CHAPTER 47.

An Act to amend the Law with respect to the Capacity of Women to sit in Parliament. [21st November 1918.]

BE 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:

Capacity of women to be members of Parliament.

1. A woman shall not be disqualified by sex or marriage for being elected to or sitting or voting as a Member of the Commons House of Parliament.

Short title.

2. This Act may be cited as the Parliament (Qualification of Women) Act, 1918.

CHAPTER 48.

An Act to make further provision with respect to Education in Scotland and for purposes connected therewith. [21st November 1918.]

BE 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:

EDUCATION AUTHORITIES.

Education authorities.

1. A local authority for the purposes of education (in this Act called the "education authority") shall be elected in and for each of the following areas (in this Act called "education areas"), that is to say, in and for—

(*a*) each of the burghs mentioned in the First Schedule to this Act (in this Act called the "scheduled burghs"); and

(*b*) every county, including every burgh situated therein not being one of the scheduled burghs.

Electoral divisions and constitution of authorities.

2.—(1) For the purpose of such elections, the Secretary for Scotland shall, as soon as may be after the passing of this Act, by order divide each education area into electoral divisions, and in determining the boundaries thereof, he shall have regard, so far as may be, to the boundaries of wards in scheduled burghs, and of districts, burghs and parishes in counties.

(2) The Secretary for Scotland shall also by order determine the number of members to be elected to each education authority, and shall apportion them among the electoral divisions of the education area. In making such determination and apportionment the Secretary for Scotland shall have regard to the population, area, and other circumstances of the scheduled burgh or county, as the case may be, and the electoral divisions thereof.

(3) Before making an order under this section, the Secretary for Scotland shall cause the proposed order to be published in such

manner as to make the same known to all persons interested, and shall, after considering any objections and representations respecting the proposed order, and causing a local inquiry to be held if he sees fit to do so, thereafter make the order and cause the same to be forthwith published in the Edinburgh Gazette and in a newspaper circulating in the education area.

School management committees.

3.—(1) It shall be the duty of every education authority to prepare and submit to the Department for their approval a scheme or schemes for the constitution of committees (in this Act called "school management committees") for the management of schools or groups of schools under their control throughout their education area.

Every such scheme shall contain provision—

(*a*) for the due representation on each school management committee of the education authority and of the parents of the children attending the schools under the management of such committee; and

(*b*) for the appointment thereto, on the nomination of the teachers engaged in the schools under the management of such committee, or, failing such nomination, directly, of at least one such teacher; and also

(*c*) in the case of a school management committee having under its management one or more transferred schools, for the appointment thereto of at least one member in whose selection regard shall be had to the religious belief of the parents of the children attending such school or schools.

Further, in the case of a county, every such scheme shall have regard to the desirability of constituting separate school management committees for individual burghs and parishes, and shall provide for the appointment thereto, on the nomination of local bodies (including town and parish councils and at the first constitution outgoing school boards), or, failing such nomination, directly, of persons resident in the locality and otherwise qualified to represent local interests in school management.

(2) A school management committee shall, subject except as hereinafter provided to any regulations and restrictions made by the education authority, have all the powers and duties of that authority in regard to the general management and supervision of the school or group of schools, including attendance thereat:

Provided that in the case of a county a school management committee having under its management a secondary school shall have all the said powers and duties not subject to any such regulations or restrictions:

Provided further that the education authority shall in every case themselves retain, exercise, and perform all their powers and duties in regard to—

(*a*) the raising of money by rate or loan and the general control of expenditure;

(*b*) the acquisition or holding of land;
(*c*) the appointment, transfer, remuneration and dismissal of teachers;
(*d*) the appointment of bursars, and the exercise of the powers conferred by the section of this Act relating to power to facilitate attendance at secondary schools and other institutions; and
(*e*) the recognition, establishment, or discontinuance of intermediate or secondary schools or of centres of advanced technical instruction.

POWERS AND DUTIES OF EDUCATION AUTHORITIES.

Power to facilitate attendance at secondary schools and other institutions.

4.—(1) It shall be lawful for an education authority, with a view to securing that no child or young person resident in their education area who is qualified for attendance at an intermediate or secondary school, and in their opinion formed after consideration of a report from the teachers concerned shows promise of profiting thereby, shall be debarred therefrom by reason of the expense involved, to grant assistance in the case of any such child or young person by payment of travelling expenses, or of fees, or of the cost of residence in a hostel, or of a bursary or maintenance allowance, or any combination of these forms of assistance, or otherwise, as the authority think fit. And it shall also be lawful for an education authority similarly to assist any duly qualified person resident in their education area to enter or attend a university, or a training college, or a central institution (including classes affiliated thereto), or in special cases any other educational institution approved for the purpose by the Department.

