

MEMORANDUM ON

THE POWERS AND DUTIES OF THE BOARD OF EDUCATION.

-----

1. The Central Education Authority of England and Wales is the Board of Education, which was created by the Board of Education Act of 1899. While that Act determined precisely the composition of the Board, it did not define its functions except in general terms, describing it as "charged with the superintendence of matters relating to education in England and Wales". It is clear from the text of the measure that this general oversight was not intended to embrace the educational functions already discharged by other Government Departments. Power was given to the King in Council to transfer certain duties connected with education, at that time assigned to the Charity Commission and to the Board of Agriculture, to the new Office, but no clause suggested that the Reformatory and Industrial Schools should be removed from the jurisdiction of the Home Office, or that supervision of the Poor Law Schools should be withdrawn from the Local Government Board, or that the War Office or Admiralty should cease to control their own educational establishments. The functions of the Board of Education must therefore be sought in those hitherto exercised by the Education Department and the Department of Science and Art out of which the new Board was created. These Departments grew from very small beginnings; no statute ever defined their powers and duties, and a short historical survey is the best means of shewing what was the heritage of the new Board.

2. The earliest Parliamentary attempt to develop a proper supply of education for the poorer classes was made in 1833, when Parliament voted £26,000 in aid of the erection of school houses. As there was no ready machinery for the distribution of this sum, the Treasury itself administered the grant, allocating it between the various applicants on the recommendations of the two great educational societies - the National Society and the

*in religious*





the British and Foreign School Society. The grant was renewed from year to year, and the need for some more permanent organisation was felt. As there seemed little prospect of the acceptance of any educational measure by the House of Lords, the Government decided to establish, under Order in Council, a Committee of the Privy Council to deal with this matter. On April 10th, 1839, the Committee at their first meeting, recommended that in the future no grant should be made to the promoters of any school unless they were prepared to receive the visits of the Inspectors appointed by the Committee. This principle was accepted, and the first Inspectors were appointed in December of the same year. In 1835 a sum of money had been voted by Parliament for the establishment of a model or normal school for the training of teachers, but exception being taken to the proposed arrangements with regard to religious instruction, the project had to be abandoned. After the Committee of the Privy Council was established this sum was divided between the two educational societies mentioned above for the purpose of aiding them to develop their training schools. In later years these grants in aid of training were largely extended, and thus, side by side with the schools instructing children, there was a system of colleges under the inspection of the Privy Council preparing teachers for service in those schools.

3. This device of a Committee of the Privy Council, (which has been the means of bringing to the birth more than one Department of State) was intended to be but a temporary expedient, until some more permanent organisation could be established. But the Parliamentary opportunity for this larger measure was longer in maturing than the Ministers of 1839 anticipated, and the Committee found themselves compelled to supplement the aid they gave towards the erection of school houses by the establishment of a system of annual grants, first in aid of the salaries of qualified teachers, and later for the general maintenance of the schools





calculated upon the number of children in attendance. To meet the charges of the new system very considerable sums were demanded of Parliament, and it was felt desirable that some Minister, other than the Lord President of the Council, who was necessarily always a member of the House of Lords, should represent the Committee. Accordingly in 1856 a small measure was passed through Parliament creating the office of Vice-President of the Council, to whom was assigned the responsibility of administering, under the direction of the Lord President, the new Education Department.

4. At the same time there was transferred to the Committee of Council on Education the care of the educational establishment of the Board of Trade. This Department, known as the Department of Science and Art, had been gradually developed since 1836 out of classes in Art and Science, which were intended to improve the processes of industry and manufacture. But there was no amalgamation of the two establishments, their union implied no more than that the Vice-President was the official head of both. Otherwise they remained separate in location, in their method of administration, and their spheres of operation. The Education Department was housed in Whitehall, the Department of Science and Art was transferred to South Kensington; the Committee of Council was consulted on matters affecting the Education Department, but the Lord President and the Vice-President administered the Science and Art Department without its aid. The Education Department only assisted other bodies to maintain schools, the Science and Art Department in addition maintained not only educational establishments of its own, but also the Museums at South Kensington. Finally the Education Department only dealt with schools in Great Britain, but the operation of the Science and Art Department extended to Ireland. They were alike in this, that they measured their grants to local schools in terms of examination results.

5. Although the work of the Education Department continued to grow in volume and in cost its extension was unregulated and





dependent on the caprice of local initiative. The Department had no means at its disposal for securing an equitable distribution of the provision. This deficiency was remedied by the first important Education Act, which was passed in 1870. The functions of the Department were not materially modified by this statute but its effective powers were considerably enlarged. The object of the new measure was to extend the supply of elementary education to all parts of England and Wales. The Act did not apply to Scotland nor did it directly affect any other form of education than the elementary school. The Education Department was placed in a position to call upon the local authorities, the School Boards established under the Act, to make good deficiencies in school provision, and these authorities in their turn were empowered to enforce attendance at the schools under bye-laws voluntarily adopted and then sanctioned by the Education Department. Ten years later the adoption of such bye-laws was made obligatory throughout the country, thus the Education Department was responsible for the administration of a system of compulsory attendance at school for children between the ages of 5 and 14. So far the bye-laws had been operative only in the case of normal children possessed of all their faculties. In 1893 and 1899 fresh Acts were passed which rendered liable to the compulsory attendance clauses of the Education Acts children who were blind or deaf, or epileptic or mentally deficient. For the first groups provision must be made by the Local Authorities, but with regard to the epileptic and mentally deficient children the School Boards were empowered but not compelled to establish special schools. Both the Acts charged the Education Department with new responsibilities, financial and administrative, the duty of certifying the schools for the reception of these afflicted children being entrusted to the Department.

6. During the last decades of the XIX century the Education Department in various ways came into contact with secondary education, but any influence it was able to exert was indirect





and spasmodic. Throughout the century the secondary schools were the least organised portion of the educational field. There was in existence a very considerable number of endowed schools, but many of them, through neglect or poverty, has ceased to provide efficient instruction.

7. A remedy was only possible through the cumbersome and tedious procedure of the Chancery Courts. To obviate this difficulty the Charity Commission was established and endowed with powers to enable it to formulate schemes for the efficient administration of educational and other charities. These duties were, as far as they concerned the endowed schools (other than elementary schools), entrusted to the Endowed Schools Commission, created under the Act of 1869, of which a copy is enclosed. When a scheme was formulated it was submitted to the Education Department which had the right of referring the scheme back to the Commissioners for amendment, but the Department had no power to interfere in the administration of the scheme when once it had been sanctioned, nor was it able to afford financial assistance to the schools, of which they stood most in need.

8. The Department had more direct connection with what was in effect secondary education, through the establishment of Pupil Teacher Centres. Under the old Minutes of the Committee of Council grants had long been made to elementary schools to enable them to maintain the pupil teachers who, on the completion of their apprenticeship, were expected to enter a Training College for the purpose of professional preparation for the career of teaching. Certain School Boards found it more economical to collect their pupil teachers attached to the various schools and instruct them together; thus was created a type of institution which provided what was in effect a course of secondary education. About the same time some of the more ambitious School Boards aimed at providing a higher course of instruction than was possible under the Code of Regulations for





Elementary Schools, for those pupils who were prepared to remain at school beyond the age of compulsory attendance. Grants for this purpose could not be obtained from the Education Department, so the funds for the conduct of these higher classes were largely supplied by the Science and Art Department. They were held in the same buildings as the elementary schools, and practically formed an organic part of these schools. In these various ways the Education Department came into contact with secondary education, but had no responsibility for secondary education as a whole.

9. The Science and Art Department was originally intended to provide for adult students instruction of such a kind as would enable this country to meet the increasing competition of foreign countries in industry and manufacture. Successive international exhibitions, beginning with the Great Exhibition of <sup>1851</sup>~~1857~~, had shown the great advance which continental states had made. It was hoped that a better training for our artisans would enable this country to maintain its industrial supremacy. This instruction was given in a number of detached classes in various science and art subjects, taught by teachers holding certificates issued by the Department. The students were subjected to an annual examination by the Department, and on the results of these examinations the grants to the local centres were assessed. The Department was hampered in its efforts to provide the more technical instruction by the lack of adequate scientific instruction in the schools; it was thus led to offer its aid to the schools. Allusion has already been made to the assistance given to the higher classes of the elementary schools. Acting on suggestions made by the Endowed School Commissioners, many secondary schools applied to the Department for grants in aid of the development of their science instruction. The influence thus exerted on the schools was not altogether to their advantage, since it produced a one-sided development and reacted very unfavourably on the teaching of literary subjects. This evil,





which was inherent in the system, was intensified by the action taken under the Technical Instruction Acts of 1889 and 1891. These Acts created a new Local Authority with educational functions. It was open to any County Council, or County Borough Council, established under the Local Administration Act of 1888, to appoint a Technical Instruction Committee which had authority to expend sums raised by the local rates for the purpose of providing technical classes. The Science and Art Department was made the Central Authority for these new Local Committees, and was entrusted with the supervision of their work and with the duty of sanctioning expenditure on subjects of instruction not specifically authorised by the Act itself. The activities of these new Committees was stimulated by the unexpected assignment to them in 1890 of considerable sums derived from the Customs and Excise, and originally intended for another purpose. In their administration of these funds the Committees found, as the Department had found in previous years, that a better basis of general education was needed before a proper system of technical instruction could be brought to its full fruition. For this reason no inconsiderable portion of their funds was devoted to the maintenance of secondary schools.

10. Thus, during the last decade of the XIX century, the two educational establishments of the Privy Council were dealing each with a separate Local Authority; the Education Department with the School Boards, and the Science and Art Department with the Technical Instruction Committees. Though each of the central and local authorities had a definite sphere of work peculiar to itself, there lay between the elementary schools on the one hand and the technical schools and classes on the other, a large debatable field occupied by the secondary schools. Both sets of ~~the~~ Authorities aspired to its control. The question was resolved, as far as the Central Authorities were concerned, by the amalgamation of the two offices in 1899 to form the Board of Education.





The complementary measure introducing a unified local administration was not passed till 1902, when the most considerable educational bill since 1870 was passed.

11. The new office was organised at the start in two divisions. The former Education Department remained at Whitehall, and retained the control of elementary education, but the administration of the Evening Classes which had been established under the Evening School Code was transferred to the South Kensington Branch, as being continuation rather than elementary education. That Board contained two sub-divisions, one of which dealt with technological instruction and the other with the secondary schools. Under the provisions of the Act of 1899 power was given to transfer to the Board the duties and powers of the Charity Commissioners with regard to educational endowments. By successive Orders in Council these powers have been so transferred, and the Board are now responsible for the framing of schemes for educational foundations and for the conduct of any enquiries which may be necessary in connection with their administration. The recognition of the importance of the secondary school problem led to the establishment of a separate branch of the Board to deal with these schools and to the creation of a separate inspectorate.

12. This office reorganisation was not the most important result of the movement which has produced the Act of 1899. A far more potent change was the altered spirit of the administration. The general oversight over educational matters with which the new office was entrusted, was an indication that educational guidance, rather than administrative control, was to be its motive power. The new local education authorities created by the Act of 1902 were committees of the County Councils and County Borough Councils, and stood in quite a different relation to the Central Authority than that of the old School Boards to the





Education Department. Moreover, under the Act of 1899, the Board had received authority to inspect secondary schools other than those which were in receipt of grants from the Department. The effective exercise of this power was dependent upon the efficacy of the educational advice the Board was able to offer to these independent schools. The improved position of the Board in national esteem is clearly shown by the number of the ~~General~~ *great* Public Schools which have voluntarily submitted themselves to inspection by the Board; and in the elementary school sphere the altered attitude of the Board is well illustrated by the admirable prefatory note prefixed to the Code of 1903. This change is also reflected in the Act of 1902 which entrusted the Board with semi-judicial powers, giving it the right of final decision on various administrative matters.

13. Since 1902 the powers of the Board have been extended in various directions, more or less connected with the improvement of the physical health of the nation. In 1906 authority was given to the Local Education Authorities, subject to the consent of the Board of Education, to provide free meals for necessitous children at the expense of the rates. In the following year the duty of organising the medical inspection of children attending the public elementary schools was laid upon the Local Education Authorities, the Board prescribing the occasions and the manner of the inspections. The Authorities were also empowered to give medical treatment to a public elementary school child who stood in need of it, and to recover the cost from the parent. In 1914 it was made obligatory to make suitable provision for the education of mentally defective and epileptic children. Legislation was necessary in these cases because it was desired to place a statutory obligation on the authorities providing educational facilities. In other cases in which the Board desired to stimulate local activity, it had recourse to that expedient so common to English administration of grants-in-aid. Such grants have recently been provided for Schools for Mothers and for Play Centres. The new Bill now before





Parliament also contemplates the establishment of nursey schools, which will provide for the children below the statutory age of school attendance.

14. During the present century the chief pre-occupation of the Local Education Authorities in the field of secondary education has been the provision of new schools. Attention is now being directed to a proper grading and differentiation of function of these schools. It is sought to assist the attainment of the desired end by means of special grants from the Board. These grants will be given to promote the development of advanced courses of study which, while having sufficient regard to the particular needs of individual pupils, will afford a sufficient nucleus for the common instruction of a group of pupils. The recognised courses will provide this common instruction either in Classics, or in Mathematics and Science, or in Modern Studies.

15. A more extensive reform, more extensive in so far as it affects other schools than those in receipt of the Board's grants, is that of the system of examinations in secondary schools and this is intimately connected with the institution of advanced courses. Secondary schools have long been troubled by the multiplicity of examinations for which they were called upon to prepare their pupils. There has never existed in England a State School Leaving Certificate such as is common to most European states, and as has been created in Scotland by the Scotch Education Department. The question has been at different times considered by the Consultative Committee of the Board of Education and just before the War the Board propounded a scheme in Circular 849 by which two examinations of different standards should be taken by all secondary schools in receipt of grants from the Board, and by such others as were usually examined by the Universities. The scheme had to be abandoned for a time owing to the War, but last year the Board were enabled, with assistance of further financial aid from the Treasury, to carry the proposals into effect. The examinations will be conducted by the various Universities, while the Board will act as the





standardising authority, assisted by an Advisory Council. The First Examination will be approximately of the standard of the present University Matriculation Examinations and will be taken about the age of 16; the Second Examination will be taken about two years later, and the candidates will be examined in the subjects of one of the Advanced Courses alluded to in the previous paragraph. Each certificate will be countersigned by the Board and it is hoped that Professional Bodies, such as the Accountants or Civil Engineers, will be willing to accept this certificate in lieu of their own entrance examinations. If the scheme succeeds the Board will be in a position to maintain an equable standard of achievement in the secondary schools of the country, while leaving sufficient latitude to the authorities actually conducting the examinations ~~to~~<sup>to</sup> accommodate their tests to local conditions.

16. The most important extension of the Board's activity in recent years has been connected with Higher Education, The connection of the Education Department with the Universities was very slight. When the Treasury began to give grants to University Colleges, a condition was imposed under which these institutions were compelled to make an annual return to the Education Department, but that Office had no control over the Colleges. Further grants were made by the Education Department to certain of these Colleges in respect of the courses for the training of teachers for Public Elementary Schools. These Colleges also obtained from the Science and Art Department, and subsequently from the Board of Education, considerable sums in aid of their technological classes. Applications from certain London Hospitals for grants in aid of their medical schools brought about a revision of the arrangements. The administration of the grants formerly distributed by the Treasury was transferred to the Board of Education, which created a fourth Branch - the Universities Branch. This Branch was established in 1910 and had not reached its full fruition before the outbreak of the War. The work of this Branch has suffered more than any of the others through the effects of the War, but the new relations between the Board and the Universities, tender





though they are, are full-of promise for the future.

17. The Board of Education is at the present time divided into five Branches:-

- (a) The Elementary Schools Branch.
- (b) The Secondary Schools Branch.
- (c) The Technological Branch.
- (d) The Universities Branch (with the Training of Teachers)
- (e) The Medical Branch.

The powers of the Board are derived partly from the various Acts of Parliament to which allusion has been made, and partly from the authority given it by Parliament to distribute the sums of money placed at its disposal in accordance with regulations approved by Parliament. The Board works through the Local Education Authorities, and one of the problems at present under public discussion is the future relation of the Central and Local Authorities. The latter are powerful bodies and restive under control. Debates on the Bill now before Parliament may help to adjust whatever differences of opinion ~~which~~ may exist as to the functions of the two authorities.

18. The Board of Education is not the only office with educational functions. The Local Government Board has the control of the Poor Law Schools, though these schools are inspected by the Board of Education inspectors; the Home Office is responsible for the Industrial and Reformatory Schools, institutions for the reception of pupils who have either committed offences or are morally unsuitable for admission to the ordinary schools. The Board of Agriculture distributes grants to Agricultural Colleges and Agricultural Departments of Universities. It also aids Farm Schools and gives assistance to the County Agricultural Committees. No office has as yet any general oversight over private schools. The Home Office is responsible for the suppression of any school which is a menace to public security, and the Local Government Board can intervene in the interests of public health, but at present it is nobodys business to assess the educational soundness of the schools. Proposals to give this authority to the Board





of Education are contained in Mr. Fisher's new Bill.

19. The history of the Scotch Education Department is shorter and simpler. When the Committee of Council was first established it had jurisdiction over Scotland as well as England and the same principles were adopted in both countries for the distribution of the grants. The Scotch schools differed from English schools in so far as the distinction between elementary and secondary schools was much less marked. The parting of the ways came with the Act of 1870, which only applied to England and Wales. The Scotch Act was passed two years later, and from that time there was a separate Committee of Council for Scotland, though the same permanent secretary served both Committees. The Committee still exists and the Vice-President of the Council still remains its chief officer. But his office is really merged in that of the Secretary for Scotland which was created in 1885.

The Scotch Office possesses all the powers which the Board of Education has, and generally acquired them a little in advance of the English Office. The School Certificate Examinations were introduced in the Nineties and the Act of 1908 contained clauses authorising the School Boards (which still remain the Local Education Authorities in Scotland) to introduce compulsory attendance at Continuation Schools: a result which will only be achieved in England if the Bill now before Parliament is passed this session. In one respect, that of the area of the Local Education Authority, England seems to have the advantage, and a proposal is now before Parliament to replace the School Boards by larger areas. On the other hand Scotland has a central education fund, formed out of various grants which have accrued to her as a result of certain increases in the educational grants to England. This fund enables the Scotch Education Department to give direct assistance to certain central institutions which are performing national, rather than local, service.

of the Commission on the subject of the Bill.

12. The purpose of the Bill is to provide for the

transfer of the Commission of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the

Commission to the Council of the Council of the





## CHAP. 56.

An Act to amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

A.D. 1869.

[2d August 1869.]

WHEREAS the Commissioners appointed by Her Majesty under letters patent dated the twenty-eighth day of December one thousand eight hundred and sixty-four, to inquire into the education given in schools not comprised within the scope of certain letters patent of Her Majesty, bearing date respectively the thirtieth day of June one thousand eight hundred and fifty-eight and the eighteenth day of July one thousand eight hundred and sixty-one, have made their report, and thereby recommended various changes in the government, management, and studies of endowed schools, and in the application of educational endowments, with the object of promoting their greater efficiency, and of carrying into effect the main designs of the founders thereof, by putting a liberal education within the reach of children of all classes; and have further recommended other measures for the object of improving education:

And whereas such objects cannot be attained without the authority of Parliament:

Be it enacted by the Queen'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:

*Preliminary.*

1. This Act may be cited as "The Endowed Schools Act, 1869." Short title.
2. This Act shall not apply to Scotland or Ireland. Application of Act.
3. This Act shall come into operation on the passing thereof, which date is in this Act referred to as the commencement of this Act. Commencement of Act.



A.D. 1869. **4.** In this Act, unless the context otherwise requires, the term  
 Definition of "endowment." "endowment" means every description of property, real, personal, and mixed, which is dedicated to such charitable uses as are referred to in this Act, in whomsoever such property may be vested, and in whosoever name it may be standing, and whether such property is in possession or in reversion, or a thing in action.

Definition of "educational endowment." **5.** In this Act, unless the context otherwise requires, the term "educational endowment" means an endowment or any part of an endowment which, or the income whereof, has been made applicable or is applied for the purposes of education at school of boys and girls or either of them, or of exhibitions tenable at a school or an university or elsewhere, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument, or other authority, and whether it has been made applicable or is applied in the shape—of payment to the governing body of any school or any member thereof, or to any teacher or officer of any school or to any person bound to teach, or to scholars in any school, or their parents, or—of buildings, houses, or school apparatus for any school, or otherwise howsoever.

Definition of "endowed school." **6.** In this Act, unless the context otherwise requires, the term "endowed school" means a school which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment: Provided that a school belonging to any person or body corporate shall not by reason only that exhibitions are attached to such school be deemed to be an endowed school.

Interpretation of terms. **7.** In this Act, unless the context otherwise requires,—  
 The term "exhibition" means any exhibition, scholarship, or other like emolument; and the term "exhibitioners" and other terms referring to exhibitions are to be construed accordingly:

The term "governing body" means any body corporate, persons or person who have the right of holding, or any power of government of or management over any endowment or, other than as master, over any endowed school, or have any power, other than as master, of appointing officers, teachers, exhibitioners or others, either in any endowed school, or with emoluments out of any endowment:

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education.



8. Nothing in this Act, save as in this Act expressly provided, shall apply— A.D. 1869.

(1.) To any school mentioned in section three of the Public Schools Act, 1868, or to the endowment thereof:

(2.) To any school which, on the first of January one thousand eight hundred and sixty-nine, was maintained wholly or partly out of annual voluntary subscriptions, and had no endowment except school buildings or teachers residences, or playground or gardens attached to such buildings or residences :

(3.) To any school which, at the commencement of this Act, is in receipt of an annual grant out of any sum of money appropriated by Parliament to the civil service, intituled "For Public Education in Great Britain," or to the endowment thereof; unless such school is a grammar school, as defined by the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter seventy-seven, or a school a department of which only is in receipt of such grant :

(4.) To any school (unless it is otherwise subject to this Act) which is maintained out of any endowment the income of which may, in the discretion of the governing body thereof, be wholly applied to other than educational purposes, or to such endowment :

(5.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment the income of which may, in the discretion of the governing body of such endowment, be applied to some other school :

(6.) To any endowment applicable and applied solely for promoting the education of the ministers of any church or religious denomination, or for teaching any particular profession, or to any school (unless it is otherwise subject to this Act) which receives assistance out of such endowment :

(7.) To any school which, during the six months before the first of January one thousand eight hundred and sixty-nine, was used solely for the education of choristers, or to the endowment of any such school if applicable solely for such education.

Nothing in this Act, except as expressly provided, to apply to certain schools herein named.

#### *Reorganization of Endowed Schools.*

9. The Commissioners (appointed as in this Act mentioned), by schemes made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power, in

Schemes for application of educational endowments.



A.D. 1869. — such manner as may render any educational endowment most conducive to the advancement of the education of boys and girls, or either of them, to alter, and add to any existing, and to make new trusts directions and provisions in lieu of any existing, trusts directions and provisions which affect such endowment, and the education promoted thereby, including the consolidation of two or more such endowments, or the division of one endowment into two or more endowments.

Schemes as  
to governing  
bodies.

10. The Commissioners by any scheme relating to an educational endowment made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power to alter the constitution, rights, and powers of any governing body of an educational endowment, and to incorporate any such governing body, and to establish a new governing body, corporate or unincorporate, with such powers as they think fit, and to remove a governing body, and in the case of any corporation (whether a governing body or not) incorporated solely for the purpose of any endowment dealt with by such scheme, to dissolve such corporation.

Educational  
interests of  
persons en-  
titled to  
privileges.

11. It shall be the duty of the Commissioners in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons are entitled, and that whether as inhabitants of a particular area or otherwise, to have due regard to the educational interests of such class of persons.

Schemes to  
extend  
benefit to  
girls.

12. In framing schemes under this Act, provision shall be made so far as conveniently may be for extending to girls the benefits of endowments.

Saving of  
interest of  
founda-  
tioner,  
master,  
governing  
body, &c.

13. It shall be the duty of the Commissioners to provide in any scheme for saving or making due compensation for the following vested interests; namely,

- (1.) The interest of any boy or girl who was at the time of the passing of this Act on the foundation of any endowed school:
- (2.) The tenure by any person of any exhibition dealt with by any such scheme which was held by him at the time of the passing of this Act:
- (3.) Such interest as any teacher or officer in any endowed school appointed to his office before the passing of the Endowed Schools Act, 1868, may have:
- (4.) Such interest as any person may have in any pension or compensation allowance to which he was entitled at the passing of the Endowed Schools Act, 1868:
- (5.) Such interest as any member of the governing body of any educational endowment appointed to his office before the



passing of the Endowed Schools Act, 1868, may have in any emolument payable to him as such, or in any right of patronage which has a marketable value, and is capable of being sold by him: A.D. 1869.

It shall also be the duty of the Commissioners in any scheme relating to any endowed school to have regard to the rights of patronage which may be at the passing of this Act exercised by any member of the governing body of such school in consequence of any gift or donation made by him.

**14.** Nothing in this Act shall authorize the making of any scheme interfering — Not to authorize schemes for interfering with modern endowments, cathedral schools, &c.

(1.) with any endowment, or part of an endowment, (as the case may be,) originally given to charitable uses, or to such uses as are referred to in this Act, less than fifty years before the commencement of this Act, unless the governing body of such endowment assent to the scheme:

(2.) with the constitution of the governing body of any school wholly or partly maintained out of the endowment of any cathedral or collegiate church, or forming part of the foundation of any cathedral or collegiate church, unless the dean and chapter of such church assent to the scheme:

(3.) with the constitution of the governing body of any school which governing body is subject to the jurisdiction of the governing body of the people called Quakers, or of the congregation of United Brethren called Moravians, unless the governing body of such school assent to the scheme:

(4.) with the constitution of the governing body of any school or with any exhibition (other than one restricted to any schools, or school or district,) forming part of the foundation of any college in Oxford or Cambridge, unless the college assent to the scheme.

**15.** In every scheme (except as hereafter mentioned) relating to any endowed school or educational endowment the Commissioners shall provide that the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar attending such school as a day scholar, may claim, by notice in writing addressed to the principal teacher of such school, the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and that such scholar shall be exempted accordingly, and that a scholar shall not by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious As to religious education in day schools.



A.D. 1869. subject, be deprived of any advantage or emolument in such endowed school or out of any such endowment to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons.

They shall further provide that if any teacher, in the course of other lessons at which any such scholar is in accordance with the ordinary rules of such school present, teaches systematically and persistently any particular religious doctrine from the teaching of which any exemption has been claimed by such a notice as is in this section before provided, the governing body shall, on complaint made in writing to them by the parent, guardian, or person having the actual custody of such scholar, hear the complainant, and inquire into the circumstances, and, if the complaint is judged to be reasonable, make all proper provisions for remedying the matter complained of.

As to  
religious  
education in  
boarding  
schools.

16. In every scheme (except as herein-after mentioned) relating to an endowed school the Commissioners shall provide that if the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar who is about to attend such school, and who but for this section could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of such school are not willing to allow such exemption, then it shall be the duty of the governing body of such school to make proper provisions for enabling the scholar to attend the school and have such exemption as a day scholar, without being deprived of any advantage or emolument to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons. And a like provision shall be made for a complaint by such parent, guardian, or person as in the case of a day school.

Governing  
body not  
to be dis-  
qualified on  
ground of  
religious  
opinions.

17. In every scheme (except as herein-after mentioned) relating to any educational endowment the Commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the governing body of such endowment.

Masters  
not to be  
required to  
be in holy  
orders.

18. In every scheme (except as herein-after mentioned) relating to an endowed school the Commissioners shall provide that a person shall not be disqualified for being a master in such school by reason only of his not being or not intending to be in holy orders.



A.D. .

Schools  
excepted  
from provi-  
sions as to  
religion.**19.** A scheme relating to—

(1.) any school which is maintained out of the endowment of any cathedral or collegiate church, or forms part of the foundation of any cathedral or collegiate church; or

(2.) any educational endowment, the scholars educated by which are, in the opinion of the Commissioners (subject to appeal to Her Majesty in Council as mentioned in this

|| Act), required by the express terms of the original instrument of foundation or of the statutes or regulations made by the founder or under his authority, in his lifetime or within fifty years after his death, (which terms have || been observed down to the commencement of this Act,) to learn or to be instructed according to the doctrines or formularies of any particular church, sect, or denomination,

is excepted from the foregoing provisions respecting religious instruction, and attendance at religious worship (other than the provisions for the exemption of day scholars from attending prayer or religious worship, or lessons on a religious subject, when such exemption has been claimed on their behalf,) and respecting the qualification of the governing body and masters (unless the governing body, constituted as it would have been if no scheme under this Act had been made, assents to such scheme).

And a scheme relating to any such school or endowment shall not, without the consent of the governing body thereof, make any provision respecting the religious instruction or attendance at religious worship of the scholars, (except for securing such exemption as aforesaid,) or respecting the religious opinions of the governing body or masters.

**20.** In every scheme the Commissioners may, if they think fit, provide for the transfer to Her Majesty of all rights and powers reserved to, belonging to, claimed by, or capable of being exercised by any person, persons, or body corporate as visitor of the endowed school or educational endowment to which the scheme relates, except in the case of cathedral schools.

Transfer of  
jurisdiction  
of visitors.

They shall also provide that such rights and powers as aforesaid, if vested in Her Majesty at the commencement of this Act, or if transferred to Her Majesty by the scheme, shall be exercised only through and by the Charity Commissioners for England and Wales.

**21.** In every scheme the Commissioners shall provide for the abolition of all jurisdiction of the ordinary relating to the licensing of masters in any endowed school, or of any jurisdiction arising from such licensing.

Abolition of  
jurisdiction  
of ordinary  
as to licens-  
ing masters.

? unintelligible



A.D. 1869.

Tenure of  
office of  
teachers.

**22.** In every scheme the Commissioners shall provide for the dismissal at pleasure of every teacher and officer in the endowed school to which the scheme relates, including the principal teacher, with or without a power of appeal in such cases and under such circumstances as to the Commissioners may seem expedient.

General  
provisions.

**23.** In any scheme the Commissioners may insert all powers and provisions that may be thought expedient for carrying its objects into effect.

Apportion-  
ment of  
mixed en-  
dowments.

**24.** Where part of an endowment is an educational endowment within the meaning of this Act, and part of it is applicable or applied to other charitable uses, the scheme shall be in conformity with the following provisions (except so far as the governing body of such endowment assent to the scheme departing therefrom); that is to say:

(1.) The part of the endowment or annual income derived therefrom which is applicable to such other charitable uses shall not be diverted by the scheme from such uses;

(2.) The part of the endowment or annual income so applicable to such other charitable uses shall be deemed to be the proportion which, in the opinion of the Commissioners, subject to appeal to Her Majesty in Council, is the average proportion which has during the three years before the passing of this Act been appropriated as regards capital or applied as regards income to such uses, or (if that proportion differs from the proportion which ought in accordance with the express directions of the instrument of foundation or the statutes or regulations during the said three years governing such endowment to have been so appropriated or applied) which ought to have been so appropriated or applied;

(3.) If the proportion applicable to other charitable uses exceeds one half of the whole of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme;

(4.) Where the governing body remains so unaltered, that body shall pay or apply for educational purposes such proportion as under the former provisions of this section is applicable to those purposes, or such less sum as may be fixed by the Commissioners, subject to appeal to Her Majesty in Council;



A.D. 1869.

(5.) Where during the said three years any portion of the endowment as existing at the commencement of such three years, or the annual income of such portion, has been accumulated and not applied to any purpose, the Charity Commissioners for England and Wales shall determine whether such portion or income is to be considered, for the purposes of this section, as having been appropriated or applied for educational purposes, or for other charitable uses;

(6.) Where by reason of the Act of Parliament, letters patent, decree, scheme, order, or other instrument during the said three years governing an endowment not having during the said three years been duly carried into effect, or being merely provisional, the preceding provisions of this section are not in the opinion of the Charity Commissioners for England and Wales applicable to such endowment, the Charity Commissioners shall determine what proportions shall be considered as applicable to educational purposes, and such other charitable uses respectively.

Subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endowment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment.

**25.** Where an endowment or part of an endowment originally given to charitable uses less than fifty years before the commencement of this Act has, by reason of having been spent on school buildings or teachers residences, or playground or gardens attached to such buildings or residences, become so mixed with an old endowment given more than fifty years before the passing of this Act, that in the opinion of the Commissioners (subject to appeal to Her Majesty in Council) it cannot conveniently be separated from such old endowment, then the whole endowment shall for the purposes of this Act be deemed to be an endowment originally given to charitable uses more than fifty years before the commencement of this Act.

New endowment mixed with old buildings, &c.

**26.** Where part of an endowment has been originally given to charitable uses more than fifty years, and another part less than fifty years before the commencement of this Act, and the two have not become mixed, as mentioned in this Act, so that they cannot conveniently be separated, and the governing body do not assent to the scheme dealing with the modern part of the endowment, the scheme relating to the old part of the endowment shall, subject to appeal to Her Majesty in Council, apportion such parts, and may direct either that the endowment shall be divided and appropriated

Apportionment of old and new endowments.



A.D. 1869. — accordingly in manner provided in the scheme, or that the whole endowment shall be vested in the governing body of one of such parts; and that the portion which is to be applied by the governing body of the other part shall be a debt due to them from the other governing body, and shall be a first charge on the endowment after payment of any charges existing thereon at the date of the scheme.

Claims of  
cathedral  
schools  
against Ec-  
clesiastical  
Commis-  
sioners.

**27.** Where an educational endowment at the commencement of this Act forms or has formed part of the endowment of any cathedral or collegiate church, the Commissioners shall inquire into the adequacy of such educational endowment, and may submit to the Ecclesiastical Commissioners for England proposals for meeting out of the common fund of the Ecclesiastical Commissioners the claims of any school receiving assistance out of the endowment of any such church to have an increased provision made for it in respect of any estates of such church which may have been transferred to the Ecclesiastical Commissioners. And the Ecclesiastical Commissioners on assenting to any such proposal or any modification of it may make such provision out of their common fund by such means and in such manner as they think best, and a scheme under this Act may with their consent be made for carrying such proposal into effect.

As to altera-  
tion of  
schemes.

**28.** In any scheme the Commissioners may provide for the alteration from time to time of such portions of the scheme as they think expedient by the Charity Commissioners for England and Wales in the exercise of their ordinary jurisdiction, provided such alteration shall not be contrary to anything contained in this Act.

Apprentice-  
ship fees, &c.

**29.** For the purposes of this Act endowments attached to any school for the payment of apprenticeship fees or for the advancement in life or for the maintenance or clothing or otherwise for the benefit of children educated at such school shall be deemed to be educational endowments.

Provided that nothing shall be construed to prevent a scheme relating to any such endowment from providing, if the governing body so desire, for the continued application of such endowment to the same purposes.

Application  
to education  
of non-  
educational  
charities.

**30.** In the case of any endowment which is not an educational endowment as defined in this Act, but the income of which is applicable wholly or partially to any one of more of the following purposes; namely,—

Doles in money or kind;  
Marriage portions;



A.D. 1869.

Redemption of prisoners and captives ;

Relief of poor prisoners for debt ;

Loans ;

Apprenticeship fees ;

Advancement in life, or

Any purposes which have failed altogether or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses in or before the year of our Lord one thousand eight hundred ;

it shall be lawful for the Commissioners, with the consent of the governing body, to declare, by a scheme under this Act, that it is desirable to apply for the advancement of education the whole or any part of such endowment, and thereupon the same shall for the purposes of this Act be deemed to be an educational endowment, and may be dealt with by the same scheme accordingly :

Provided that—

- (1.) In any scheme relating to such endowment due regard shall be had to the educational interests of persons of the same class in life or resident within the same particular area as that of the persons who at the commencement of this Act are benefited thereby :
- (2.) No open space at the commencement of this Act enjoyed or frequented by the public shall be enclosed in any other manner than it might have been if this Act had not passed.

*Procedure for making Schemes.*

**31.** For the purposes of this Act it shall be lawful for Her Majesty from time to time to appoint Commissioners (in this Act referred to as “the Commissioners”), and to appoint a secretary to such Commissioners, and to remove any Commissioners or secretary so appointed and appoint others, but the number of such Commissioners shall not exceed three at any one time.

Appoint-  
ment of  
Commis-  
sioners for  
purposes  
of this Act.

The Commissioners of Her Majesty’s Treasury may assign to the Commissioners and secretary such salaries, and allow them to employ such assistant commissioners, officers, and clerks, as the Commissioners of Her Majesty’s Treasury may think proper.

The Commissioners, secretary, and other persons so appointed and employed shall not hold office after the expiration of the time limited for the exercise of their powers.



A.D. 1869.

Preparation  
of draft  
scheme.

**32.** The Commissioners, after such examination or public inquiry as they think necessary, may prepare drafts of schemes for the purposes of this Act, subject to the following conditions; namely,

(1.) Where the gross average annual income of an endowment or of the aggregate educational endowments of an endowed school during the three years next before the first of January one thousand eight hundred and sixty-nine,—

(a) exceeded ten thousand pounds a year, then before the expiration of twelve months, and where it—

(b) exceeded one thousand pounds a year, then before the expiration of six months,

after the commencement of this Act, any governing body of any such endowment may, if they give to the Commissioners such notice as in this section mentioned, prepare and submit to the Commissioners in writing a scheme relating to such endowment, and the Commissioners shall consider such scheme before they themselves prepare any draft of a scheme relating to the same endowment; and any scheme so prepared by the governing body, and submitted to the Commissioners, shall, if approved by them, be adopted and proceeded with by them in the same manner as if it were a draft scheme originally prepared by themselves:

(2.) The notice to be given by a governing body to the Commissioners is a notice of their intention to prepare and submit to the Commissioners a draft of a scheme, which notice shall be in writing, and shall be given to the Commissioners within two months after the commencement of this Act:

(3.) The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment or aggregate endowments of an endowed school.

As to print-  
ing and  
publication  
of draft  
schemes.

**33.** When the Commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the endowment or endowments to which it relates, and to the principal teacher of any endowed school to which it relates, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Objections  
and sugges-  
tions respect-  
ing scheme  
and alterna-  
tive scheme.

**34.** During three months after the first publication of the draft of a scheme the Commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and



shall receive any alternative scheme submitted to them by the governing body of any endowment to which the scheme of the Commissioners relates. A.D. 1869.

**35.** At any time after the expiration of the three months the Commissioners, or any one of them, if they think fit, may hold an inquiry or they may refer the draft of the scheme and the alternative scheme, if any, to an Assistant Commissioner, and direct him to hold an inquiry concerning the subject matter of such scheme or schemes. Power to make inquiry into schemes.

