CHAPTER 67.

An Act to regulate the Employment of Children in Agriculture.

[5th August 1873.]

WHEREAS it is expedient to make regulations with respect to the employment of children in the execution of various kinds of agricultural work, with a view to their better education:

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:

Short title.

1. This Act may be cited for all purposes as "The Agricultural Children Act, 1873."

Extent of Act.

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

Commencement of Act.

3. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-five, which date is herein-after referred to as the commencement of this Act.

Interpretation.

4. The following words and expressions shall in this Act have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meaning; that is to say,

"Child" shall mean a child under twelve years of age:

"Certificated child" shall mean a child for whom a certificate has been obtained in accordance with the provisions of this Act:

"Parent" shall mean the parent, guardian, or person who is liable to maintain or has the actual custody or control over any child:

"School" shall mean a school which the Lords of the Committee of the Privy Council on Education have recognised as giving efficient elementary education; or if there is no school which has been so recognised within two miles, measured according to the nearest road, of the residence of any child, then with respect to such child any elementary school, and shall also include any school certified by the Local Government Board for pauper children under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter forty-three, and any workhouse or district school for paupers under the Poor Law Acts:

"School attendance" shall mean attendance at a morning or afternoon meeting of a school for the whole of the time during which instruction in secular subjects is given at such meeting:

"Employer" shall mean any person occupying not less than one acre of land:

"Agent" shall mean any person acting as bailiff or foreman or on behalf of any employer, including any person contracting for the execution of any kind of agricultural work on land in the occupation of any employer:

"Summary Jurisdiction Acts" shall mean the 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 any Acts amending the same:

"Court of summary jurisdiction" shall mean any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to.

Prohibition of employment of children under eight years in agricultural work.

5. From and after the commencement of this Act it shall not be lawful for any employer or his agent to employ any child under the age of eight years in the execution of any kind of agricultural work, unless he be the parent of such child, and the child be so employed by him on land in his own occupation.

Restrictions on employment of

6. From and after the commencement of this Act it shall not be lawful, subject as herein-after mentioned, for any employer or his agent to employ any child above the age

of eight years in the execution of any kind of agricultural work, unless the parent of such child has obtained and exhibited to the employer or his agent a certificate in the form in the schedule to this Act annexed, or a form similar thereto, and stating the age of the child on his last birthday previous to the date of the issue of the certificate, and that the child has completed, if under ten years of age two hundred and fifty school attendances, and if ten years of age or upwards one hundred and fifty school attendances, within a period commencing not more than twelve months immediately preceding the month in which the certificate is issued. Such certificate shall not for the purposes of this Act be of any force or effect after the expiration of twelve months from the date of the issue thereof.

children above eight years in agricultural work.

7. The parent of any child above eight years of age may apply to the principal teacher for the time being of any school which such child has attended during the twelve months, or any part of the twelve months, immediately preceding the month in which the application is made, to furnish a certificate in the said form specifying the number of school attendances of such child; and any such teacher who, without reasonable cause, makes default in complying with such application shall be guilty of an offence against this Act.

Certificate of school attendances to be given on application of parent.

8. A court of summary jurisdiction in any petty sessional division may, if it thinks fit, upon the written application of any person or persons occupying in the aggregate not less than three hundred acres of land in such petty sessional division, issue a notice declaring the restrictions imposed by this Act on the employment of children to be suspended therein for the period to be named in such notice; and during such period such restrictions shall not (save as to any proceedings commenced before the date of the notice) be of any force within such petty sessional division: Provided that the period or periods so named by any such court shall not exceed in the whole eight weeks between the first day of January and the thirty-first day of December in any year.

The court shall cause a copy of every notice so issued to be sent to the overseers of every parish within such petty sessional division, and the overseers shall affix the same to the door of the principal church in the parish; and the court may further advertise any such notice in such manner (if any) as it may think fit.

Power to suspend temporarily restrictive provisions of Act.

9. Where a court of summary jurisdiction are satisfied that a child has been prevented by illness or some reasonable cause from completing during any twelve months the number of school attendances requisite for obtaining a certificate in accordance with the provisions of this Act, such court may by order made in a summary manner exempt the child for the purposes of this Act from such number of school attendances as may be specified in the order, and a copy of such order shall be delivered gratis to the person applying for the same; and such order shall have the same effect for the purposes of this Act as if it were a certificate that the child had completed the number of school attendances mentioned in such order.

Power of court to exempt from school attendances in case of illness, &c.

10. Nothing in this Act shall render any employer or his agent liable to any penalty for employing any child above the age of eight years for whom no certificate has been obtained in accordance with the provisions of this Act in the operations of hay harvest, corn harvest, or the gathering of hops, nor shall any employer or his agent be liable to a penalty for employing any such child in the execution of other agricultural work, if it is proved to the satisfaction of the court having cognizance of the case either—

(*a.*) That during the twelve months immediately preceding the date of the employment there was no school open at which the child could have completed the number of school attendances requisite for obtaining a certificate in accordance with the provisions of this Act within two miles, measured according to the nearest road, of the residence of such child; or

(*b.*) That the school habitually attended by the child was closed for the holidays or other temporary cause at the time of the employment.

Saving for children employed in harvest or unable to attend school, or employed when school is closed.