(2) It shall further be lawful for an education authority to grant assistance by payment of travelling expenses necessarily incurred in the case of any person resident in their education area in attending continuation classes under a scheme for instruction in such classes as in this Act provided.

(3) Any assistance granted under this section shall be such as the education authority consider proper and necessary, having regard to the circumstances of each case, including the circumstances of the parents.

Provision of books for general reading.

5. It shall be lawful for the education authority of a county, as an ancillary means of promoting education, to make such provision of books by purchase or otherwise as they may think desirable, and to make the same available not only to the children and young persons attending schools or continuation classes in the county, but also to the adult population resident therein.

For the purposes of this section an education authority may enter into arrangements with public libraries, and all expenses incurred by an education authority for those purposes shall be chargeable to the county education fund: Provided that where

50 & 51 Vict. c. 42.

in any burgh or parish as defined by the Public Libraries Consolidation (Scotland) Act, 1887, the library rate by that Act authorised is levied, there shall be raised within such burgh or parish on account of any such expenses such sum as will, with the produce of the said library rate, amount to the sum which would have been raised within such burgh or parish under this section had such library rate not been levied within it.

Schemes for provision of education.

6.—(1) It shall be the duty of every education authority within twelve months after the appointed day to prepare and submit for the approval of the Department—

(*a*) a scheme for the adequate provision throughout the education area of the authority of all forms of primary, intermediate and secondary education in day schools (including adequate provision for teaching Gaelic in Gaelic-speaking areas) without payment of fees, and if the authority think fit for the maintenance or support (in addition and without prejudice to such adequate provision as aforesaid) of a limited number of schools where fees are charged in some or all of the classes;

(*b*) a scheme for the exercise by the education authority of their powers under the section of this Act relating to power to facilitate attendance at secondary schools and other institutions, together with an estimate of the expenditure involved therein; and

(*c*) a scheme of scales of salaries for the teachers employed by the authority satisfying such conditions as to minimum national scales of salaries for teachers as may be laid down by the Department after consultation with representatives of the education authorities and of the teaching profession; provided that such minimum scales of salaries shall be independent of any payment made to teachers out of any bequest or endowment, the object of which is to secure special emoluments to any class of teachers or to the teachers of any special locality.

(2) Every education authority may at any time, and shall if and when so required by the Department, prepare and submit for the approval of the Department a revised scheme or modifications of an existing scheme under this section.

(3) Schemes prepared and submitted under this section shall include transferred schools.

Religious instruction.

7. Whereas it has been the custom in the public schools of Scotland to give instruction in religion to children whose parents did not object to the instruction so given, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not receive such instruction, be it enacted that education authorities shall be at liberty to continue the said custom, subject to the provisions of

section sixty-eight (Conscience Clause) of the Education (Scotland) Act, 1872. 35 & 36 Vict. c. 62.

8. It shall be lawful for every education authority to make arrangements for— Nursery schools.

(*a*) supplying or aiding the supply of nursery schools for children over two and under five years of age (or such later age as may be approved by the Department) whose attendance at such a school is necessary or desirable for their healthy physical and mental development; and

(*b*) attending to the health, nourishment, and physical welfare of children attending nursery schools.

9.—(1) It shall be lawful for every education authority to contribute to the maintenance of any school not under their own management which is included in the scheme for the provision of education within the education area of that authority approved by the Department, and in which the teachers are remunerated at a rate not lower than the rate for teachers of similar qualifications employed by the authority, as also to the maintenance of any central institution or university, and to make a reasonable representation of the authority on the governing body of any such school or central institution (where such representation is not already provided for) a condition of any contribution other than a contribution required by the following subsection. Contributions to maintenance of certain schools and institutions.

(2) Every education authority shall continue to contribute to the maintenance of any school within their education area but not under their own management which at the passing of this Act was recognised by the Department as an intermediate or secondary school, so long as such school continues to be so recognised, an amount not less than the contribution made to such school in terms of subsection (4) (*a*) and (*b*) of section seventeen of the Education (Scotland) Act, 1908, in respect of the financial year ending on the fifteenth day of May nineteen hundred and fourteen, by any secondary education committee whose powers and duties are by this Act transferred to that education authority: 8 Edw. 7. c. 63.