**36.** As soon as may be after the expiration of the said three months, or the holding of such inquiry by the Commissioners or one of them, or the receipt by the Commissioners of the report of the Assistant Commissioner, on the inquiry held by him (as the case may be), the Commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the draft scheme, and to consider the alternative scheme (if any), and the report (if any), and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and submit it for the approval of the Committee of Council on Education : Provided that where a scheme has been prepared and submitted in pursuance of this Act to the Commissioners before the Commissioners have prepared the draft of a scheme the Commissioners shall, if requested by the governing body which submitted it, submit such scheme with their own to the Committee of Council on Education. As to framing of schemes.

**37.** The Committee of Council on Education shall consider all schemes so submitted to them, and may, if they think fit, approve any scheme so submitted, and shall cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested. Approval of Committee of Council on Education to schemes.

If the Committee do not approve a scheme submitted to them the Commissioners may frame and submit another scheme in the same manner as if no scheme had been previously framed and submitted ; provided that where the Committee of Council on Education have not approved any scheme relating to an endowment, the governing body of which may under this Act prepare and submit a draft of a scheme before the Commissioners prepare a draft of a scheme, such governing body may, within three months after notice of such non-approval (if within one month thereafter they give written notice of their intention to the Commissioners), submit to the Commissioners an amended scheme ; and the Commissioners shall consider the same before they frame and submit another scheme relating to the same endowment, and such amended scheme of the governing



A.D. 1869. body, if approved by the Commissioners, shall be adopted and proceeded with by them as if it were a scheme originally framed by themselves.

Consent of  
colleges or  
hall.

**38.** Where a scheme abolishes any restriction which makes any exhibition tenable only at a particular college or hall in any university, and the exhibition is payable out of property held by such college, or by the university in trust for such college or hall, (otherwise than as governing body of a school, or as a bare trustee,) the scheme shall not be approved if not less than two thirds of the governing body of such college or hall dissent therefrom in writing; but in every such case the Committee of Council shall make a special report to Parliament setting out the proposed scheme, and stating the dissent, and the reasons, if any, assigned for it.

Appeal to  
Queen in  
Council.

**39.** If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feels aggrieved by the scheme, on the ground—

- (1.) Of any decision of the Commissioners in a matter in which an appeal to Her Majesty in Council is given by this Act; or
- (2.) Of the scheme not saving or making due compensation for his or their vested interest as required by this Act;
- (3.) Of the scheme being one which is not within the scope of or made in conformity with this Act; or
- (4.) (If the governing body are the petitioners,) of a scheme not having due regard to any educational interests, to which regard is required by this Act to be had, on the abolition or modification of any privileges or educational advantages to which a particular class of persons are entitled;

such governing body, person, or body corporate may within two months after the publication of the scheme when approved petition Her Majesty in Council stating the grounds of the petition, and praying Her Majesty to withhold her approval from the whole or any part of the scheme.

Her Majesty, by Order in Council, may refer any such petition for the consideration and advice of five members at the least of Her Privy Council, of whom two (not including the Lord President) shall be members of the Judicial Committee, and such five members may, if they think fit, admit counsel to be heard in support of and against the petition, and shall have the same power with respect to the costs of all parties to the petition as the Court of Chancery would have if the petition were a proceeding in that court by way either of petition or information for obtaining a scheme.



Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn. A.D. 1869.

It shall be lawful for Her Majesty by Order in Council to direct that the scheme petitioned against be laid before Parliament, or to remit it to the Commissioners with such declaration as the nature of the case may require.

40. Where a scheme is remitted with a declaration the Commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Committee of Council on Education such amendments in the scheme as will bring it into conformity with the declaration. Proceedings where scheme is remitted.

The Committee may, if they think fit, approve the scheme with such amendments, and shall publish and circulate the same in the same manner and subject to the same right of petition to Her Majesty in Council as is before directed in the case of the approval of a scheme, and so on from time to time as often as occasion may require.

41. After the time has expired for a petition to Her Majesty in Council against any scheme, or after Her Majesty in Council has directed a scheme to be laid before Parliament, the scheme shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament, and after such scheme has lain for forty days before Parliament, then unless within such forty days an address has been presented by one or other of the said Houses praying Her Majesty to withhold Her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare Her approbation of such scheme or any part thereof to which such address does not relate. Schemes, &c. to be laid before Parliament.

42. Where a scheme relates to an endowment which during the three years preceding the commencement of this Act has had an average annual gross income of not more than one hundred pounds, no petition shall be presented to Her Majesty in Council with reference to such scheme, so far as it relates to such an endowment. Exception as to schemes for endowments under 100l.

The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment.



- A.D. 1869.  
New scheme  
on non-  
approval.
- 43.** If any scheme or any part thereof is not approved by Her Majesty, then the Commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.
- Amendment  
of schemes.
- 44.** Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, *mutatis mutandis*.
- Scheme to  
take effect.
- 45.** A scheme shall not of itself have any operation, but the same, when and as approved by Her Majesty in Council, shall from the date specified in the scheme, or, if no date is specified, from the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.
- Effect of  
scheme.
- 46.** Upon a scheme coming into operation, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated, shall, by virtue of the scheme and of this Act, be repealed and abrogated from the date in that behalf specified, or, if no date is specified, from the date of the scheme coming into operation, and all property purporting to be transferred by such scheme shall, without any other conveyance or act in the law (so far as may be), vest in the transferees, and so far as it cannot be so vested shall be held in trust for the transferees.
- Evidence of  
scheme.
- 47.** The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.
- Quorum  
of Commis-  
sioners.
- 48.** A scheme of the Commissioners shall not be submitted to the Committee of Council on Education unless two at least of the Commissioners have signified in writing their approval of such scheme, but in all other respects one Commissioner may act under this Act.
- Power of  
Commis-  
sioners, &c.  
as to pro-  
curing  
evidence.  
18 & 19 Vict.  
c. 124. ss. 6-9.
- 49.** Section eleven of the Charitable Trusts Act, 1853, (which relates to the production of documents by public officers,) and sections six, seven, eight, and nine of "The Charitable Trust Act, 1855," (relating to evidence, and the attendance and examination of witnesses,) shall extend to the Commissioners and Assistant Commissioners under this Act, as if they were the Commissioners and inspectors mentioned in those sections.
- Inquiry by  
public  
sittings by
- 50.** Where any Commissioner or Assistant Commissioner holds a local inquiry for the purpose of a scheme under this Act,



whether before or after the first publication of a draft scheme, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the endowment is situate or administered, and thereat take and receive any evidence and information offered, and hear and inquire into any objections or suggestions made or to be made during the sitting or sittings respecting the scheme or the endowment or school, with power from time to time to adjourn any sitting.

A.D. 1869.

Commissioners, &amp;c.

Notice shall be published, in such manner as the Commissioners direct, of every such sitting (except an adjourned sitting), fourteen days at least before the holding thereof.

51. The Assistant Commissioner who holds a local inquiry shall make a report in writing to the Commissioners setting forth the result of the inquiry, and where a draft scheme, with or without an alternative scheme, has been referred to him whether in his opinion such draft or alternative scheme, as the case may be, should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry, and his opinion thereon.

As to report of Assistant Commissioners.

#### Miscellaneous.

52. During the continuance of the power of making schemes under this Act the Charity Commissioners for England and Wales, or any Court or Judge, shall not, with respect to any educational endowment which can be dealt with by a scheme under this Act, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

Restriction of powers of Charity Commissioners, Court, &amp;c.

During the same period the Charity Commissioners shall have the same power of acting upon application made to them by the Commissioners under this Act with respect to any educational endowment as they would have if such application had been made by the governing body of such endowment; and the governing body shall conform to any order made or directions given by the Charity Commissioners upon such application.

53. The chapel of an endowed school subject to this Act, which either has been before or after the commencement of this Act consecrated according to law, or is authorized for the time being by the bishop of the diocese in which the chapel is situate, by writing under his hand, to be used as a chapel for such school, shall be deemed to be allowed by law for the performance of public worship and the administration of the sacraments according

School chapels appropriated for religious worship free from parochial jurisdiction.



A.D. 1869. — to the Liturgy of the Church of England, and shall be free from the jurisdiction and control of the incumbent of the parish in which such chapel is situate.

Quorum of governing body for acting under this Act.

**54.** The majority of the members of a governing body who are present at a meeting of their body duly constituted shall have power to do anything that may be required to be done by a governing body for the purposes of this Act: Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Act.

Persons acquiring interest after passing of Act to be subject to scheme.

**55.** Every interest, right, privilege, or preference, or increased interest, right, privilege, or preference, which any person may acquire after the passing of this Act in or relative to any endowed school or educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any mastership, office, place, employment, pension, compensation, allowance, exhibition, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Act; and the governing body of an endowed school or educational endowment shall not, during the continuance of the power of making schemes under this Act, begin to build, rebuild, or enlarge any school buildings or teachers residences or buildings connected therewith, except with the written consent of the Commissioners, or under the directions of such a scheme, but this provision shall not prevent them from continuing any works begun before the passing of this Act, or from doing anything necessary for the repair or maintenance of buildings or residences existing at the passing of this Act.

Service of notices.

**56.** Notices and documents required to be served on or sent to a governing body for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such governing body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the Commissioners (after reasonable inquiry), by being served on or sent to the principal teacher of the school (if any) under such governing body.

Service by post.

**57.** Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall



be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office. A.D. 1869.

**58.** The salaries paid and expenses incurred in carrying into effect this Act shall be defrayed out of monies to be provided by Parliament. Expenses of Act.

**59.** The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised after the thirty-first of December one thousand eight hundred and seventy-two, or such further day not later than the thirty-first of December one thousand eight hundred and seventy-three, as may be appointed by Her Majesty in Council. Duration of powers of making schemes.



be understood to mean that the letter containing the motion or Address  
should be properly addressed and put into the post office.

48. The salaries paid and expenses incurred in carrying into effect  
this Act shall be defrayed out of monies to be provided by  
Parliament.

49. The powers of making and approving of a scheme under  
this Act shall not, unless otherwise provided by Parliament, be exercisable  
after the thirty-first of December one thousand eight hundred and  
twenty-two, or such further day as later than the thirty-first  
of December one thousand eight hundred and twenty-two, as may  
be appointed by Her Majesty in Council.

Printed by George F. and W. G. Smith, Stationers, 15, Abchurch Lane, London, E.C. 4.



**CHAP. 75.**

An Act to provide for public Elementary Education in A.D. 1870.  
 England and Wales. [9th August 1870.] —

**B**E it enacted by the Queen'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; (that is to say,)

*Preliminary.*

**1.** This Act may be cited as "The Elementary Education Act, 1870." Short title.

**2.** This Act shall not extend to Scotland or Ireland.

Extent of  
Act.

**3.** In this Act—

Definition  
of terms.

The term "metropolis" means the places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855:

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same:

The term "parish" means a place for which for the time being a separate poor rate is or can be made:

The term "person" includes a body corporate:

The term "Education Department" means "the Lords of the Committee of the Privy Council on Education:"

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department:

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them:



A.D. 1870.

The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school :

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child :

The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week :

The term "schoolhouse" includes the teacher's dwelling house, and the playground (if any) and the offices and all premises belonging to or required for a school :

The term "vestry" means the ratepayers of a parish, meeting in vestry according to law :

The term "ratepayer" includes every person who, under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated :

The term "parliamentary grant" means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament for the civil service, intituled 'For public education in Great Britain.'

#### (I.) LOCAL PROVISION FOR SCHOOLS.

School districts, &c. in schedule.

4. For the purposes of this Act the respective districts, boards, rates and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

#### *Supply of Schools.*

School district to have sufficient public schools.

5. There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as herein-after defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act.

Supply of schools in case of deficiency.

6. Where the Education Department, in the manner provided by this Act, are satisfied and have given public notice that there is an insufficient amount of public school accommodation for any school district, and the deficiency is not supplied as herein-after required, a school board shall be formed for such district and shall supply



such deficiency, and in case of default by the school board the Education Department shall cause the duty of such board to be performed in manner provided by this Act. A.D. 1870.

7. Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school); namely, Regulations for conduct of public elementary school.

- (1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs :
- (2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every school-room ; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school :
- (3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book :
- (4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant.

*Proceedings for Supply of Schools.*

8. For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the Education Department shall, immediately after

Determination by Education Department of deficiency of



A.D. 1870. the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so doing they shall take into consideration every school, whether public elementary or not, and whether actually situated in the school district or not, which in their opinion gives, or will when completed give, efficient elementary education to, and is, or will when completed be, suitable for the children of such district.

Notice by  
Education  
Department  
of public  
school ac-  
commodation  
required.

9. The Education Department shall publish a notice of their decision as to the public school accommodation for any school district, setting forth with respect to such district the description thereof, the number, size, and description of the schools (if any) available for such district, which the Education Department have taken into consideration as above mentioned, and the amount and description of the public school accommodation, if any, which appears to them to be required for the district, and any other particulars which the Education Department think expedient.

If any persons being either—

(1.) Ratepayers of the district, not less than ten, or if less than ten being rated to the poor rate upon a rateable value of not less than one third of the whole rateable value of the district, or,

(2.) The managers of any elementary school in the district, feel aggrieved by such decision, such persons may, within one month after the publication of the notice, apply in writing to the Education Department for and the Education Department shall direct the holding of a public inquiry in manner provided by this Act.

At any time after the expiration of such month, if no public inquiry is directed, or after the receipt of the report made after such inquiry, as the case may be, the Education Department may, if they think that the amount of public school accommodation for the district is insufficient, publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and directing that the public school accommodation therein mentioned as required be supplied.

Formation  
of school  
board and  
requisition  
to provide  
schools.

10. If after the expiration of a time, not exceeding six months, to be limited by the final notice, the Education Department are satisfied that all the public school accommodation required by the final notice to be supplied has not been so supplied, nor is in course of being supplied with due despatch, the Education Department



shall cause a school board to be formed for the district as provided in this Act, and shall send a requisition to the school board so formed requiring them to take proceedings forthwith for supplying the public school accommodation mentioned in the requisition, and the school board shall supply the same accordingly. A.D. 1870.

11. If the school board fail to comply with the requisition within twelve months after the sending of such requisition in manner aforesaid, they shall be deemed to be in default, and if the Education Department are satisfied that such board are in default they may proceed in manner directed by this Act with respect to a school board in default. Proceedings on default of school board.

12. In the following cases, (that is to say,)

(1.) Where application is made to the Education Department with respect to any school district by the persons who, if there were a school board in that district, would elect the school board, or with respect to any borough, by the council; Formation of school boards without inquiry upon application.

(2.) Where the Education Department are satisfied that the managers of any elementary school in any school district are unable or unwilling any longer to maintain such school, and that if the school is discontinued the amount of public school accommodation for such district will be insufficient,

the Education Department may, if they think fit, without making the inquiry or publishing the notices required by this Act before the formation of a school board, but after such inquiry public or other, and such notice as the Education Department think sufficient, cause a school board to be formed for such district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice.

An application for the purposes of this section may be made by a resolution passed by the said electing body after notice published at least a week previously, or by the Council, and the provisions of the second part of the second schedule to this Act with respect to the passing of such resolution shall be observed.

13. After the receipt of any returns under this Act subsequently to the first with respect to any school district, and after such inquiry as the Education Department think necessary, the Education Department shall consider whether any and what public school accommodation is required in such district in the same manner as in the case of the first returns under this Act, and where in such district there is no school board acting under this Act they may issue notices and take proceedings in the same manner as they may after Proceedings by Education Department after the first year.



A.D. 1870. — the receipt of the first returns under this Act, and where there is a school board in such district they shall proceed in manner directed by this Act.

*Management and Maintenance of Schools by School Board.*

Management  
of school by  
school board.

**14.** Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:

- (1.) The school shall be a public elementary school within the meaning of this Act:
- (2.) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

Appointment  
of managers  
by school  
board.

**15.** The school board may, if they think fit, from time to time delegate any of their powers under this Act except the power of raising money, and in particular may delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than three persons.

The school board may from time to time remove all or any of such managers and within the limits allowed by this section add to or diminish the number of or otherwise alter the constitution or powers of any body of managers formed by it under this section.

Any manager appointed under this section may resign on giving written notice to the board. The rules contained in the third schedule to this Act respecting the proceedings of bodies of managers appointed by a school board shall be observed.

Neglect by  
board of  
regulations  
of public  
elementary  
schools.

**16.** If the school board do or permit any act in contravention of or fail to comply with the regulations according to which a school provided by them is required by this Act to be conducted, the Education Department may declare the school board to be and such board shall accordingly be deemed to be a board in default, and the Education Department may proceed accordingly, and every act or omission of any member of the school board, or manager appointed by them, or any person under the control of the board, shall be deemed to be permitted by the board, unless the contrary be proved.

If any dispute arises as to whether the school board have done or permitted any act in contravention of or have failed to comply with the said regulations, the matter shall be referred to the Education Department, whose decision thereon shall be final.

Fees of  
children.

**17.** Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the



school board, with the consent of the Education Department, but the school board may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent. A.D. 1870.

18. The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in their opinion, necessary in order to supply a sufficient amount of public school accommodation for their district.

Maintenance  
by school  
board of  
schools and  
sufficient  
school  
accommoda-  
tion.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department that the school to be discontinued is unnecessary, or that such change of site is expedient.

If at any time the Education Department are satisfied that a school board have failed to perform their duty, either by not maintaining or keeping efficient every school provided by them, or by not providing such additional school accommodation as in the opinion of the Education Department is necessary in order to supply a sufficient amount of public school accommodation in their district, the Education Department may send them a requisition requiring them to fulfil the duty which they have so failed to perform; and if the school board fail within the time limited by such requisition, not being less than three months, to comply therewith to the satisfaction of the Education Department, such board shall be deemed to be a school board in default, and the Education Department may proceed accordingly.

19. Every school board for the purpose of providing sufficient public school accommodation for their district, whether in obedience to any requisition or not, may provide, by building or otherwise, schoolhouses properly fitted up, and improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

Powers of  
school board  
for providing  
schools.

20. With respect to the purchase of land by school boards for the purposes of this Act the following provisions shall have effect; (that is to say,)

Compulsory  
purchase  
of sites.

(1.) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special

Regulations  
as to the  
purchase of  
land com-  
pulsorily.



A.D. 1870.

Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land:

(2.) The school board, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

Publication  
of notices.

(a.) Publish, during three consecutive weeks in the months of October and November, or either of them, a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

Service of  
notices.

(b.) After such publication, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(c.) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person:

Petition to  
Education  
Department.

(3.) Upon compliance with the provisions contained in this section with respect to notices the school board may, if they think fit, present a petition under their seal to the Education Department, praying that an order may be made authorising the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occu-



A.D. 1870.

piers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Education Department may from time to time require :

(4.) If, on consideration of the petition and proof of the publication and service of the proper notices, the Education Department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry :

(5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the Education Department may make the order prayed for, authorising the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the school board to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served :

(6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Education Department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament :

No order  
valid until  
confirmed by  
Parliament.

(7.) The Education Department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively :

(8.) All costs, charges, and expenses incurred by the Education Department in relation to any order under this section shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the Education Department as aforesaid shall,

Costs how  
to be  
defrayed.



A.D. 1870.

become a charge upon the school fund of the district to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners, or allowance of such costs, charges, and expenses respectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

The School Sites Acts as defined in the fourth schedule to this Act shall apply in the same manner as if the school board were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act.

Purchase of  
land by  
managers of  
public ele-  
mentary  
school.

21. For the purpose of the purchase by the managers of any public elementary school of a schoolhouse for such school, or a site for the same, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean such managers, and land shall be construed to include any right over land.

The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts, or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever.

Land may be acquired under the Acts incorporated with this section, or under the School Sites Acts, or any of them, or partly under one and partly under another Act.

Any persons desirous of establishing a public elementary school shall be deemed to be managers for the purpose of this section if they obtain the approval of the Education Department to the establishment of such school.

Sale or lease  
of school-  
house.

22. The provisions of the Charitable Trusts Acts, 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a



school board which may not be required by such board, with this modification, that the Education Department shall for the purposes of this section be deemed to be substituted in those Acts for the Charity Commissioners. A.D. 1870.

**23.** The managers of any elementary school in the district of a school board may, in manner provided by this Act, make an arrangement with the school board for transferring their school to such school board, and the school board may assent to such arrangement. Managers  
may transfer  
school to  
school board.

An arrangement under this section may be made by the managers by a resolution or other act as follows; (that is to say,)

- (1.) Where there is any instrument declaring the trusts of the school, and such instrument provides any manner in which or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of such instrument:
- (2.) Where there is no such instrument, or such instrument contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Education Department to have been usual for a resolution or act binding such managers to be passed or done:
- (3.) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the question, and with the assent of any other person whose assent under the circumstances appears to the Education Department to be requisite.

And in every case such arrangement shall be made only—

- (1.) With the consent of the Education Department; and,
- (2.) If there are annual subscribers to such school, with the consent of a majority, not being less than two thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question.

Provided that where there is any instrument declaring the trusts of the school, and such instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided.

Where it appears to the Education Department that there is any trustee of the school who is not a manager, they shall cause the managers to serve on such trustee, if his name and address are



A.D. 1870. known, such notice as the Education Department think sufficient; and the Education Department shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

The Education Department shall consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any person who has contributed to the establishment of such school.

After the expiration of six months from the date of transfer the consent of the Education Department shall be conclusive evidence that the arrangement has been made in conformity with this section.

An arrangement under this section may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for them or for the school, or for the lease of the same, with or without any restrictions, and either at a nominal rent or otherwise, to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for them or the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Nothing in this section shall authorise the managers to transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of such managers, nothing in this section shall authorise any interference with such right except with the consent of such person.

Every school so transferred shall, to such extent and during such times as the school board have under such arrangement any control over the school, be deemed to be a school provided by the school board.

**24.** Where any school or any interest therein has been transferred by the managers thereof to the school board of any school district

Re-transfer  
of school by  
school board  
to managers.



in pursuance of this Act, the school board of such district may, by a resolution passed as herein-after mentioned, and with the consent of the Education Department, re-transfer such school or such interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before such transfer to the school board, and upon such re-transfer may convey all the interest in the schoolhouse and in any endowment belonging to the school vested in the school board. A.D. 1870.

A resolution for the purpose of this section may be passed by a majority of not less than two thirds of those members of the school board who are present at a meeting duly convened for the purpose, and vote on the question.

The Education Department shall not give their consent to any such re-transfer unless they are satisfied that any money expended upon such school out of a loan raised by the school board of such district has been or will on the completion of the re-transfer be repaid to the school board.

Every school so re-transferred shall cease to be a school provided by a school board, and shall be held upon the same trusts on which it was held before it was transferred to the school board.

#### *Miscellaneous Powers of School Board.*

25. The school board may, if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent. Payment of school fees.

26. If a school board satisfy the Education Department that, on the ground of the poverty of the inhabitants of any place in their district, it is expedient for the interests of education to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the Education Department may prescribe, provide such school, and may admit scholars to such school without requiring any fee. Establishment of free school in special cases.

27. A school board shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866;" and upon the election of a school board in a borough the council Contribution to industrial schools.  
29 & 30 Vict. c. 118.



A.D. 1870. of that borough shall cease to have power to contribute under that section.

Establish-  
ment of  
industrial  
school.

28. A school board may, with the consent of the Education Department, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: Provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's Principal Secretaries of State in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

*Constitution of School Boards.*

School board. 29. The school board shall be elected in manner provided by this Act,—in a borough by the persons whose names are on the burgess roll of such borough for the time being in force, and in a parish not situate in the metropolis by the ratepayers.

At every such election every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit.

The school board in the metropolis shall be elected in manner herein-after provided by this Act.

Constitution  
of school  
board.

30. With respect to the constitution of a school board the following provisions shall have effect:

- (1.) The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without any licence in mortmain:
- (2.) No act or proceeding of the school board shall be questioned on account of any vacancy or vacancies in their body:
- (3.) No disqualification of or defect in the election of any persons or person acting as members or member of the school board shall be deemed to vitiate any proceedings of such board in which they or he have taken part, in cases where the majority of members parties to such proceedings were duly entitled to act:
- (4.) Any minute made of proceedings at meetings of the school board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next



A.D. 1870.

ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the school board, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act :

(5.) The members of a school board may apply any money in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them :

(6.) The rules contained in the third schedule to this Act with respect to the proceedings of school boards, and the other matters therein contained, shall be observed.

**31.** With respect to the election under this Act of a school board, except in the metropolis, the following provisions shall have effect : Election of school board.

(1.) The number of members of a school board shall be such number, not less than five nor more than fifteen, as may be determined in the first instance by the Education Department, and afterwards from time to time by a resolution of the school board approved by the Education Department :

(2.) The regulations contained in the second schedule to this Act with respect to the election and retirement of the members of the school board, and the other matters therein contained, shall be of the same force as if they were enacted as part of this section :

(3.) The Education Department may, at any time after the date at which they are authorised under this Act to cause a school board to be formed, send a requisition to the mayor or other officer or officers who have power to take proceedings for holding the election requiring him or them to take such proceedings, and the mayor or other officer or officers shall comply with such requisition ; and in case of default some person appointed by the Education Department may take such proceedings, and shall have for that purpose the same powers as the person in default.

**32.** If from any cause in any school district the school board either are not elected at the time fixed for the first election, or at any time cease to be in existence, or to be of sufficient number to form a quorum by reason of non-election, resignation, or other- Non-election, &c. of school board.



A.D. 1870. — wise, or neglect or refuse to act, the Education Department may proceed in the same manner as if there were a school board acting in such district, and that board were a board in default.

Determina-  
tion of dis-  
putes as to  
the election  
of school  
boards.

**33.** In case any question arises as to the right of any person to act as a member of a school board under this Act, the Education Department may, if they think fit, inquire into the circumstances of the case, and make such order as they deem just for determining the question, and such order shall be final unless removed by writ of certiorari during the term next after the making of such order.

Disqualifica-  
tion of mem-  
ber of board.

**34.** No member of a school board, and no manager appointed by them, shall hold or accept any place of profit the appointment to which is vested in the school board or in any managers appointed by them, nor shall in any way share or be concerned in the profits of any bargain or contract with or any work done under the authority of such school board or managers appointed by them: Provided that this section shall not apply to—

(1.) Any sale of land or loan of money to a school board; or,

(2.) Any bargain or contract made with or work done by a company in which such member holds shares;

(3.) The insertion of any advertisement relating to the affairs of any such school board in any newspaper in which such member has a share or interest,

if he does not vote with respect to such sale, loan, bargain, contract, work, or insertion.

Any person who acts in contravention of this section shall be liable, on summary conviction, to a penalty not exceeding fifty pounds, and the said place of profit and his office as member or manager shall be vacant.

Appoint-  
ment of  
officers.

**35.** A school board may appoint a clerk and a treasurer and other necessary officers, including the teachers required for any school provided by such board, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers; but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board.

Two or more school boards may arrange for the appointment of the same person to be an officer to both or all such boards.

Such officers shall perform such duties as may be assigned to them by the board or boards who appoint them.



**36.** Every school board may, if they think fit, appoint an officer or officers to enforce any byelaws under this Act with reference to the attendance of children at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent, and any expenses incurred under this section may be paid out of the school fund.

A.D. 1870.

Officer to  
enforce  
attendance  
at school.

*School Board in Metropolis.*

**37.** The provisions of this Act with respect to the formation and the election of school boards in boroughs and parishes shall not extend to the metropolis; and with respect to a school board in the metropolis the following provisions shall have effect:

School board  
in metro-  
polis.

- (1.) The school board shall consist of such number of members elected by the divisions specified in the fifth schedule to this Act as the Education Department may by order fix:
- (2.) The Education Department, as soon as may be after the passing of this Act, shall by order determine the boundaries of the said divisions for the purposes of this Act, and the number of members to be elected by each such division:
- (3.) The provisions of this Act with respect to the constitution of the school board shall extend to the constitution of the school board under this section, and the name of the school board shall be the School Board for London:
- (4.) The first election of the school board shall take place on such day, as soon as may be after the passing of this Act, as the Education Department may appoint, and subsequent elections shall take place in the month of November every third year on the day from time to time appointed by the school board:
- (5.) At every election for each division every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected for such division, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit:
- (6.) Subject to the provisions contained in this section and in any order made by the Education Department under the power contained in the second schedule to this Act, the members of the board shall, in the city of London, be elected by the same persons and in like manner as common councilmen are elected, and in the other divisions of



A.D. 1870.

the metropolis shall be elected by the same persons and in the same manner as vestrymen under The Metropolis Management Act, 1855, and the Acts amending the same; and, subject as aforesaid, the Acts relating to the election of common councilmen, and sections fourteen to nineteen, and twenty-one to twenty-seven, all inclusive, of The Metropolis Management Act, 1855, and section thirty-six of The Metropolis Management Amendment Act, 1862, shall, so far as is consistent with the tenor thereof, apply in the case of the election of members of the school board :

- (7.) The school board shall proceed at once to supply their district with sufficient public school accommodation, and any requisition sent by the Education Department to such board may relate to any of the divisions mentioned in the fifth schedule to this Act in like manner as if it were a school district, and it shall not be necessary for the Education Department to publish any notices before sending such requisition :
- (8.) The Education Department may, in the order fixing the boundaries of such divisions, name some person who shall be the returning officer for the purposes of the first election of the school board, and the person who is to be the deputy returning officer in each such division :
- (9.) The chairman of the school board shall be elected by the school board, and any chairman who may be elected by the board may be elected either from the members of the board or not, and any chairman who is not an elected member of the board shall, by virtue of his office, be a member of the board as if he had been so elected :
- (10.) The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the third column of the first schedule to this Act in proportion to the rateable value of such parts as shown by the valuation lists for the time being in force under "The Valuation (Metropolis) Act, 1869," or, if any amount is so required before any such valuation list comes into force, in the same proportion and according to the same basis in and according to which the then last rate made by the Metropolitan Board of Works was assessed :
- (11.) For obtaining payment of the amount specified in any precept sent by the school board to the rating authority for any part of the metropolis, the school board, in addition



to any other powers and remedies, shall have the like powers as the Metropolitan Board of Works have for obtaining payment of any sum assessed by them on the same part of the metropolis. A.D. 1870.

**38.** The school board for London may pay to the chairman of such board such salary as they may from time to time, with the sanction of the Education Department, fix. Payment of chairman.

**39.** If at any time application is made to the Education Department by the school board for London, or by any six members of that board, and it is shown to the satisfaction of the Education Department that the population of any of the divisions mentioned in the fifth schedule to this Act, as shown by any census taken under the authority of Parliament, has varied materially from that shown by the previous census, or that the rateable value of any of the said divisions has materially varied from the rateable value of the same division ten years previously, the Education Department, after such inquiry as they think necessary, may, if they think fit, make an order altering, by way of increase or decrease, the number of members of that and any other division. Alteration of number of members.

#### *United School Districts.*

**40.** Where the Education Department are of opinion that it would be expedient to form a school district larger than a borough or a parish or any school district formed under this Act, they may, except in the metropolis, by order made after such inquiry and notice as herein-after mentioned, form a united school district by uniting any two or more adjoining school districts, and upon such union cause a school board to be formed for such united school district. Formation by Education Department of united districts.

A united school district shall for all the purposes of this Act be deemed to be a school district, and shall throughout this Act be deemed to be substituted for the school districts out of which it is constituted, and the school board of the united school district shall be the school board appointed under this Act, and the local rate and rating authority for the united district shall be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district.

**41.** The Education Department, as soon as may be after the passing of this Act, may cause inquiry to be made into the expediency of uniting any two or more school districts, and if after such inquiry they are of opinion that it would be expedient to Conditions of formation of district.



A.D. 1870. — unite any such school districts, they shall in the notice of their decision as to the public school accommodation for such districts state that they propose to unite such districts, and the provisions of this Act with respect to the application for a public inquiry by persons aggrieved by the said notice, and to the holding of such public inquiry, and to the final notice, shall apply in the case of the proposed union of districts, with this qualification, that it shall not be necessary to cause a public inquiry to be held with respect to the union of districts until after the expiration of the period allowed by the final notice for the supply of the school accommodation. The order for the union may be made at the time when the Education Department are first authorised to cause a school board to be formed or subsequently. Where a union of districts is proposed the Education Department shall consider whether any public school accommodation is required for the area proposed as the united district instead of for each of the districts constituting such area, and their decision as to the public school accommodation and the notice of such decision shall accordingly refer to such area, and not separately to each of the constituent districts.

As to dissolution of united school district.

42. The Education Department may, by order made after such inquiry and notice as herein-after mentioned, dissolve a united school district, and may deal with the constituent districts thereof in the same manner as if they had never been united, and may cause school boards to be elected therein.

Public inquiry as to united district in future.

43. The Education Department may at any time, after any proceedings after the first returns under this Act, if they think fit, cause inquiry to be made into the expediency of forming or dissolving a united school district, and where they propose at any time after such inquiry to form or dissolve a united school district, they shall publish notice of the proposed order not less than three months before the order is made; the like persons as are authorised to apply for a public inquiry after the first returns made under this Act may, if they feel aggrieved by the proposed order, apply in like manner for a public inquiry, and the Education Department shall cause a public inquiry to be held, and shall consider the report made to them upon such inquiry before they make the order for such formation or dissolution.

Order to be evidence of formation or dissolution.

44. Any order of the Education Department forming or dissolving a united district shall be evidence of the formation or dissolution of such district, and after the expiration of three months from the date of such order the district shall be presumed to have been



duly formed or dissolved, as the case may be, and no objection to the formation or dissolution thereof shall be entertained in any legal proceedings whatever. A.D. 1870.

**45.** The provisions in this Act respecting the constitution of the school board shall apply to the constitution of the school board in a united school district, and the name of the district shall be such as may be prescribed by the Education Department. Constitution of school board in united school district.

**46.** In a united school district the school board shall be such number of members elected by the electors of the district as may be specified in the order forming the district, subject nevertheless to alteration in the same manner as in the case of any other school board; and every person who in any of the districts constituting such united district would be entitled if it were not united to vote at the election of members of a school board for such constituent district shall be an elector for the purposes of this section, and the provisions of this Act respecting the election of a school board in a district shall extend to the election of such members. Election of school board in united school district.

**47.** Where any part of a proposed united school district includes any district or part of a district in which there is a school board already acting under this Act, or where a united school district is dissolved, the Education Department may by order dissolve the then existing school board, or make all necessary changes in the constitution of such existing school board, and may by order make proper arrangements respecting the schools, property, rights, and liabilities of such board, and all arrangements which may be necessary. Arrangements on formation of united district.

**48.** If the Education Department are of opinion that any parish in a united school district has too few ratepayers to be entitled to act as a separate parish for the purposes of this Act, they may by order direct that it shall for the purpose of voting for a member or members of the school board, and for all or any of the purposes of this Act, be added to another parish, and thereupon the persons who would be entitled to vote and attend the vestry if it were a parish shall be entitled for the purpose of voting and for such purposes to vote in and attend the vestry of the parish to which their parish is so added. All the parishes comprised in a united district, or any two or more of them, may be added together in pursuance of this section. As to small parishes.

#### *Contributory Districts.*

**49.** The Education Department may by order direct that one school district shall contribute towards the provision or main- Contributory district.



A.D. 1870. — tenance of public elementary schools in another school district or districts, and in such case the former (or contributing district) shall pay to the latter (or school owning district or districts) such proportion of the expenses of such provision or maintenance or a sum calculated in such manner as the Education Department may from time to time prescribe.

Election of  
members by  
contributory  
district.

50. Where one school district contributes to the provision or maintenance of any school in another school district, such number of persons as the Education Department (having regard to the amount to be contributed by the contributing district) direct shall be elected in the contributing district, and shall be members of the school board of the school owning district, but such last-mentioned district shall, except so far as regards the raising of money and the attendance of children at school, be deemed alone to be the district of such school board; such members shall be elected by the school board, if any, or, if there is none, by the persons who would elect a school board if there were one, in the same manner as a school board would be elected.

Notices and  
public  
inquiry as  
to contribu-  
tory district.

51. The provisions of this Act with respect to the notices to be published, and the application for and the holding of a public inquiry in the case of an order for the formation of an united district, shall apply, *mutatis mutandis*, to an order respecting a contributory district.

An order respecting a contributory district shall be evidence of the formation of such district, and after the expiration of three months from the date thereof shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Any such order may be revoked or altered by an order of the Education Department, and a new order may be made in lieu thereof, and all the provisions of this Act respecting the making of an order for contribution shall apply to the making of an order for the revocation or alteration of an order for contribution.

Combination  
of school  
boards.

52. The school boards of any two or more school districts, with the sanction of the Education Department, may combine together for any purpose relating to elementary schools in such districts, and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts. Such agreements may provide for the appointment of a joint body of managers under the provisions of this Act with respect to the appointment of a body of managers, and for the proportion of the contributions to be paid by each school district, and any other matters which, in the opinion of the Education Depart-



ment, are necessary for carrying out such agreement, and the expenses of such joint body of managers shall be paid in the proportions specified in the agreement by each of the school boards out of their school fund. A.D. 1870.

### *Expenses.*

**53.** The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, or out of moneys provided by Parliament, or raised by way of loan, or in any manner whatever received by the school board, and any deficiency shall be raised by the school board as provided by this Act. School fund  
of school  
board.

**54.** Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate. Deficiency of  
school fund  
raised out  
of rates.

The school board may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount then for the purpose of reimbursing themselves they may, notwithstanding any limit under any Act of Parliament or otherwise, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the purpose of defraying expenses to which the local rate is ordinarily applicable.

**55.** In a united district the school board shall apportion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district. Apportion-  
ment of  
school fund  
in united  
and contribu-  
tory district.

Where one school district contributes to the expenses of the schools in another school district, the authority of the school owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to



A.D. 1870. pay to their treasurer the amount therein specified, and such authority or board shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount, if paid by the school board, shall be paid out of the school fund.

The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

Remedy of  
school board  
on default of  
rating authority,  
&c.

**56.** In either of the following cases, that is to say,

(1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board; or

(2.) Where a school board require to raise a sum from any place which is part of a parish,

then, without prejudice to any other remedy, the school board may appoint an officer or officers to act within such place; and the officer or officers so from time to time appointed shall have within the said place, for the purpose of defraying the sum due from such place, all the powers of the rating authority of levying the local rate and any contributions thereto, and also all the powers of making and levying a rate which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he and they shall have such access to and use of the documents of the rating authority of such place relative to the local rate, and of all the valuation lists and rate books of the parish or parishes comprised in or comprising such place, as he or they may require.

Borrowing  
by school  
board.

**57.** Where a school board incur any expense in providing or enlarging a schoolhouse, they may, with the consent of the Education Department, spread the payment over several years, not exceeding fifty, and may for that purpose borrow money on the security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding fifty, and if they do not so agree, they shall annually set aside one fiftieth of the sum borrowed as a sinking fund.

