(3.) Where any of the combining authorities are improvement commissioners or a local board the provisions of the principal Act with respect to accounts and audit shall apply to such committee as if they were a local board who were a library authority under the Act.

CHAPTER 12.

An Act to make provision for the establishment of Day Industrial Schools in Scotland and to amend the Education (Scotland) Acts, 1872 to 1883. [9th June 1893.]

WHEREAS it is expedient to make further provision for the education of poor and neglected children and for the establishment of day industrial schools in Scotland, and for that purpose to amend and extend the Education (Scotland) Acts, 1872 to 1883:

Be it therefore 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 as the Day Industrial Schools (Scotland) Act, 1893, and this Act and the Education (Scotland) Acts, 1872 to 1883, shall be construed together as one Act, and may be cited as the Education (Scotland) Acts, 1872 to 1893.

Application.

2. This Act shall apply to Scotland only.

Day Industrial Schools.

Establishment, &c. of day industrial schools.

3.—(1.) If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any parish or burgh, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

29 & 30 Vict. c. 118.

(2.) Any child authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school by an order of a court (other than an attendance order) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State.

(3.) (*a.*) A school board shall have the same power of establishing and maintaining certified day industrial schools as they have of establishing and maintaining certified industrial schools under section forty-one of the Education (Scotland) Act, 1872, and the expense of maintaining such schools, including industrial training and meals, shall form a proper charge on the school fund.

35 & 36 Vict. c. 62.

Provided that for that purpose they may acquire by purchase, or take on lease, any existing schools and teachers' houses, together with any land used or suitable to be used in connexion therewith, without the restriction imposed by section thirty-seven of the said Act.

(*b.*) A school board may contribute such sums of money and on such conditions as it may think fit towards the establishment, building, alteration, or management of a certified industrial school or certified day industrial school, or the purchase of land required for such a school, or the support of the inmates thereof.

(*c.*) For the purposes of this Act two or more school boards, whether of parishes or burghs, with the consent of a Secretary of State, may combine and agree together to establish and maintain a certified industrial school, or a certified day industrial school, or both, common to such parishes or burghs.

(4.) In the case of any complaint under section nine of the Education (Scotland) Act, 1883, a court of summary jurisdiction may order a child to attend a certified day industrial school in the same manner and under the same conditions as such court is empowered by that section to order a child to attend a public or inspected school.

46 & 47 Vict. c. 56.

(5.) The county council of any county or the magistrates of any burgh may contribute to any certified day industrial school on the same terms as they may contribute to any industrial school under section sixty-seven of the Prisons (Scotland) Act, 1877.

40 & 41 Vict. c. 53.

(6.) There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends.

(7.) Where a court of summary jurisdiction orders a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the school board to obtain and enforce the said order, and every sum paid under the order shall be paid into the school fund.

(8.) The managers of a certified day industrial school may, upon the request of the parent of a child, and upon the undertaking of

the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum not exceeding sixpence a week, and on such conditions as a Secretary of State from time to time recommends.

(9.) It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such Order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act. 29 & 30 Vict. c. 118.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such Order shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

(10.) A Secretary of State may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

(11.) If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Proceedings on disobedience to order of court for attendance at school. 46 & 47 Vict. c. 56.

4. Section ten of the Education (Scotland) Act, 1883, is hereby repealed, and in lieu thereof it is enacted as follows:—Where an attendance order is not complied with, without any reasonable excuse within the meaning of the Education (Scotland) Act, 1883, a court of summary jurisdiction, on complaint made by the school board, may, if it think fit, order as follows:

(1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court

that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding twenty shillings with expenses, or of imprisonment not exceeding fourteen days; but if the court is satisfied that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or to a certified industrial school; and

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school:

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the school board at any less interval than one month.

An order under this section directing a child to be sent to a certified industrial school or certified day industrial school shall specify the time during which the child is to be liable to detention in the school, being such period as to the court seems proper, not exceeding three years, nor extending beyond the time when the child will, in the opinion of the court, attain the age of fourteen years.

A child shall be sent to a certified industrial school or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

29 & 30 Vict. c. 118.

Licence to child sent to industrial school to live out while attending school.

5. Where a child is sent to a certified industrial school under this Act the managers of such industrial school may, if they think fit, at any time after the child has been detained in such school for any continuous period of one month, and shall, after the child has been detained in such school for any continuous period of three months, give him a licence under section twenty-seven of the Industrial Schools Act, 1866, to live out of the school, but the licence shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the licence, some school willing to receive him and named in the licence, and being a public or inspected school.

Miscellaneous.

Procedure in cases of default.

6. Where a person fails to pay any weekly sum payable by him in pursuance of an order made under this Act, he may be dealt with

in like manner as if the sums due from him were sums decerned for aliment.

Consent of Secretary of State.

7. The consent of one of Her Majesty's Principal Secretaries of State, and not of the Scotch Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section forty-five of the Education (Scotland) Act, 1872, shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the Board of Education, and such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the First Schedule to the Public Works Loans Act, 1875.

35 & 36 Vict. c. 62.

38 & 39 Vict. c. 89.

By whom orders to be made.

8. No order shall be made under this Act, or under the Industrial Schools Act, 1866, directing a child to be sent to a certified industrial school, or certified day industrial school, except by a sheriff or by any two justices of the peace or any magistrate or magistrates who have jurisdiction under the Summary Jurisdiction (Scotland) Acts, sitting in open court.

Saving of 41 & 42 Vict. c. cxxi.

9. Nothing in this Act contained shall be construed to alter, prejudice, or affect any of the provisions of the Glasgow Juvenile Delinquency Prevention and Repression Act, 1878, or any orders made in pursuance of that Act. Provided nevertheless that the enactment in section thirty of that Act, "that if a parent resident "in any parish is unable to pay the sum required by the said "order to be paid, he or the directors or managers shall apply to "the parochial board of the parish, who, if satisfied of such "inability, shall pay out of the poor fund the said sum, or so "much thereof as they consider him unable to pay," is hereby repealed.

CHAPTER 13.

An Act to enable sanitary authorities in Ireland to take possession of land for the erection of temporary Cholera Hospitals. [9th June 1893.]

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:

Sanitary authority may take possession of site.

1. Upon the publication in the Dublin Gazette of an order made by the Lord Lieutenant in Council declaring that a case of the infectious disease known as spasmodic or Asiatic cholera has occurred in Ireland, the authority of any sanitary district, having