Provided that the amount of the contribution required to be made under this subsection shall not exceed the amount by which the income of such school from all other sources falls short of the expenditure.

Any question arising as to the application of this subsection to any school or as to the amount of any contribution so made or to be made shall be determined by the Department, whose determination shall be final.

(3) Every education authority shall contribute in each year towards the aggregate expense of maintenance of the training colleges throughout Scotland such sum as the Department may determine, being a sum proportioned to the number of fully

qualified teachers in the service of each education authority on the thirty-first day of March in each year.

(4) It shall be lawful for every education authority with the sanction of the Department to contribute to the maintenance of any educational institution or agency, where such contribution appears to the Department desirable for the educational benefit of persons resident within the education area of the authority.

Contribution in respect of non-resident pupils attending schools.

10. Where an education authority or any other governing body provide and maintain a school, not conducted for profit, which is recognised by the Department, and is attended by children whose parents are resident outwith the education area in which the school is situated, there shall be paid in each year to that authority or to that governing body, as the case may be, out of the education fund of each education area in which any such parents are so resident, a sum equal to the cost of the education of such children (including in such cost repayment of and interest on loans for capital expenditure) after deduction, (*a*) in the case of a school maintained by an education authority, of income from all sources of income other than education rate, and (*b*) in the case of a school maintained by any other governing body, of income from grants made by the Department and from fees:

Provided that no payment shall be made under this section out of the education fund of any education area in respect of any child for whom it is shown to the satisfaction of the Department that accessible accommodation is available in a suitable school provided within that area, regard being had to all the circumstances, including the religious belief of his parents.

Acquisition of land.

11.—(1) An education authority may from time to time, for the purposes of any of their powers and duties under the Education Acts, acquire, purchase, feu, or take on lease any land.

(2) For the purpose of the acquisition of land by an education authority under the Education Acts, the Lands Clauses Acts shall be incorporated with those Acts, except the provisions of the Lands Clauses Acts relating to the purchase and taking of land otherwise than by agreement.

(3) An education authority may be authorised to purchase land compulsorily by means of an Order submitted to and confirmed by the Department in accordance with the provisions contained in the First Schedule to the Housing, Town Planning, &c., Act, 1909, as applied to Scotland, and those provisions shall have effect for the purpose, with the substitution of the Department for the Local Government Board for Scotland, of the education authority for the local authority, and of references to the Education Acts for references to "this Act":

9 Edw. 7. c. 44.

Provided that an order for the compulsory purchase of land of the nature which by section forty-five of the Housing, Town

Planning, &c., Act, 1909, is exempt from compulsory acquisition for the purposes of the Housing of the Working Classes Act, 1890, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament. 53 & 54 Vict. c. 70.

(4) In this section, and in the Lands Clauses Acts as hereby incorporated, the expression "land" includes water and any right or servitude in or over land or water.

Power to promote or oppose Bills.

12. An education authority shall have the like powers of promoting or opposing Bills or Provisional Orders, and shall be subject to the like restrictions in regard thereto, as are conferred and imposed upon county councils by section fifty-six of the Local Government (Scotland) Act, 1889, as read with the Private Legislation Procedure (Scotland) Act, 1899, and extended by the County Councils (Bills in Parliament) Act, 1903 52 & 53 Vict. c. 50. 62 & 63 Vict c. 47. 3 Edw. 7. c. 9.

Expenses of education authorities.

13.—(1) The expenses of an education authority (including the expenditure incurred by school management committees and local advisory councils in the performance of their duties and approved by the authority) shall be paid out of the education fund of the education area, which shall come in place of the school fund referred to in section forty-three of the Education (Scotland) Act, 1872, and of the district education fund referred to in section seventeen of the Education (Scotland) Act, 1908.

There shall be carried to the education fund all money received as grants from the Department, or raised by way of loan, or transferred to the education authority under this Act, or otherwise received by the education authority for the purposes of that fund, and not by this Act or otherwise specially appropriated, and any deficiency in that fund, whether for satisfying present or future liabilities, shall be raised by the education authority as hereinafter provided.