10 & 11 Vict.  
c. 16.

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this



Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners. A.D. 1870.

The Public Works Loan Commissioners may, on the recommendation of the Education Department, lend any money required under this section on the security of the school fund and local rate without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum.

58. Any sum borrowed by the school board for London in pursuance of this Act, with the approval of the Education Department, may be borrowed from and may be lent by the Metropolitan Board of Works, and section thirty-seven of The Metropolitan Board of Works Loan Act, 1869, shall apply to such loan in the same manner as if the managers therein mentioned were the school board for London, and there were added to the sum therein authorised to be borrowed the sum authorised by the Education Department to be borrowed under this section. Borrowing  
by school  
board for  
London.

#### *Accounts and Audit.*

59. The accounts of the school board shall be made up and balanced to the twenty-fifth of March and twenty-ninth of September in every year. The accounts shall be examined by the school board and signed by the chairman within fourteen days after the day to which they are made up. Accounts  
to be made  
up and ex-  
amined.

As soon as practicable after the accounts are so signed they shall be audited.

60. With respect to the audit of accounts of the school board the following provisions shall have effect: Audit of  
accounts.

(1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the audit district in which the school district is situate, or if it is situate in more than one audit district by the auditor of such of the said audit districts as the Poor Law Board may direct, and the term audit district in this provision shall be construed to include a parish for which an auditor is separately appointed to audit the accounts for the relief of the poor. The auditor shall receive such remuneration as the Poor Law Board direct, and such remuneration, together with the expenses of or incident to the audit, shall be paid by the school



A.D. 1870.

board out of the school fund, and if unpaid may be recovered in a summary manner :

- (2.) The audit shall be held at the office of the school board, or some other place sanctioned by the Poor Law Board within the school district, or within the union within which the school district or some part thereof is situate, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is signed by the chairman :
- (3.) The auditor, at least fourteen days before holding the audit, shall serve on the school board, and publish notice of the time and place of holding the same :
- (4.) The clerk of the school board, or some person authorised by the school board, shall attend the audit, and produce to the auditor all books, bills, vouchers, and documents relating to the account :
- (5.) Any ratepayer of the school district may be present at the audit, and may object to the account :
- (6.) The auditor shall, as nearly as may be, have the like powers and be under the like obligation to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts relating to the relief of the poor in any union or parish ; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit :
- (7.) The auditor shall have the like powers of requiring the attendance of persons, the production of books, bills, vouchers, and documents, and a declaration respecting vouchers and documents, as in the case of such last-mentioned audit ; and any person who refuses or neglects to comply with any such requisition, or wilfully makes or signs a false declaration so required, shall be liable to the same penalties as in the case of such last-mentioned audit :
- (8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of such last-mentioned audit, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit :



(9.) Subject to the provisions of this section, the Poor Law Board A.D. 1870.  
may from time to time make such regulations as may be  
necessary respecting the form of keeping the accounts and  
the audit thereof.

61. Any member or officer of a school board, or manager appointed by them, who authorises or makes, or concurs in authorising or making, any payment or any entry in accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding twenty pounds and double the amount of such sum. Penalty for improper payment of surcharge.

62. When the auditor has completed the audit he shall sign the balance sheet. Publication of accounts.

The school board shall cause a statement showing their receipts and expenditure to be printed in such form and with such particulars as may be from time to time prescribed by the Education Department, and shall send the same within thirty days after the balance sheet is signed by the auditor to each member of the rating authority, and to the overseers of every parish in the district, and to the Education Department; and the school board may, if they think fit, publish such statement or an abstract thereof in any local newspaper or newspapers circulating in the district, and shall furnish a copy of such statement to any ratepayer in the district, on his application, and on the payment of a sum not exceeding sixpence.

#### *Defaulting School Board.*

63. Where the Education Department are, after such inquiry as they think sufficient, satisfied that a school board is in default as mentioned in this Act, they may by order declare such board to be in default, and by the same or any other order appoint any persons, not less than five or more than fifteen, to be members of such school board, and may from time to time remove any member so appointed, and fill up any vacancy in the number of such members, whether caused by removal, resignation, death, or otherwise, and, subject as aforesaid, add to or diminish the number of such members. Proceedings on default by school board.

After the date of the order of appointment the persons (if any) who were previously members of the school board shall be deemed to have vacated their offices as if they were dead, but any such



A.D. 1870. — member may be appointed a member by the Education Department. The members so appointed by the Education Department shall be deemed to be members of the school board in the same manner in all respects as if, by election or otherwise, they had duly become members of the school board under the other provisions of this Act, and may perform all the duties and exercise all the powers of the school board under this Act.

The members appointed by the Education Department shall hold office during the pleasure of the Education Department, and when that department consider that the said default has been remedied, and everything necessary for that purpose has been carried into effect, they may, by order, direct that members be elected for the school board in the same manner as in the case of the first formation of the school board. After the date fixed by any such order the members appointed by the Education Department shall cease to be members of the school board, and the members so elected shall be members of the school board in their room, but the members appointed by the Education Department shall not be disqualified from being so elected. Until any such order is made no person shall become a member of the school board otherwise than by the appointment of the Education Department.

Where a school board is not elected at the time fixed for the first election, or has ceased to be in existence, the Education Department may proceed in the same manner as if such board had been elected and were in existence.

Certificate of  
Education  
Department  
as to ap-  
pointment,  
expenses,  
and loans.

64. The Education Department may from time to time certify the appointment of any persons appointed to be members of a school board in default, and the amount of expenses that have been incurred by such persons, and the amount of any loan required to be raised for the purpose of defraying any expenses so incurred, or estimated as about to be incurred; and such certificate shall be conclusive evidence that all the requirements of this Act have been duly complied with, and that the persons so appointed have been duly appointed, and that the amounts therein mentioned have been incurred or are required.

Expenses  
incurred on  
default.

65. The expenses incurred in the performance of their duties by the persons appointed by the Education Department to be members of a school board, including such remuneration (if any) as the Education Department may assign to such persons, shall, together with all expenses incurred by the board, be paid out of the school fund; and any deficiency in the school fund may be raised by the school board as provided by this Act; and where the Education



Department have, either before or after the payment of such expenses, certified that any expenses have been incurred by a school board, or any members appointed by them, such expenses shall be deemed to have been so incurred, and to have been properly paid out of the school fund.

A.D. 1870.

Where the members of a school board have been appointed by the Education Department, such school board shall not borrow or charge the school fund with the principal and interest of any loan exceeding such amount as the Education Department certify as mentioned in this Act to be required.

**66.** Where the Education Department are of opinion that in the case of any school district the school board for such district are in default, or are not properly performing their duties under this Act, they may by order direct that the then members of the school board of such district shall vacate their seats, and that the vacancies shall be filled by a new election; and after the date fixed by any such order the then members of such board shall be deemed to have vacated their seats, and a new election shall be held in the same manner, and the Education Department shall take the same proceedings for the purpose of such election as if it were the first election; and all the provisions of this Act relating to such first election shall apply accordingly.

Dissolution  
of school  
boards.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have made any order under this section during the preceding year, and their reasons for making such order.

#### *Returns and Inquiry.*

**67.** On or before the first day of January one thousand eight hundred and seventy-one, or in the case of the metropolis before the expiration of four months from the date of the election of the chairman of the school board, every local authority herein-after mentioned, and subsequently any such local authority whenever required by the Education Department, but not oftener than once in every year, shall send to the Education Department a return containing such particulars with respect to the elementary schools and children requiring elementary education in their district as the Education Department may from time to time require.

Returns  
by local  
authority.

**68.** For the purpose of obtaining such returns the Education Department shall draw up forms, and supply to the local authority such number of forms as may be required; and the managers or

Mode of  
obtaining  
returns.



A.D. 1870. — principal teacher of every school required to be included in any such return shall fill up the form, and return the same to the local authority within the time specified in that behalf in the form.

Local authority to make returns.

**69.** The returns shall be made in the metropolis by the school board appointed under this Act, in boroughs by the council, and in every parish not situated in a borough or the metropolis by persons appointed for the purpose or by the overseers of such parish. Where a school board is formed under this Act, the returns shall be made by such school board within their district, instead of by the council, persons appointed as aforesaid, or overseers, as the case may be.

The persons appointed for the purpose may be appointed as follows; namely, the Education Department may, if they think fit, send to the overseers or other officers who have power to summon a vestry in such parish a requisition to summon, and such overseers or other officers shall summon, a vestry in such parish for the purpose of this section; and such vestry shall appoint two or more persons who shall be the local authority for the purpose of the returns under this Act.

The local authority may, with the sanction of the Education Department, employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the Treasury may sanction, shall be paid by the Education Department.

Proceedings on default of authority to make returns.

**70.** If any local authority fail to make the returns required under this Act, the Education Department may appoint any person or persons to make such returns, and the person or persons so appointed shall for that purpose have the same powers and authorities as the local authority.

Inquiry by inspectors of Education Department.

**71.** The Education Department may appoint any persons to act as inspectors of returns, who shall proceed to inquire into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency and suitability of any school mentioned in any such return, or which ought to have been mentioned therein, and to inspect and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return.

Refusal to fill up forms and to admit inspectors.

**72.** If the managers or teacher of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the schoolhouse or examine any scholar,



or examine the school books and registers, or make copies or extracts therefrom, such school shall not be taken into consideration among the schools giving efficient elementary education to the district. A.D. 1870.

*Public Inquiry.*

**73.** Where a public inquiry is held in pursuance of the provisions of this Act the following provisions shall have effect: Public inquiry.

- (1.) The Education Department shall appoint some person who shall proceed to hold the inquiry;
- (2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the school district to which the subject of inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into any objections or representations made respecting the subject of the inquiry, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Education Department direct of every such sitting (except an adjourned sitting) seven days at least before the holding thereof:

- (3.) The person so appointed shall make a report in writing to the Education Department setting forth the result of the inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon; and the Education Department shall cause a copy of such report to be deposited with the school board (if any), or, if there is none, the town clerk of the borough, or the churchwardens or overseers of the parishes to which the inquiry relates, and notice of such deposit to be published:
- (4.) The Education Department may make an order directing that the costs of the proceedings and inquiry shall be paid, according as they think just, either by the district as if they were expenses of a school board, or by the applicants for the inquiry; and such costs may be recovered, in the former case, as a debt due from the school board, or, if there is no school board, as a debt due from the rating authority, and, in the case of the applicants, as a debt due jointly and severally from them; and the Education



A.D. 1870.

Department may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held.

*Attendance at School.*

As to attendance of children at school.

**74.** Every school board may from time to time, with the approval of the Education Department, make byelaws for all or any of the following purposes :

- (1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school :
- (2.) Determining the time during which children are so to attend school ; provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour :
- (3.) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same :
- (4.) Imposing penalties for the breach of any byelaws :
- (5.) Revoking or altering any byelaw previously made.

Provided that any byelaw under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school if one of Her Majesty's inspectors certifies that such child has reached a standard of education specified in such byelaw.

Any of the following reasons shall be a reasonable excuse ; namely,

- (1.) That the child is under efficient instruction in some other manner :
- (2.) That the child has been prevented from attending school by sickness or any unavoidable cause :
- (3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the byelaws may prescribe.



A.D. 1870.

The school board, not less than one month before submitting any byelaw under this section for the approval of the Education Department, shall deposit a printed copy of the proposed byelaws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

The Education Department before approving of any byelaws shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

Any proceeding to enforce any byelaw may be taken, and any penalty for the breach of any byelaw may be recovered, in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed such amount as with the costs will amount to five shillings for each offence, and such byelaws shall not come into operation until they have been sanctioned by Her Majesty in Council.

It shall be lawful for Her Majesty, by Order in Council, to sanction the said byelaws, and thereupon the same shall have effect as if they were enacted in this Act.

All byelaws sanctioned by Her Majesty in Council under this section shall be set out in an appendix to the annual report of the Education Department.

#### *Miscellaneous.*

**75.** Where any school or any endowment of a school was excepted from The Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment may frame and submit to the Education Department a scheme respecting such school or endowment.

Application  
of small  
endowments.

The Education Department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under The Endowed Schools Act, 1869; and such scheme, when approved by the Education Department, shall have effect as if it were a scheme made under that Act.

A certificate of the Education Department that a school was at the commencement of The Endowed Schools Act, 1869, in receipt of an annual parliamentary grant shall be conclusive evidence of that fact for all purposes.



A.D. 1870.

Inspection of  
voluntary  
schools by  
inspector not  
one of Her  
Majesty's  
inspectors.

**76.** Where the managers of any public elementary school not provided by a school board desire to have their school inspected or the scholars therein examined, as well in respect of religious as of other subjects, by an inspector other than one of Her Majesty's inspectors, such managers may fix a day or days not exceeding two in any one year for such inspection or examination.

The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school.

On any such day any religious observance may be practised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parent from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day.

Parish  
divided by  
boundaries  
of boroughs.

**77.** Where a parish is situated partly within and partly without a borough, the part situate outside of the borough shall be taken to be for all the purposes of this Act, except as otherwise expressly mentioned, a parish by itself, and the ratepayers thereof may meet in vestry in the same manner in all respects as if they were the inhabitants of a parish; every such meeting, and also the meeting for the purposes of this Act of the ratepayers of any parish (the ratepayers of which have not usually met in vestry), shall be deemed to be a vestry, and, save as provided by this Act, be subject to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same, and, subject as aforesaid, shall be summoned by the persons and in the mode prescribed by the Education Department; and the overseers of the whole parish shall be deemed to be the overseers of any such part of a parish.

Education De-  
partment may  
apply to Cha-  
rity Commis-  
sioners under  
16 & 17 Vict.  
c. 137., &c.

**78.** The Education Department shall, for the purposes of The Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

Ascertaining  
rateable  
value.

**79.** The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in the valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district; and the overseers and other persons having the custody of such valuation lists and rate book shall, when required by the school board, produce such lists and



rate book to the school board, and allow the school board and any person appointed by them to inspect the same, and take copies of or extracts therefrom. A.D. 1870.

**80.** Notices and other matters required by this Act to be published shall, unless otherwise expressly provided, be published,— Mode of publication of notices.

(1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates :

(2.) By causing a copy of such notices or other matter to be published to be affixed, during not less than twelve hours in the day, on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed, and at every other place in such district or place at which notices are usually affixed.

**81.** Certificates, notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post. Notices may be served by post.

**82.** Certificates, notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board. Notices to and by school board.

Certificates, notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

**83.** All orders, minutes, certificates, notices, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed. Evidence of orders, &c. of Education Department.

The Documentary Evidence Act, 1868, shall apply to the Education Department in like manner as if the Education Department



A.D. 1870. — were mentioned in the first column of the schedule to that Act, and any member of the Education Department, or any secretary or assistant secretary of the Education Department, were mentioned in the second column of that schedule.

Effect of  
requisitions  
of Education  
Department.

**84.** After the expiration of three months from the date of any order or requisition of the Education Department under this Act such order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Appearance  
of school  
board.

**85.** A school board may appear in all legal proceedings by their clerk, or by some member of the board authorised by a resolution of the board; and every such resolution shall appear upon the minutes of the proceedings of the board, but every such resolution shall, until the contrary is proved, be deemed in any legal proceeding to appear upon such minutes.

Tenure of  
teacher and  
his removal  
from house  
under sects.  
17 and 18 of  
4 & 5 Vict.  
c. 38.

**86.** The provisions of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts.

Ratepayer  
may inspect  
books, &c.  
of school  
board.

**87.** Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of and extracts from all books and documents belonging to or under the control of the school board of such district.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable, on summary conviction, to a penalty not exceeding five pounds for each offence.

Penalty for  
making  
incorrect  
return.

**88.** If any returning officer, clerk, or other person engaged in an election of a school board under this Act wilfully makes or causes to be made an incorrect return of the votes given at such election, every such offender shall, upon summary conviction, be liable to a penalty not exceeding fifty pounds.

Penalty on  
personation  
of voter.

**89.** If any person wilfully personates any person entitled to vote in the election of a school board under this Act, or answers falsely any question put to him in voting in pursuance of an order made under the second schedule to this Act, or falsely assumes to act



in the name or on the behalf of any person so entitled to vote, he shall be liable, on summary conviction, for every such offence to a penalty not exceeding twenty pounds. A.D. 1870.

**90.** If any person knowingly personate and falsely assume to vote in the name of any person entitled to vote in any election under this Act, or forge or in any way falsify any name or writing in any paper purporting to contain the vote or votes of any person voting in any such election, or by any contrivance attempt to obstruct or prevent the purposes of any such election, or wilfully contravene any regulation made by the Education Department under the second schedule to this Act with respect to the election, the contravention of which is expressed to involve a penalty, the person so offending shall upon summary conviction be liable to a penalty of not more than fifty pounds, and in default of payment thereof to be imprisoned for a term not exceeding six months. Penalty for forging or falsifying any voting paper or obstructing the election.

**91.** Any person who at the election of any member of a school board or any officer appointed for the purpose of such election is guilty of corrupt practices shall, on conviction, for each offence be liable to a penalty not exceeding two pounds, and be disqualified for the term of six years after such election from exercising any franchise at any election under this Act, or at any municipal or parliamentary election. Corrupt practices.

The term corrupt practices in this section includes all bribery, treating, and undue influence which under any Act relating to a parliamentary election renders such election void.

**92.** Any penalty and any money which under this Act is recoverable summarily, and all proceedings under this Act which may be taken in a summary manner, may be recovered and taken before two justices in manner directed by an Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same. Recovery of penalties.  
11 & 12 Vict. c. 43.

**93.** In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council; if a school board is formed in the borough of Oxford, one third of the school board shall be elected by the university of Oxford, or the colleges and halls therein, in such manner as may be directed by the Education Department by an order made under the power contained in the second schedule to this Act. Provision as to Oxford.



A.D. 1870.

Effect of  
schedules.

**94.** The schedules to this Act shall be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

Returns by  
school board.

**95.** Every school board shall make such report and returns and give such information to the Education Department as the department may from time to time require.

## (II.) PARLIAMENTARY GRANT.

Parliament-  
ary grant  
to public  
elementary  
school only.

**96.** After the thirty-first day of March one thousand eight hundred and seventy-one no parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act.

No parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the Education Department for enabling them to decide on the application, and sent to the Education Department on or before the thirty-first day of December one thousand eight hundred and seventy.

Conditions  
of annual  
parliamentary grant.

**97.** The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department in force for the time being, and shall amongst other matters provide that after the thirty-first day of March one thousand eight hundred and seventy-one—

(1.) Such grant shall not be made in respect of any instruction in religious subjects :

(2.) Such grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions, and from school fees, and from any sources other than the parliamentary grant ;

but such conditions shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school, and shall not give any preference or advantage to any school on the ground that it is or is not provided by a school board :

Provided that where the school board satisfy the Education Department that in any year ending the twenty-ninth of September the sum required for the purpose of the annual expenses of the school board of any school district, and actually paid to the treasurer of such board by the rating authority, amounted to a



sum which would have been raised by a rate of threepence in the pound on the rateable value of such district, and any such rate would have produced less than twenty pounds, or less than seven shillings and sixpence per child of the number of children in average attendance at the public elementary schools provided by such school board, such school board shall be entitled, in addition to the annual parliamentary grant in aid of the public elementary schools provided by them, to such further sum out of moneys provided by Parliament as, when added to the sum actually so paid by the rating authority, would, as the case may be, make up the sum of twenty pounds, or the sum of seven shillings and sixpence for each such child, but no attendance shall be reckoned for the purpose of calculating such average attendance unless it is an attendance as defined in the said minutes:

A.D. 1870.

Provided that no such minute of the Education Department not in force at the time of the passing of this Act shall be deemed to be in force until it has lain for not less than one month on the table of both Houses of Parliament.

**98.** If the managers of any school which is situate in the district of a school board acting under this Act, and is not previously in receipt of an annual parliamentary grant, whether such managers are a school board or not, apply to the Education Department for a parliamentary grant, the Education Department may, if they think that such school is unnecessary, refuse such application.

Refusal of grant to unnecessary schools.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

**99.** The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant; notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

Power of schools to take parliamentary grants.

#### *Report.*

**100.** The Education Department shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

Annual report of Education Department.



## FIRST SCHEDULE.

School District.	School Board.	Local Rate.	Rating Authority.
The metropolis	The school board appointed under this Act.	In the City of London the consolidated rate.	The commissioners of sewers.
		In the parishes mentioned in schedule A. and the districts mentioned in schedule B. to the Metropolis Management Act, 1855, the general rate, and fund raised by the general rate.	In the parishes the vestry, and in the districts the district board.
		In places mentioned in schedule C. to the said Act, the rate levied for the purposes of the Metropolitan Poor Act, 1867, and any Act amending the same.	The masters of the bench, treasurer, governors, or other persons who have the chief control or authority in such place.
Boroughs, except Oxford.	The school board appointed under this Act.	The borough fund or borough rate.	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board.	The local board.
Parishes not included in any of the above-mentioned districts.	The school board appointed under this Act.	The poor rate	The overseers.



A.D. 1870.

## SECOND SCHEDULE.

## FIRST PART.

*Rules respecting Election and Retirement of Members of a School Board.*

1. The election of a school board shall be held at such time, and in such manner, and in accordance with such regulations as the Education Department may from time to time by order prescribe, and the Education Department may by order appoint or direct the appointment of any officers requisite for the purpose of such election, and do all other necessary things preliminary or incidental to such election: Provided, that any poll shall be taken in the metropolis in like manner as a poll is taken under "The Metropolis Management Act, 1855," and shall be taken in any other district in like manner as a poll of burgesses or ratepayers (as the case may be) is usually taken in such district.

2. The expenses of the election and taking the poll in any district other than the metropolis shall be paid by the school board out of the school fund.

3. An order made by the Education Department under the power contained in this part of this schedule shall, as regards any election held before the first day of September one thousand eight hundred and seventy-one, be deemed to be within the powers of this schedule, and to have been duly made and have effect as if it were enacted in this schedule, but shall not be of any force as regards any election after the said date unless it has been confirmed by Parliament.

4. Any such order so far as relates to the metropolis shall supersede any provisions contained in the Acts relating to the election of common councilmen, and in the Metropolis Management Act, 1855, and the Acts amending the same.

5. If from any cause no members are elected at the time at which they ought to be elected in accordance with this Act, then—

(a.) In the case of the first election the Education Department may appoint another day for the election, or may proceed as in the case of a school board in default:

(b.) In the case of a triennial election the retiring members, or so many as are willing to serve, shall be deemed to be re-elected, or, if all the retiring members refuse to serve, the Education Department may appoint another day for the election, or may proceed as in the case of a school board in default.

6. If an insufficient number of members are elected, or if, in the case of no members being elected, some of the retiring members are and some are not willing to serve, the school board, so far as it is constituted, shall elect a person to fill each vacancy.

7. No election under this Act shall be questioned on the ground of the title of the returning officer, or any person presiding at the poll, or any officer connected with the election.



A.D. 1870.

8. Notice of the election of a person to be a member of the school board shall be sent to that person by the returning officer: in the case of the first election such notice shall be accompanied by a summons to attend the first meeting of the school board at the prescribed time.

9. The day for the triennial retirement of members shall be the prescribed day.

10. The first members shall retire from office on the day for retirement which comes next after the expiration of three years from the day fixed for the first election.

11. Members chosen to fill the offices of retiring members shall come into office on the day for retirement, and shall hold office for three years only.

12. Any person who ceases to be a member of the school board shall, unless disqualified as herein-after mentioned, be re-eligible.

13. A member of the school board may resign on giving to the board one month's previous notice in writing of his intention so to do.

14. If a member of the school board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished with imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

15. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, an election shall be held in manner directed by an order made under the power contained in this part of this schedule.

16. If by any means the number of members of a school board is reduced to less than the number required for a quorum, the Education Department may proceed as if such board were a board in default, or may direct an election to be held to fill up the vacancies in manner directed by an order made under the power contained in this part of this schedule.

17. The member chosen to fill up a casual vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

18. If the number of the board is reduced in pursuance of the provisions of this Act, the chairman of the board shall at some meeting, as soon as may be after such reduction, determine by ballot on the members who shall retire, so as to reduce the number of the board to the number to which it is so reduced.

19. The term "prescribed" in this schedule means prescribed by some minute or order of the Education Department.

## SECOND PART.

### *Rules respecting Resolutions for Application for School Board.*

1. The meeting of a council for the purpose of passing such a resolution shall be summoned in the manner in which a meeting of the council is



ordinarily summoned, and the resolution shall be passed by a majority of the members present and voting on the question. A.D. 1870.

2. The resolution passed by the persons who would elect the school board shall be passed in like manner as near as may be as that in which a member of the school board is elected, with such necessary modifications as may be contained in any order made under the powers of the first part of this schedule, and such powers shall extend to the passing of the resolution in like manner as if it were an election, but the expenses incurred with reference to such a resolution shall be paid by the overseers out of the poor rate.

3. If a resolution is rejected, the resolution shall not be again proposed until the lapse of twelve months from the date of such rejection.

### THIRD PART.

#### *Rules for Election of School Board in Metropolis.*

1. If any person be returned for more than one division he shall, at or before the first meeting of the school board after such election, signify in writing to the board his decision as to the division which he may desire to represent on such return, and if he fails so to do the school board shall decide the division which he shall represent; and upon any such decision the office of member for the other division shall be deemed vacant. Such vacancy shall be filled up by an election to be held in manner directed by an order made under the power contained in the first part of this schedule.

2. The provisions in the first part of this schedule shall apply in the case of the school board in the metropolis.

3. The provisions in the first part of this schedule with respect to the proceedings in the case of no members being elected for a school district shall not only apply to the whole of the metropolis, but shall apply to the case of no members being elected for any particular division, with this qualification, that the Education Department shall not proceed as in the case of a school board in default, but may direct that persons may be elected by the school board to be members for such division.

4. In the places named in schedule (C.) to "The Metropolis Management Act, 1855," the expenses of the election shall be paid out of the local rate, and such rate, or any increase of the rate, may be levied for the purpose.

5. The day for the retirement of members from office shall be the first day of December.

6. Any casual election shall be held on the day fixed by the school board, and shall be an election for the division a member for which has created the vacancy.

7. If any vacancy is filled up by the school board the election shall be by the whole school board.



A.D. 1870.

## THIRD SCHEDULE.

*Proceedings of School Board.*

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions:—

(a.) The first meeting shall be held on the third Thursday after the election of the board, and if not held on that day shall be held on some day to be fixed by the Education Department:

(b.) Not less than one ordinary meeting shall be held in each month; one meeting shall be held as soon as possible after every triennial election of members:

(c.) An extraordinary meeting may be held at any time on the written requisition of three members of the board addressed to the clerk of the board:

(d.) The quorum to be fixed by the board shall consist of not less than three members, and in the case of the metropolis not less than nine members:

(e.) Every question shall be decided by a majority of votes of the members present and voting on that question:

(f.) The names of the members present, as well as of those voting upon each question, shall be recorded:

(g.) No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the Education Department, shall be transacted unless notice in writing of such business has been sent to every member of the board seven days at least before the meeting.

2. The board shall at their first meeting, and afterwards from time to time at their first meeting after each triennial election, appoint some person to be chairman, and one other person to be vice-chairman, for the three years for which the board hold office.

3. If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy, and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present then the members present shall choose some one of their number to be chairman of such meeting.



5. In case of an equality of votes at any meeting the chairman for the time being of such meeting shall have a second or casting vote. A.D. 1870.

6. All orders of the board for payment of money, and all precepts issued by the board, shall be deemed to be duly executed if signed by two or more members of the board authorized to sign them by a resolution of the board, and countersigned by the clerk; but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorized to sign them.

7. The appointment of any officer of the board may be made by a minute of the board, signed by the chairman of the board, and countersigned by the clerk (if any) of the board, and any appointment so made shall be as valid as if it were made under the seal of the board.

8. Precepts of the board may be in the form given at the end of this schedule.

### *Proceedings of Managers appointed by a School Board.*

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. The managers may meet and adjourn as they think proper. The quorum of the managers shall consist of such number of members as may be prescribed by the school board that appointed them, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

### *Form of Precept.*

School district of \_\_\_\_\_ to wit.

To the council [or overseers, &c.] of the borough [or parish] of \_\_\_\_\_

These are to require you, the council [or overseers] of the borough [or parish] of \_\_\_\_\_, from and out of the moneys in the hands of your treasurer [or your hands], to pay on or before the \_\_\_\_\_ day of \_\_\_\_\_ into the hands of A.B., treasurer of the school board of the said district, the sum of \_\_\_\_\_ being the amount required for the expenses of the said school board up to the \_\_\_\_\_ of \_\_\_\_\_ 18 \_\_\_\_\_; and if there are no moneys in the hands of your treasurer [or your hands] to raise the same by means of a rate.

(Signed) C.D., } Members of the school board of the  
E.F., } district of \_\_\_\_\_  
G.H., clerk of the said school board.



A.D. 1870.

## FOURTH SCHEDULE.

## SCHOOL SITES ACTS.

The following Acts may be cited together as the "School Sites Acts, 1841 to 1851."

Year and Chapter of Act.	Title of Act.	Short Title by which Acts may be cited.
4 & 5 Vict. c. 38. -	An Act to afford further facilities for the conveyance and endowment of sites for schools.	The School Sites Act, 1841.
7 & 8 Vict. c. 37. -	An Act to secure the terms on which grants are made by Her Majesty out of the Parliamentary grant for the education of the poor; and to explain the Act of the fifth year of Her present Majesty, for the conveyance of sites for schools.	The School Sites Act, 1844.
12 & 13 Vict. c. 49. -	An Act to extend and explain the provisions of the Acts for the granting of sites for schools.	The School Sites Act, 1849.
14 & 15 Vict. c. 24. -	An Act to amend the Acts for the granting of sites for schools.	The School Sites Act, 1851.

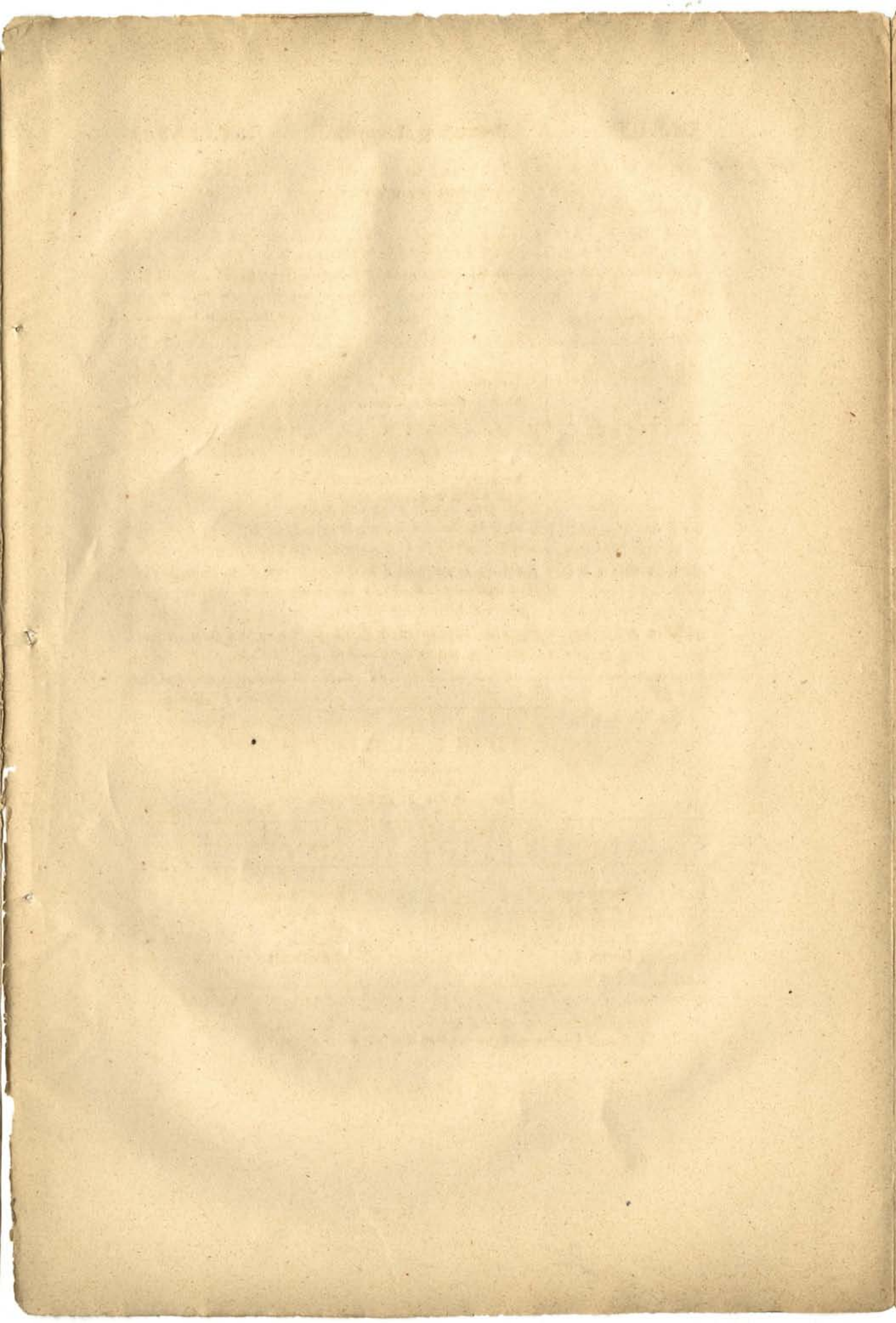
## FIFTH SCHEDULE.

## DIVISIONS OF METROPOLIS.

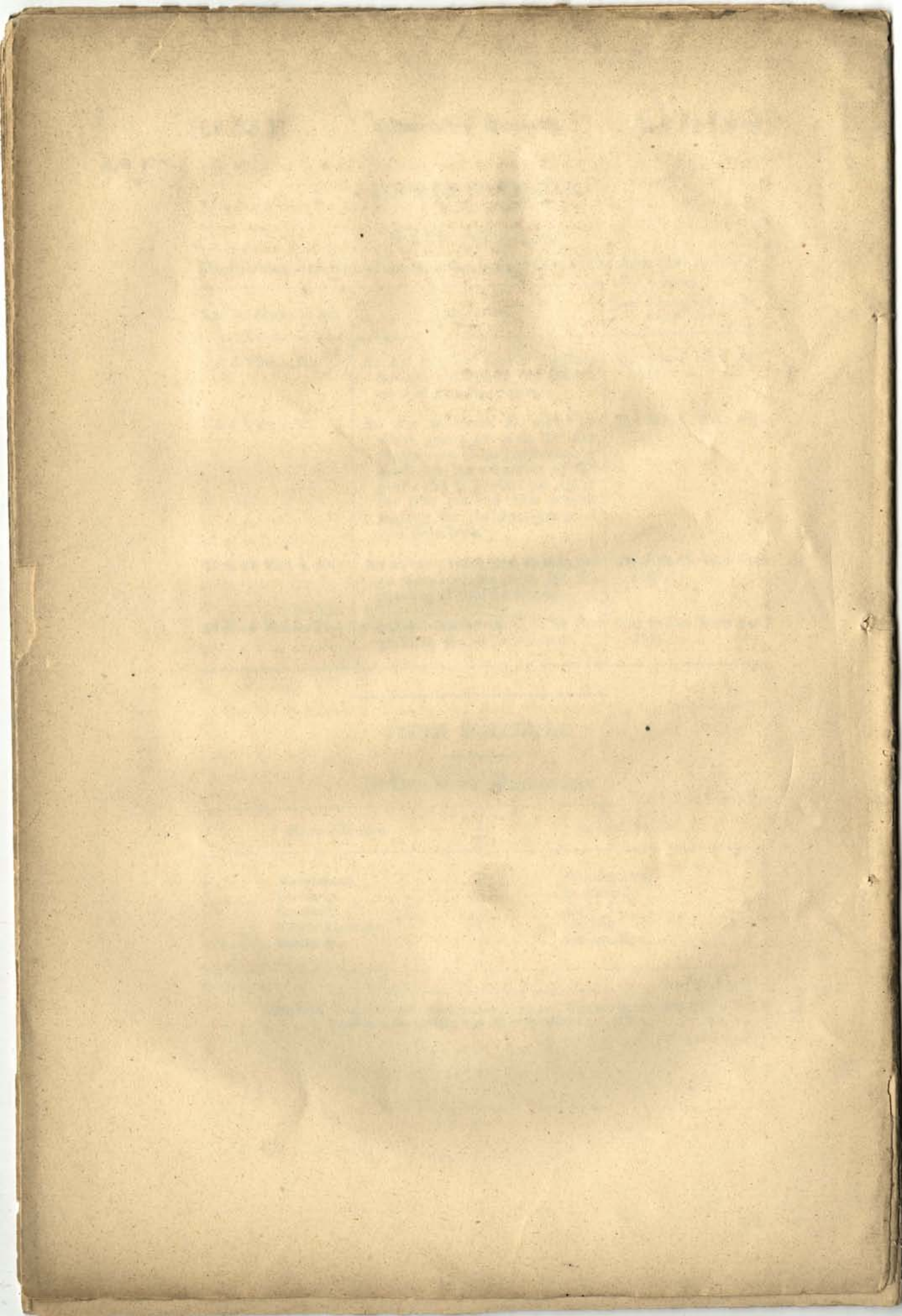
Name of Division.	Name of Division.
Marylebone.	Westminster.
Finsbury.	Southwark.
Lambeth.	City.
Tower Hamlets.	Chelsea.
Hackney.	Greenwich.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1870.













## CHAPTER 42.

An Act to make better Provision for the Elementary Education of Blind and Deaf Children in England and Wales. A.D. 1893.  
[12th September 1893.]

**B**E it enacted by the Queen'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.) The efficient elementary instruction which under the Elementary Education Act, 1876, a parent must cause his child to receive, shall, in the case of a blind or deaf child, be construed as including instruction suitable to such a child, and the fact of a child being blind or deaf shall not of itself, except in the case of a deaf child under seven years of age, be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child.

Obligation of parents as to blind and deaf children.

(2.) In the case of a blind or deaf child, the fact that there is not within any particular distance from the residence of the child any public elementary school which the child can attend shall not of itself be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child.

2.—(1.) It shall be the duty of every school authority, as defined by this Act, to enable blind and deaf children resident in their district, for whose elementary education efficient and suitable provision is not otherwise made, to obtain such education in some school for the time being certified by the Education Department as suitable for providing such education, and for that purpose either to establish or acquire and to maintain a school so certified, or to contribute, on such terms and to such extent as may be approved by the Education Department, towards the establishment or enlargement, alteration, and maintenance of a school so certified, or towards any of these purposes, and, where necessary or expedient, to make arrangements, subject to regulations of the Education Department, for boarding out any blind or deaf child in a home conveniently near to the certified school where the child is receiving elementary education.