11. The provisions of this Act with respect to the employment of children shall not apply in the case of any child who has obtained from one of Her Majesty's Inspectors of

Cases in which provisions of

Act shall not apply.

Schools, or from some person to be deputed by him for the purpose, a certificate under his hand to the effect that such child has reached the fourth standard of education as prescribed by the Minutes of the Education Department for the time being in force with respect to the Parliamentary Grant, or such other standard as may from time to time be fixed for the purpose of this Act by Minute of the Education Department; nor shall the said provisions apply in the case of any child for the time being detained in a certified reformatory school or in a certified industrial school within the meaning of the Reformatory Schools Acts, 1866 and 1872, and the Industrial Schools Acts, 1866 and 1872, respectively.

Persons employing children in contravention of Act deemed guilty of offence against Act.

12. If any employer or his agent employs any child in contravention of any of the provisions of this Act he shall be guilty of an offence against this Act, unless it appears to the court having cognizance of the case that the child was so employed on the representation of his parent and under the belief in good faith that he was a duly certificated child, or above the age of twelve years, in which case the employer or agent shall not be, but the parent shall be, guilty of an offence against this Act.

Penalty for forging, &c. certificate.

13. Every person who forges or counterfeits any certificate required by this Act, or gives or signs any such certificate falsely, or wilfully makes use of any forged, counterfeited, or false certificate, or aids in or abets any of the foregoing offences, shall be liable to be imprisoned for any period not exceeding three months with or without hard labour.

Penalty on offences against Act.

14. Every person guilty of an offence against this Act for which no other punishment is imposed by this Act, shall be liable, if he be an employer or an agent to a penalty not exceeding five pounds, and if he be any other person to a penalty not exceeding one pound.

Summary proceedings for offences against Act.

15. All offences against this Act, and all penalties under this Act, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts, before a court of summary jurisdiction, which, when hearing and determining an information or complaint, or any application under this Act, shall be constituted of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

Repeal of sect. 4 of 30 & 31 Vict. c. 130.

16. So much of the fourth section of the Agricultural Gangs Act, 1867, as enacts that no child under the age of eight years shall be employed in any agricultural gang shall be and the same is hereby repealed; and in lieu thereof be it enacted, that no child under the age of ten years shall be employed in any agricultural gang.

SCHEDULE.

FORM OF CERTIFICATE OF SCHOOL ATTENDANCE.

I hereby certify that the subjoined particulars of date of admission to and number of attendances at School with reference to *A.B.* residing with *C.D.* at are correct.

Name of Child.	Date of Admission to this School.		Number of School Attendances within the Twelve Months ending
	Month.	Year.	

And I further certify, that to the best of my belief the age of the said *A.B.* on his last birthday was years.

(Signed) *M.N.*,
Principal Teacher of School.

Dated of one thousand eight hundred and .

Note.—All numbers in this form must be inserted in words and not in figures.

CHAPTER 68.

An Act for extending the Period of Service in the Militia; and for other purposes. [5th August 1873.]

WHEREAS it is expedient to extend the period of service in the militia, and to make certain other amendments of the law:

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:

Enrolment of militia.

1. Private men for the militia may, by voluntary enlistment only without regard to quota, be recuited by such officers, non-commissioned officers, and men, whether belonging to the militia or to the army, as may be determined by Her Majesty, and may be enrolled to serve for any period not exceeding six years, and any person who, at the date of the passing of this Act, is or may hereafter be enrolled in the militia, may, at any time during the period of his existing enrolment, be re-enrolled to serve in the militia for a further period not exceeding six years from the date of his re-enrolment.

Oath of militiamen.

2. Whereas it is expedient to substitute one form of oath for the various forms of oaths required to be taken by the non-commissioned officers and men of the militia of the United Kingdom, be it enacted that the oath to be taken by any such non-commissioned officer or man shall be as follows; that is to say,

'I *A.B.* do solemnly promise and swear, that I will be faithful to Her Majesty Queen 'Victoria, her heirs and successors, and that I will faithfully serve, in the militia, in any 'part of Great Britain and Ireland for the defence of the same, until I shall be 'discharged.'

And such oath may be administered by any justice of the peace or any lieutenant or deputy lieutenant of a county having jurisdiction in the place in which the person about to take the oath may for the time being be found, or by any commissioned officer of the regiment in which the militiaman is about to be enrolled.

Command and discipline of militia recruits.

3. Militia recruits shall during the period of their recruit training, when the militia battalions to which they belong are not for the time being out for training and exercise, be subject to the command of such officers, whether of the militia or the regular forces, as may from time to time be appointed to serve with the force with which such recruits are being trained, and the officers in this section mentioned shall be competent to sit on any court-martial appointed for the trial of any such recruit for an offence committed by him during the period of his recruit training.

Repeal of sec. 107. of 42 G. 3. c. 90. and sec. 103. of c. 91. and sec. 38. of 49 G. 3. c. 120.

4. Section one hundred and seven of the Act chapter ninety, and section one hundred and three of the Act chapter ninety-one, of the forty-second year of the reign of King George the Third, and section thirty-eight of the Act chapter one hundred and twenty, of the forty-ninth year of the same reign, shall be repealed.