(2) Every education authority shall annually ascertain the amount of such deficiency, and, unless and until Parliament otherwise determine in any statute amending the law of rating in Scotland, shall allocate and apportion the same among the parishes comprised in the education area, according to their respective valuations in the valuation roll, and shall, annually on or before a date to be fixed jointly by the Department and the Local Government Board for Scotland, certify to the parish council of each such parish the amount so allocated and apportioned thereupon, and the parish council may and shall impose, levy, and collect the same within such parish, under the name of "education rate," in the manner prescribed by section thirty-four of the Poor Law (Scotland) Act, 1845, with respect to the poor rate, and along with, but as a separate assessment from that rate, and shall, from time to time as they collect it, pay over the amount collected to the education authority, without any deduction on account of the cost of levying and collecting the same; and the laws applicable for the time being 8 & 9 Vict. c. 83.

to the imposition, collection and recovery of the poor rate shall be applicable to the education rate:

Provided that in parishes where no poor rate is levied, or where the poor rate is imposed otherwise than in the manner prescribed by section thirty-four of the Poor Law (Scotland) Act, 1845, the education rate shall nevertheless be imposed, levied, and collected by the parish council in the manner prescribed by that section.

(3) In ascertaining the amount of the deficiency in the education fund, and allocating and apportioning the same among the parishes comprised in the education area, the education authority shall take into account and have regard to—

(*a*) any income, revenue, or contribution paid to the authority in pursuance of section forty-six of the Education (Scotland) Act, 1872;

(*b*) any money (not included in the preceding paragraph) arising from a trust or endowment, and paid to the authority for behoof of any school in any parish within the education area, or for the promotion of education in any such school, or for or towards the income of any teacher therein;

(*c*) the restriction contained in the proviso to the section of this Act relating to provision of books for general reading; and

(*d*) the direction contained in this Act as to any surplus or deficiency shown in the accounts of a school board made up and balanced as at the appointed day.

(4) Any surplus of education rate which may arise in any one year shall be applied for the purposes of the ensuing year, and in like manner any deficiency which may occur in any year shall be included in the rate for the ensuing year.

(5) In the foregoing subsections of this section the expression "parish" includes a portion of a parish, and where a parish is comprised in two or more education areas, the education authority for each such area shall, in allocating and apportioning the amount of the deficiency in the education fund as hereinbefore provided, take into account and have regard to that portion only of such parish which is comprised within their own education area; and no education rate shall be imposed, levied, or collected in any parish or portion of a parish other than the education rate for the education area in which such parish or portion of a parish is comprised.

EXTENSION OF SCHOOL AGE—CONTINUATION CLASSES—EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

Extension of school age.

14.—(1) The duty of every parent to provide efficient education for his children shall continue in respect of each child until that child has attained the age of fifteen years, and exemption from attendance at school shall not be granted to

any child who has not attained the age of thirteen years; and the provisions of the Education Acts which relate to that duty and to such exemption are hereby amended accordingly, that is to say:—

In sections two and three of the Education (Scotland) Act, 1901, and in section seven of the Education (Scotland) Act, 1908, the word "thirteen" shall be substituted for the word "twelve" and the word "fifteen" for the word "fourteen" respectively wherever those words occur in those sections, and the word "fifteenth" shall be substituted for the word "fourteenth" in subsection (3) of the said section seven. 1 Edw. 7. c. 9.

(2) It shall be the duty of every education authority to exercise the power of prescribing (subject to the approval of the Department) dates of commencing and terminating school attendance conferred by subsection (2) of the said section seven.

(3) Nothing in this section shall—

(*a*) prevent any employer from employing any child who is lawfully employed by him or by any other person before the appointed day; or

(*b*) affect any exemption from attendance at school granted before the appointed day; or

(*c*) affect the provisions of the Education of Blind and Deaf-mute Children (Scotland) Act, 1890, the Education of Defective Children (Scotland) Act, 1906, as read with the Education (Scotland) Act, 1908, or the Mental Deficiency and Lunacy (Scotland) Act, 1913, relating to the attendance at school of the children to whom those Acts apply. 53 & 54 Vict. c. 43. 6 Edw. 7. c. 10. 8 Edw. 7. c. 63. 3 & 4 Geo c. 38.

15. Sections nine and ten of the Education (Scotland) Act, 1908, are hereby repealed and in lieu thereof— Continuation classes.