Duty of school authority with respect to blind and deaf children.



A.D. 1893.

(2.) Provided that the duty of a school authority under this section shall not extend to children who are—

- (a) idiots or imbeciles; or
- (b) resident in a workhouse or in any institution to which they have been sent by a board of guardians from a workhouse; or
- (c) boarded out by guardians.

(3.) Where a school authority contributes under this section to the establishment, enlargement, or alteration of a certified school maintained by another authority, the terms approved by the Education Department shall include security for repayment of the value of the contribution, in the event of the school ceasing to be certified.

Power to make provision for representation.

3. The terms of contribution approved by the Education Department may include provision for representation of the contributing school authority on the governing body of the school to which it contributes, in cases where such representation appears to the Education Department to be practicable and expedient.

Constitution of school authority.

4. The school authority for the purposes of this Act shall be—

- (a) for an area under a school board, the school board;
- (b) for an area not under a school board, any district council established for the local government of the district comprising that area under an Act of the present or any future session of Parliament, acting through a committee of that council appointed for educational purposes, and until such a council is established, the board of guardians, or borough council or urban sanitary authority, appointing a school attendance committee for the area, acting through that committee.

Powers and expenses of school authority.

5.—(1.) For the performance of their duties under this Act a school authority may, without prejudice to any other powers, exercise the like powers as may be exercised by a school board for the provision of school accommodation for their district, and the consent of the Education Department to the exercise of the power of borrowing for the purposes of this Act may be given in any case in which the exercise of that power appears to the Department expedient.

(2.) The expenses of a school authority under this Act shall be paid out of the fund applicable to their general expenses, or where the school authority are a board of guardians, out of a fund to be raised out of the poor rate of the parishes for which the school attendance committee of the board act, according to the rateable value of each parish.

(3.) Two or more school authorities may combine for the performance of their duties under this Act, and, subject to the provisions of this section as to expenses, section fifty-two of the Elementary Education Act, 1870, shall apply in the case of any such combination as if each school authority were a school board, and the enactments relating to the audit of school board accounts shall apply as if any joint body of managers appointed in pursuance of this sub-section were a school board.

33 & 34 Vict.  
c. 75.



(4.) The Public Works Loan Commissioners may, on the recommendation of the Education Department, lend any money required for the purposes of this Act by a school authority on the security of the fund applicable to the expenses of this Act, and every such loan shall be repaid within a period not exceeding fifty years, and shall bear such rate of interest, not less than three and a half per cent. per annum, as the Treasury may authorise as being in their opinion sufficient to enable the loan to be made without loss to the Exchequer.

A.D. 1893.

6. If the Education Department are satisfied, after such inquiry and such notice to a school authority or to a committee of the authority as they think expedient, that the school authority or a committee of the authority have failed to perform their duty under this Act, the Education Department may either—

Provision in case of failure of duty by school authority.

(1) proceed in manner directed by section twenty-seven of the Elementary Education Act, 1876; or

39 & 40 Vict. c. 79.

(2) order that the school authority pay to any certified school specified in the order, towards the expenses of any particular child at the school, such annual or other sum as may be fixed by order of the Department, and any sum so ordered to be paid shall be a debt to the school from the school authority.

7.—(1.) A school shall not be certified by the Education Department as suitable for providing elementary education for blind or deaf children—

Conditions and effect of grant of certificate to school for blind or deaf children.

(a) if it is conducted for private profit; nor

(b) unless it is either managed by a school authority, or the annual expenses of its maintenance are, to the extent of not less than one third, defrayed out of sources other than local rates, or moneys provided by Parliament, and are audited and published in accordance with regulations of the Education Department; nor

(c) unless it is open at all times to the inspection of Her Majesty's Inspectors of Schools and of any visitors authorised by any school authority sending children to the school; nor

(d) unless the requirements of this Act are complied with in the case of the school.

(2.) Every school so certified (in this Act referred to as a certified school) shall be deemed to be a certified efficient school within the meaning of the Elementary Education Act, 1876, and for the purposes of section eleven of that Act may, in the case of a blind or deaf child, be treated as if it were a public elementary school.

(3.) A certificate granted in pursuance of this section shall be annual.

(4.) For the purposes of this section there shall be included in local rates any sum received under this Act by a school authority from a parent and applied towards the general expenses of the school authority.

8.—(1.) If and so far as the school which a child is required in pursuance of this Act to attend is not a public elementary school,

Provisions as to religious instruction.



A.D. 1893. it must, in all matters relating to the religious instruction and observances of the child, be conducted in accordance with the rules applying to industrial schools, except that references in the Industrial Schools Act, 1866, and the rules made under it, to the Secretary of State shall be construed as references to the Education Department; and any school authority may provide and maintain for the purposes of this Act a school so conducted.

29 & 39 Vict.  
c. 118.

(2.) Every rule made under this section shall be forthwith laid before both Houses of Parliament.

(3.) In selecting a school under this Act the school authority shall be guided by the rules laid down in the Industrial Schools Act, 1866, and if a child is boarded out in pursuance of this Act, the school authority shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parent.

(4.) Where a child is required in pursuance of this Act to attend any school, the child shall not be compelled to receive religious instruction contrary to the wishes of the parent, and shall, so far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with the parent's persuasion, which shall be duly registered on the child's admission to the school.

Liability of  
parent for ex-  
penses of blind  
or deaf child.

54 & 55 Vict.  
c. 56.

9.—(1.) Where a school authority incur any expense under this Act in respect of any blind or deaf child, the parent of the child shall be liable to contribute towards the expenses of the child such weekly sum, if any, as, regard being had to the provisions of the Elementary Education Act, 1891, may be agreed on between the school authority and the parent, or, if the parties fail to agree, as may, on the application of either party, be settled by a court of summary jurisdiction, and any sum so agreed on or settled may, without prejudice to any other remedy, be recovered by the school authority summarily as a civil debt.

(2.) It shall be the duty of the school authority to enforce any order made under this section, and any sum received by a school authority under this section may be applied by the school authority in aid of their general expenses.

(3.) A court competent to make an order under this section may at any time revoke or vary any order so made.

Saving for  
rights of  
parent.

10.—(1.) The parent of a blind or deaf child shall not, by reason of any payment made under this Act in respect of the child, be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2.) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school.

Period of  
education for  
blind and deaf.

11. For the purposes of the Elementary Education Acts, 1870 to 1891, a blind or deaf boy or girl shall be deemed to be a child until the age of sixteen years; and the period of compulsory education shall, in the case of such a child, extend to sixteen years, and the



attendance of such a child at school may be enforced as if it were required by byelaws made under the Elementary Education Acts, 1870 to 1891; and any such child shall not, in pursuance of any such byelaws, be entitled to total or partial exemption from the obligation to attend school.

A.D. 1893.

12. Nothing in any Act of Parliament shall prevent the Education Department from giving aid from the parliamentary grant to a certified school in respect of education given to blind or deaf children to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Education Department in force for the time being.

Grants from public money towards education of blind and deaf children.

13.—(1.) As from the first day of July one thousand eight hundred and ninety-four so much of any enactment in force at that date as empowers boards of guardians to send blind or deaf children to school shall be repealed, except as to children who are—

Repeal of powers of guardians to send blind or deaf children to school.

(a) idiots or imbeciles; or

(b) resident in a workhouse or in an institution to which they have been sent by a board of guardians from a workhouse; or

(c) boarded out by guardians.

(2.) Provided that, where any blind or deaf child with respect to whom the powers of guardians cease in pursuance of this section is on the first day of July one thousand eight hundred and ninety-four relieved in any institution by a board of guardians, the child shall continue chargeable as if this Act had not passed, until the expiration of six months' notice to be given by the guardians, if they think fit, to the school authority of the district from which the child was sent.

14. The Education Department shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year, and in that report shall give lists of the schools to which they have granted and refused certificates under this Act during the year, with their reasons for each such refusal.

Report to be laid before Parliament.

15.—(1.) In this Act—

The expression "blind" means too blind to be able to read the ordinary school books used by children;

The expression "deaf" means too deaf to be taught in a class of hearing children in an elementary school;

The expression "school" includes any institution in which blind or deaf children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a certified school;

The expression "elementary education" may include industrial training whether given in the school which the child attends or not;

The expression "maintenance" includes clothing;

Interpretation of terms.



[CH. 42.] *Elementary Education (Blind and [56 & 57 VICT.]  
Deaf Children) Act, 1893.*

- A.D. 1893. The expression "expenses," when used in relation to a child, includes the expenses of and incidental to the attendance of the child at a school, and of and incidental to the maintenance and boarding-out of the child while so attending; and the expenses of conveying the child to or from the school;  
— Other expressions have, unless the contrary intention appears, the same meaning as in the Elementary Education Acts, 1870 to 1891.
- (2.) For the purposes of this Act a child resident in a school or boarded out in pursuance of this Act shall be deemed to be resident in the district from which the child is sent.
- Extent of Act. 16. This Act shall not extend to Scotland or Ireland.
- Commence-  
ment of Act. 17. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.
- Short title. 18. This Act may be cited as the Elementary Education (Blind and Deaf Children) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.

---

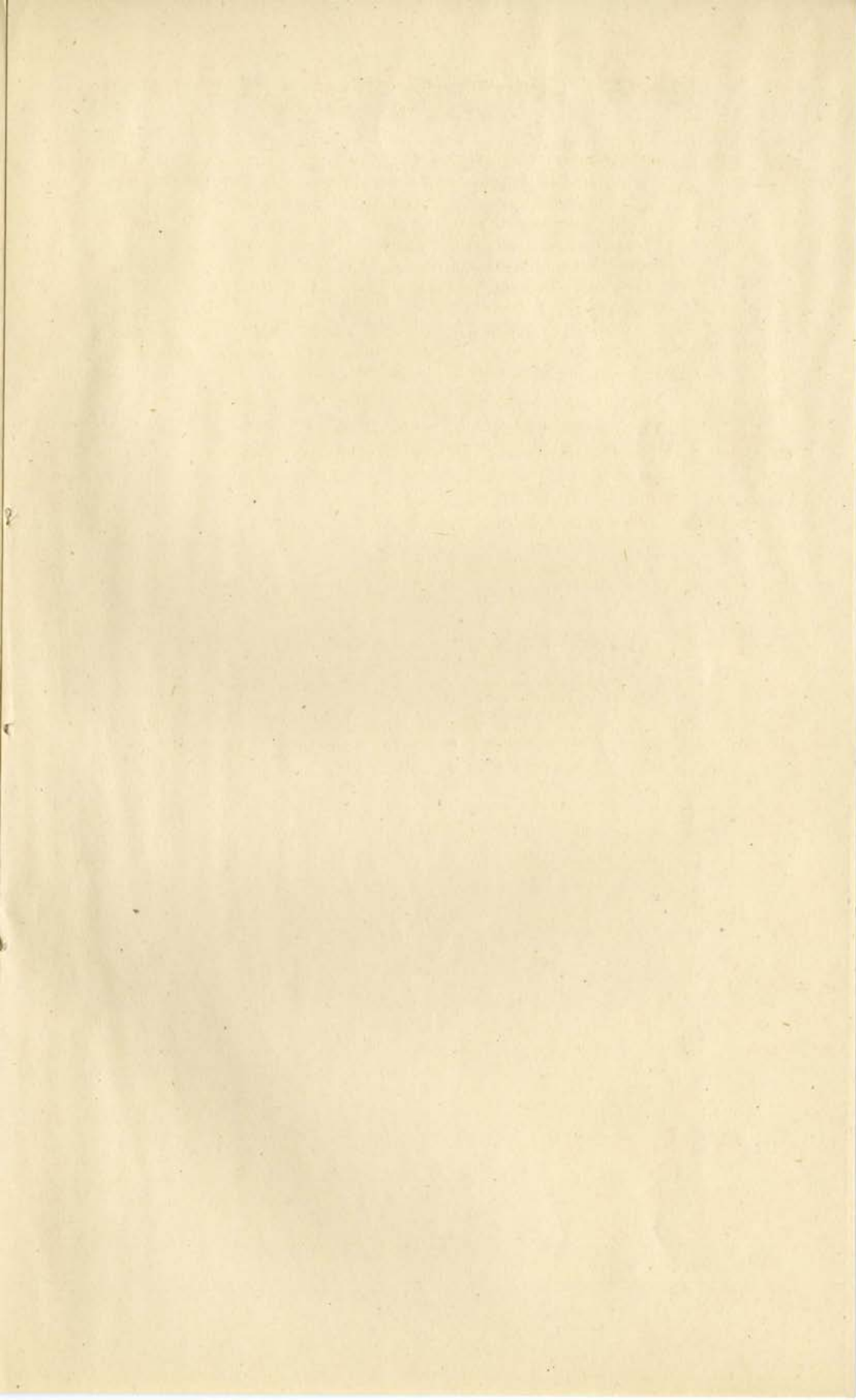
Printed by EYRE and SPOTTISWOODE,  
FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.











Board of Education Act, 1899.

[62 & 63 VICT. CH. 33.]

---

ARRANGEMENT OF SECTIONS.

---

A.D. 1899,  
—

Section.

1. Establishment of Board of Education.
2. Duties and powers of Board of Education.
3. Inspection of secondary schools.
4. Consultative Committee.
5. Orders to be laid before Parliament.
6. Staff, remuneration, and expenses.
7. Style, seal, and proceedings of Board of Education.
8. Power for President or secretary to sit in Parliament.
9. Extent, commencement, and short title.

SCHEDULE.

---



Act 1890

ARRANGEMENT OF SECTIONS

1.	Short title and extent of Act.
2.	Definition of "Board of Education."
3.	Definition of "School."
4.	Definition of "School Board."
5.	Definition of "School Committee."
6.	Definition of "School Committee."
7.	Definition of "School Committee."
8.	Definition of "School Committee."
9.	Definition of "School Committee."
10.	Definition of "School Committee."





## CHAPTER 33.

An Act to provide for the Establishment of a Board of Education for England and Wales, and for matters connected therewith. A.D. 1899.  
[9th August 1899.]

**B**E it enacted by the Queen'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.) There shall be established a Board of Education charged with the superintendence of matters relating to education in England and Wales. Establishment of Board of Education.

(2.) The Board shall consist of a President, and of the Lord President of the Council (unless he is appointed President of the Board), Her Majesty's Principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, and the Chancellor of Her Majesty's Exchequer.

(3.) The existing Vice-President of the Committee of the Privy Council on Education shall also be a member of the Board, but on the next vacancy in his office the office shall be abolished, and the enactments mentioned in the schedule to this Act shall be repealed.

(4.) The President of the Board shall be appointed by Her Majesty, and shall hold office during Her Majesty's pleasure.

(5.) The Board shall be deemed to be established on the appointment of the President thereof.

2.—(1.) The Board of Education shall take the place of the Education Department (including the Department of Science and Art), and all enactments and documents shall be construed accordingly. Duties and powers of Board of Education.

(2.) It shall be lawful for Her Majesty in Council, from time to time, by Order, to transfer to, or make exercisable by, the Board of Education any of the powers of the Charity Commissioners or of the Board of Agriculture in matters appearing to Her Majesty to relate to education, and the Order may make such provision as appears necessary for applying to the exercise of those powers by the Board of Education the enactments relating to the Charity Commissioners or to the Board of Agriculture.



A.D. 1899. — Provided that any question as to whether an endowment or any part of an endowment is held for or ought to be applied to educational purposes shall be determined by the Charity Commissioners.

Inspection of  
secondary  
schools.

52 & 53 Vict.  
c. 40.

3.—(1.) The Board of Education may by their officers, or, after taking the advice of the Consultative Committee herein-after mentioned, by any University or other organisation, inspect any school supplying secondary education and desiring to be so inspected, for the purpose of ascertaining the character of the teaching in the school and the nature of the provisions made for the teaching and health of the scholars, and may so inspect the school on such terms as may be fixed by the Board of Education with the consent of the Treasury: Provided that the inspection of schools established by scheme under the Welsh Intermediate Education Act, 1889, shall, subject to regulations made by the Treasury under section nine of that Act, be conducted as heretofore by the Central Welsh Board for Intermediate Education, and that the said Board shall be recognised as the proper organisation for the inspection of any such schools as may be desirous of inspection under this section.

(2.) The council of any county or county borough may out of any money applicable for the purposes of technical education pay or contribute to the expenses of inspecting under this section any school within their county or borough.

Consultative  
Committee.

4. It shall be lawful for Her Majesty in Council, by Order, to establish a Consultative Committee consisting, as to not less than two-thirds, of persons qualified to represent the views of Universities and other bodies interested in education, for the purpose of—

(a) framing, with the approval of the Board of Education, regulations for a register of teachers, which shall be formed and kept in manner to be provided by Order in Council: Provided that the register so formed shall contain the names of the registered teachers arranged in alphabetical order, with an entry in respect to each teacher showing the date of his registration, and giving a brief record of his qualifications and experience; and

(b) advising the Board of Education on any matter referred to the committee by the Board.

Orders to be  
laid before  
Parliament.

5. The draft of any Order proposed to be made under this Act shall be laid before each House of Parliament for not less than four weeks during which that House is sitting, before it is submitted to Her Majesty in Council.

Staff, re-  
muneration,  
and expenses.

6.—(1.) The Board of Education may appoint such secretaries, officers and servants as the Board may, with the sanction of the Treasury, determine.

(2.) There shall be paid, out of moneys provided by Parliament, to the President of the Board, unless he holds another salaried office, such annual salary not exceeding two thousand pounds, and to the secretaries, officers and servants of the Board such salaries or remuneration, as the Treasury may determine.



7.—(1.) The Board of Education may sue and be sued and may for all purposes be described by that name.

Style, seal and proceedings of Board of Education.

(2.) The Board shall have an official seal, which shall be officially and judicially noticed, and that seal shall be authenticated by the signature of the President or some member of the Board, or of a secretary, or of some person authorised by the President or some member of the Board to act on behalf of a secretary.

(3.) Every document purporting to be an instrument issued by the Board of Education, and to be sealed with the seal of the Board, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the President or some member of the Board to act on behalf of a secretary, shall be received in evidence, and be deemed to be such an instrument without further proof, unless the contrary is shown.

(4.) A certificate signed by the President or any member of the Board of Education that any instrument purporting to be made or issued by the President or some member of the Board is so made or issued shall be conclusive evidence of the fact.

8.—(1.) The office of President of the Board of Education shall not render the person holding it incapable of being elected to, or of voting in, the Commons House of Parliament, and shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867; in Schedule H. of the Representation of the People (Scotland) Act, 1868; in Schedule E. of the Representation of the People (Ireland) Act, 1868; and in Part I. of the schedule of the Promissory Oaths Act, 1868.

Power for President or secretary to sit in Parliament.  
30 & 31 Vict. c. 102.  
31 & 32 Vict. c. 48.  
31 & 32 Vict. c. 49.  
31 & 32 Vict. c. 72.

(2.) After the abolition of the office of the Vice-President of the Committee of the Privy Council on Education, one of the secretaries of the Board of Education shall not by reason of his office be incapable of being elected to or of voting in the Commons House of Parliament.

9.—(1.) This Act shall not extend to Scotland or Ireland.

Extent, commencement, and short title.

(2.) This Act shall come into operation on the first day of April one thousand nine hundred.

(3.) This Act may be cited as the Board of Education Act, 1899.



A.D. 1899.

## SCHEDULE.

## ENACTMENTS REPEALED.

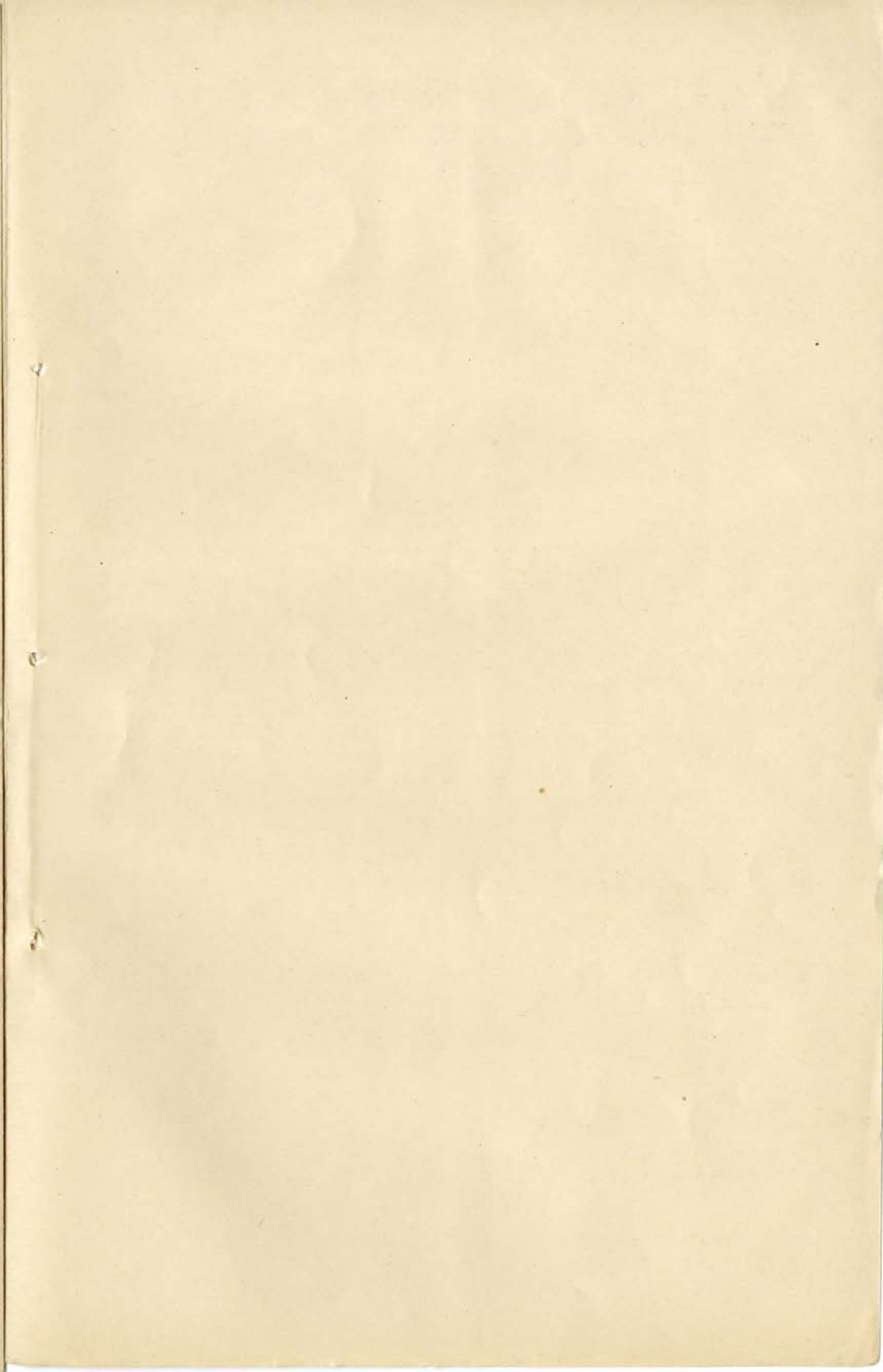
Session and Chapter.	Short Title.	Extent of Repeal.
19 & 20 Vict. c. 116.	The Education Department Act, 1856.	The whole Act.
21 & 22 Vict. c. 97. -	The Public Health Act, 1858.	In section seven the words "the Vice-President of "the Committee of the "said Privy Council on "Education being one "of them."

Printed by EYRE and SPOTTISWOODE,  
FOR

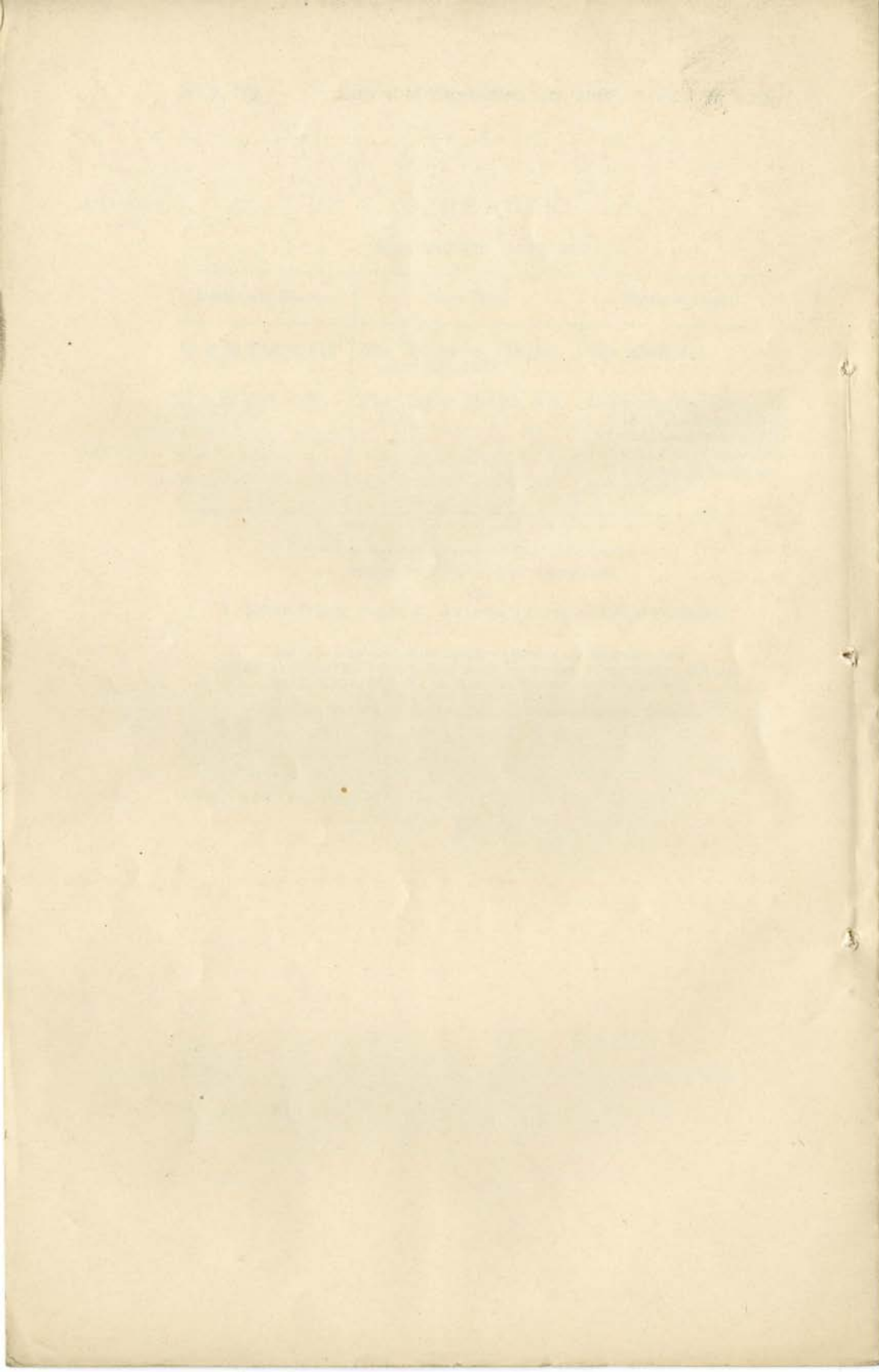
T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.











*Mr. Stephenson*

Elementary Education (Defective and Epileptic  
Children) Act, 1899.

[62 & 63 VICT. CH. 32.]

---

ARRANGEMENT OF SECTIONS.

---

A.D. 1899.

Section.

1. Power to school authority to determine what children are defective or epileptic.
  2. Power to provide for education of defective and epileptic children.
  3. Provision of guides or conveyances.
  4. Obligation of parent as to defective and epileptic children.
  5. Conditions and effect of grant of certificate to school for defective or epileptic children.
  6. Powers and expenses of school authority.
  7. Grants from public money towards education of defective and epileptic children.
  8. Contribution by parent.
  9. Contribution by guardians of the poor.
  10. Limitation on liability of school authority.
  11. Period of education for defective and epileptic children.
  12. Religious instruction.
  13. Report to Parliament.
  14. Interpretation of terms.
  15. Short title.
-









## CHAPTER 32.

An Act to make better provision for the Elementary Education of Defective and Epileptic Children in England and Wales. A.D. 1899.  
[9th August 1899.]

**B**E it enacted by the Queen'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 school authority, as defined by the Elementary Education (Blind and Deaf Children) Act, 1893, may, with the approval of the Education Department, make such arrangements as they think fit for ascertaining— Power to school authority to determine what children are defective or epileptic.  
56 & 57 Vict. c. 42.

(a) what children in their district, not being imbecile, and not being merely dull or backward, are defective, that is to say, what children by reason of mental or physical defect are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable by reason of such defect of receiving benefit from instruction in such special classes or schools as are in this Act mentioned; and

(b) what children in their district are epileptic children, that is to say, what children, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools.

(2.) The school authority, in making their arrangements under this section, shall provide facilities for enabling any parent, who is of opinion that his child ought to be dealt with under this Act, to present such child to the school authority to be examined, although he may not have been required so to do by that authority; and any school authority failing to provide such facilities shall be deemed to have acted in contravention of this Act.



A.D. 1899.

(3.) For the purpose of ascertaining whether a child is defective or epileptic within the meaning of this section, a certificate to that effect by a duly qualified practitioner approved by the Education Department shall be required in each case. The certificate shall be in such form as may be prescribed by the Education Department.

(4.) For the purpose of the exercise of the powers conferred by this section, it shall be the duty of the parent of any child who may be required by the school authority to be examined to cause the child to attend such examination, and any parent who fails to comply with such requirement shall be liable on summary conviction to a fine not exceeding five pounds.

Power to provide for education of defective and epileptic children.

2.—(1.) Where a school authority have ascertained that there are in their district defective children, they may make provision for the education of such children by all or any of the following means:—

(a) by classes in public elementary schools certified by the Education Department as special classes; or

(b) by boarding out, subject to the regulations of the Education Department, any such child in a house conveniently near to a certified special class or school; or

(c) by establishing schools, certified by the Education Department, for defective children.

(2.) Where a school authority have ascertained that there are in their district epileptic children, they may make provision for the education of such children by establishing schools, certified by the Education Department, for epileptic children.

(3.) The power conferred by this section shall include power to establish or acquire and to maintain certified schools, and to contribute, on such terms and to such extent as may be approved by the Education Department, towards the establishment, enlargement, or alteration, and towards the maintenance of certified schools.

(4.) A school authority may in respect of children resident in or whose permanent home is in their district and attending certified special classes or schools in the district of another school authority, contribute to that other authority the proportionate cost of the provision and maintenance of such special classes or schools.

(5.) The school authority, acting under this section, shall make provision for the examination from time to time of any child



A.D. 1899.

dealt with under this section, in order to ascertain whether such child has attained such a mental and physical condition as to be fit to attend the ordinary classes of public elementary schools; and the school authority shall make provision for such examination in the case of any child whose parent claims such examination of his child, provided that the parent shall not make such claim within less than six months after his child has been examined; and any school authority failing to make such provision as this subsection requires shall be deemed to have acted in contravention of this Act.

(6.) The Education Department shall not certify any establishment established after the commencement of this Act for boarding and lodging more than fifteen defective or epileptic children in one building or comprising more than four such buildings.

3. A school authority may provide guides or conveyances for children who, in the opinion of the school authority, are by reason of any physical or mental defect, unable to attend school without guides or conveyances.

Provision of guides or conveyances.

4.—(1.) The duty of a parent under section four of the Elementary Education Act, 1876, to provide elementary instruction for his child shall, in the case of a defective or epileptic child over seven years of age in any place where a certified special class or school is within reach of the child's residence, include the duty to cause the child to attend such a class or school, and a parent shall not be excused from this duty by reason only that a guide or conveyance for the child is necessary.

Obligation of parent as to defective and epileptic children.  
39 & 40 Vict.  
c. 79.

(2.) In the case of an epileptic child whose age exceeds seven years, the school authority may, if they think fit, apply to a court of summary jurisdiction for an order requiring the child to be sent to a certified school for epileptics, and if any parent fails to comply with the order, he shall be deemed to have failed to perform the duty prescribed by section four of the Elementary Education Act, 1876, and may be proceeded against accordingly.

5. The provisions of section seven of the Elementary Education (Blind and Deaf Children) Act, 1893, respecting the conditions and effect of the grant of certificates to schools for blind or deaf children shall apply, with the necessary modifications to schools for defective or epileptic children established or proposed to be established under this Act, except that no requirement need be made as to the proportion of the expenses to be defrayed out of private sources.

Conditions and effect of grant of certificate to school for defective or epileptic children.



A.D. 1899.

Powers and expenses of school authority.

56 & 57 Vict. c. 42.

6. The provisions of section five of the Elementary Education (Blind and Deaf Children) Act, 1893 (relating to the powers and expenses of a school authority under that Act) shall apply, with the necessary modifications, to school authorities acting under this Act.

Provided that a parish in which there is a school board shall be exempt from contributing to the expenses incurred by any district council acting as a school authority under this Act, and where a school authority are an urban district council their expenses as such authority shall be paid out of the fund to be raised in the area for which they are a school authority in the same manner as the fund out of which their general expenses are payable is raised in the urban district.

Grants from public money towards education of defective and epileptic children.

7. Nothing in any Act of Parliament shall prevent the Education Department from giving aid from the parliamentary grant to a school in respect of education given to defective or epileptic children to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Education Department in force for the time being.

Contribution by parent.

8.—(1.) The parent of a defective or epileptic child shall be liable to contribute towards the expenses of the child incurred by a school authority under this Act in like manner and to the like extent as the parent of a blind or deaf child is liable to contribute under section nine of the Elementary Education (Blind and Deaf Children) Act, 1893, and the provisions of that section shall apply accordingly.

(2.) The parent of a defective or epileptic child shall not, by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(3.) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school.

Contribution by guardians of the poor.

9. The board of guardians of any poor law union may contribute such of the expenses of providing, enlarging, or maintaining any certified special class or school under this Act as are certified by the Education Department to have been incurred wholly or partly in respect of scholars taught at the class or school who are either



resident in a workhouse or in an institution to which they have been sent by the guardians from a workhouse or boarded out by the guardians. A.D. 1899.

10. Nothing in this Act shall be construed as imposing a duty on a school authority to receive in a special class or school established by them any child— Limitation on liability of school authority.

(a) who is resident in, or whose permanent home in their opinion is in, the district of another school authority; or

(b) who is resident in a workhouse, or in any institution to which he has been sent by the guardians, from a workhouse, or boarded out by the guardians,

unless that other school authority or, as the case may be, the guardians are willing to contribute towards the expenses of the education and maintenance of the child such sum as may be agreed on between the authorities concerned.

11. For the purposes of the Elementary Education Acts, 1870 to 1893, and of this Act, a defective or epileptic boy or girl shall be deemed to be a child until the age of sixteen years, and the period of compulsory education shall, in the case of such a child, extend to sixteen years, and the attendance of such a child at school may be enforced as if it were required by byelaws made under the Elementary Education Acts, 1870 to 1893, and any such child shall not, in accordance with such byelaws, be entitled to total or partial exemption from the obligation to attend school. Period of education for defective and epileptic children.

12. The provisions regulating religious instruction in certified schools for defective and epileptic children shall be the same as those enacted by section eight of the Elementary Education (Blind and Deaf Children) Act, 1893. Religious instruction.  
56 & 57 Vict.  
c. 42.

13. Every school authority shall make to the Education Department such returns as the Department may require; and the Department shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year, and in that report shall give lists of the schools and classes to which they have granted or refused certificates under this Act during the year, with their reasons for each such refusal. Report to Parliament.

14. In this Act—

The expression "school" includes any institution in which defective or epileptic children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a certified special class or school : Interpretation of terms.



[CH. 32.] *Elementary Education (Defective and [62 & 63 VICT.]  
Epileptic Children) Act, 1899.*

A.D. 1899. Other expressions have, unless the contrary intention appears,  
the same meaning as in the Elementary Education (Blind and  
Deaf Children) Act, 1893.

Short title. **15.** This Act may be cited as the Elementary Education  
(Defective and Epileptic Children) Act, 1899, and may be cited  
with the Elementary Education Acts, 1870 to 1893.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.



# Education Act, 1902.

[2 EDW. 7. CH. 42.]

---

## ARRANGEMENT OF SECTIONS.

---

A.D. 1902.

### PART I.

#### LOCAL EDUCATION AUTHORITY.

Section.

1. Local education authorities.

### PART II.

#### HIGHER EDUCATION.

2. Power to aid higher education.
3. Concurrent powers of smaller boroughs and urban districts.
4. Religious instruction.

### PART III.

#### ELEMENTARY EDUCATION.

5. Powers and duties as to elementary education.
6. Management of schools.
7. Maintenance of schools.
8. Provision of new schools.
9. Necessity of schools.
10. Aid grant.
11. Foundation managers.
12. Grouping of schools under one management.
13. Endowments.
14. Apportionment of school fees.
15. Schools attached to institutions.
16. Power to enforce duties under Elementary Education Acts.

### PART IV.

#### GENERAL.

17. Education committees.
18. Expenses.

[Price 3d.]

A

i



A.D. 1902. Section.

- 19. Borrowing.
20. Arrangements between councils.
21. Provisional orders and schemes.
22. Provision as to elementary and higher education powers respectively.
23. Miscellaneous provisions.
24. Interpretation.
25. Provisions as to proceedings, transfer, &c., application of enactments and repeal.
26. Application of Act to Scilly Islands.
27. Extent, commencement, and short title.

## SCHEDULES.





## CHAPTER 42.

An Act to make further provision with respect to A.D. 1902.  
Education in England and Wales.

[18th December 1902.]

**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:—

## PART I.

## LOCAL EDUCATION AUTHORITY.

1. For the purposes of this Act the council of every county and of every county borough shall be the local education authority: Local education authorities.

Provided that the council of a borough with a population of over ten thousand, or of an urban district with a population of over twenty thousand, shall, as respects that borough or district, be the local education authority for the purpose of Part III. of this Act, and for that purpose as respects that borough or district, the expression "local education authority" means the council of that borough or district.

## PART II.

## HIGHER EDUCATION.

2.—(1) The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education other than elementary, and to promote the general co-ordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit: Provided that the amount Power to aid higher education.  
53 & 54 Vict. c. 60.



A.D. 1902. — raised by the council of a county for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of twopence in the pound, or such higher rate as the county council, with the consent of the Local Government Board, may fix.

52 & 53 Vict.  
c. 76.

54 & 55 Vict.  
c. 4.

