CHAPTER 42.

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

Obligation of parents as to blind and deaf children.

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.

(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.

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

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.

(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.

Provision in case of failure of duty by

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

school authority. 39 & 40 Vict. c. 79.

committee of the authority have failed to perform their duty under this Act, the Education Department may either—

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

(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.

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

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

Provisions as to religious instruction.

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, 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 & 30 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 expenses of blind or deaf child.

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.

54 & 55 Vict. c. 56.

(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.

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

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.

Repeal of powers of guardians to

13.—(1.) As from the first day of July one thousand eight hundred and ninety-four so much of any enactment in force at

send blind or deaf children to school.

that date as empowers boards of guardians to send blind or deaf children to school shall be repealed, except as to children who are—

(*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.

Report to be laid before Parliament.

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.

Interpretation of terms.

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;

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.

17. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four. Commencement of Act.

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. Short title.

CHAPTER 43.

An Act to confer further powers under the Contagious Diseases (Animals) Acts, 1878 to 1892, with respect to Swine Fever. [12th September 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:

1.—(1.) Any money applicable under the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, in cases of pleuro-pneumonia, shall be applicable in cases of swine-fever, and any powers exerciseable under that Act with respect to pleuro-pneumonia and cattle may be exercised with respect to swine-fever and swine, and those powers shall include power to take such measures under the Contagious Diseases (Animals) Acts, 1878 to 1892, as may seem to the Board of Agriculture, or to the Lord Lieutenant and Privy Council in Ireland, necessary for preventing the spread of swine-fever. Application to swine-fever of certain provisions relating to pleuro-pneumonia. 53 & 54 Vict. c. 14.

(2.) Provided that, the compensation to be paid for any animal slaughtered under the powers conferred by this section shall be the value of the animal immediately before it was slaughtered, or, if the animal was affected with disease, one-half of the value of the animal immediately before it became so affected.

(3.) Provided also that, after the expiration of the present financial year, of the money provided by Parliament for the cattle pleuro-pneumonia accounts under the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, not more than fifty thousand pounds shall be so provided for the costs of the execution of this Act as respects swine-fever in any one year, and if in any future financial year the money standing to either of the cattle pleuro-pneumonia accounts, including the proceeds of the sale of carcases, is insufficient to defray the costs chargeable on such account the residue shall be defrayed in manner directed by subsection four of section two of the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, with respect to Great Britain, or with respect to Ireland out of the general account of the General Cattle Diseases Fund.

(4.) The definition of the expression "disease" in section five of the Contagious Diseases (Animals) Act, 1878, shall include swine-fever, that is to say, the disease known as typhoid fever of swine, soldier, purples, red disease, hog cholera, or swine plague. 41 & 42 Vict. c. 74.