CHAPTER 56.

An Act to amend the Laws relating to Education in Scotland, and for other purposes connected therewith.

[25th August 1883.]

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 as the Education (Scotland) Act, 1883, and this Act and the Education (Scotland) Act, 1872, and the Education (Scotland) Act, 1878, may be cited together as the Education (Scotland) Acts, 1872 to 1883.

Commencement and application of Act.

2. This Act shall, except in so far as otherwise provided, come into operation on the first day of January one thousand eight hundred and eighty-four, and shall apply to Scotland only.

Definitions.

3. The term "Education Acts" in this Act means the Education (Scotland) Act, 1872, the Education (Scotland) Act, 1878, and this and any other Act amending the same.

In the "Education Acts" sheriff includes sheriff substitute.

A court of summary jurisdiction under this Act shall consist of a sheriff, sitting either in the ordinary sheriff court or at any place where circuit courts are held for the determination of small debt causes, or one or more justices of the peace sitting in open court, or the provost or bailie of any royal or parliamentary burgh, or a magistrate of police of any police burgh or a judge of police sitting in the police court.

Amendment of s. 69 of the Education (Scotland) Act, 1872.

4. Section sixty-nine of the Education (Scotland) Act, 1872, shall be read and have effect as if it provided that it shall be the duty of every parent to provide efficient elementary education in reading, writing, and arithmetic for his children who are between five and thirteen years of age, and who have not obtained a certificate of ability to read and write and of a knowledge of elementary arithmetic under section seventy-three of the said Act as amended by this Act, and also for any of his children between thirteen and fourteen years of age who have not obtained such certificate.

Amendment of s. 70 of the Education (Scotland) Act, 1872, and s. 22 of the Education (Scotland) Act, 1878.

5. Section seventy of the Education (Scotland) Act, 1872, and section twenty-two of the Education (Scotland) Act, 1878, shall be amended as follows:—

(1.) Section seventy of the first-mentioned Act shall be read and have effect as if it did not contain the words "and are failing and omitting" and the words "and is grossly and".

(2.) Section twenty-two of the second-mentioned Act shall be read and have effect as if for the word "thirteen" therein the word "fourteen" were substituted, and as if after the words "the said fees" therein the words "at any public or inspected "school selected by the parent or, failing such selection, "appointed by the sheriff" were inserted.

Provisions as to children employed in labour.

6. From and after the first day of September one thousand eight hundred and eighty-five, notwithstanding the provisions of section five of the Education (Scotland) Act, 1878, and of any Act of Parliament regulating the education of children employed in labour, the said Acts shall be read and have effect as if they provided that it

shall not be lawful for any person to take into his employment a child being of the age of ten years and not more than fourteen years, unless such child (1) has passed the third standard prescribed by the minutes of the Scotch Education Department regulating the administration of the parliamentary grant for education in Scotland for the year one thousand eight hundred and eighty-three, or a corresponding standard prescribed by the said minutes for any subsequent year, and is attending a public or inspected school in accordance with the provisions of the twenty-third section of the Factory and Workshop Act, 1878, or of any minute of the Scotch Education Department fixing the number of the attendances at school to be required of such children; or (2) has obtained a certificate of ability to read and write, and of a knowledge of elementary arithmetic under the seventy-third section of the Education (Scotland) Act, 1872, as amended by the immediately succeeding section.

Nothing in this section shall make it lawful to take into full-time employment any child under the age of thirteen years in a factory or workshop which is subject to the provisions of the Factory and Workshop Act, 1878.

Provided that nothing in this section shall prevent an employer from employing any child who is employed by him or by any other person before the first day of September one thousand eight hundred and eighty-five, and who attends school in accordance with the provisions of the Factory and Workshop Act, 1878.

Amendment of s. 73 of the Education (Scotland) Act, 1872.

7. A certificate of ability to read and write, and of a knowledge of elementary arithmetic, shall not be granted in favour of any child by one of Her Majesty's inspectors, under section seventy-three of the Education (Scotland) Act, 1872, unless such child has passed the fifth standard prescribed by the minutes of the Scotch Education Department regulating the administration of the parliamentary grant for education in Scotland for the year one thousand eight hundred and eighty-three, or a corresponding standard prescribed by the said minutes for any subsequent year.

Meaning of passing a standard.

8. Passing a standard within the meaning of the two immediately preceding sections signifies passing in each of the three subjects of reading, writing, and elementary arithmetic, as prescribed for the respective standards of examination by the Minutes of the Scotch Education Department regulating the administration of the Parliamentary Grant for Education in Scotland for the year one thousand eight hundred and eighty-three, or for any subsequent year.