Concurrent  
powers of  
smaller  
boroughs  
and urban  
districts.

(2) A council, in exercising their powers under this Part of this Act, shall have regard to any existing supply of efficient schools or colleges, and to any steps already taken for the purposes of higher education under the Technical Instruction Acts, 1889 and 1891.

3. The council of any non-county borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary: Provided that the amount raised by the council of a non-county borough or urban district for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of one penny in the pound.

Religious  
instruction.

4.—(1) A council, in the application of money under this Part of this Act, shall not require that any particular form of religious instruction or worship or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught, used, or practised in any school, college, or hostel aided but not provided by the council, and no pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel provided by the council, and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council: Provided that in the exercise of this power no unfair preference shall be shown to any religious denomination.

(2) In a school or college receiving a grant from, or maintained by, a council under this Part of this Act,

(a) A scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and



- (b) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom. A.D. 1902.

### PART III.

#### ELEMENTARY EDUCATION.

5. The local education authority shall throughout their area have the powers and duties of a school board and school attendance committee under the Elementary Education Acts, 1870 to 1900, and any other Acts, including local Acts, and shall also be responsible for and have the control of all secular instruction in public elementary schools not provided by them, and school boards and school attendance committees shall be abolished. Powers and duties as to elementary education.

6.—(1) All public elementary schools provided by the local education authority shall, where the local education authority are the council of a county, have a body of managers consisting of a number of managers not exceeding four appointed by that council, together with a number not exceeding two appointed by the minor local authority. Management of schools.

Where the local education authority are the council of a borough or urban district they may, if they think fit, appoint for any school provided by them a body of managers consisting of such number of managers as they may determine.

(2) All public elementary schools not provided by the local education authority shall, in place of the existing managers, have a body of managers consisting of a number of foundation managers not exceeding four appointed as provided by this Act, together with a number of managers not exceeding two appointed—

- (a) where the local education authority are the council of a county, one by that council and one by the minor local authority; and
  - (b) where the local education authority are the council of a borough or urban district, both by that authority.
- (3) Notwithstanding anything in this section—
- (a) Schools may be grouped under one body of managers in manner provided by this Act; and
  - (b) Where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased.



A.D. 1902.  
Maintenance  
of schools.

7.—(1) The local education authority shall maintain and keep efficient all public elementary schools within their area which are necessary, and have the control of all expenditure required for that purpose, other than expenditure for which, under this Act, provision is to be made by the managers; but, in the case of a school not provided by them, only so long as the following conditions and provisions are complied with:—

- (a) The managers of the school shall carry out any directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and for the dismissal of any teacher on educational grounds, and if the managers fail to carry out any such direction the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers; but no direction given under this provision shall be such as to interfere with reasonable facilities for religious instruction during school hours;
- (b) The local education authority shall have power to inspect the school;
- (c) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school;
- (d) The managers of the school shall provide the school house free of any charge, except for the teacher's dwelling-house (if any), to the local education authority for use as a public elementary school, and shall, out of funds provided by them, keep the school house in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority; Provided that such damage as the local authority consider to be due to fair wear and tear in the use of any room in the school house for the purpose of a public elementary school shall be made good by the local education authority.
- (e) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the school



house out of school hours free of charge for any educational purpose, but this obligation shall not extend to more than three days in the week.

(2) The managers of a school maintained but not provided by the local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the school house out of school hours, shall be liable to make good any damage caused to the furniture or the room, as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the school house by them, the room is left in a proper condition for school purposes.

(3) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the Board of Education.

(4) One of the conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant shall be that it is maintained under and complies with the provisions of this section.

(5) In public elementary schools maintained but not provided by the local education authority, assistant teachers and pupil teachers may be appointed, if it is thought fit, without reference to religious creed and denomination, and, in any case in which there are more candidates for the post of pupil teacher than there are places to be filled, the appointment shall be made by the local education authority, and they shall determine the respective qualifications of the candidates by examination or otherwise.

(6) Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: Provided that nothing in this subsection shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed.

(7) The managers of a school maintained but not provided by the local education authority shall have all powers of management required for the purpose of carrying out this Act, and shall (subject



A.D. 1902. — to the powers of the local education authority under this section) have the exclusive power of appointing and dismissing teachers.

Provision of  
new schools.

8.—(1) Where the local education authority or any other persons propose to provide a new public elementary school, they shall give public notice of their intention to do so, and the managers of any existing school, or the local education authority (where they are not themselves the persons proposing to provide the school), or any ten ratepayers in the area for which it is proposed to provide the school, may, within three months after the notice is given, appeal to the Board of Education on the ground that the proposed school is not required, or that a school provided by the local education authority, or not so provided, as the case may be, is better suited to meet the wants of the district than the school proposed to be provided, and any school built in contravention of the decision of the Board of Education on such appeal shall be treated as unnecessary.

(2) If, in the opinion of the Board of Education, any enlargement of a public elementary school is such as to amount to the provision of a new school, that enlargement shall be so treated for the purposes of this section.

(3) Any transfer of a public elementary school to or from a local education authority shall for the purposes of this section be treated as the provision of a new school.

Necessity of  
schools.

9. The Board of Education shall, without unnecessary delay, determine, in case of dispute, whether a school is necessary or not, and, in so determining, and also in deciding on any appeal as to the provision of a new school, shall have regard to the interest of secular instruction, to the wishes of parents as to the education of their children, and to the economy of the rates; but a school for the time being recognized as a public elementary school shall not be considered unnecessary in which the number of scholars in average attendance, as computed by the Board of Education, is not less than thirty.

Aid grant.  
60 & 61 Vict.  
c. 5.  
33 & 34 Vict.  
c. 75.  
60 & 61 Vict.  
c. 16.

10.—(1) In lieu of the grants under the Voluntary Schools Act, 1897, and under section ninety-seven of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1897, there shall be annually paid to every local education authority, out of moneys provided by Parliament—

(a) a sum equal to four shillings per scholar; and

(b) an additional sum of three halfpence per scholar for every complete twopence per scholar by which the amount which would be produced by a penny rate on the area of



the authority falls short of ten shillings a scholar ; Provided that, in estimating the produce of a penny rate in the area of a local education authority not being a county borough, the rate shall be calculated upon the county rate basis, which, in cases where part only of a parish is situated in the area of the local education authority, shall be apportioned in such manner as the Board of Education think just.

But if in any year the total amount of parliamentary grants payable to a local education authority would make the amount payable out of other sources by that authority on account of their expenses under this Part of this Act less than the amount which would be produced by a rate of threepence in the pound, the parliamentary grants shall be decreased, and the amount payable out of other sources shall be increased by a sum equal in each case to half the difference.

(2) For the purposes of this section the number of scholars shall be taken to be the number of scholars in average attendance, as computed by the Board of Education, in public elementary schools maintained by the authority.

11.—(1) The foundation managers of a school shall be managers appointed under the provisions of the trust deed of the school, but if it is shown to the satisfaction of the Board of Education that the provisions of the trust deed as to the appointment of managers are in any respect inconsistent with the provisions of this Act, or insufficient or inapplicable for the purpose, or that there is no such trust deed available, the Board of Education shall make an order under this section for the purpose of meeting the case.

Foundation  
managers.

(2) Any such order may be made on the application of the existing owners, trustees, or managers of the school, made within a period of three months after the passing of this Act, and after that period on the application of the local education authority or any other person interested in the management of the school, and any such order, where it modifies the trust deed, shall have effect as part of the trust deed, and where there is no trust deed shall have effect as if it were contained in a trust deed.

(3) Notice of any such application, together with a copy of the draft final order proposed to be made thereon, shall be given by the Board of Education to the local education authority and the existing owners, trustees, and managers, and any other persons who appear to the Board of Education to be interested, and the final order shall not be made until six weeks after notice has been so given.



A.D. 1902.

(4) In making an order under this section with regard to any school, the Board of Education shall have regard to the ownership of the school building, and to the principles on which the education given in the school has been conducted in the past.

(5) The Board of Education may, if they think that the circumstances of the case require it, make any interim order on any application under this section to have temporary effect until the final order is made.

(6) The body of managers appointed under this Act for a public elementary school not provided by the local education authority shall be the managers of that school both for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, and, so far as respects the management of the school as a public elementary school, for the purpose of the trust deed.

(7) Where the receipt by a school, or the trustees or managers of a school, of any endowment or other benefit is, at the time of the passing of this Act, dependent on any qualification of the managers, the qualification of the foundation managers only shall, in case of question, be regarded.

(8) The Board of Education may, on the application of the managers of the school, the local education authority, or any person appearing to them to be interested in the school, revoke, vary, or amend any order made under this section by an order made in a similar manner; but before making any such order the draft thereof shall, as soon as may be, be laid before each House of Parliament, and, if within thirty days, being days on which Parliament has sat, after the draft has been so laid before Parliament, either House resolves that the draft, or any part thereof, should not be proceeded with, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Grouping of  
schools  
under one  
manage-  
ment.

**12.—**(1) The local education authority may group under one body of managers any public elementary schools provided by them, and may also, with the consent of the managers of the schools, group under one body of managers any such schools not so provided.

(2) The body of managers of grouped schools shall consist of such number and be appointed in such manner and proportion as, in the case of schools provided by the local education authority, may be determined by that authority, and in the case of schools not so provided, may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or in default of agreement may be determined by the Board of Education.



(3) Where the local education authority are the council of a county, they shall make provision for the due representation of minor local authorities on the bodies of managers of schools grouped under their direction. A.D. 1902.

(4) Any arrangement for grouping schools not provided by the local education authority shall, unless previously determined by consent of the parties concerned, remain in force for a period of three years.

13.—(1) Nothing in this Act shall affect any endowment, or the discretion of any trustees in respect thereof: Provided that, where under the trusts or other provisions affecting any endowment the income thereof must be applied in whole or in part for those purposes of a public elementary school for which provision is to be made by the local education authority, the whole of the income or the part thereof, as the case may be, shall be paid to that authority, and, in case part only of such income must be so applied and there is no provision under the said trusts or provisions for determining the amount which represents that part, that amount shall be determined, in case of difference between the parties concerned, by the Board of Education; but if a public inquiry is demanded by the local education authority, the decision of the Board of Education shall not be given until after such an inquiry, of which ten days' previous notice shall be given to the local education authority and to the minor local authority and to the trustees, shall have been first held by the Board of Education at the cost of the local education authority. Endow-  
ments.

(2) Any money arising from an endowment, and paid to a county council for those purposes of a public elementary school for which provision is to be made by the council, shall be credited by the council in aid of the rate levied for the purposes of this Part of this Act in the parish or parishes which in the opinion of the council are served by the school for the purposes of which the sum is paid, or, if the council so direct, shall be paid to the overseers of the parish or parishes in the proportions directed by the council, and applied by the overseers in aid of the poor rate levied in the parish.

14. Where before the passing of this Act fees have been charged in any public elementary school not provided by the local education authority, that authority shall, while they continue to allow fees to be charged in respect of that school, pay such proportion of those fees as may be agreed upon, or, in default of agreement, determined by the Board of Education, to the managers. Apportion-  
ment of  
school fees.



A.D. 1902.  
Schools  
attached to  
institutions.

15. The local education authority may maintain as a public elementary school under the provisions of this Act, but shall not be required so to maintain, any Marine school, or any school which is part of, or is held in the premises of, any institution in which children are boarded, but their refusal to maintain such a school shall not render the school incapable of receiving a parliamentary grant, nor shall the school, if not so maintained, be subject to the provisions of this Act as to the appointment of managers, or as to control by the local education authority.

Power to  
enforce  
duties under  
Elementary  
Education  
Acts.  
33 & 34 Vict.  
c. 75.

16. If the local education authority fail to fulfil any of their duties under the Elementary Education Acts, 1870 to 1900, or this Act, or fail to provide such additional public school accommodation within the meaning of the Elementary Education Act, 1870, as is, in the opinion of the Board of Education, necessary in any part of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus.

#### PART IV.

##### GENERAL.

Education  
committees.

17.—(1) Any council having powers under this Act shall establish an education committee or education committees, constituted in accordance with a scheme made by the council and approved by the Board of Education: Provided that if a council having powers under Part II. only of this Act determine that an education committee is unnecessary in their case, it shall not be obligatory on them to establish such a committee.

(2) All matters relating to the exercise by the council of their powers under this Act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question. The council may also delegate to the education committee, with or without any restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money.

(3) Every such scheme shall provide—

(a) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council shall otherwise determine;



A. D. 1902.  
—

- (b) for the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts ;
- (c) for the inclusion of women as well as men among the members of the committee ;
- (d) for the appointment, if desirable, of members of school boards existing at the time of the passing of this Act as members of the first committee.

(4) Any person shall be disqualified for being a member of an education committee, who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college aided, provided, or maintained by the council.

(5) Any such scheme may, for all or any purposes of this Act, provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof. In the case of any such joint committee, it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed.

(6) Before approving a scheme, the Board of Education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and, before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general co-ordination of all forms of education.

(7) If a scheme under this section has not been made by a council and approved by the Board of Education within twelve months after the passing of this Act, that Board may, subject to the provisions of this Act, make a provisional order for the purposes for which a scheme might have been made.

(8) Any scheme for establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport shall provide that the



A.D. 1902. county governing body constituted under the Welsh Intermediate  
52 & 53 Vict. Education Act, 1889, for any such county or county borough shall  
c. 40. cease to exist, and shall make such provision as appears necessary  
or expedient for the transfer of the powers, duties, property, and  
liabilities of any such body to the local education authority under  
this Act, and for making the provisions of this section applicable  
to the exercise by the local education authority of the powers  
so transferred.

Expenses.

13.—(1) The expenses of a council under this Act shall,  
so far as not otherwise provided for, be paid, in the case of the  
council of a county out of the county fund, and in the case of  
the council of a borough out of the borough fund or rate, or,  
if no borough rate is levied, out of a separate rate to be made,  
assessed, and levied in like manner as the borough rate, and in  
the case of the council of an urban district other than a borough  
in manner provided by section thirty-three of the Elementary  
39 & 40 Vict. Education Act, 1876, as respects the expenses mentioned in that  
c. 79. section: Provided that—

- (a) the county council may, if they think fit (after giving reasonable notice to the overseers of the parish or parishes concerned), charge any expenses incurred by them under this Act with respect to education other than elementary on any parish or parishes which, in the opinion of the council, are served by the school or college in connexion with which the expenses have been incurred; and
- (b) the county council shall not raise any sum on account of their expenses under Part III. of this Act within any borough or urban district the council of which is the local education authority for the purposes of that Part; and
- (c) the county council shall charge such portion as they think fit, not being less than one-half or more than three-fourths, of any expenses incurred by them in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school on the parish or parishes which, in the opinion of the council, are served by the school; and
- (d) the county council shall raise such portion as they think fit, not being less than one-half or more than three-fourths, of any expenses incurred to meet the liabilities on account of loans or rent of any school board transferred to them, exclusively within the area which formed the school district



in respect of which the liability was incurred, so far as it is within their area. A.D. 1902.

(2) All receipts in respect of any school maintained by a local education authority, including any parliamentary grant, but excluding sums specially applicable for purposes for which provision is to be made by the managers, shall be paid to that authority.

(3) Separate accounts shall be kept by the council of a borough of their receipts and expenditure under this Act, and those accounts shall be made up and audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit. 45 & 46 Vict.  
c. 50.

(4) Where under any local Act the expenses incurred in any borough for the purposes of the Elementary Education Acts, 1870 to 1900, are payable out of some fund or rate other than the borough fund or rate, the expenses of the council of that borough under this Act shall be payable out of that fund or rate instead of out of the borough fund or rate.

(5) Where any receipts or payments of money under this Act are entrusted by the local education authority to any education committee established under this Act, or to the managers of any public elementary school, the accounts of those receipts and payments shall be accounts of the local education authority, but the auditor of those accounts shall have the same powers with respect to managers as he would have if the managers were officers of the local education authority.

19.—(1) A council may borrow for the purposes of the Elementary Education Acts, 1870 to 1900, or this Act, in the case of a county council as for the purposes of the Local Government Act, 1888, and in the case of the council of a county borough, borough, or urban district as for the purposes of the Public Health Acts, but the money borrowed by a county borough, borough, or urban district council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable. Borrowing.  
51 & 52 Vict.  
c. 41.

(2) Money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purposes of section sixty-nine of the Local Government Act, 1888, or as part of the debt of a county borough, borough, or urban district for the



A.D. 1902. purpose of the limitation on borrowing under subsections two and three of section two hundred and thirty-four of the Public Health Act, 1875.  
 38 & 39 Vict. c. 55.

Arrangements between councils.

**20.** An authority having powers under this Act—

- (a) may make arrangements with the council of any county, borough, district, or parish, whether a local education authority or not, for the exercise by the council, on such terms and subject to such conditions as may be agreed on, of any powers of the authority in respect of the management of any school or college within the area of the council; and
- (b) if the authority is the council of a non-county borough or urban district may, at any time after the passing of this Act, by agreement with the council of the county, and with the approval of the Board of Education, relinquish in favour of the council of the county any of their powers and duties under this Act, and in that case the powers and duties of the authority so relinquished shall cease, and the area of the authority, if the powers and duties relinquished include powers as to elementary education, shall, as respects those powers, be part of the area of the county council.

Provisional orders and schemes.

38 & 39 Vict. c. 55.

**21.**—(1) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to provisional orders), shall apply to any provisional order made under this Act as if it were made under that Act, but references to a local authority shall be construed as references to the authority to whom the order relates, and references to the Local Government Board shall be construed as references to the Board of Education.

(2) Any scheme or provisional order under this Act may contain such incidental or consequential provisions as may appear necessary or expedient.

(3) A scheme under this Act when approved shall have effect as if enacted in this Act, and any such scheme, or any provisional order made for the purposes of such a scheme, may be revoked or altered by a scheme made in like manner and having the same effect as an original scheme.

Provision as to elementary and higher education powers respectively.

**22.**—(1) In this Act and in the Elementary Education Acts the expression “elementary school” shall not include any school carried on as an evening school under the regulations of the Board of Education.



(2) The power to provide instruction under the Elementary Education Acts, 1870 to 1900, shall, except where those Acts expressly provide to the contrary, be limited to the provision in a public elementary school of instruction given under the regulations of the Board of Education to scholars who, at the close of the school year, will not be more than sixteen years of age: Provided that the local education authority may, with the consent of the Board of Education, extend those limits in the case of any such school if no suitable higher education is available within a reasonable distance of the school. A.D. 1902.

(3) The power to supply or aid the supply of education other than elementary includes a power to train teachers, and to supply or aid the supply of any education except where that education is given at a public elementary school.

**23.**—(1) The powers of a council under this Act shall include the provision of vehicles or the payment of reasonable travelling expenses for teachers or children attending school or college whenever the council shall consider such provision or payment required by the circumstances of their area or of any part thereof. Miscellaneous provisions.

(2) The power of a council to supply or aid the supply of education, other than elementary, shall include power to make provision for the purpose outside their area in cases where they consider it expedient to do so in the interests of their area, and shall include power to provide or assist in providing scholarships for, and to pay or assist in paying the fees of, students ordinarily resident in the area of the council at schools or colleges or hostels within or without that area.

(3) The county councillors elected for an electoral division consisting wholly of a borough or urban district whose council are a local education authority for the purpose of Part III. of this Act, or of some part of such a borough or district, shall not vote in respect of any question arising before the county council which relates only to matters under Part III. of this Act.

(4) The amount which would be produced by any rate in the pound shall be estimated for the purposes of this Act in accordance with regulations made by the Local Government Board.

(5) The Mortmain and Charitable Uses Act, 1888, and so much of the Mortmain and Charitable Uses Act, 1891, as requires that land assured by will shall be sold within one year from the death of the testator, shall not apply to any assurance, within the 51 & 52 Vict.  
c. 42.  
54 & 55 Vict.  
c. 73.



A.D. 1902. — meaning of the said Act of 1888, of land for the purpose of a school house for an elementary school.

(6) A woman is not disqualified, either by sex or marriage, for being on any body of managers or education committee under this Act.

(7) Teachers in a school maintained but not provided by the local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority.

(8) Population for the purposes of this Act shall be calculated according to the census of nineteen hundred and one.

51 & 52 Vict. c. 41. (9) Subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply with respect to any order, consent, sanction, or approval which the Local Government Board are authorised to make or give under this Act.

33 & 34 Vict. c. 75. (10) The Board of Education may, if they think fit, hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under this Act, and section seventy-three of the Elementary Education Act, 1870, shall apply to any public inquiry so held or held under any other provision of this Act.

Interpretation.

24.—(1) Unless the context otherwise requires, any expression to which a special meaning is attached in the Elementary Education Acts, 1870 to 1900, shall have the same meaning in this Act.

(2) In this Act the expression "minor local authority" means, as respects any school, the council of any borough or urban district, or the parish council or (where there is no parish council) the parish meeting of any parish which appears to the county council to be served by the school. Where the school appears to the county council to serve the area of more than one minor local authority the county council shall make such provision as they think proper for joint appointment of managers by the authorities concerned.

51 & 52 Vict. c. 41. (3) In this Act the expressions "powers," "duties," "property," and "liabilities" shall, unless the context otherwise requires, have the same meanings as in the Local Government Act, 1888.

(4) In this Act the expression "college" includes any educational institution, whether residential or not.

(5) In this Act, unless the context otherwise requires, the expression "trust deed" includes any instrument regulating the trusts or management of a school or college.



**25.**—(1) The provisions set out in the First and Second Schedules to this Act relating to education committees and managers, and to the transfer of property and officers, and adjustment, shall have effect for the purpose of carrying the provisions of this Act into effect.

A.D. 1902.

Provisions as to proceedings, transfer, &amp;c., application of enactments and repeal.

(2) In the application of the Elementary Education Acts, 1870 to 1900, and other provisions referred to in that schedule, the modifications specified in the Third Schedule to this Act shall have effect.

(3) The enactments mentioned in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

**26.** For the purposes of this Act the Council of the Isles of Scilly shall be the local education authority for the Scilly Islands, and the expenses of the council under this Act shall be general expenses of the Council.

Application of Act to Scilly Islands.

**27.**—(1) This Act shall not extend to Scotland or Ireland, or, except as expressly provided, to London.

Extent, commencement, and short title.

(2) This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day shall be the twenty-sixth day of March nineteen hundred and three, or such other day, not being more than eighteen months later, as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, and for different councils.

(3) The period during which local authorities may, under the Education Act, 1901, as renewed by the Education Act, 1901 (Renewal) Act, 1902, empower school boards to carry on the work of the schools and classes to which those Acts relate shall be extended to the appointed day, and in the case of London to the twenty-sixth day of March nineteen hundred and four.

1 Edw. 7. c. 11.  
2 Edw. 7. c. 19.

(4) This Act may be cited as the Education Act, 1902, and the Elementary Education Acts, 1870 to 1900, and this Act may be cited as the Education Acts, 1870 to 1902.



A D. 1902.

## SCHEDULES.

Section 25.

### FIRST SCHEDULE.

#### PROVISION AS TO EDUCATION COMMITTEES AND MANAGERS.

##### A.—*Education Committees.*

(1) The council by whom an education committee is established may make regulations as to the quorum, proceedings, and place of meeting of that committee, but, subject to any such regulations, the quorum, proceedings, and place of meeting of the committee shall be such as the committee determine.

(2) The chairman of the education committee at any meeting of the committee shall, in case of an equal division of votes, have a second or casting vote.

(3) The proceedings of an education committee shall not be invalidated by any vacancy among its members or by any defect in the election, appointment, or qualification of any members thereof.

(4) Minutes of the proceedings of an education committee shall be kept in a book provided for that purpose, and a minute of those proceedings, signed at the same or next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof.

(5) Until the contrary is proved, an education committee shall be deemed to have been duly constituted and to have power to deal with any matters referred to in its minutes.

(6) An education committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

##### B.—*Managers.*

(1) A body of managers may choose their chairman, except in cases where there is an ex-officio chairman, and regulate their quorum and proceedings in such manner as they think fit, subject, in the case of the managers of a school provided by the local education authority, to any directions of that authority.

Provided that the quorum shall not be less than three, or one-third of the whole number of managers, whichever is the greater.

(2) Every question at a meeting of a body of managers shall be determined by a majority of the votes of the managers present and voting on the question, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(3) The proceedings of a body of managers shall not be invalidated by any vacancy in their number, or by any defect in the election, appointment, or qualification of any manager.



A.D. 1902.

(4) The body of managers of a school provided by the local education authority shall deal with such matters relating to the management of the school, and subject to such conditions and restrictions, as the local education authority determine.

(5) A manager of a school not provided by the local education authority, appointed by that authority or by the minor local authority, shall be removable by the authority by whom he is appointed, and any such manager may resign his office.

(6) The body of managers shall hold a meeting at least once in every three months.

(7) Any two managers may convene a meeting of the body of managers.

(8) The minutes of the proceedings of every body of managers shall be kept in a book provided for that purpose.

(9) A minute of the proceedings of a body of managers, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(10) The minutes of a body of managers shall be open to inspection by the local education authority.

(11) Until the contrary is proved, a body of managers shall be deemed to be duly constituted and to have power to deal with the matters referred to in their minutes.

---

## SECOND SCHEDULE.

Section 25.

### PROVISIONS AS TO TRANSFER OF PROPERTY AND OFFICERS, AND ADJUSTMENT.

(1) The property, powers, rights, and liabilities (including any property powers, rights, and liabilities vested, conferred, or arising under any local Act or any trust deed) of any school board or school attendance committee existing at the appointed day shall be transferred to the council exercising the powers of the school board.

(2) Where, under the provisions of this Act, any council relinquishes its powers and duties in favour of a county council, any property or rights acquired and any liabilities incurred, for the purpose of the performance of the powers and duties relinquished, including any property or rights vested or arising, or any liabilities incurred, under any local Act or trust deed, shall be transferred to the county council.

(3) Any loans transferred to a council under this Act shall, for the purpose of the limitation on the powers of the council to borrow, be treated as money borrowed under this Act.



A.D. 1902.

52 & 53 Vict.  
c. 76.  
54 & 55 Vict.  
c. 4.

(4) Any liability of an urban district council incurred under the Technical Instruction Acts, 1889 and 1891, and charged on any fund or rate, shall, by virtue of this Act, become charged on the fund or rate out of which the expenses of the council under this Act are payable, instead of on the first-mentioned fund or rate.

53 & 54 Vict.  
c. 60.

(5) Section two of this Act shall apply to any balance of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, remaining unexpended and unappropriated by any council at the appointed day.

51 & 52 Vict.  
c. 41.  
56 & 57 Vict.  
c. 73.

(6) Where the liabilities of a school board transferred to the local education authority under this Act comprise a liability on account of money advanced by that authority to the school board, the Local Government Board may make such orders as they think fit for providing for the repayment of any debts incurred by the authority for the purposes of those advances within a period fixed by the order, and, in case the money advanced to the school board has been money standing to the credit of any sinking fund or redemption fund or capital money applied under the Local Government Acts, 1888 and 1894, or either of them, for the repayment to the proper fund or account of the amount so advanced.

Any order of the Local Government Board made under this provision shall have effect as if enacted in this Act.

56 & 57 Vict.  
c. 42.  
62 & 63 Vict.  
c. 32.

(7) Where a district council ceases by reason of this Act to be a school authority within the meaning of the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Act, 1899, any property or rights acquired and any liabilities incurred under those Acts shall be transferred to the county council, and, notwithstanding anything in this Act, the county council may raise any expenses incurred by them to meet any liability of a school authority under those Acts (whether a district council or not), and transferred to the county council, off the whole of their area, or off any parish or parishes which in the opinion of the council are served by the school in respect of which the liability has been incurred.

56 & 57 Vict.  
c. 73.

(8) Sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply with respect to any transfer mentioned in this schedule, subject as follows:—

- (a) References to "the appointed day" and to "the passing of this Act" shall be construed, as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and
- (b) the powers and duties of a school board or school attendance committee which is abolished, or a council which ceases under the provisions of this Act to exercise powers and duties, shall be deemed to be powers and duties transferred under this Act; and
- (c) subsections four and five of section eighty-five shall not apply.



A.D. 1902.

(9) The disqualification of any persons who are, at the time of the passing of this Act, members of any council, and who will become disqualified for office in consequence of this Act, shall not, if the council so resolve, take effect until a day fixed by the resolution, not being later than the next ordinary day of retirement of councillors in the case of a county council, the next ordinary day of election of councillors in the case of the council of a borough, and the fifteenth day of April in the year nineteen hundred and four in the case of an urban district council.

(10) No election of members of a school board shall be held after the passing of this Act, and the term of office of members of any school board holding office at the passing of this Act, or appointed to fill casual vacancies after that date, shall continue to the appointed day, and the Board of Education may make orders with respect to any matter which it appears to them necessary or expedient to deal with for the purpose of carrying this provision into effect, and any order so made shall operate as if enacted in this Act.

(11) Where required for the purpose of bringing the accounts of a school to a close before the end of the financial year of the school, or for the purpose of meeting any change consequent on this Act, the Board of Education may calculate any parliamentary grant in respect of any month or other period less than a year, and may pay any parliamentary grant which has accrued before the appointed day at such times and in such manner as they think fit.

(12) Any parliamentary grant payable to a public elementary school not provided by a school board in respect of a period before the appointed day shall be paid to the persons who were managers of the school immediately before that day, and shall be applied by them in payment of the outstanding liabilities on account of the school, and so far as not required for that purpose shall be paid to the persons who are managers of the school for the purposes of this Act and shall be applied by them for the purposes for which provision is to be made under this Act by those managers, or for the benefit of any general fund applicable for those purposes; Provided that the Board of Education may, if they think fit, pay any share of the aid grant under the Voluntary Schools Act, 1897, allotted to an association of voluntary schools, to the governing body of that association, if such governing body satisfy the Board of Education that proper arrangements have been made for the application of any sum so paid.

60 & 61 Vict.  
c. 5.

(13) Any school which has been provided by a school board or is deemed to have been so provided shall be treated for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, as a school which has been provided by the local education authority, or which is deemed to have been so provided, as the case may be.

(14) The local education authority shall be entitled to use for the purposes of the school any school furniture and apparatus belonging to the trustees or managers of any public elementary school not provided by a school board, and in use for the purposes of the school before the appointed day.



A.D. 1902.

(15) During the period between the passing of this Act and the appointed day, the managers of any public elementary school, whether provided by a school board or not, and any school attendance committee, shall furnish to the council, which will on the appointed day become the local education authority, such information as that council may reasonably require.

(16) The officers of any authority whose property, rights, and liabilities are transferred under this Act to any council shall be transferred to and become the officers of that council, but that council may abolish the office of any such officer whose office they deem unnecessary.

(17) Every officer so transferred shall hold his office by the same tenure and on the same terms and conditions as before the transfer, and while performing the same duties shall receive not less salary or remuneration than theretofore, but if any such officer is required to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform at the date of the transfer, he may relinquish his office, and any officer who so relinquishes his office, or whose office is abolished, shall be entitled to compensation under this Act.

(18) A council may, if they think fit, take into account continuous service under any school boards or school attendance committees in order to calculate the total period of service of any officer entitled to compensation under this Act.

59 & 60 Vict.  
c. 50.

(19) If an officer of any authority to which the Poor Law Officers' Superannuation Act, 1896, applies is under this Act transferred to any council, and has made the annual contributions required to be made under that Act, the provisions of that Act shall apply, subject to such modifications as the Local Government Board may by order direct for the purpose of making that Act applicable to the case.

(20) Any local education authority who have established any pension scheme, or scheme for the superannuation of their officers, may admit to the benefits of that scheme any officers transferred under this Act on such terms and conditions as they think fit.

51 & 52 Vict.  
c. 41.

(21) Section one hundred and twenty of the Local Government Act, 1888, which relates to compensation to existing officers, shall apply as respects officers transferred under this Act, and also (with the necessary modifications) to any other officers who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, in like manner as it applies to officers transferred under this Act, subject as follows:—

(a) any reference in that section to the county council shall include a reference to a borough or urban district council; and

(b) references in that section to "the passing of this Act" shall be construed, as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and

(c) any reference to powers transferred shall be construed as a reference to property transferred; and



(d) any expenses shall be paid out of the fund or rate out of which the expenses of a council under this Act are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of this Act. A.D. 1902.

(22) Section sixty-eight of the Local Government Act, 1894 (which relates to the adjustment of property and liabilities), shall apply with respect to any adjustment required for the purposes of this Act. 56 & 57 Vict.  
c. 73.

### THIRD SCHEDULE.

Section 25.

#### MODIFICATION OF ACTS, &c.

(1) References to school boards and school districts shall be construed as references to local education authorities and the areas for which they act, except as respects transactions before the appointed day, and except that in paragraph (2) of section nineteen of the Elementary Education Act, 1876, and in subsection (1) of section two of the Education Code (1890) Act, 1890, references to a school district shall, as respects the area of a local education authority being the council of a county, be construed as references to a parish. 39 & 40 Vict.  
c. 79.  
53 & 54 Vict.  
c. 22.

(2) References to the school fund or local rate shall be construed as references to the fund or rate out of which the expenses of the local education authority are payable.

(3) In section thirty-eight of the Elementary Education Act, 1876, references to members of a school board shall be construed as references to members of the education committee, or of any sub-committee appointed by that committee for school attendance purposes.

(4) The power of making byelaws shall (where the local education authority is a county council) include a power of making different byelaws for different parts of the area of the authority.

(5) The following provision shall have effect in lieu of section five of the Elementary Education Act, 1891: 54 & 55 Vict.  
c. 56.

“The duty of a local education authority under the Education Acts, 1870 to 1902, to provide a sufficient amount of public school accommodation shall include the duty to provide a sufficient amount of public school accommodation without payment of fees in every part of their area.”

(6) The words “in the opinion of the Board of Education” shall be substituted for the words “in their opinion” in the first paragraph of section eighteen of the Elementary Education Act, 1870. 33 & 34 Vict.  
c. 75.



A.D. 1902.

(7) Section ninety-nine of the Elementary Education Act, 1870, shall apply to the fulfilment of any conditions, the performance of any duties, and the exercise of any powers under this Act as it applies to the fulfilment of conditions required in pursuance of that Act to be fulfilled in order to obtain a parliamentary grant.

36 & 37 Vict.  
c. 86.

(8) A reference to the provisions of this Act as to borrowing shall be substituted in section fifteen of the Elementary Education Act, 1876, for the reference to section ten of the Elementary Education Act, 1873, and a reference to the Local Government Board shall be substituted for the second reference in that section to the Education Department, and also for the reference to the Education Department in section five of the Elementary Education (Blind and Deaf Children) Act, 1893.

56 & 57 Vict.  
c. 42.43 & 44 Vict.  
c. 23.39 & 40 Vict.  
c. 79.

(9) A reference to the provisions of this Act relating to the enforcement of the performance of the local education authority's duties by mandamus shall be substituted in section two of the Elementary Education Act, 1880, for the reference to section twenty-seven of the Elementary Education Act, 1876.

(10) The substitutions for school boards, school districts, school fund, and local rate made by this schedule shall, unless the context otherwise requires, be made in any enactment referring to or applying the Elementary Education Acts, 1870 to 1900, or any of them, so far as the reference or application extends.

52 & 53 Vict.  
c. 76.  
54 & 55 Vict.  
c. 4.

(11) References in any enactment or in any provision of a scheme made under the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, or the Elementary Education Acts, 1870 to 1900, to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part II. of this Act, and the provisions of this Act shall apply with respect to any school, college, or hostel established, and to any obligation incurred, under the Technical Instruction Acts, 1889 and 1891, as if the school, college, or hostel had been established or the obligation incurred under Part II. of this Act.

45 & 46 Vict.  
c. 50.

(12) The Local Government Board may, after consultation with the Board of Education, by order make such adaptations in the provisions of any local Act (including any Act to confirm a Provisional Order and any scheme under the Municipal Corporations Act, 1882, as amended by any subsequent Act) as may seem to them to be necessary to make those provisions conform with the provisions of this Act, and may also in like manner, on the application of any council who have power as to education under this Act and have also powers as to education under any local Act, make such modifications in the local Act as will enable the powers under that Act to be exercised as if they were powers under this Act.

Any order made under this provision shall operate as if enacted in this Act.



## FOURTH SCHEDULE.

A.D. 1902.

Section 25.

## ENACTMENTS REPEALED.

## PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 76.	The Technical Instruction Act, 1889.	The whole Act.
53 & 54 Vict. c. 60.	The Local Taxation (Customs and Excise) Act, 1890.	In section one, subsections two and three.
54 & 55 Vict. c. 4.	The Technical Instruction Act, 1891.	The whole Act.

## PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section four; section five except so far as it defines public school accommodation; section six; sections eight to thirteen; sections fifteen and sixteen; section eighteen from "If" "at any time" to the end of the section; in section nineteen the words "whether in" "obedience to any requisition or not"; sections twenty-nine to thirty-four; in section thirty-five the words "a clerk and a" "treasurer and other" and the words from "but no such appointment" to "member of" "the board"; sections forty to forty-eight; sections forty-nine to fifty-one; in section fifty-two the words "under the provisions of" "this Act with respect to the appointment" "of a body of managers"; sections fifty-three to fifty-six; sections sixty to sixty-six; in section sixty-nine the words "in the" "metropolis" and the words from "appointed under this Act" to "returns under" "this Act"; in section seventy-three the words "of the school district" the words from "(if any) or if" to "inquiry relates," and the words "or if there is no school" "board as a debt due from the rating" "authority"; sections seventy-seven and



A.D. 1902.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.— <i>cont.</i>	The Elementary Education Act, 1870.	seventy-nine; sections eighty-seven, eighty-eight, and ninety; section ninety-three; the first proviso of section ninety-seven; the First Schedule; the Second Schedule, except the Third Part; the Third Schedule.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Sections five to twelve; sections seventeen and eighteen; sections twenty-one and twenty-six; the First Schedule; the Second Schedule; the Third Schedule.
37 & 38 Vict. c. 90.	The Elementary Education (Orders) Act, 1874.	The whole Act.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section seven, from "and (2) in every" to "appointing the committee," and the words "and school attendance committee"; in section fifteen the words "not exceeding fifty"; section twenty-one; section twenty-three to "or pay any fees"; section twenty-seven; in section twenty-eight, the words "but subject in the case of a school attendance committee to the approval herein-after mentioned" and the words "or the officers of the council or guardians by whom the committee are appointed"; sections thirty, thirty-one, thirty-two, thirty-three (except as applied by this Act), and thirty-four; section thirty-six; in section thirty-seven the words "or local authority"; in section thirty-eight the words "or local authority" and "or school attendance committee"; sections forty-one, forty-two, forty-three, and forty-four; section forty-nine; the Second Schedule; the Third Schedule.
43 & 44 Vict. c. 23.	The Elementary Education Act, 1880.	Section three.
53 & 54 Vict. c. 22.	The Education Code (1890) Act, 1890.	Section one.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	Sections five, six, and seven.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	Section four from "(b) for an area" to the end of the section. Subsections (3) and (4) of section five. Section six.
59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	In section seven the words "a school board for a school district which is a parish or," and sub-section (3).



