (c) of subsection one of section eighteen of the Education Act, 1902, the county council may treat any expenses incurred by them in providing means of

conveyance for teachers or children attending a public elementary school under subsection one of section twenty-three of the Education Act, 1902, in the same manner as they may treat the capital expenditure mentioned in the said paragraph (c).

Returns by councils having powers under Part II. of the Education Act, 1902.

15. Every council having powers under Part II. of the Education Act, 1902, shall give to the Board of Education such information with respect to the exercise of those powers as the Board may from time to time require.

Register of teachers. 62 & 63 Vict. c. 33.

16.—(1) Any obligation to frame, form, or keep a register of teachers under paragraph (a) of section four of the Board of Education Act, 1899, shall cease: Provided that it shall be lawful for His Majesty by Order in Council to constitute a registration council representative of the teaching profession, to whom shall be assigned the duty of forming and keeping a register of such teachers as satisfy the conditions of registration established by the Council for the time being, and who apply to be registered.

(2) The register shall contain the names and addresses of all registered teachers in alphabetical order in one column, together with the date of their registration, and such further statement as regards their attainments, training, and experience as the Council may from time to time determine that it is desirable to set forth.

(3) Any Order in Council under this section may be revoked, altered, or added to by any subsequent Order.

(4) Such provision shall be made by Order in Council under this section as may appear necessary or expedient for transferring any funds or property held by the existing Teachers' Registration Council to the Registration Council to be constituted under this section, and for winding up the business of the existing council and thereafter dissolving the council.

(5) The existing Teachers' Registration Council means the Teachers' Registration Council established by Order in Council made under paragraph (a) of section four of the Board of Education Act, 1899.

Repeal, short title, and construction.

17.—(1) The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) This Act may be cited as the Education (Administrative Provisions) Act, 1907, and shall be construed as one with the Education Acts, 1870 to 1903, and those Acts and this Act are in this Act referred to as the Education Acts, and may be cited as the Education Acts, 1870 to 1907.

SCHEDULE.

Section 17.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	The words "to the extent of not less than one third defrayed out of sources other than local rates or moneys provided by Parliament and are," in paragraph (b) of subsection (1) of section seven.
62 & 63 Vict. c. 33.	The Board of Education Act, 1899.	Paragraph (a) of section four.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section five.
2 Edw. 7. c. 42.	The Education Act, 1902.	The words "ordinarily resident in the area of the council," in subsection two of section twenty-three.