(1) Every education authority shall, after due inquiry and consultation with persons concerned in local crafts and industries and with due regard to local circumstances generally, prepare and submit for the approval of the Department a scheme or schemes for the part-time instruction in continuation classes of all young persons within the education area of the authority who may under this Act be required to attend such classes:

(2)—(*a*) Every education authority shall prepare and submit for the approval of the Department under this section—

(i) within one year after the appointed day a scheme applicable to young persons under the age of sixteen years; and

(ii) as soon thereafter as the Department may require a scheme or schemes applicable to young

persons of any age greater than sixteen but not exceeding eighteen years:

(*b*) When a young person to whom any such scheme applies attains the age of sixteen years or any greater age as the case may be during any continuation class session, he shall for the purposes of this section be deemed not to have attained such age until the close of such session, so, however, that a young person shall not by reason of this provision be required to attend continuation classes for more than three months after he has attained such age:

(3) For the better preparation and carrying into effect of schemes under this section, and in particular for the registration and classification of young persons within their areas, it shall be the duty of education authorities to communicate and co-operate with associations or committees of employers and workmen concerned in the registration or supervision of apprentices in trades where apprentices are employed, or with similar associations or committees in trades or businesses where young persons, though not apprenticed thereto, have the prospect of regular employment therein in later years, and to encourage the formation of such associations or committees, and to register and classify young persons within their areas according to their employment in such trades or businesses or in occupations which do not afford the prospect of such regular employment, and to have regard to the educational requirements of such young persons with respect alike to their present and to their prospective employments:

(4) Every such scheme shall provide for—

(*a*) instruction in the English language and literature, and in such other parts of a general education as may be deemed desirable;

(*b*) special instruction conducive to the efficiency of young persons in the employment in which they are engaged or propose to be engaged; and

(*c*) instruction in physical exercises adapted to age and physique: Provided that for this purpose account may be taken of instruction in such exercises afforded at holiday camps or in connection with boys' brigades or kindred organisations if the instruction so afforded is approved by the education authority as satisfactory:

(5) The instruction given in continuation classes under any such scheme shall amount for each young person to an aggregate of at least three hundred and twenty hours of attendance in each year distributed as regards times and seasons as may best suit the circumstances of each locality:

Provided that no attendance at classes held between the hours of seven in the evening and eight in the morning shall be reckoned as part of the necessary aggregate of three hundred and twenty hours of attendance, except in circumstances and to the extent specially approved by the Department:

(6) The obligation to attend continuation classes under any such scheme shall not apply to any young person who—

(i) is above the age of fourteen years on the appointed day; or

(ii)—(*a*) is in full-time attendance at a recognised primary, intermediate, or secondary school; or

(*b*) is shown to the satisfaction of the education authority to be receiving suitable and efficient instruction in some other manner; or

(iii)—(*a*) has been in full-time attendance at a recognised intermediate or secondary school until the close of the school session in which he has attained the age of seventeen years and is certified by the school authorities to have completed the post-intermediate course; or

(*b*) has attained the age of seventeen years and is shown to the satisfaction of the education authority to have completed a course of instruction equivalent in value to the post-intermediate course; or

(*c*) has satisfactorily completed a course of training for, and is engaged in, the sea service, in accordance with the provisions of any national scheme which may hereafter be established, by Order in Council or otherwise, with the object of maintaining an adequate supply of well-trained British seamen, or, pending the establishment of such scheme, in accordance with the provisions of any interim scheme approved by the Department:

The obligation to attend continuation classes under any such scheme shall not, within a period of three years from the appointed day on which the provisions of this section come into force, apply to young persons between the ages of sixteen and eighteen, nor after such period to any young person who has attained the age of sixteen before the expiration of that period:

(7) Whenever a scheme has been approved by the Department, the education authority shall, in such manner as the Department may by order prescribe, require every young person to whom the obligation to attend continuation classes under such scheme applies to attend with due regularity for instruction in accordance with the scheme at such times and places as the education authority may appoint:

Provided that an education authority may, upon such conditions as they think fit, exempt any young person from the obligation to attend continuation classes where, after due inquiry, the authority are satisfied that the circumstances justify such exemption, and the provisions of section three of the Education (Scotland) Act, 1901, relating to the keeping of a register and to the power of the Department, shall, with the necessary modifications, apply to exemptions granted under this provision:

(8) If it appears to an education authority that any young person of the age of fifteen years and upwards is neglecting or failing without reasonable excuse to comply with any such requirement of the authority, it shall be lawful for that authority after due warning to such young person and to his parent and employer (if any) to summon the young person, with or without his parent or employer, to appear before the authority at any meeting thereof, and to require from him or them every information and explanation respecting such neglect or failure; and if such young person or his parent or employer, or some person on his or their behalf, either does not appear, or appears and does not satisfy the authority that there is reasonable excuse for such neglect or failure, it shall be lawful for the authority to order in writing that such young person shall comply with such requirement, or with such other requirement as to attendance as the authority may direct. The authority shall cause a copy of any such order to be served by post on the young person to whom it relates, and if the young person fails to comply with the order he shall be liable, on summary conviction, to a penalty not exceeding five shillings:

(9) Every employer of labour shall afford to every young person in his employment any opportunity necessary for attendance at continuance classes in accordance with the requirements of the education authority, including time for travelling, and the hours of employment of any young person when added to the time necessary for such attendance, including time for travelling, shall not in the aggregate exceed in any day or week, as the case may be, the period of employment permitted for such young person by any Act of Parliament.