Session and Chapter.	Short Title.	Extent of Repeal.
60 & 61 Vict. c. 5.	The Voluntary Schools Act, 1897.	Section one.
60 & 61 Vict. c. 16.	The Elementary Education Act, 1897.	The whole Act.
62 & 63 Vict. c. 32.	The Elementary Education (Defective and Epileptic Children) Act, 1899.	In section six the proviso.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section three.

Printed by EYRE and SPOTTISWOODE,

FOR

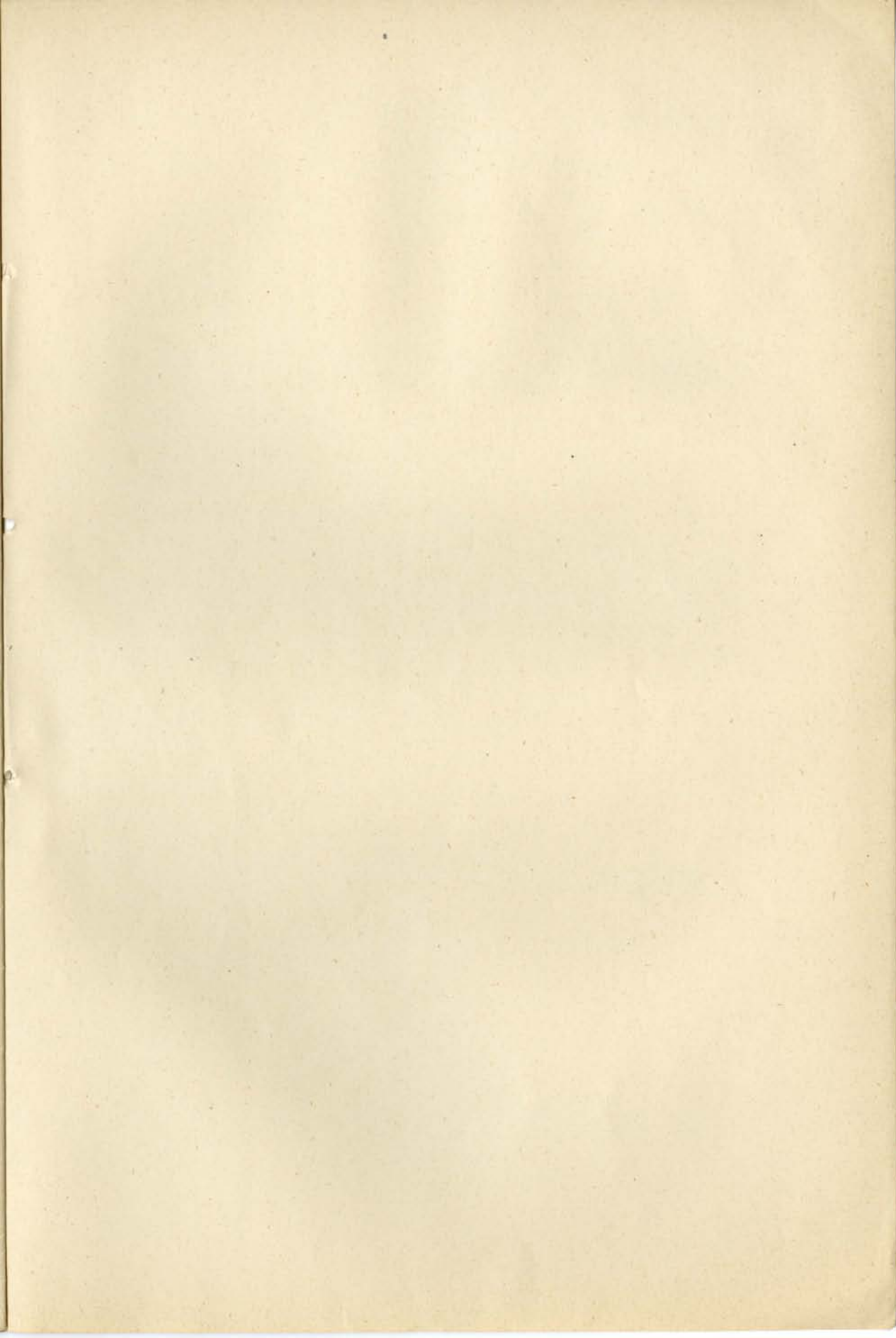
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, L.C.; or  
OLIVER AND BOYD, EDINBURGH; or  
E. PONSONBY, 116, GRAFTON STREET DUBLIN.

















## CHAPTER 13.

An Act to amend the Elementary Education (Defective and Epileptic Children) Act, 1899. [21st July 1903.] A.D. 1903. —

**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) Notwithstanding anything contained in the Elementary Education (Defective and Epileptic Children) Act, 1899, section two (6), the Board of Education may from time to time make rules for certifying any establishment for boarding and lodging defective or epileptic children, although such establishment may be established for boarding and lodging more than fifteen defective or epileptic children in one building, or may comprise more than four such buildings.

Amendment  
of the  
Elementary  
Education  
(Defective  
and  
Epileptic  
Children)  
Act, 1899.  
62 & 63 Vict.  
c. 32. s. 2 (6).

(2) All rules made in pursuance of this Act shall be laid before both Houses of Parliament within three weeks after the same have been made, if Parliament be then sitting, or, if Parliament be not then sitting, within three weeks of the session then next ensuing, and, if any such rules are disapproved of by either House of Parliament within thirty days after the same have been so laid before Parliament, such rules, or such part thereof as may be so disapproved, shall thereupon become void and of no effect.

2. This Act may be cited as the Elementary Education Amendment Act, 1903. Short title.

Printed by EYRE and SPOTTISWOODE.

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
OLIVER AND BOYD, EDINBURGH; or  
E. PONSONBY, 116, GRAFTON STREET, DUBLIN

[Price  $\frac{1}{2}d.$ ]





## CHAPTER 12.

An Act to amend the Elementary Education (Defective and Epileptic Children) Act, 1899. [Enacted July 1908.]

Enacted by the Senate and House of Representatives, by and with the advice and consent of the Senate, and the assent of the Governor, in the present Parliament assembled, and by the authority of the same as follows:—

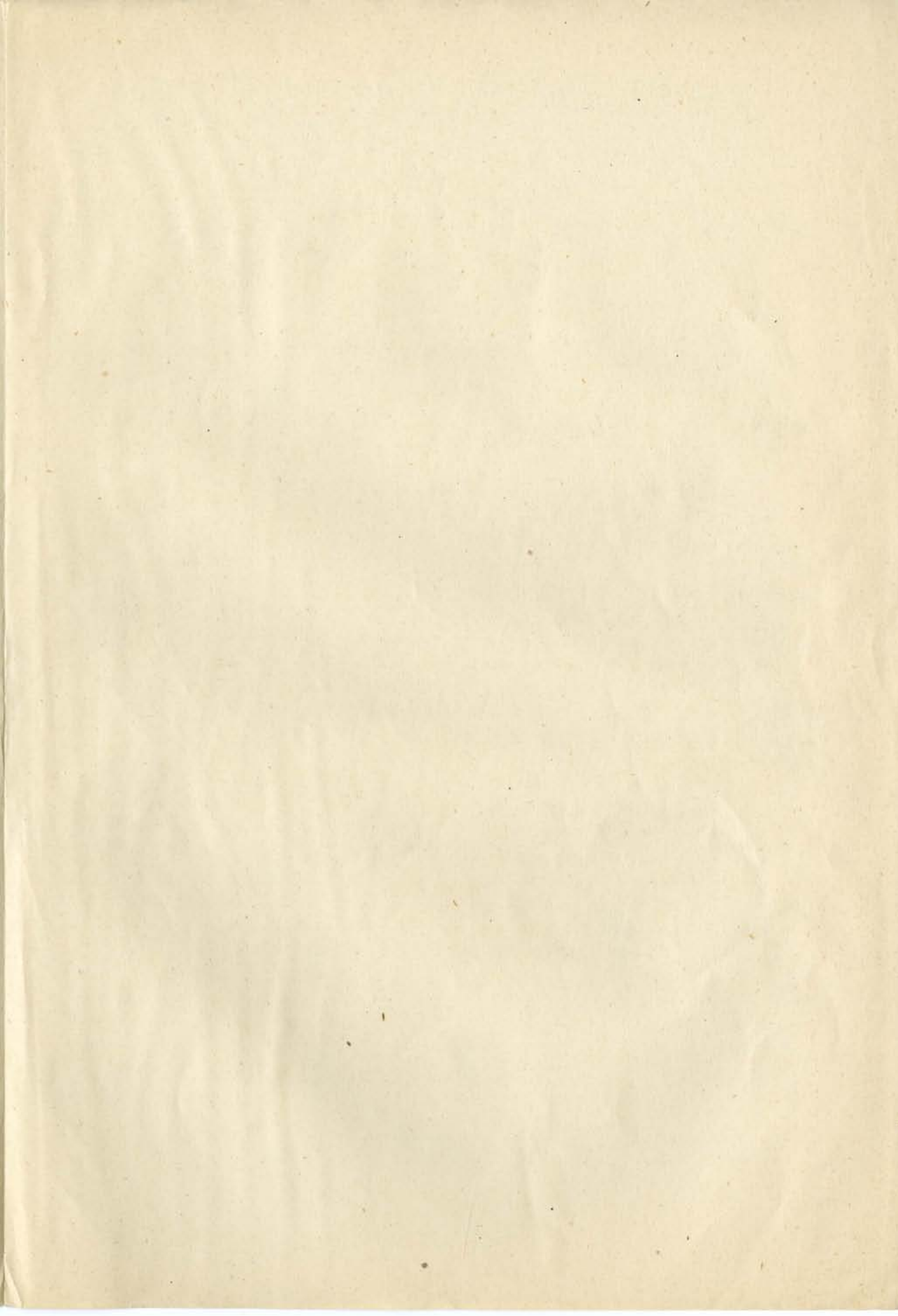
(1) The following provisions shall be in force in the Elementary Education (Defective and Epileptic Children) Act, 1899, section 2 (a), the Board of Education may from time to time make rules for certifying any children and for boarding and lodging defective or epileptic children, although such children may be established for boarding and lodging more than fifteen miles from any building in any building or any compound more than four miles from any building.

(2) All orders made in pursuance of this Act shall be laid before both Houses of Parliament within three weeks after the same have been made. If Parliament be then in session, or if Parliament be not then sitting, within three weeks of the session then next ensuing, and if any such order be disapproved of by either House of Parliament within that time, the same shall be void as if it had never been made. If any such order be not so disapproved, it shall nevertheless be valid and of full effect.

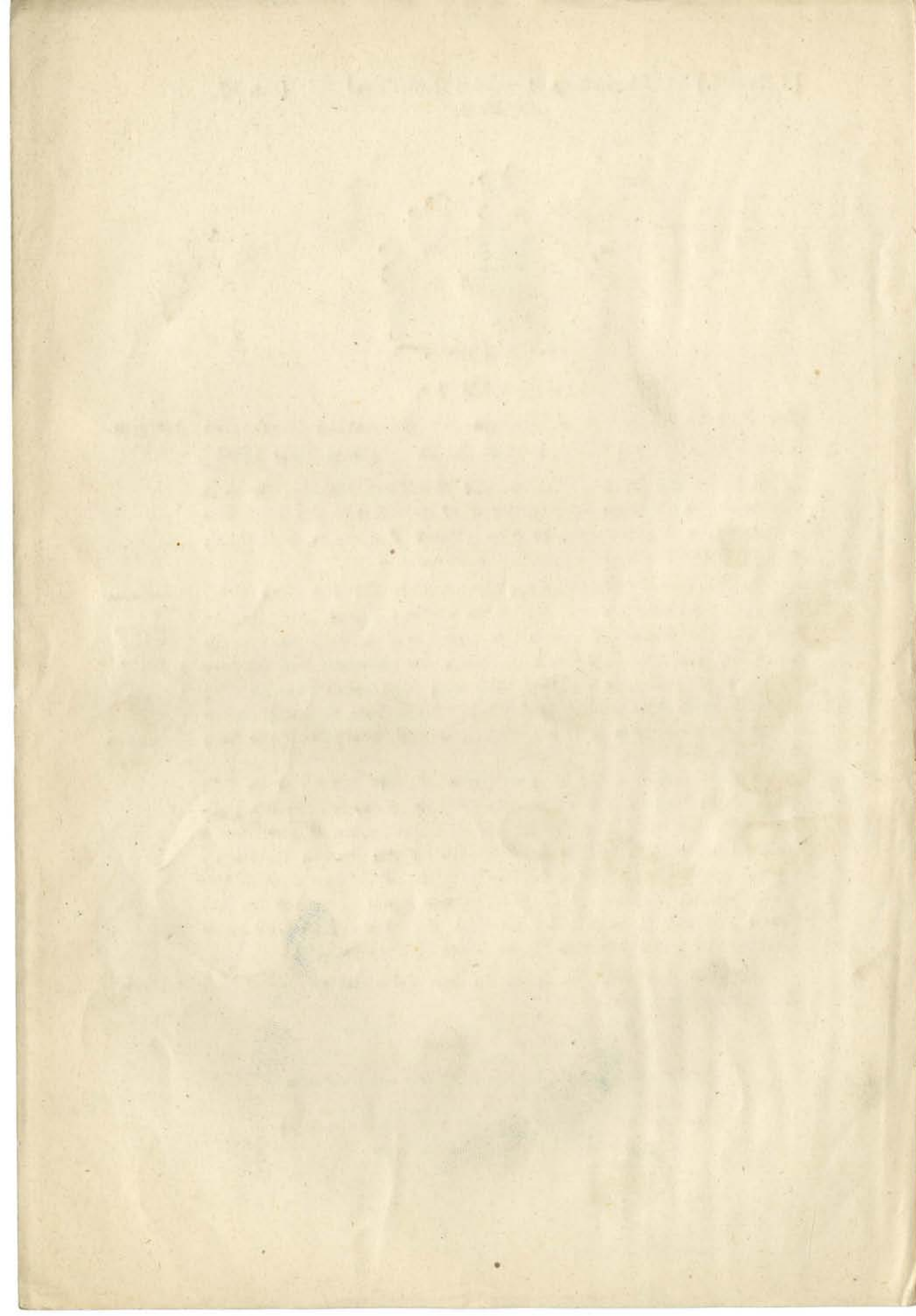
B. This Act may be cited as the Elementary Education (Defective and Epileptic Children) Act, 1908.

Printed by the Government Printer, 1908.  
 By Order of the Committee of the Senate and House of Representatives.  
 J. H. B. (Secretary of the Senate).  
 J. H. B. (Secretary of the House of Representatives).  
 J. H. B. (Secretary of the Senate).  
 J. H. B. (Secretary of the House of Representatives).













## CHAPTER 13.

An Act to provide for the recovery by Local Education Authorities of Costs for Medical Treatment of Children attending Public Elementary Schools in England and Wales. A.D. 1909.  
[20th October 1909.]

**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.** Where any local education authority provides for the medical treatment of children attending any public elementary school under section thirteen of the Education (Administrative Provisions) Act, 1907, there shall be charged to the parent of every child in respect of any treatment provided for that child such an amount not exceeding the cost of treatment as may be determined by the local education authority, and in the event of payment not being made by the parent it shall be the duty of the authority, unless they are satisfied that the parent is unable by reason of circumstances other than his own default to pay the amount, to require the payment of that amount from that parent, and any such amount may be recovered summarily as a civil debt.

Recovery by local education authority of cost of medical treatment.  
7 Edw. 7.  
c. 43.

**2.** The failure on the part of any parent to pay any amount demanded under this Act in respect of any medical treatment shall not deprive the parent of any franchise, right, or privilege, or subject him to any disability.

Franchise, &c., to be unaffected by failure of parents to pay.

[Price  $\frac{1}{2}$ d.]



[CH. 13.]      *Local Education Authorities (Medical*      [9 EDW. 7.]  
*Treatment) Act, 1909.*

A.D. 1909.

No obligation on parent to submit child to treatment.

**3.** Nothing in this Act shall be construed as imposing any obligation on a parent to submit his child to medical inspection or treatment under section thirteen of the Education (Administrative Provisions) Act, 1907.

Definition.

33 & 34 Vict. c. 75.

Short title.

**4.** In this Act the word "parent" shall have the same meaning as in the Elementary Education Act, 1870.

**5.** This Act may be cited as the Local Education Authorities (Medical Treatment) Act, 1909.

---

Printed by EYRE and SPOTTISWOODE, LTD.,

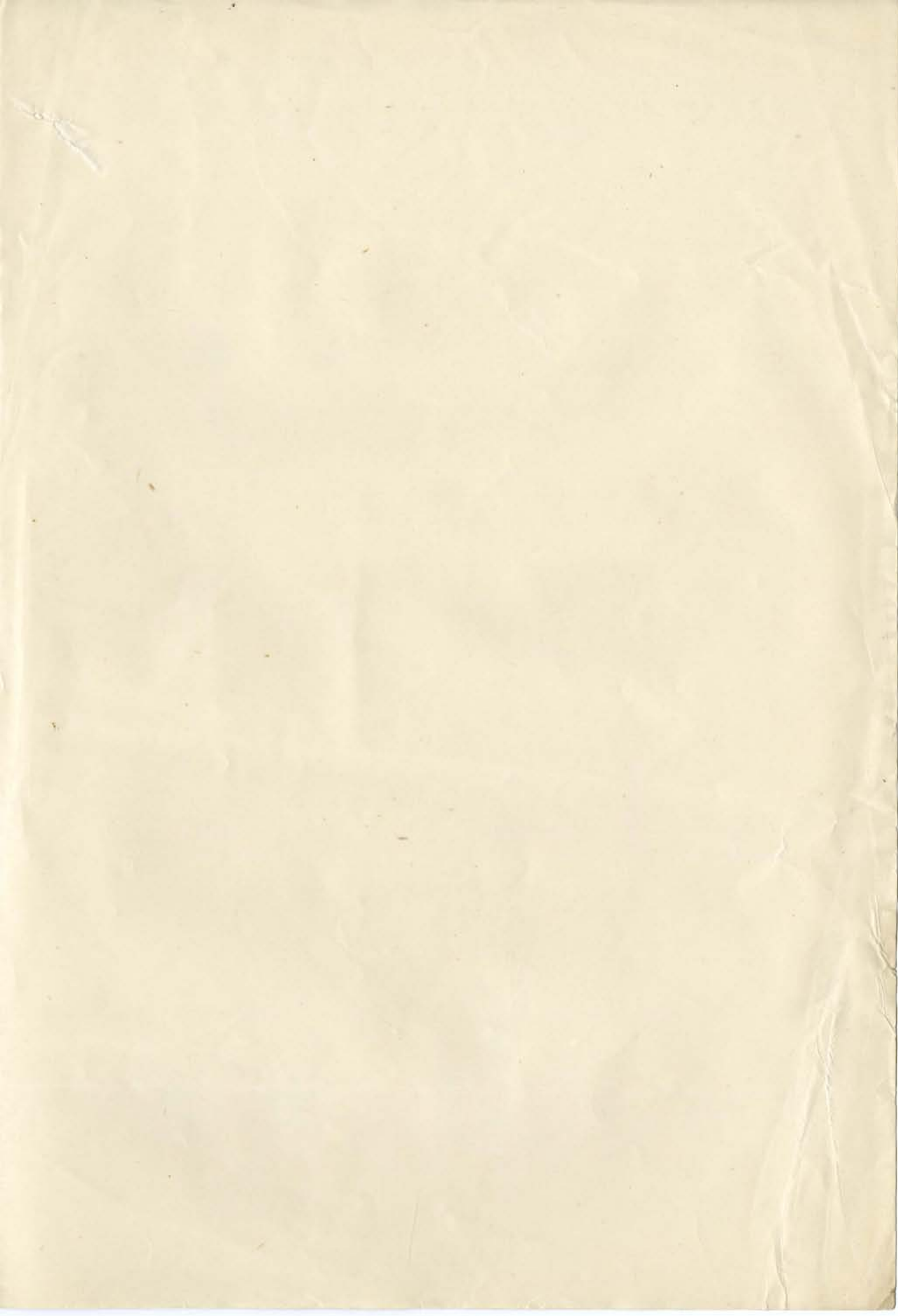
FOR

ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or  
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or  
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.











# Education (Administrative Provisions) Act, 1909.

[9 EDW. 7. CH. 29.]

---

## ARRANGEMENT OF SECTIONS.

---

A.D. 1909.

### Section.

1. Application of 2 Edw. 7. c. 42. s. 17, to powers under other Acts.
  2. Accounts of managers of a school provided under Part II. of 2 Edw. 7. c. 42.
  3. Joint action under Part II. of the Education Act, 1902.
  4. Validity of undertakings by students on entering training colleges.
  5. Appropriation to other purposes of land acquired for educational purposes.
  6. Proof of certificate under 62 & 63 Vict. c. 32. s. 1, in legal proceedings.
  7. Short title and construction.
-



Education (Administrative Provisions)  
Act, 1909.  
[To Enact, &c. &c.]

1909.

ARRANGEMENT OF SECTIONS.

1. Application of s. 10 of the Education Act, 1909, to powers under other Acts.
2. Accounts of managers of schools provided under s. 10 of the Education Act, 1909.
3. Joint action under s. 10 of the Education Act, 1909.
4. Validity of undertakings by students on entering training colleges.
5. Application for other purposes of land required for educational purposes.
6. Issue of certificates under s. 10 of the Education Act, 1909, in regard to training.
7. Short title and construction.





## CHAPTER 29.

An Act to make provision for the better administration by Central and Local Authorities in England and Wales of the enactments relating to Education. A.D. 1909.

[25th November 1909.]

**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. The provisions of section seventeen of the Education Act, 1902, requiring that all matters relating to the exercise by a local education authority or council having powers under that Act of their powers under that Act shall stand referred to the education committee constituted under that section, and enabling the local education authority or council to delegate to the education committee so constituted any of their powers under that Act, shall apply not only with respect to the powers conferred on the local education authority or council under that Act, but also to any powers connected with education conferred by or under any other Act, scheme, or order, on the authority or council, expressly as a local education authority or as a council having powers under the Education Act, 1902, except the power of raising a rate or borrowing money.

Application of 2 Edw. 7. c. 42. s. 17, to powers under other Acts.

2. Where any receipts or payments of money are entrusted by a council having powers under Part II. of the Education Act, 1902, to the managers of any school provided by them for the purpose of supplying education other than elementary, the accounts of those receipts and payments shall be accounts of the council under the Education Act, 1902, but the auditor of those

Accounts of managers of a school provided under Part II. of 2 Edw. 7. c. 42.



A.D. 1909. — accounts shall have the same power with respect to the managers as he would have if the managers were officers of the council.

Joint action  
under Part  
II. of the  
Education  
Act, 1902.

**3.** For the purpose of establishing or maintaining any school or college which any council have power to establish or maintain under Part II. of the Education Act, 1902, the council shall have power and shall be deemed always to have had power to unite with any other council having powers under that Part of that Act, on such terms as to payment, the appointment of a joint body of managers, and otherwise, as may be or may have been agreed between them.

Validity of  
undertakings  
by students  
on entering  
training  
colleges.

**4.** Where with a view to following the profession of teacher a person has, in pursuance of regulations made by the Board of Education, entered into an undertaking that he will, in consideration of any grant made by the Board in respect of his maintenance, education, and training, complete the course of education or training specified in the undertaking, and will subsequently follow the profession of teacher in the manner and for the period specified in the undertaking, and in the event of failure to do so will repay to the Board such proportion of the grants made by the Board as is specified in the undertaking, the undertaking shall be binding on him notwithstanding that he was an infant at the time when the undertaking was given, and any sums repayable in accordance with the undertaking shall be recoverable as debts to the Crown.

Appropriation to other  
purposes of  
land acquired  
for educational  
purposes.

**5.** The council of any county, borough, or urban district may, with the consent of the Board of Education, appropriate any land held by them in their capacity as local education authority for any of the purposes of the council, otherwise than in their capacity as local education authority, approved by the Local Government Board:

Provided that the council shall not on any lands so appropriated—

- (a) create or permit any nuisance; or
- (b) sink any well for the public supply of water or construct any cemetery, burial ground, destructor, station for generating electricity, sewage farm, or hospital for infectious disease, unless, after local inquiry and consideration of any objections made by persons affected, the Local Government Board, subject to such conditions as they think fit, authorise the work or construction.



6. In any legal proceedings by a local education authority, the production of a certificate, purporting to be signed by a duly qualified practitioner approved by the Board of Education for the purposes of subsection three of section one of the Elementary Education (Defective and Epileptic Children) Act, 1899, to the effect that a child is defective or epileptic within the meaning of that section, shall be sufficient evidence of the facts therein stated, unless the parent or guardian of the child referred to in the certificate requires the medical practitioner to be called as a witness; but it shall be lawful for the parent or guardian to give evidence in proof that the certificate is incorrect.

A.D. 1909.  
—  
Proof of  
certificate  
under  
62 & 63 Vict.  
c. 32. s. 1,  
legal pro-  
ceedings.

7. This Act may be cited as the Education (Administrative Provisions) Act, 1909, and shall be construed as one with the Education Acts, 1870 to 1907, and those Acts and this Act may be cited together as the Education Acts, 1870 to 1909.

Short title  
and con-  
struction.

---

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

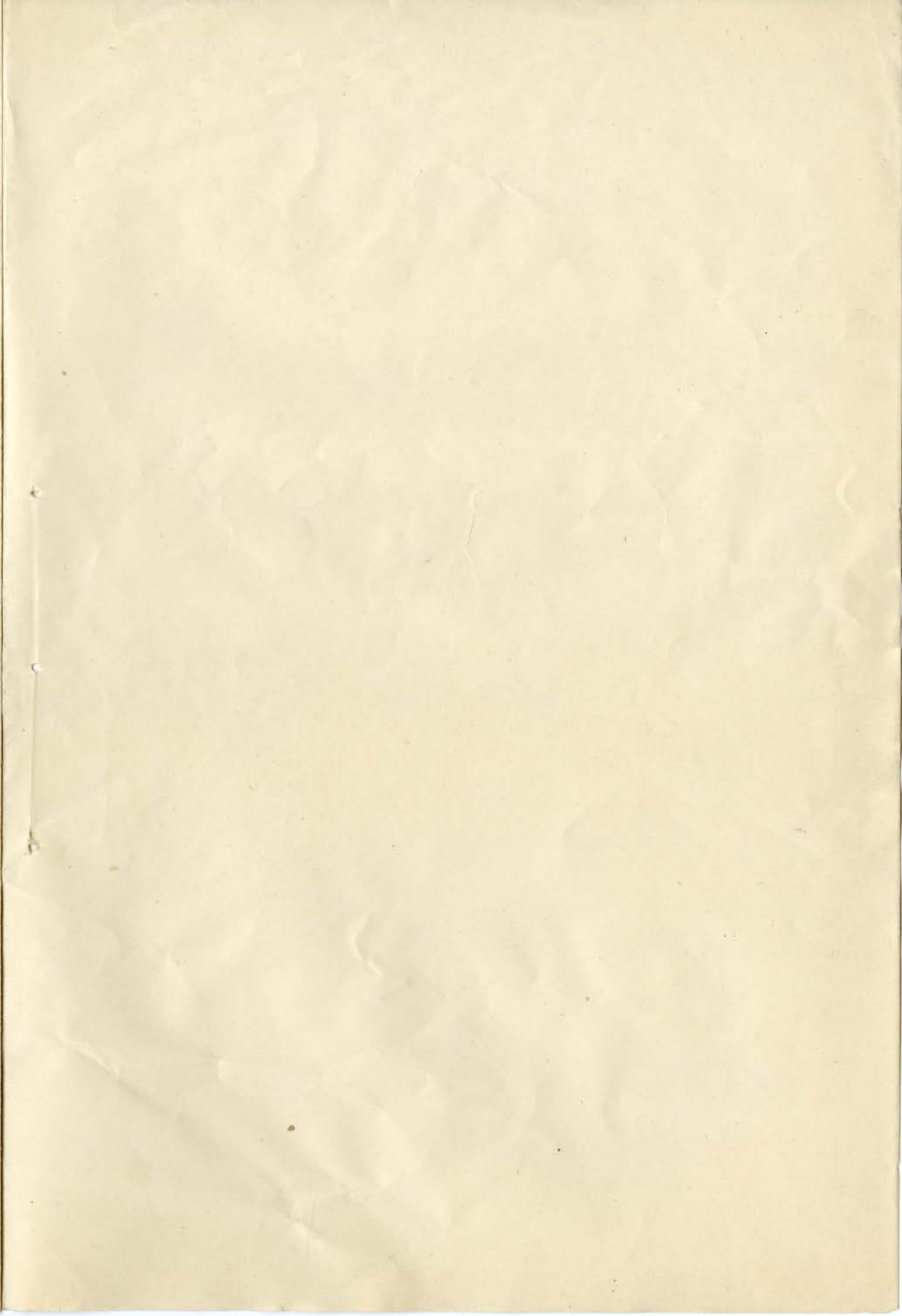
ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or  
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or  
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.

















## CHAPTER 37.

An Act to enable certain Local Education Authorities to give boys and girls information, advice, and assistance with respect to the choice of employment. A.D. 1910.

[28th November 1910.]

**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) The powers conferred upon the councils of counties and county boroughs as local education authorities under section two of the Education Act, 1902 (in this Act called the principal Act), shall include a power to make arrangements, subject to the approval of the Board of Education, for giving to boys and girls under seventeen years of age assistance with respect to the choice of suitable employment, by means of the collection and the communication of information and the furnishing of advice.

Power of certain local education authorities to give assistance with respect to choice of employment. 2 Edw. 7. c. 42.

(2) The council of a county, and the council of a non-county borough or urban district within the county who are a local education authority under Part III. of the principal Act, may, as part of their powers under Part II. of that Act, enter into and carry into effect arrangements or agreements for the co-operation of the council of the borough or district with the county council in respect of the exercise by the county council of their powers under this Act, either—

(a) by rendering to the county council such assistance as may be arranged or agreed; or

[Price  $\frac{1}{2}d.$ ]



A.D. 1910.

(b) by exercising within the borough or district, on behalf of the county council, all or any of the powers of that council under this Act;

and any such arrangement or agreement may, amongst other things, provide for the proportion in which the expenses incurred under it are to be borne by the councils respectively.

(3) The expenses incurred under this Act by any council (whether the council of a county, county borough, borough, or urban district) shall be defrayed as part of the expenses of that council under section two or section three of the principal Act, as the case may be.

Short title.

2. This Act may be cited as the Education (Choice of Employment) Act, 1910, and this Act and the Education Acts, 1870 to 1909, may be cited together as the Education Acts, 1870 to 1910.

---

Printed by EYRE and SPOTTISWOODE, Ltd.,

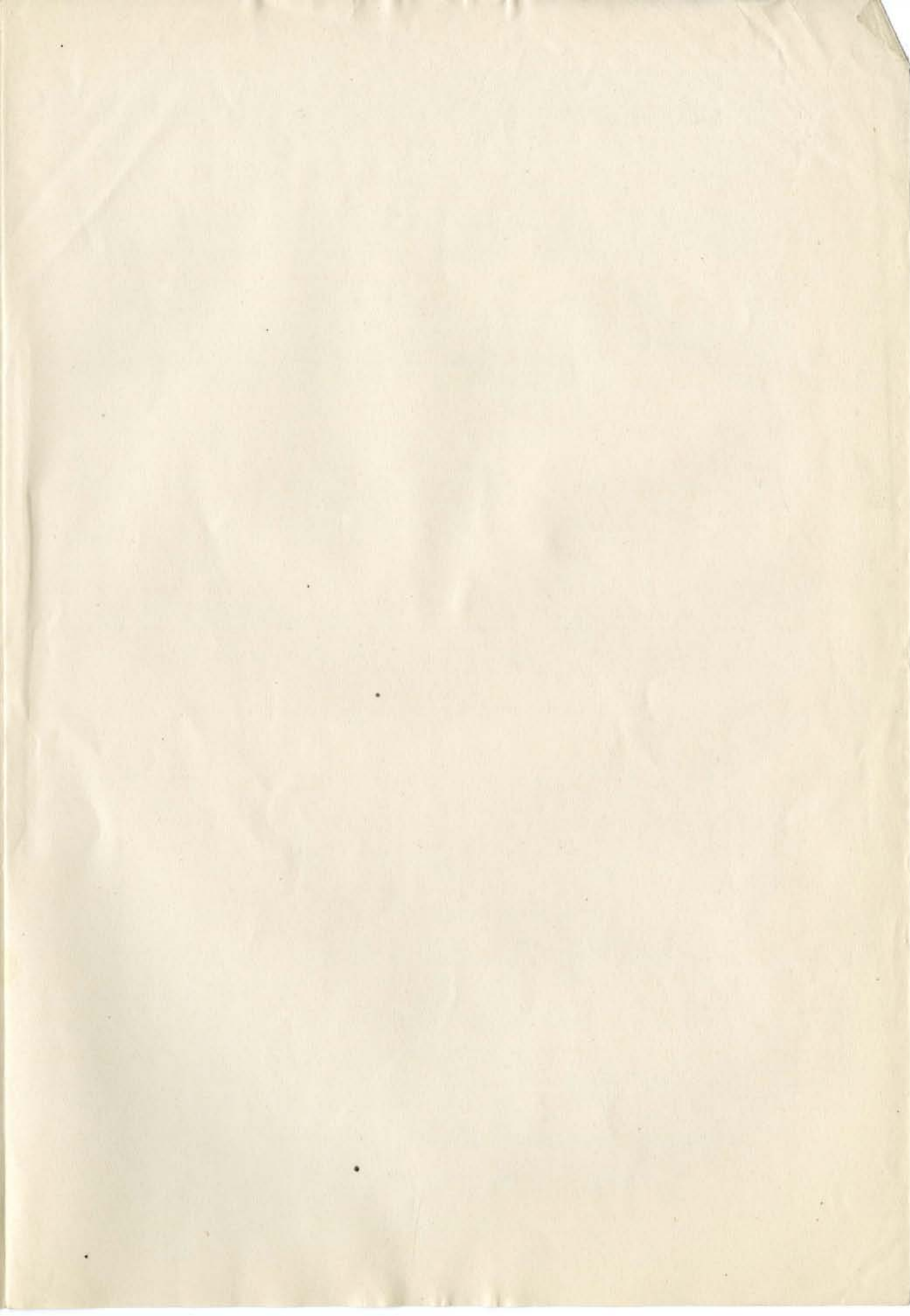
FOR

ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or  
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or  
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.











# Education (Administrative Provisions) Act, 1911.

[1 & 2 GEO. 5. CH. 32.]

---

## ARRANGEMENT OF SECTIONS.

A.D. 1911.

### Sections.

1. Power of Board of Education to make contribution orders in respect of border children.
2. Amendment of section 22 (2) of Education Act, 1902, as to date at which the limit of age under that subsection is to be reckoned.
3. Exemption of school buildings from building byelaws where plans approved by Board of Education.
4. Audit of accounts of governing bodies under 52 & 53 Vict. c. 40.
- 5 Short title.









## CHAPTER 32.

An Act to make provision for the better administration A.D. 1911.  
by the Central and Local Authorities in England and  
Wales of the Enactments relating to Education.  
[16th December 1911.]

**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) Where any children resident in the area of any local education authority for the purpose of Part III. of the Education Act, 1902, are receiving education in any public elementary school within the area of some other local education authority, the Board of Education may, if they think fit, on the application of that other local education authority (in this section referred to as the applicant authority), and after giving the first-named local education authority (in this section referred to as the respondent authority) an opportunity of being heard, make a contribution order under this section.

Power of  
Board of  
Education  
to make  
contribution  
orders in  
respect of  
border  
children.  
2 Edw. 7.  
c. 42.

(2) For the purpose of this section, a contribution order means an order directing the respondent authority to pay to the applicant authority annually such sum as the Board think proper in respect of children resident in the area of the respondent authority who, in the opinion of the Board, are properly receiving education in a public elementary school within the area of the applicant authority.

(3) In considering whether children are properly receiving education in a school outside the area in which they reside, the Board of Education shall have regard to the interests of secular instruction, to the wishes of parents as to the education of their children, and to economy of rates.



A.D. 1911.

(4) Any sum due to an applicant authority under a contribution order shall be recoverable as a debt due to that authority from the respondent authority, and the Board of Education may, if they think fit, without prejudice to any other remedy on the part of the applicant authority, pay any such sum to the applicant authority, and deduct any sum so paid from any sums payable to the respondent authority on account of Parliamentary grants.

(5) If any question arises between the applicant and respondent authorities as to the amount due in any year under a contribution order, that question shall be referred to the Board of Education, and the decision of the Board shall be final.

(6) The Board of Education may revoke or vary a contribution order on the application either of the applicant authority or of the respondent authority after giving the other authority an opportunity of being heard. A contribution order shall not be made under this section so as to alter, without the consent of the parties, the effect of any subsisting agreement made between two or more local education authorities before the passing of this Act with respect to contributions in connexion with the education, within the area of one education authority, of children resident within the area of another such authority.

Amendment  
of s. 22 (2)  
of Education  
Act, 1902, as  
to date at  
which the  
limit of age  
under that  
subsection  
is to be  
reckoned.

2. For the purposes of subsection (2) of section twenty-two of the Education Act, 1902, the Board of Education may, on the application of the local education authority, by order, substitute, as respects any public elementary school within the area of the authority, the close of the educational year as fixed by the Board for that school for the close of the school year, and, as respects any such school, that subsection shall have effect as if the close of the educational year fixed by the order were substituted for the close of the school year.

Exemption  
of school  
buildings  
from build-  
ing byelaws  
where plans  
approved by  
Board of  
Education.  
38 & 39 Vict.  
c. 55.

3. The provisions of any byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any other Act, with respect to new buildings (including provisions as to the giving of notices and deposit of plans and sections), and any provisions in any local Act dealing with the construction of new buildings, and any byelaws made with respect to new buildings under any local Act, shall not apply in the case of any new buildings being school premises to be erected, or erected, according to plans which are under any regulations relating to the payment of grants required to be, and have been, approved by the Board of Education.



[1 & 2 GEO. 5.] *Education (Administrative Provisions)* [CH. 32.]  
*Act, 1911.*

4. The accounts of the receipts and expenditure of any governing body to whom in pursuance of a scheme made under the Welsh Intermediate Education Act, 1889, any payments are made out of any general fund administered by a local education authority as a governing body under that Act, as well as the accounts of the receipts and expenditure of any local education authority in its capacity as such a governing body, shall be audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto or consequential thereon (including the penal provisions of those enactments) shall apply accordingly, and any provisions in any scheme which relate to the audit of the accounts of any such governing body shall cease to have effect.