Provision as to order of a court for attendance at school of child neglected by parent.

9. If the parent of any child without reasonable excuse neglects to provide efficient elementary education as aforesaid for his child, or fails to secure the regular attendance of his child at some public or inspected school, it shall be lawful for the school board, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some public or inspected school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such as the court think expedient, and the child shall attend that school every time the school is open, and during the whole time

such school is open for the instruction of children of similar age, including the day fixed by Her Majesty's inspector for his annual visit, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Proceedings on disobedience to order of court for attendance at school.

10. Where an attendance order is not complied with without reasonable excuse, a court of summary jurisdiction, on complaint made by the school board, may, if it think fit, impose a penalty not exceeding twenty shillings, with expenses, or of imprisonment not exceeding fourteen days.

A complaint under this section shall not be repeated at any less interval than one month.

Reasonable excuse.

11. Any of the following reasons shall be a reasonable excuse within the meaning of sections seventy and seventy-two of the Education (Scotland) Act, 1872, and of the two immediately preceding sections of this Act, namely,—

(*a.*) That the child has been prevented from attending school by sickness or any other unavoidable cause:

(*b.*) That there is no public or inspected school which the child can attend within three miles, measured according to the nearest road, from the residence of such child.

Duty of school board to take proceedings under this Act.

12. Where the school board are informed by any person of any child in their district who is stated by that person not to be in course of receiving elementary education by regular attendance at some public or inspected school or otherwise, it shall be the duty of the school board to take proceedings under sections nine and ten of this Act, unless the school board, for reasons to be set forth in their minutes, think that it is inexpedient to take such proceedings.

Provisions for combination school.

13. Where the Scotch Education Department are of opinion that it would be expedient that two or more school boards, whether of parishes or burghs or parishes and burghs, should combine for the purpose of providing or maintaining and keeping efficient a school or schools common to such parishes or burghs or parishes and burghs, they may, after such inquiry and notice as shall seem proper, send the said school boards a requisition requiring them to combine for the purpose of providing or maintaining, and keeping efficient such school or schools, upon terms and conditions set forth in such requisition; and the said school boards shall comply with such requisition without undue delay, and if they fail they may be summarily compelled to do so by the Court of Session, on a petition and complaint at the instance of the Lord Advocate; and for the more efficient and economical working of this Act in those districts which have no public school or schools in their own district, the Scotch Education Department shall have power to combine under one board such district or districts with an adjoining district, whether burghal or landward, or partly burghal and partly landward, upon such terms and conditions as may seem to such department reasonable.

Mode of procedure and expenses of prosecutions.

14. Section twenty-three of the Education (Scotland) Act, 1878, is hereby repealed, and in lieu thereof it is enacted as follows:

Every prosecution for penalties, or for the purpose of obtaining any order under the Education Acts, or for the purpose of obtaining or enforcing an attendance order under this Act, may take place before a court of summary jurisdiction (whose decision shall be final,

but subject to the provisions of the Summary Prosecutions Appeals (Scotland) Act, 1875,) under the provisions of the Summary Jurisdiction Acts, and in any such prosecution any person appointed by the school board, or any inspector or sub-inspector of factories, workshops, or mines, as the case may be, may appear before the court and conduct the prosecution.

It shall not be lawful to award expenses against (1) any person appointed by a school board to prosecute, whether that person is or is not a procurator fiscal; or (2) against any inspector or sub-inspector acting under the Acts regulating factories, workshops, or mines respectively.

Where a prosecution, as in this section mentioned, is instituted by a school board before a court of summary jurisdiction, no member of such school board shall be qualified to act as a member of such court.

Construction of this Act with other enactments.

15. Where any act, neglect, or default is punishable under this Act, and also under any other enactment, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment, so that proceedings under one enactment only be instituted in respect of the same act, neglect, or default.

CHAPTER 57.

An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks. [25th August 1883.]

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:

PART I. PRELIMINARY.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1883.

Division of Act into parts.

2. This Act is divided into parts, as follows:—

Part I.—PRELIMINARY.
Part II.—PATENTS.
Part III.—DESIGNS.
Part IV.—TRADE MARKS.
Part V.—GENERAL.

Commencement of Act.

3. This Act, except where it is otherwise expressed, shall commence from and immediately after the thirty-first day of December one thousand eight hundred and eighty-three.

PART II. PATENTS.

PART II.

PATENTS.

Application for and Grant of Patent.

Persons entitled to apply for patent.

4. (1.) Any person, whether a British subject or not, may make an application for a patent.