A.D. 1911.  
Audit of  
accounts of  
governing  
bodies under  
52 & 53 Vict.  
c. 40.

5. This Act may be cited as the Education (Administrative Provisions) Act, 1911, and shall be construed as one with the Education Acts, 1870 to 1909, and those Acts and this Act may be cited together as the Education Acts, 1870 to 1911.

Short title.

---

Printed by EYRE and SPOTTISWOODE, Ltd.,  
FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

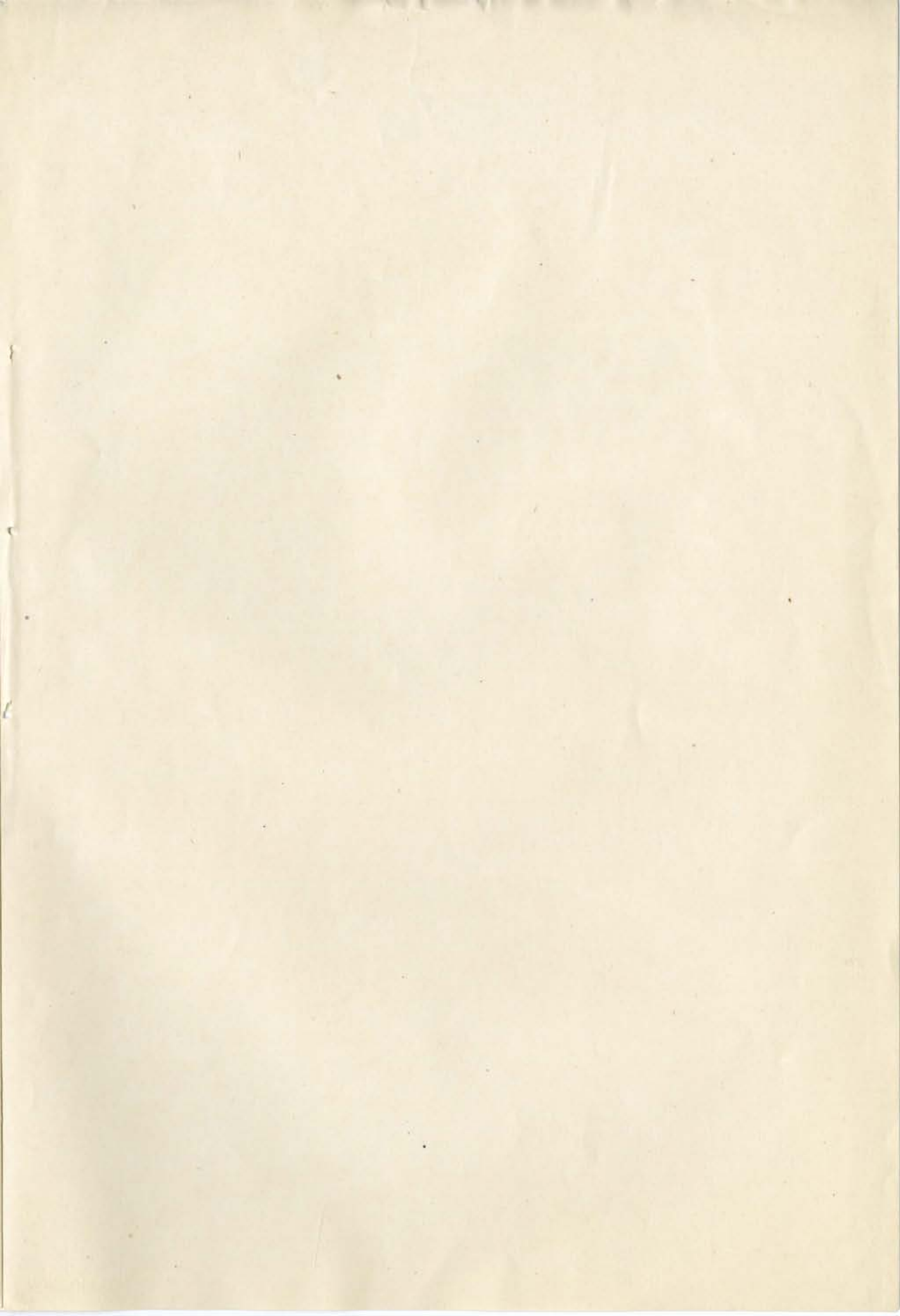
---

And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or  
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or  
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.

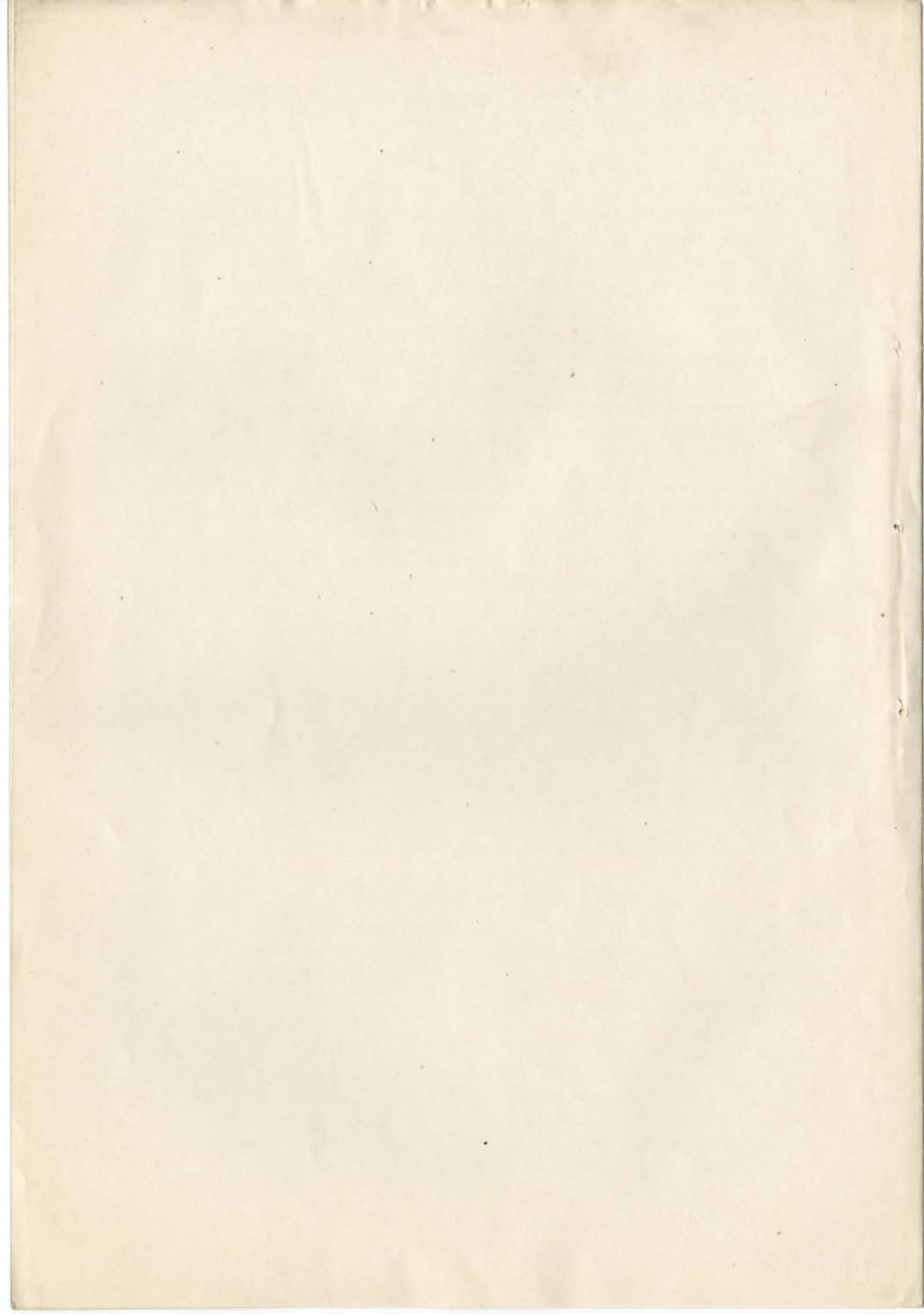
















## CHAPTER 20.

An Act to amend the Education (Provision of Meals) Act, 1906. A.D. 1914.  
[7th August 1914.]

**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. A local education authority may, without any application to the Board of Education, spend out of the rates such sums as may be necessary to meet the cost of the provision of food under section three of the Education (Provision of Meals) Act, 1906, and accordingly in that section the words "apply to the Board of Education, and that Board may authorise them to," and from "provided that" to the end of the section, shall be repealed.

Extension of powers as to feeding of school children.  
6 Edw. 7. c. 57.

2. The powers of a local education authority under the Education (Provision of Meals) Act, 1906, as amended by this Act, shall be exerciseable in respect of children attending a public elementary school within their area, both on days when the school meets and on other days.

Act to apply both on days when the school meets and on other days.

3. This Act may be cited as the Education (Provision of Meals) Act, 1914, and the Education (Provision of Meals) Act, 1906, and this Act may be cited together as the Education (Provision of Meals) Acts, 1906 and 1914.

Short title.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

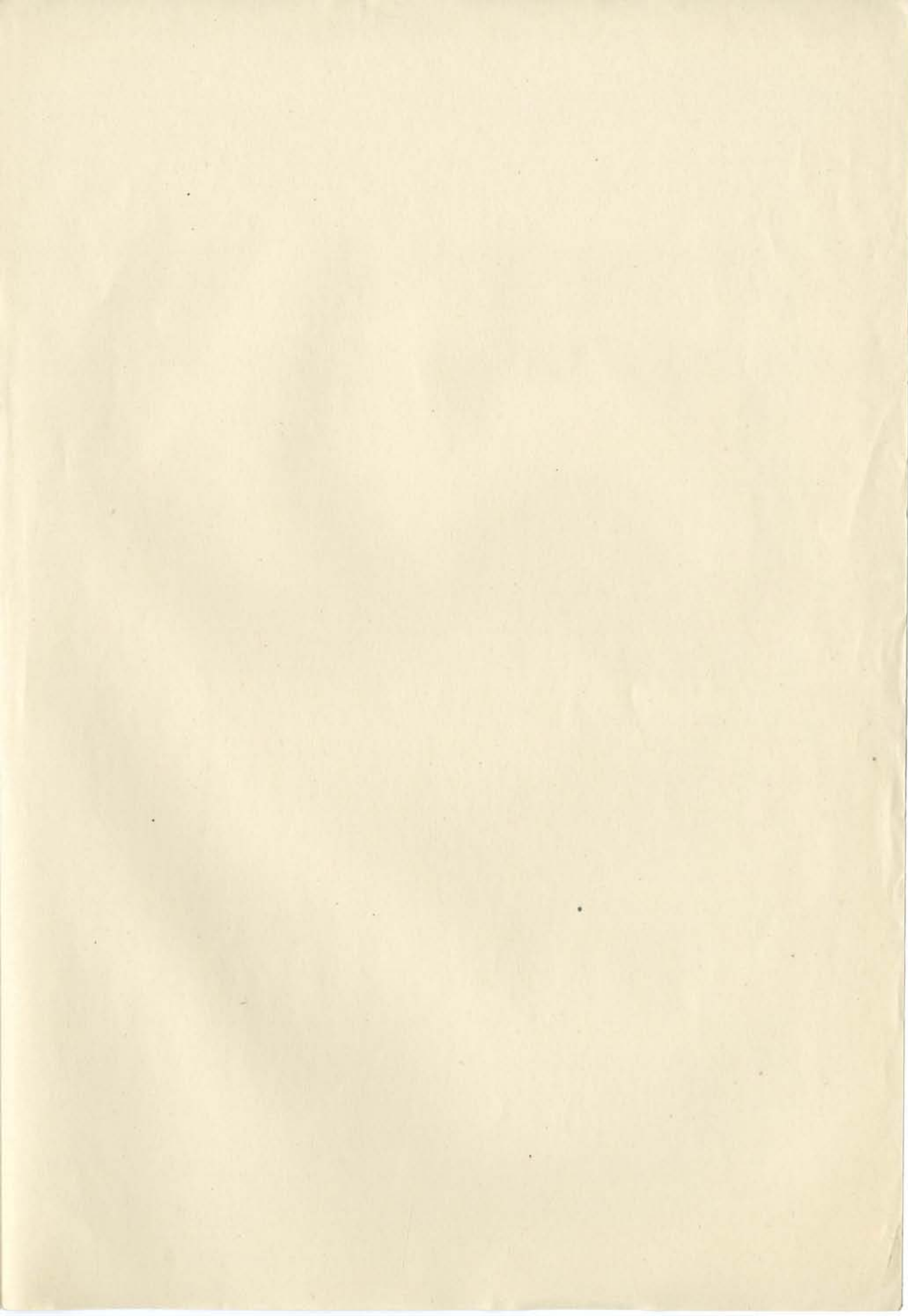
And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., 29, BREARS BUILDINGS, FETTER LANE, E.C., and  
28, ARLINGTON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or  
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or  
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;  
or from the Agencies in the British Colonies and Dependencies,  
the United States of America, the Continent of Europe and Abroad of  
T. FISHER UNWIN, LONDON, W.C.

[Price ½d.]

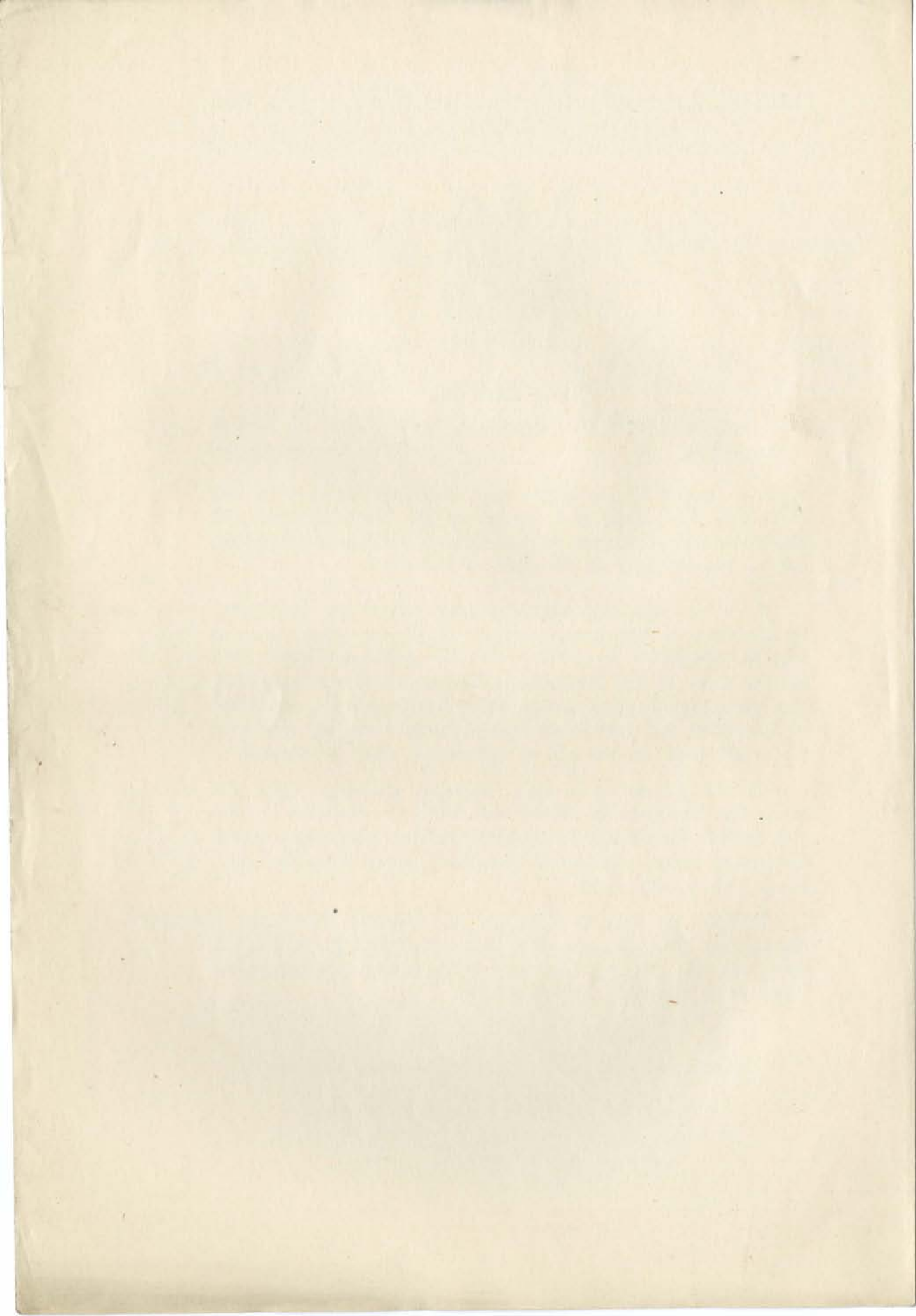














# Elementary Education (Defective and Epileptic Children) Act, 1914.

[4 & 5 GEO. 5. CH. 45.]

---

## ARRANGEMENT OF SECTIONS.

---

A.D. 1914.

---

### Section.

1. Duty to provide for education of mentally defective children.
  2. Discontinuance of certified school.
  3. Consultation of parents and co-operation with other authorities and persons.
  4. Delegation of authority to the council of a county.
  5. Enforcement of obligations of parents of mentally defective and epileptic children.
  6. Certification of children.
  7. Return of certificate.
  8. Determination of residence.
  9. Short title and commencement.
-



Elementary Education (Defective and  
Lepidic Children) Act, 1914.  
[L. A. 1914, No. 2, Ch. 45.]

1914.

ARRANGEMENT OF SECTIONS.

1. Duty to provide for education of mentally defective children.
2. Discontinuance of certified school.
3. Notification of parents and cooperation with other authorities and persons.
4. Delegation of authority to the council of a county.
5. Enforcement of obligations of parents of mentally defective and epileptic children.
6. Classification of children.
7. Return of certificate.
8. Determination of residence.
9. Board life and maintenance.





## CHAPTER 45.

An Act to amend the Law relating to the Education of A.D. 1914.  
Defective and Epileptic Children in England and Wales.

[10th August 1914.]

**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) It shall be the duty of the local education authority for the purposes of the Elementary Education (Defective and Epileptic Children) Act, 1899 (herein called the principal Act) to make suitable provision, either alone or in conjunction with other local education authorities, for the education of children belonging to their area whose age exceeds seven years and who are ascertained to be mentally defective within the meaning of the principal Act, and accordingly after the words "they may" in subsection (1) of section two of the principal Act there shall be inserted the words "and in the case of mentally defective children whose age exceeds seven years shall":

Duty to provide for education of mentally defective children.  
62 & 63 Vict.  
c. 32.

Provided that the duty of a local education authority under this Act shall not include—

- (i) A duty to make provision for boarding and lodging a mentally defective child unless the Board of Education are satisfied, after considering the report of a duly qualified medical practitioner approved by the Board under section one of the principal Act, and after consultation with the local education authority, that suitable provision for the child's education cannot be made in any other way, and unless the grants payable out of moneys provided by Parliament in respect of



A.D. 1914.

a mentally defective child, so boarded and lodged, amount to not less than one-half of the cost of conveying such child to and from any school so provided, and of educating, boarding, and lodging and medically attending and treating that child (including, in the case of a school provided by a local education authority, expenditure out of income by the authority by way of interest on or repayment of capital raised, or by way of rent or other similar payment, for the purposes of the provision of the school); or

- (ii) A duty to establish a certified school for boarding and lodging mentally defective children, unless the Board of Education are satisfied, after considering the reports of such medical practitioners, and after such consultation as aforesaid, that there are not less than forty-five such children belonging to the area for whose education suitable provision cannot be made in any other way.

3 Edw. VII. c. 13. (2) Subsection (6) of section two of the principal Act and the Elementary Education Amendment Act, 1903, are hereby repealed.

(3) In case of doubt as to whether a child is or is not mentally defective within the meaning of the principal Act, the matter shall be determined by the Board of Education.

Discontinu-  
ance of cer-  
tified school.

2. In the event of a local education authority proving to the satisfaction of the Board of Education that the average attendance of mentally defective children at a certified class or school provided by such authority has, during the previous three years, been less than fifteen, it shall be lawful for such authority to discontinue the maintenance thereof, and thereupon the authority shall make such alternative provision for the mentally defective children belonging to their area as the Board of Education, after consultation with such authority, may approve.

Consultation  
of parents  
and co-  
operation  
with other  
authorities  
and persons.

3.—(1) A local education authority, before deciding what provision shall be made for the education of a mentally defective child, shall endeavour to ascertain the wishes of the parents of the child and shall, so far as possible, give effect to their wishes.

(2) A local education authority, in the exercise and performance of their powers and duties under the principal



Act and this Act, shall have regard to the existing supply of certified schools and classes, and shall, so far as possible, co-operate with other authorities or persons providing or having power to provide certified schools and classes. A.D. 1914.

4. The council of a non-county borough or urban district having powers and duties under the principal Act and this Act may, at any time after the passing of this Act, by agreement with the council of the county in which the borough or urban district is situate, and with the approval of the Board of Education, relinquish in favour of that council any of those powers or duties, and in that case the powers or duties of the authority so relinquished shall cease, and the area of the authority shall, as respects those powers or duties, be part of the area of the county council. Delegation of authority to the council of a county.

5.—(1) If a local education authority are satisfied, after consultation with the parent of a mentally defective or epileptic child over seven years of age, that the parent is not making suitable provision for the child's education, they may require the parent of the child to send the child to a certified class or school suitable for the child, and, if he fails without reasonable excuse to do so, may by complaint apply to a court of summary jurisdiction for an order requiring the child to be sent to a certified class or school suitable for the child and willing to receive him, being either such as the parent may select, or, if he does not select a suitable class or school, then such class or school as the court thinks expedient, and such an order shall be a sufficient authority for the conveyance of the child to the class or school named in the order: Enforcement of obligations of parents of mentally defective and epileptic children.

Provided that no order shall be made requiring the child to be sent to a certified class or school which is not within reach of the child's residence or to a boarding school without the consent in writing of the parent, unless it is proved to the satisfaction of the court that such consent is unreasonably withheld, or that the parent cannot be found, but consent shall not be deemed to be unreasonably withheld if withheld with the bonâ fide intention of benefiting the child:

Provided further that if the court shall refuse to make an order the court, unless for good cause it shall otherwise order, shall award costs to the parent, and the costs so awarded shall, unless some reason to the contrary appears, include such sum



[CH. 45.] *Elementary Education (Defective and Epileptic Children) Act, 1914.* [4 & 5 GEO. 5.]

A.D. 1914. — as compensation for the expense, trouble, and loss of time incurred in or incidental to his attendance at the court as to the court may seem just and reasonable.

(2) The provisions of this section shall be in substitution for, and not in addition to, the power of a court of summary jurisdiction, on an attendance order not being complied with, to order the child to be sent to an industrial school under section twelve of the Elementary Education Act, 1876, as applied by the principal Act.

39 & 40 Vict. c. 79.

(3) Nothing in this section shall be construed as affecting the power of a parent to withdraw a child from school on proof to the satisfaction of the local education authority that he will make suitable provision for the child's education in some other way.

Certification of children. 6. Section one of the principal Act shall be construed and have effect as if the following words were added at the end of subsection (3) of that section:—

“Such duly qualified medical practitioner shall, if so directed by the local education authority, or, if he is so requested by the parent of the child, before giving a certificate under this section, consult the head teacher of the school, if any, which the child has been attending, or such other person as the local education authority may appoint for the purpose, and a copy of any report made by the head teacher or such other person shall be forwarded to the local education authority.”

Return of certificate. 7. When a child is discharged from a special school or class on the ground that he is no longer mentally defective the local education authority shall return to the parent of the child any certificate certifying that the child was mentally defective, and such certificate shall not be received in evidence in any legal proceedings without the consent of the child or its parent.

Determina-  
tion of  
residence. 8.—(1) For the purposes of the principal Act and this Act a child shall be deemed to belong to the area in which the residence or permanent home of the child is for the time being situate:

Provided that, in the case of a child in a school or boarded out in pursuance of the principal Act or this Act, the local



education authority who are making provision for his education shall continue liable to make such provision pending the determination of any question which may be referred to the Board of Education under this section. A.D. 1914.

(2) If any question arises as to the area to which a child is to be deemed to belong, that question shall be determined by the Board of Education, and the Board on determining the question may direct such financial adjustments between the local education authorities concerned as they may consider just.

9.—(1) This Act may be cited as the Elementary Education (Defective and Epileptic Children) Act, 1914, and shall be construed with the principal Act, and that Act and this Act may be cited together as the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914; and the Education Acts, 1870 to 1911, the Education (Choice of Employment) Act, 1910, and this Act may be cited together as the Education Acts, 1870 to 1914. Short title  
and com-  
mencement.

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

---

Printed by EYRE and SPOTTISWOODE, LTD.,  
FOR  
FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
WYMAN AND SONS, LTD., 29, BREAMS BUILDINGS, FETTER LANE, E.C., and  
28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or  
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or  
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;  
or from the Agencies in the British Colonies and Dependencies,  
the United States of America, the Continent of Europe and Abroad of  
T. FISHER UNWIN, LONDON, W.C.



education authority who are making provision for his education shall continue liable to make such provision pending the determination of any question which may be referred to the board of education under this section.

(2) If any question arises as to the time to which a child is to be referred to school, that question shall be determined by the board of education, and the board may determine the question may direct such financial adjustments between the local education authority concerned as they may consider just.

(3) This Act shall come into operation on the first day of January nineteen hundred and eleven.

(4) This Act shall come into operation on the first day of January nineteen hundred and eleven.



Letters should be addressed—

“The Secretary,  
Board of Education,  
London.”

and should show the complete postal  
address and designation of the writer.

BOARD OF EDUCATION,

LONDON,

*July 1914.*

## **EXAMINATIONS IN SECONDARY SCHOOLS.**

### **Proposals of the Board of Education for the Examinations.**

In December 1911 the Board published the Report of their Consultative Committee on Examinations in Secondary Schools, and in 1912 they addressed to each of the English Universities a letter in which they invited those Bodies, in accordance with the recommendation of the Committee, to confer with them on the subject. This letter contained the outline of a scheme prepared by the Board as a basis for discussion and in its main features framed upon the principles laid down in the Committee's Report.

The invitation was cordially accepted, and during the year 1913 the Board have conferred on the subject with all the English Universities or the Examining Bodies representing them. They have, further, explained the general nature of their proposals to representatives of Associations representing the Local Education Authorities and Secondary School Teachers.

These conferences have resulted in an amount of agreement sufficient to satisfy the Board that the time has now come to give publicity to their proposals and to invite criticism and suggestions upon them from Local Education Authorities and other bodies and persons responsible for the management of Secondary Schools, or interested from various points of view in the question of School Examinations. It is the desire of the Board to give full opportunity for the consideration and discussion of these proposals before any step is taken to bring them into operation in those Schools over which the Board exercise control by their grants or otherwise; but, in view of the time required to work out the details of so large a scheme, they will be glad to receive suggestions at an early date.

The proposals of the Board are as follows:—

#### *Annual Examination of Grant-Earning Schools.*

- (i) After 1st August 19— the Governing Body of every School recognised for grants under the Secondary School Regulations will be required to submit for the approval of the Board proposals for the annual examination of the School by one of the University Examining Bodies recognised by the Board for the purpose. It is not necessary that all the Schools on one foundation or under one Authority should have the same Examining Body, and in some Schools it may even be desirable to have different Examining Bodies for different “sides” or portions of the School.

The examinations to be taken by the Schools recognised for grants will be open on the same terms and conditions to all those Schools which, after inspection, are placed on the Board's list of Efficient Secondary Schools. The conditions on which pupils not in any recognised Efficient Secondary School will be admitted to the examinations are explained below (sections viii. and xiv.).

#### *Provision of Two Examinations.*

- (ii) The examinations to be conducted by the recognised University Examining Bodies with the approval of the Board will be of two grades. The first will be suitable for Forms in which the average age of the pupils ranges from about 16 years to, say, 16 years 8 months. This will be a Fifth Form examination. The second will be a Sixth Form examination, designed for those who have continued their studies for about two years after the stage marked by the first examination. In the case of girls, the age limit may be liberally extended, but in all other respects the Board's proposals for the examinations apply to girls and boys equally.



*The First Examination.*

(iii) The first examination will be designed to test the results of the course of general education before the pupil begins such a degree of specialisation as is suitable for Secondary Schools. It will correspond very closely in its scope to the present School Certificate examinations of the English Universities, and will be based on the general conception of the Secondary School course up to this stage which underlies the Board's regulations and is set out in their recent Memorandum on Curricula of Secondary Schools. That is to say, the subjects for examination will be treated as falling into three main groups, (i) English subjects, (ii) languages, (iii) science and mathematics; and the candidate will be expected to show a reasonable amount of attainment in each of these groups, and will be judged by this test rather than by his power to pass in a prescribed number of specified subjects.

(iv) The standard for a pass will be such as may be expected of pupils of reasonable industry and ordinary intelligence in an efficient Secondary School. The Form and not the pupil will be the unit for examination, and it is contemplated that a large proportion of the pupils in the Form should be able to satisfy the test. It is therefore proposed that, as is the case in most of the existing examinations, the conditions for attaining a simple pass shall be somewhat easier than those required of candidates in order that the certificate shall be accepted for the purpose of matriculation.

(v) If the examination is conducted on the principle of easy papers and a high standard of marking, the difference between the standard for a simple pass and that required for matriculation purposes will not be so great as to prevent the same examination being made to serve, as the present School examinations do, both purposes; and with this object a mark of credit will be assigned to those candidates who, in any specific subject or subjects, attain a standard which would be appreciably higher than that required for a simple pass. The Board hope that the re-organisation of the School examinations will facilitate the organisation of the conditions of admission to the Universities and the Professions. But it is no part of their plan to lay down conditions of such admission, and it will be for the Universities and the Professions, on a consideration of the new examination, to say on what terms they will accept the passing of the examination as exempting the pupils from their ordinary tests for admission.

(vi) In addition to the three main groups of subjects which form the general course in Secondary Schools, there is a fourth group, including Music, Drawing, Manual Work, and Housecraft. These subjects are not, in the same way as the others, capable of being tested by a written examination. It is not, therefore, proposed to require that candidates shall be tested in this group, but every facility will be given to Examining Bodies to offer examination in any subject in this category, and it is contemplated that special Examining Bodies may be approved for the purpose. Success in any such examinations might be endorsed on any certificate awarded to those who are successful in the main examination. These subjects in all Schools connected with the Board are receiving an increasing amount of attention by means of inspection, and as several of them have only recently been taken up seriously in Secondary Schools it seems undesirable to make any more definite provision for examination in them until more experience has been gained.

All Schools which claim to be recognised as efficient Secondary Schools should be able to present a whole Form for the first examination.

*The Second Examination.*

(vii) The second examination will be based on the view that the School course should, in these two years, provide for more concentrated study of a connected group of subjects combined with the study of one or more subsidiary subjects from outside the group. The main groups, as



suggested in the Board's recent Memorandum on Curricula of Secondary Schools, will probably be—

- (a) Classics and Ancient History.
- (b) Modern Humanistic Studies.
- (c) Science and Mathematics.

This classification is capable of considerable variation, but every candidate will be required to offer one group as a whole, and at least one subsidiary subject. As it is intended that the study of a subsidiary subject shall be pursued with a view to obtaining a "working knowledge" of it, so the character of the papers set and the standard of the examination in it will be less severe than that for the same subject when taken as part of a group.

Only those Schools will be able to take the second examination which retain some of their pupils long enough to take an organised course extending over about two years beyond the stage marked by the first examination.

*Examinations open to all Candidates under 19.*

- (viii) The two examinations referred to are designed for the use of Schools which reach the standard of efficiency required by the Board for admission to their list of Efficient Secondary Schools, but they will be accessible to all candidates under 19 years of age, whatever their previous education may have been.

*Teachers and the Examinations.*

- (ix) It is proposed to bring Teachers into touch with the Examining Bodies in the following ways:—

(a) Either by representation on the Examining Body, or by some regular system of consultation.

(b) By giving them the right to submit their own syllabuses for examination. This provision is suggested mainly for the benefit of Schools with rather special aims or doing work of an experimental character; but it should also be useful when the syllabus of examination includes special books or periods.

(c) By requiring Headmasters and Headmistresses to submit, together with a list of candidates from their School, an estimate of the relative merits of those candidates in each of the subjects offered by them for examination. The estimate will be taken into account by the Examining Body in doubtful cases for the purpose of the award of certificates.

*Co-ordinating Authority.*

- (x) The large number of the proposed Examining Bodies makes it necessary to provide a co-ordinating authority to determine the minimum standard for a "pass" in each examination, and to secure that the standards adopted by the various Examining Bodies are substantially equivalent. The Board's plan, as has been already stated, does not interfere with the power of the Universities or Professions to prescribe their own conditions for admission; but it is essential that these Bodies, if they are willing to adopt the scheme at all, should agree to accept as final the verdict of any approved Examining Body that a definite standard has been attained. Among its further functions, the co-ordinating authority will see that the charges for examination are kept fairly even; it will discuss special difficulties with particular Examining Bodies, and promote conferences of the Examining Bodies as occasion arises; it will hear complaints with regard to the standards of examination; and it will negotiate with Universities and Professional Bodies with regard to the conditions on which certificates can be accepted for various purposes.

- (xi) It is proposed that the Board of Education shall undertake these functions and responsibilities after report from, and with the assistance of, an Advisory Committee composed of a representative of each approved Examining Body and of Local Education Authorities and the Teachers' Registration Council.



*Certificates.*

- (xii) A successful candidate, who (a) is a pupil of a School on the Board's list of Efficient Secondary Schools, and (b) has, either before or after the examination, completed a course of three years in one of those Schools (or the equivalent in more than one such School), and (c) has remained at School up to the age of 16 at least, will receive a certificate stating that he has satisfied the examiners, and naming the subjects in which he has passed with credit. The certificate will also show the name of the School from which the candidate was presented, the length of his School life, and the general character of the course he has followed, and, further, that he was submitted for examination from a School found to be efficient on an inspection by the Board embracing all its activities, and the examination taken was specially approved by the Board as suitable for that particular School. The Examining Body may also arrange to include in this certificate evidence of proficiency in parts of the School course not submitted for examination, *e.g.*, Music, Manual Work.
- (xiii) A successful candidate who is a pupil of a School on the Board's list of Efficient Secondary Schools, but has not completed a course of three years in one of the Schools or the equivalent in more than one School, or has not remained at School up to the age of 16 at least, will receive a certificate stating that he has satisfied the examiners, and naming the subjects in which he has passed with credit.
- (xiv) A successful candidate who is not a pupil of a School on the Board's list of Efficient Secondary Schools will receive a certificate stating that he has satisfied the examiners, and naming the subjects in which he has passed with credit.
- (xv) A certificate of success in the examinations will not be issued in any case before the candidate attains the age of 16 years. In the case of a pupil of a School on the Board's list of Efficient Secondary Schools, moreover, the certificate will not be issued until the pupil leaves School.

*Other Examinations and Grant-Earning Schools.*

- [(xvi) After 1st August 19— no School recognised for grants under the Board's Regulations for Secondary Schools will be allowed to take the Preliminary Examination of the Oxford Local Examination Delegacy and Cambridge Local Examination Syndicate. From the same date, the Board will reserve the right to prohibit any such School from taking the Junior Examination of those Bodies or the Junior Certificate Examination of any other University Examining Body.
- (xvii) Subject as above, no School recognised for grants will be allowed to modify its organisation or curriculum, or that of any particular Form, for the purpose of preparing any pupils or Form for any examination which is not approved by the Board.

*Inspectors and Examining Bodies.*

- (xviii) Arrangements will be made for the closest co-operation between H.M. Inspectors and both the Examining Bodies and the Advisory Committee for Co-ordination. The reports of inspection will always be available for the information of the Committee, and each Examining Body will receive as a matter of course the inspection reports of the Schools for which its examination has been approved.

*Finance.*

The requirement that a School recognised for grants under the Regulations for Secondary Schools shall arrange for the annual examination of a portion of its pupils involves additional expenditure, and this aspect of the Board's proposals is receiving consideration. If these proposals are agreed to in their main features, financial aid will be forthcoming, but the exact extent of the aid and the conditions on which it will be given cannot be determined until the scheme has been more fully matured.

L. A. Selby-Bigge



Letters should be addressed—

“The Secretary,  
Board of Education,  
Whitehall,  
London, S.W.”

and should show the complete postal  
address and designation of the writer.

BOARD OF EDUCATION,

WHITEHALL, LONDON, S.W.

## **EXAMINATION OF SECONDARY SCHOOLS.**

1. In July 1914 the Board of Education communicated to Local Education Authorities in England, and to certain other bodies and persons, a paper containing their proposals for improving the examination of Secondary Schools.

2. The chief points in these proposals were—

- (a) that the Universities should be recognised as the responsible bodies through whom examinations in Secondary Schools should normally be conducted;
- (b) that Teachers should be brought into touch with the Examining Bodies by some system of representation or consultation; by the right to submit their own syllabuses for examination; and by a provision that Head Masters and Head Mistresses should submit their estimate of the merits of candidates from their schools in each of the subjects offered for examination;
- (c) that only two examinations should as a rule be recognised for schools, one suitable for pupils of about the age of 16 and one for those about a year or two older;
- (d) that the first examination, for which a school would be expected to present as a whole a Form in which the average age was about 16, would aim at testing the attainments of the pupils in the three main branches of their curriculum, namely, English subjects, Foreign Languages, and Mathematics and Science. It was not then proposed to extend the test to such subjects as Music, Drawing, Manual Instruction, &c.;
- (e) that the group of subjects rather than individual subjects should be the unit in respect of which success or failure would be determined;
- (f) that the standard should be such that a pass with credit should entitle the candidate to admission to a University, while a slightly lower standard would be accepted for an ordinary pass;
- (g) that the second examination should assume that the candidate had, after the stage marked by the first examination, followed a more specialised course;
- (h) that all State-aided Schools would be expected to take the first examination, and would not be allowed to arrange their curriculum so as to provide special preparation for any external examination not recognised by the Board;
- (i) that candidates from other schools would be admitted to the examination, but, unless entered from a school recognised by the Board as efficient, would receive a certificate of a different character;
- (j) that in order to secure the necessary equality of standard, and to provide machinery for enabling the scheme to be improved from time to time, there should be a Co-ordinating Authority, and that the Board should perform this function with the help of an Advisory Committee comprising representatives of Universities taking part in the scheme, of Teachers and of Local Education Authorities.

3. The replies to that communication, while furnishing the Board with a number of valuable criticisms and suggestions, and displaying a variety of opinions on some points, generally agree in the view that the cost of any such proposals must be borne by the Central Authority.

4. The Board had already acknowledged that their proposals would involve additional expenditure, and had held out the hope that, if the proposals met with acceptance, financial aid would be forthcoming. In view, however, of the situation



created by the War, it is obvious that the Board are no longer able to give such an assurance; and they, therefore, think it their duty to state that their proposals, in so far as they would involve expenditure by the Board, must be considered to be in abeyance.

5. They consider, however, that it is due to those who have shown an active interest in the question to give a brief account of its present position and of the results so far arrived at. Apart from finance, the public discussions which have taken place and the criticisms and suggestions which have been received by the Board indicate that interest has been specially concentrated upon five main points:—

- (a) the attitude of the Universities;
- (b) the attitude of the Professional Bodies;
- (c) the proposal that all State-aided Secondary Schools should be required to take the First Examination;
- (d) the treatment of subjects such as Manual Instruction, Housecraft, Music, and Drawing, in connection with the proposed examinations; and
- (e) adequate representation of Secondary School Teachers on the Committee to be constituted to advise the Board in the exercise of their functions as Co-ordinating Authority.

6. The negotiations between the Board and the University Examining Bodies have been marked by great cordiality, and have resulted in substantial agreement on the main issues; in most cases little more remained to be done to enable revised regulations giving effect to these agreements to be issued.

7. The Board have also been much encouraged by the reception given to their proposals by the Professional Bodies. Of the 17 Bodies consulted by them, 10 are prepared to accept a certificate of success in the proposed First Examination on the terms on which they now accept certificates of somewhat similar standard; five reply favourably, though in less precise terms; and two defer their decision until the proposed new system is at work.

8. As a result of their conferences with the University Examining Bodies and others, the Board are glad to find that the reasons which induced them to propose that the First Examination should be obligatory for State-aided Schools have no longer the same weight. On the other hand there are obvious advantages, both educational and administrative, in preserving freedom to deal with particular cases, *e.g.*, schools conducting educational experiments or going through some crisis in their fortunes, or very small schools in country districts, especially as the Board have already power under their Regulations for Secondary Schools to require any school on the Grant List to be at any time submitted to an approved examination. It has accordingly been decided that the proposal to make the First Examination obligatory for all State-aided Schools should not be pressed.

9. The Board have studied with great interest the criticisms on their proposal not to require candidates to offer subjects such as those mentioned in 5 (d) above, and not to consider success in these subjects in the award of certificates. In taking that course they were not actuated by any want of appreciation of the importance of the subjects, but rather by the fear lest harm might be done to them at this early stage of their existence in Secondary School courses by bringing them prematurely into the sphere of examination. Their inclusion also involves a serious increase of cost. The Board are, however, satisfied by the expressions of opinion they have received that the time has come for the experiment to be tried, and that provision should be made for giving such subjects a fair place in the scheme.

10. The Board intend to provide for a substantial representation of Secondary School Teachers on the proposed Advisory Committee, and for such representation of Local Education Authorities as will enable them to keep in direct touch with it as well as with the Board.

11. While it is impossible for financial reasons to proceed for the present with their scheme as a whole, and particularly with those parts of it with which the Board were specially concerned, they venture to hope that, in view of the large amount of



support which it has received, the parts which are educational rather than administrative in character need not, even temporarily, be sacrificed. The points they have specially in mind are:—

- (a) limitation of external examination to two examinations at the age of about 16 and 18 respectively;
- (b) recognition of the principle that the group rather than the individual subject should be the unit on which success or failure is determined in the First Examination;
- (c) concentration in the Second Examination on a special group of studies with one or more bye-subjects;
- (d) inclusion of subjects such as Drawing, Music, Manual Instruction, Housecraft, or some of them, in the scheme of examination; and
- (e) provisions for securing the co-operation of the Teachers with the Examining Body.

The Board note with satisfaction that the Oxford University Delegacy for Local Examinations have already published a revision of their Regulations on this basis, and that the Cambridge University Syndicate have also issued a statement of the lines on which they propose to make a similar revision. It is hoped that other Universities will see their way to follow these examples.

L. A. Selby-Bigge



...the ... which ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...

...the ... of ... the ... of ...



25th May 1917.

Letters should be addressed—

" The Secretary,  
Board of Education,  
Whitehall,  
London, S.W.1."

and should show the complete postal  
address and designation of the writer.

BOARD OF EDUCATION,

WHITEHALL, LONDON, S.W.1.

Telegraphic Address: "SECON EDUCATION, PARL., LONDON."

Telephone: Victoria 2824.

## **EXAMINATION OF SECONDARY SCHOOLS.**

1. In a Circular (No. 933) issued to Local Education Authorities and Secondary Schools in December 1915, the Board recorded the stage then reached in the preparation of their plan for the improvement of Secondary School Examinations. They further announced that it would not be possible to proceed at once with the plan as a whole. They are now, however, able to take up the matter again, and the following steps will accordingly be taken to bring their scheme into operation on the 1st August 1917.

2. From that date the Board will undertake the functions and responsibilities of a Co-ordinating Authority for Secondary School Examinations with the assistance of a body of persons to be called "The Secondary School Examinations Council."

3. The main functions of this Council, which are more fully specified below, will be of a technical character requiring considerable experience of the practical working of examinations, and of the conditions which must be fulfilled if the certificates of approved Examining Bodies are to be generally accepted as evidence of the attainment of an adequate standard of general and advanced secondary education. For this purpose it is desirable that the Council should not be too large for close discussion and prompt decision, and that the approved Examining Bodies should be represented on it.

The Board are, however, fully aware that there are, or may be, important interests which should be consulted from time to time, even though it may not be practicable to give to all of them a direct representation on the Council. In the case of the organised Professions the Board suggest that a standing Committee should be formed which would nominate a member of the Council, and would have still greater importance and value as being available for consultation and conference with the Council as occasion arose. The Board would welcome the formation of similar standing Committees by other organisations which might be interested in the Council's work—*e.g.*, Chambers of Commerce.

4. The Council will consist of 18 persons, and will in the first instance be constituted as follows:—

To be appointed by—

<i>Part i.</i> —The Oxford and Cambridge Schools Examination Board	1
The Oxford Delegacy for Local Examinations -	1
The Cambridge Syndicate for Local Examinations -	1
Bristol University - - - -	1
Durham University - - - -	1
London University - - - -	1
Northern Universities Joint Matriculation Board -	3
<i>Part ii.</i> —The County Councils Association -	2
The Municipal Corporations Association -	2
The Teachers' Registration Council -	4
Standing Committee of Professional Bodies -	1
	—
	18
	—

The President of the Board of Education will in the first instance appoint a Chairman from outside the Council



5. Men and Women will be alike eligible. One-third of the members will retire annually and will be eligible for re-appointment. If any of the Bodies named in *Part i* of the above list is not approved or ceases to be approved as an Examining Body, its representation on the Council shall cease.

The Board of Education will be represented at the Council meetings by such of their Officers as the nature of the work may require. These Officers will attend as Assessors, with the right to speak but not to vote.

Accommodation and secretarial and clerical assistance will be provided by the Board, and travelling expenses, &c., will be allowed to the members.

6. It is intended that the Council shall be established on the 1st August 1917, and that from that date all matters falling within the functions of the Co-ordinating Authority shall stand referred to it.

7. The Council will be entrusted by the Board with the responsibility for conducting on their behalf as Co-ordinating Authority all ordinary business, correspondence, and conferences connected with the co-ordination of examinations; but they will consult the Board before committing themselves on questions of principle or policy which are controversial or specially important. Officers of the Board who attend meetings of the Council as Assessors may request the Council to refer any such question to the Board.

8. The first duty of the Council will be to consider the approval of Examining Bodies. In making their recommendations to the Board with regard to such applications the Council will proceed on the general lines laid down in Circular 849, and summarised in paragraph 2 of Circular 933, as modified by paragraphs 8 and 9 of the latter Circular.\*

9. The Council will, subject to the provisions of par. 7 of this Circular, deal with the following matters:—

- (a) The maintenance by each approved Examining Body of an adequate standard both for a pass in the examination and for a pass with credit;
- (b) Investigation of complaints made by School Authorities with regard to examinations;
- (c) Promotion of Conferences with Examining Bodies and others as occasion arises;
- (d) The form and contents of the Certificates issued on the result of the examinations;
- (e) Negotiations with Universities and Professional Bodies for the acceptance of the Examination Certificates as exempting the holders from certain other examinations.

10. The Council will also be at liberty to submit to the Co-ordinating Authority from time to time suggestions for the improvement of the scheme of examinations, especially with the view of keeping the examinations in touch with the development of new studies and methods in the Schools.

11. The Council will present annually to the Co-ordinating Authority a report of its proceedings in the exercise of the functions assigned to it, which will be published by the Board.

#### FINANCE.

12. In order that the new system of examinations may not impose a new financial burden on School Authorities, the Board propose to pay to each School on the Grant List taking an approved examination an additional grant not exceeding 2*l.* on each pupil examined as a member of a Form submitted to the First Examination with the Board's approval, and on each pupil submitted to the Second Examination.

The Board reserve power to withhold or reduce the grant in certain cases, as, for instance, where a pupil is submitted to the First Examination more than once, or is submitted to the Second Examination prematurely.

*L. A. Selby-Bigge*

\* A Memorandum setting forth the outlines of the whole scheme will shortly be issued.



Circular to Local Education Authorities  
and Secondary Schools.

**Circular 1002.**

**15th JUNE, 1917.**

Letters should be addressed—

"The Secretary,

Board of Education,

London.

and should show the complete postal  
address and designation of the writer.

(Consequent on Circulars 849, 933, 996.)

**BOARD OF EDUCATION,**

**LONDON.**

Telegraphic Address : "SECONEDUCATION, LONDON."

**SCHEME FOR THE BETTER ORGANISATION OF  
EXAMINATIONS IN SECONDARY SCHOOLS.**

1. This scheme is designed for the examination of pupils in Secondary Schools recognised by the Board of Education as efficient, but provision is to be made for the admission of other candidates under the age of 19 years.

2. The Universities will supply the responsible Bodies through which the examinations will normally be conducted, but it may be found desirable in some cases that for the purpose of examinations in such subjects as Music, Drawing and Manual Instruction special Examining Bodies should be approved.

3. In order to secure the necessary equality of standard and the acceptance of the examination certificates by University and Professional Bodies as exempting the holders from certain other examinations, and to provide machinery for enabling the scheme to be improved from time to time, the Board of Education will act as a Co-ordinating Authority with the help of a Secondary School Examinations Council comprising representatives of the Universities, Teachers, Local Education Authorities, and Professional Bodies.

4. All matters falling within the functions of the Co-ordinating Authority will stand referred to the Council, which will be entrusted by the Board with the responsibility for conducting on their behalf all ordinary business correspondence and conferences connected with the co-ordination of examinations. The Council will consult the Board before committing themselves on questions of principle or policy which are controversial or specially important. Officers of the Board who attend meetings of the Council as assessors may request the Council to refer any such question to the Board. Subject as above the Council will deal with the following matters :—

(a) The recommendation of Examining Bodies for approval by the Co-ordinating Authority.

(b) The maintenance by each approved Examining Body of an adequate standard both for a Pass in the examinations and for a Pass with Credit.

(c) Investigation of complaints made by School Authorities with regard to examinations.

(d) Promotion of conferences with Examining Bodies and others as occasion arises.

(e) The form and contents of the certificates granted on the result of the examinations and the arrangements for their issue.

(f) Negotiations with Universities and Professional Bodies for the acceptance of the examination certificates as exempting the holders from certain other examinations.



5. The Council will be at liberty to submit suggestions to the Co-ordinating Authority for the improvement of the scheme of examinations, and will make an annual report of its proceedings in the exercise of the functions assigned to it.

6. Examination schemes submitted to the Co-ordinating Authority for approval must fulfil the following conditions :—

(a) Adequate provision must be made for bringing teachers in the Schools into touch with the Examining Body by means of representation on the Examining Body or of some system of regular consultation.

(b) Provision must be made for examining a School on its own syllabus if it so desires, unless in the opinion of the Examining Body (subject, in case of dispute, to the decision of the Examinations Council) the syllabus is inadequate in scope or character.

(c) Head Masters and Head Mistresses must be required to submit to the Examining Body their estimate of the merits of candidates from their Schools in each of the subjects offered by them for examination, to be taken into account in the award of certificates under the scheme.

7. Only two examinations will be recognised for Schools, one suitable for pupils about the age of 16, and one for those about two years older.

8. (a) The first examination will be designed to test the results of the course of general education before the pupil begins such a degree of specialisation as is suitable for advanced work in Secondary Schools.

(b) Schools taking the first examination will be required to present a Form or Forms as a whole and not individual pupils.

(c) The condition of passing will be that candidates shall have reached the required standard in the three main groups of School subjects, viz., English Subjects, Foreign Languages, and Mathematics and Science.

Provision should be made for experiments directed to bringing subjects such as Music, Drawing and Manual Instruction within the scope of the examination, and for enabling them to count under suitable conditions towards the attainment of a certificate.

(d) The group of subjects and not individual subjects will be the unit in respect of which success or failure will be determined.

(e) The standard should be such that a Pass with Credit would entitle a candidate to admission to a University, and a slightly lower standard should be accepted for an ordinary Pass.

9. The second examination will assume that the candidate has, after the stage marked by the first examination, followed a more specialised course on the lines indicated in Chapter VIII of the Regulations for Secondary Schools.

10. Subject to the exercise in particular cases of the Board's discretion under Article 35 of their Regulations for Secondary Schools, Schools will not be required as a condition of recognition for grants to take either examination, but no School will be allowed to arrange its organisation or curriculum or that of any particular Form for the purpose of preparing any pupils or Form for any examination which is not approved by the Board.

11. Certificates respectively appropriate to candidates who have and have not received their previous education in Secondary Schools recognised by the Board as efficient will be granted on the result of the examinations. The form of the certificates and the arrangements for their issue will be approved by the Co-ordinating Authority.

L. A. Selby-Bigge



**BOARD OF EDUCATION,**

*at* THE VICTORIA AND ALBERT MUSEUM,

SOUTH KENSINGTON, LONDON, S.W. 7.

*(Entrance : Exhibition Road.)*

The President of the Board of Education, in pursuance of the policy announced in Circulars 996 and 1002, has constituted a Secondary School Examinations Council to assist the Board in the co-ordination of these examinations.

As the result of a recent conference with representatives of Professional Bodies, the President has decided to withdraw the provision for nomination of a member by a Standing Committee to be set up by them. He has further decided, after consideration of other representations made to him, to add one to the four members to be nominated by the Teachers' Registration Council, and to give the nomination of one member to the Association of Education Committees.

The Council will consist in the first instance of the following persons, with the Rev. William Temple, formerly Head Master of Repton School, as Chairman.

Nominated by—

The Oxford and Cambridge Schools Examination Board.	Mr. P. E. Matheson, Fellow of New College.
The Oxford Delegacy for Local Examinations.	Mr. H. T. Gerrans, Fellow of Worcester College, Secretary to the Delegacy.
The Cambridge Syndicate for Local Examinations.	Mr. J. H. Flather, Secretary to the Syndicate.
The University of Bristol ... ..	Sir Isambard Owen, Vice-Chancellor.
The University of Durham... ..	Dr. W. H. Hadow, Vice-Chancellor.
The University of London ... ..	Dr. R. M. Walmsley, Chairman of the Board to promote the extension of University Teaching; Principal of the Northampton Polytechnic Institute.
The Northern Universities Joint Matriculation Board.	Sir Alfred Dale, Vice-Chancellor of the University of Liverpool; Prof. B. M. Connal, of the University of Leeds; Miss S. A. Burstall, Head Mistress of Manchester High School for Girls.



The County Councils Association ...	Mr. H. Mellish, C.B., Chairman of the Nottinghamshire Education Committee. Dr. H. Lloyd Snape, Director of Education for Lancashire.
The Association of Municipal Corporations	Mr. Councillor Dawson, Chairman of the Hull Education Committee ; Mr. J. G. Legge, Director of Education for Liverpool.
The Association of Education Committees	Not yet appointed.
The Teachers' Registration Council ...	Mr. P. Abbott, Head of the Mathematical Department, The Polytechnic, Regent Street, W. Miss F. M. Gadesden, Head Mistress of Blackheath High School for Girls. Miss E. S. Lees, Assistant Mistress at Clapham High School, S.W. Mr. G. Sharples, Head Master of Waterloo Road School, Manchester. Mr. A. A. Somerville, Assistant Master at Eton College.

For the present Mr. Christopher Cookson and Miss M. Kennedy, H.M. Inspector, will act as Secretary and Assistant Secretary.

The Council will enter on its duties as from the date of this Circular, and will be provided with accommodation at the offices of the Board of Education at South Kensington.

All communications on the subject of Secondary School Examinations should be addressed to the Secretary, Board of Education, Victoria and Albert Museum, Exhibition Road, South Kensington, London, S.W. 7, and the envelope should be marked "Examinations Council."

L. A. Selby-Bigge



5th December 1917.

All communications should be addressed to—  
“The Secretary.”

*Telegraphic Address:*  
Secondeducation, Southkens., London.  
*Telephone No., Western 804.*

BOARD OF EDUCATION,  
at THE VICTORIA AND ALBERT MUSEUM,  
SOUTH KENSINGTON, LONDON, S.W. 7.

### ADVANCED COURSES IN SECONDARY SCHOOLS.

The Board think it desirable at this time to set out, for the information and guidance of School Authorities, the principles on which the provisions for Advanced Courses under the Regulations for Secondary Schools have been framed, together with a statement of the progress already made, and notes on certain doubts or difficulties which have arisen.

Up to the middle of November, between 270 and 280 applications for recognition of Advanced Courses had been received. Of these the greater number came, as was to be expected, from Schools in large urban centres; but a considerable proportion came from Schools in rural or smaller urban areas which already provide advanced instruction and send pupils on to the Universities. The geographical distribution of the applying Schools is uneven, and there are large areas from which no applications have been received. About half of the applications were in respect of Advanced Courses in Science and Mathematics; of the remaining half, those for Courses in Classics were little more than one third of those for Courses in Modern Studies.

Up to the same date, 63 Courses in Science, 13 in Classics, and 19 in Modern Studies had been recognised, either without qualification or subject to certain conditions being met. Nearly 50 were still undetermined, chiefly because fuller or more satisfactory proposals for application of the grant payable under Article 50 were required. In the remainder (about 130) recognition was withheld, either because the syllabus of instruction submitted was unsatisfactory, or because it was not shown that it could be satisfactorily carried out, or because a reasonable number of pupils qualified to enter on the Course was not forthcoming. The proportion of refusals was much largest among Modern Studies Courses. This is due partly to the fact that this type of Course is more of a new departure than the other two, but more largely, as explained in paragraphs 3 and 6 below, to failure on the part of School authorities to grasp fully either the meaning of advanced work, or the principle of coherence, in such a Course.

In any new educational departure, before it has been tested in working, obscurities are found and misunderstandings arise which cannot readily be foreseen. Those that have in fact been brought to the Board's notice can now to a large extent be cleared up by further definition, and this Circular will, the Board hope, be of use as regards both criticism and administration of the Regulations.

1. The Board desire in the first place to make it clear that the provisions embodied in Chapter VIII. of the Regulations, while they are based on certain definite principles, are in their details necessarily of a tentative and experimental character. They must be reviewed, and probably both extended and modified, in the light of experience as it accumulates. Useful exchange of views has already taken place with the Governing Bodies and Head Masters or Head Mistresses of individual Schools, with Associations of Teachers, and with bodies representing the interest of particular studies. The Board invite expert criticism and suggestion from all quarters, with a view to revision as regards both the scope and content of Courses suitable for recognition, and the detailed conditions under which any such Course can be recognised.

2. The Board regard two general principles as essential. These are that an Advanced Course (1) must provide continuous, coherent, and systematic instruction in a group of studies which have organic unity, and (2) must be taken in common by pupils working together as a Class, and sufficient in numbers, regard being had to the size and circumstances of the School, to justify special State aid. In other words, the Regulations are not meant to encourage either “fancy” Courses in an arbitrarily selected collection of disparate subjects, or Courses, however good in themselves, followed by one or two individual pupils only. Further, not only should the bulk of the School time of the pupils concerned be assigned to the group of subjects taken as the Advanced Course, but the substantial nucleus of instruction given in that group should be the same for all the pupils following the Course. Variation as between one pupil and



another in the subsidiary subjects they take is allowed, so far as the special aptitudes of the pupils render desirable and the possibilities of the School time-table permit.

3. The general principles of School organisation in conformity with which the Advanced Course Regulations have been framed were set forth at length in the Board's Circular 826 on Curricula of Secondary Schools, issued in 1913. If the recommendations and suggestions contained in paragraphs 38 to 55, pages 19 to 24, of that Circular had received greater consideration, much misapprehension would have been avoided, and many difficulties need not have arisen.

4. In classifying Advanced Courses under one or other of the three groups named in Article 48, the Board had regard to these principles, as well as to the immediate need of providing, by expansion of the existing organisation of Schools, larger numbers of pupils adequately prepared for further study at a University or Institution of University type. Their object is to encourage higher work in Schools and give it a definite direction. Within or in connection with these groups substantial provision can be made for such advanced study as is proper to the scope of a Secondary School; and this applies not only to pupils who proceed to a University but to those who will complete their general education at School and pass directly from School into the occupations or professions which they take up.

5. Representations have been made to the Board that in the groups as defined no sufficient recognition is given to such important subjects as English Language and Literature, Geography, Art, Civics and Economics, Commerce, and Domestic Subjects. These representations are being carefully considered. But for the present what is most needed is concentration. Any substantial multiplication or subdivision of the three types of Course now recognised would be attended by serious risk. Of these other subjects some, such as Geography, may be and should be provided for within or in connection with one or another of the three recognised groups, while others, so far as specialised or intensive study is concerned, are outside of the proper scope of Secondary School work. Further, considerable latitude is allowed in Science and in Modern Studies Courses as regards the choice of constituent subjects, and the relative importance given to each; and the Syllabuses of Courses already recognised show large variations.

6. In the preparation of Syllabuses for proposed Courses, especially in Modern Studies, proposals have been submitted which have had to be rejected or referred back for substantial amendment on the ground that they do not embody the principle of coherently grouped studies. A very common fault is the absence of any attempt at correlation of History with the period of Modern Literature chosen for special study. It is not required that all the subjects in the group should be carried up to the same standard. Predominance may be given to History, or to two languages, or to History and one language, so long as organic connection between History and Literature, as well as strict linguistic study, is secured. One language must be carried to the standard at which it can become the basis for History and Literature; in the other, a lower standard of proficiency may be accepted. From the study of History that of Geography is, of course, inseparable. A number of Schools, instead of framing their own syllabuses, have merely referred to some examination syllabus (for instance, the Intermediate syllabus of a University) as indicating what they proposed to do. Such syllabuses may suggest the general lines of Advanced Course work, but cannot be assumed, without close scrutiny, to be satisfactory for determining its scope and contents. These should not be determined by any external syllabus at all.

7. A special note is required as to the position which Latin should take in a Modern Studies Course. In a very large number of these, Latin has been proposed as one of the two languages to be taken. But it has generally been assumed that it will be of the same kind as the Latin in a Classical Course, with the result that it is left unrelated to the other subjects. To secure this relation, stress should be laid on acquiring the power of reading Latin rather than on prose composition or minute grammatical work. Among works of the classical period, those should be selected which have had the most important influence on the literature of Modern Europe; and provision might be made for the reading of some amount of mediaeval and later Latin, particularly of works which are concerned with History and are indispensable towards its adequate study.

8. Special importance is assigned in the Regulations to continuance of work in English by pupils following an Advanced Course. Proficiency in English is essential alike as the basis and as the instrument of all advanced studies, and of their effective use in later life. Adequate attention should therefore be paid to it in connection not merely with a Modern Studies Course, but with an Advanced Course of any type. While the share of School time directly given to it will be limited, much valuable work may be done out of School hours by systematic and exact reading, properly directed, supervised, and tested.

Some questions have been asked as to the meaning of "the English language" in the last clause of Art. 48. It may be well therefore to say here expressly that it is to be taken in its wide sense, not as mere linguistic training, but as education in the reading and writing of good English, with accurate study towards that end of some masterpieces of English literature.



9. Some Schools can organise two or even three Advanced Courses; but in many others, the effective organisation of more than one will not be practicable. The establishment of such a single Course will tend to give a particular impress to the scope of the whole School work. But it need not, and should not, follow that the range of the curriculum will be unduly restricted or that premature specialisation will be encouraged. Schools will, with a certain differentiation of type, continue to give a sound general education on broad lines. If this can be achieved a distinct advance will have been made towards the organisation of higher education. Within any given area, it will be possible to plan provision in correspondence with local requirements, to avoid overlapping and duplication of work as between one School and another, and to economise teaching power by using it to the best advantage.

10. While the education of girls should be in no way inferior to that of boys, the educational requirements of boys and girls, like their capacities, are not identical. Girls' Schools, though their curricula are largely (perhaps too largely) modelled on those of Boys' Schools, have characteristic features which call for special treatment. It may prove in the light of experience that the Regulations should be modified in this matter, or that the case can be sufficiently met by further use of the adaptation of Syllabus already permissible. Such subjects, for instance, as Art and Housecraft, may, where conditions are suitable, be properly taken as subsidiary subjects. This is a matter to which the Board are giving careful attention, and to which they invite the attention of School Authorities.

11. It is not the intention of the Board that any part of the Advanced Course Grant shall be devoted to remission of fees or provision of maintenance allowances. The Grant is meant to secure the efficient staffing, equipment and conduct of the Advanced Course itself, and effective preparation for it throughout the School. Its first and most important object is the adequate remuneration of the Teachers concerned. In submitting proposals, details should be given of the expenditure proposed to be made out of this grant under the heads of (i) salaries of Teachers taking part in the work of the Course; (ii) apparatus, books and other equipment necessary for the Course and the work leading up to it. In the matter of salaries the Board are urging that a Teacher qualified to take a principal part in Advanced Course work should receive a salary of not less than 300%; and School Authorities should bear this in mind as a general principle in framing their proposals for application of the Grant. The institution of salaries on a generous scale with secured increments is essential not only for acquiring but for retaining the services of the specially qualified Staff which an Advanced Course requires. It is of course to be understood that in particular cases a much higher salary than 300% may be not only proper but necessary.

12. Where a School is unable to make adequate provision for Advanced work, the principles set forth in paragraph 9 of the Explanatory Note to the Regulations, which are based on the fuller statement made in paragraphs 20 and 56 of Circular 826, will apply. Where transfer at an earlier stage has not been effected, it is open to School Authorities to admit to an Advanced Course pupils who, having reached the due stage of proficiency, are transferred from another Secondary School which does not provide a similar Course. It is also within the competence of a Local Education Authority to provide special maintenance or travelling allowances, where required, for pupils so transferred. Some Authorities are already making special arrangements for this.

13. The Board are fully conscious of the difficulties and drawbacks incident to a system of transferring pupils at this period of school life from one School to another. These may include, besides the minor consideration of loss of Grant in respect of the transferred pupils, removal from the School of specially proficient pupils who are the School's own product and exert a good influence in it; and most important of all, the risk that a School's sense of corporate unity may be enfeebled, that its development may be arrested or discouraged, and that it may find difficulty in creating within itself the nucleus of an Advanced Course. But the Board are glad to note instances in which a Head Master, taking a large and generous view of the position of his School in a wider system, has expressed the desire to transfer his own best pupils to a School where their needs can be more effectively met. As already pointed out, it is not in fact possible for every Secondary School to provide an Advanced Course at all, or for a large number of Schools to provide more than one such Course. The principle of transfer, while it must be very carefully and considerably applied, is therefore essential towards bringing the benefits of Advanced Courses within general reach. The effective organisation of Secondary Education in an area is impossible if each School is treated as an isolated unit, free to take its own line independently of all considerations except its own efficiency and prestige, competing and not co-operating with other schools. It is not contemplated that in any case an Advanced Course will be followed by the whole of the pupils who remain at School after reaching the age and standard at which such a Course may be begun; neither is it the Board's intention to press the transfer of pupils against the advice of the Head Master or Head Mistress, or the wishes of their parents. What the Board are concerned with is that it should be recognised that the provision of facilities for transfer is a proper function of Schools which claim a place in the polity and system of Public Education, and that co-operation between them in this matter is really important.



14. Where two or more Schools can arrange for mutual transfer of pupils so as to create a really strong class in each School for a particular type of Advanced instruction, these difficulties need not arise; and it is obviously advantageous, not only in the general interest of the pupils, for whose sake the Schools exist, but also of the Schools themselves, that there should be, in a single area of accessibility, different Schools providing well organised instruction in Science, in Classics, and in Modern Studies, rather than that each School should be attempting, probably without success, to provide for the different requirements of two or three groups of pupils following different Courses. Without co-ordination, and some corresponding differentiation of function, it is clear that there must be waste of energy and of teaching power, and failure to make any rapid or steady progress. It is not extravagant to hope that a School may find, in the record of pupils whom it has sent on to receive more advanced instruction elsewhere, a prestige and a consciousness of useful work done equivalent to any that it could obtain by endeavouring to do what is beyond its power, or if within its power at all, only by sacrificing the interest of the main body of its pupils to that of a few picked boys or girls.

15. Where there are a Boys' and a Girls' School in the same neighbourhood, the Board will not decline to consider proposals for arrangements under which the Advanced Course organised by one School should be attended by qualified pupils from the other. Whether these pupils should be regarded as members of one School or the other, and to which of the two Schools the Board's grant in respect of them under Articles 36-42 of the Regulations should be credited, are points which may be met by local agreement and which need involve no special difficulties.

16. No minimum number of pupils has been prescribed as the "reasonable number" required under Article 49 (c) of the Regulations; the number must be reasonable having regard to the circumstances of each case, and there must be the prospect of a steady and continuous supply of qualified pupils. Where there are few or no pupils ready to take the second year of the Course forthwith, there must be sufficient assurance that those entering on the first year will proceed to complete their Course in the second year. The Grant is made for maintenance of a Course actually taken by a number of pupils amounting substantially to a Class; it is not given merely in order to enable a School to work up towards the creation of such a Class at some future date.

17. Where Schools are in close proximity, and the combined numbers of advanced pupils are not large, the establishment of a separate Course of the same type in both would mean waste of expenditure and teaching power. Such cases clearly call for co-operation of the Schools after discussion in conference with H.M. Inspector. Failing agreement for such co-operation, the question will be of recognising one School rather than the other, and in this a governing consideration will be the relative strength and qualification of the Staff and the relative completeness of the equipment in the two Schools.

18. On the application of the Local Education Authority the Board will be prepared to sanction suspension of Pupil-Teacherships in order that the Pupil-Teachers concerned may have the advantage of taking an Advanced Course for the full two years as ordinary pupils.

19. The Board recognise that the organisation of Advanced Courses has been attended by special difficulties, both from the depletion alike among Teachers and among older pupils due to the War, and from the shortness of the time between the issue of the Regulations and the commencement of the current School Year. They are convinced, however, that it was right to proceed in the matter, even though experimentally, at once. A large number of Advanced Courses are already recognised and in full working; and the practical experience now being gained will be of the greatest service towards the future. Some apprehension has been expressed as to the position of Schools which have failed at the outset to obtain recognition of an Advanced Course; and it has been suggested that they are thus discouraged from attempting advanced work, and feel themselves relegated to a lower grade, from which it will be difficult to rise into a higher. The Board believe these fears to be exaggerated. While concentration and selection are indispensable, and the object of the Regulations would be defeated if too low a standard of advanced work were set, the Board anticipate that next year, when the principles set forth in this Circular are more fully grasped and any modifications which may prove necessary are made in the Regulations, the number of qualifying Schools will be largely increased; and, in particular, that many which have failed to obtain recognition now will be able to obtain it then. Encouragement to renew application has, in fact, been given in about 50 cases.

20. In the task of considering the improvement and expansion of the provision now being made, the Board invite the assistance of Education Authorities, of representative Associations of Teachers, and of all bodies concerned with the interests of national education.

L. A. Selby-Bigge



All communications should be addressed to "The Secretary."

Telegraphic address :  
Instruction, Southkens, London.

Telephone No. : Western 804.

**Circular 1026.**

**5th February, 1918.**

BOARD OF EDUCATION,  
at THE VICTORIA AND ALBERT MUSEUM,  
SOUTH KENSINGTON, LONDON, S.W. 7.

### **EXAMINATIONS IN SCIENCE AND TECHNOLOGY.**

1. I am directed to refer to the announcement, made in the Prefatory Note to the Regulations and Syllabuses for Examinations in Science and Technology, 1915, of the Board's intention to discontinue these Examinations at a date to be subsequently determined, and to the announcements, made in Circulars 921 and 970, of the discontinuance of the Lower General Examinations after 1916 and of certain of the Higher General Examinations after 1917.

2. The Board have now decided after careful consideration to discontinue the General Examinations altogether after 1918. The Higher General Examinations will be held in that year, with the exceptions specified in Circular 970. The Regulations and Syllabuses which governed the Examinations held in 1915 will remain in force for 1918, so far as they are still applicable.

3. The conditions governing the award of Scholarships, Exhibitions, etc., in Science in 1918 have been announced separately.

4. The Time Tables of the Examinations to be held in 1918 will be issued in due course.

*L. A. Selby-Bigge*

---







**11th March 1918.**

(Consequent on Circulars 849, 933, 996, 1002 and 1010.)

*Telegraphic Address:*

Secunducation, Southkens, London.

*Telephone No.:* Western 804.

**BOARD OF EDUCATION,**

at THE VICTORIA AND ALBERT MUSEUM,  
SOUTH KENSINGTON, LONDON, S.W. 7.

The Board of Education are now in a position to announce that, on the recommendation of the Secondary School Examinations Council, the following Examinations have been recognised by them for the calendar years 1918 and 1919 as approved Examinations, under their scheme for the better organisation of Examinations in Secondary Schools set out in Circular 1002.

**AS FIRST EXAMINATIONS.**

1. The School Certificate Examination of the Oxford and Cambridge Schools Examination Board.
2. The Senior Local Examination of the Oxford Delegacy for Local Examinations.
3. The Senior Local Examination of the Cambridge Local Examinations and Lectures Syndicate.
4. The School Certificate Examination of the University of Bristol.
5. The First School Certificate Examination of the University of Durham.
6. The General School Examination of the University of London.
7. The School Certificate Examination of the Northern Universities Joint Matriculation Board.

**AS SECOND EXAMINATIONS.**

8. The Higher Certificate Examination of the Oxford and Cambridge Schools Examination Board.
  9. The Higher School Certificate Examination of the Oxford Delegacy for Local Examinations.
  10. The Higher School Certificate Examination of the Cambridge Local Examinations and Lectures Syndicate.
  - (a) 11. The Higher School Certificate Examination of the University of Bristol.
  12. The Higher Certificate Examination of the University of Durham.
  - (a) 13. The Higher School Certificate Examination of the University of London.
  14. The Higher Certificate Examination of the Northern Universities Joint Matriculation Board.
- (a) These Examinations will be held for the first time in 1919.

The Board will accordingly pay to each School on the Grant List an additional grant not exceeding 2*l.* on each pupil entered as from the date of this Circular for any of the above-named Examinations held during the years 1918 and 1919 under the conditions set out in paragraph 12 of Circular 996.

In assessing the grant payable in respect of any such Examination, the Board will have regard to the following considerations.

1. The grant in respect of the First Examination will be paid only as stated in paragraph 8 (b) of Circular 1002, on the condition that (subject to withdrawals from illness or other approved cause) Forms as a whole and not individual pupils are entered for it.

Pending revision of the Board's Regulations for Secondary Schools, the clause in Article 35 of the Regulations now in force which forbids the presentation of pupils under 15 years of age for an external Examination without the express permission of the Board, will be waived, in so far as it is inconsistent with the conditions laid down in the preceding paragraphs.



The principal object of the Board in making the grant is to remove the financial difficulty which at present sometimes prevents Schools from so entering Forms as a whole. To such entry of whole Forms the Board attach the greatest importance.

While in theory every pupil, on reaching the proper stage in the School, should take and pass the First Examination at the first attempt, it is recognised that in practice the rule by which whole Forms must be entered without regard to the fitness of individual pupils will frequently involve a considerable proportion of failures, partial or complete. For this and other reasons it will sometimes be necessary that pupils who have taken the Examination once should not be promoted into a higher Form, but should take the same Examination a second time. In such cases the Board will normally pay the fee for the second entry.

On the other hand the Board reserve power to withhold or refuse payment of the fee, if this concession is abused. An excessive number of failures repeated in successive years might indicate a wrong classification of the pupils or some other defect of organisation. Numerous re-entries by candidates who had obtained a certificate might indicate that undue importance was attached to examination results.

Any withholding of the grant for these reasons would not be retrospective, but would be a matter for consideration in assessing it for future years.

2. The proposals of the School with regard to the Examinations to be taken and the Form or Forms to be entered for them in any one year must be submitted to the Board through the Inspector for their approval, on a form which is being prepared and will be issued to all Schools on the Grant List in due course.

If any doubt arises as to which Form or Forms should be entered for the Examinations, the Inspector should be consulted.

3. The intention of the Board is to pay the whole of the Examination charges that have hitherto fallen on the School or on the pupil, up to a maximum of 2*l.* for each candidate entered. Account will be taken (subject always to this maximum) of the Examination fee itself, the "Centre Fee" (if any), and any extra fees for oral or practical examinations or for special papers, together with any charge for a visiting Examiner.

No charge must be imposed by the School on the individual candidate, except as regards any excess beyond the limit of 2*l.*

No payment will be made in respect of candidates entered only for individual subjects to supplement a certificate already gained.

4. The Board anticipate that as a general rule the same approved Examining Body will be charged with the conduct of both the First and the Second Examinations in any one school. They recognise, however, that there may be cases in which the circumstances or organisation of the School make it advisable for the two Examinations to be conducted by different Examining Bodies, or even for different Sides or Departments of the same School to be submitted to a First or a Second Examination conducted by different Examining Bodies.

5. Finally the Board wish to emphasise the fact that in no case may the organisation or curriculum of the School be determined exclusively or principally by the requirements of any examination. It is a cardinal principle that the examination should follow the curriculum and not determine it. They hope that the Examinations now provisionally recognised will furnish Schools with a satisfactory external test of their work, but neither the proper organisation of the School as a whole nor the welfare of individual pupils must be subordinated to examination requirements.

L. A. Selby-Bigge