Every employer who fails to afford the opportunity aforesaid, or who employs a young person contrary to the provisions of this subsection, shall be liable on summary conviction to a penalty not exceeding twenty shillings, or in case of a second or subsequent offence whether relating to the same or to another

young person not exceeding five pounds, and every parent of a young person who has conduced to the commission of such an offence by an employer, or to the failure of such young person to observe any requirement of the education authority under this section, shall be liable on summary conviction to the like penalties:

(10) An education authority may, in any scheme under this section, make provision for the attendance at continuation classes of persons of any age who desire to attend such classes although not required by the authority so to do:

(11) An education authority may in any scheme under this section, or by a separate scheme or schemes similarly submitted and approved, provide for the delegation by the authority, subject to any regulations and restrictions made by them, of any of their powers and duties relating to the management and supervision of continuation classes (including attendance thereat) within their education area or any part thereof to any school management committee or combination of such committees within their area, or to a committee or committees appointed by the authority for the purpose, consisting in whole or in part of members of the authority, and any such school management committee or other committee may exercise and shall perform all the powers and duties so delegated to them:

Provided that an education authority shall not so delegate any of the powers and duties which, by the section of this Act relating to school management committees, the authority are required themselves to retain, exercise, and perform:

(12) Where continuation classes provided by the education authority in any education area are attended by persons resident outwith that area, there shall be paid in each year to that authority out of the education fund of the education area in which any such persons are so resident a sum equal to the cost of the instruction of such persons in those classes (including in such cost repayment of and interest on loans for capital expenditure) after deduction of income from all sources of income other than education rate:

Provided that no payment shall be made under this subsection out of the education fund of any education area in respect of any person for whom it is shown, to the satisfaction of the Department, that suitable instruction is available in accessible continuation classes within that area, regard being had to all the circumstances:

(13) The provisions of section four of the Education (Scotland) Act, 1908, which relates to the medical inspection of children, shall apply, with the necessary modifications, to the medical examination and supervision of young persons under the obligation to attend continuation classes under this section:

(14) If a young person over the age of sixteen or the parent of a young person under the age of sixteen represents in writing to the local education authority that he objects to any part of the instruction given in the continuation classes which the young person is required to attend, on the ground that it is contrary to his religious belief, or likely to give offence to his religious feelings, the obligation under this Act to attend those classes for the purpose of such instruction shall not apply to him, and the local education authority shall, if practicable, arrange for him to receive other instruction in lieu thereof or attend other classes:

(15) In this section the expression "young person" includes any person between the ages of fifteen and eighteen years and also any child under the age of fifteen years who has been exempted under the Education (Scotland) Act, 1901, from the obligation to attend school; the expressions "employ" and "employment" include employment in any labour exercised by way of trade or for purposes of gain whether the gain be to the young person or to any other person; and the expression "employer" includes a parent so employing his children.

Amendment of Employment of Children Act, 1903. 3 Edw. 7. c. 45.

16. The Employment of Children Act, 1903, so far as it relates to Scotland, shall be amended as follows:—

(1) For subsection (1) of section three the following subsection shall be substituted—

> A child under the age of thirteen shall not be employed on any day on which he is required to attend school before the close of school hours on that day nor on any day before eight o'clock in the morning or after six o'clock in the evening, nor shall any child who is of the age of thirteen, be so employed unless he has been exempted under the Education (Scotland) Act, 1901, from the obligation to attend school:
>
> Provided that any local authority may by byelaw vary these restrictions, either generally or for any specified occupation:

(2) For subsection (2) of section three the following subsection shall be substituted—

> No child or young person under the age of seventeen shall be employed in street trading:

(3) To section fourteen the following definition shall be added:—

> The expression "child" means a person under the age of fifteen years, and for the purposes of this Act a child attending school shall be deemed to attain that age on the date prescribed for terminating school attendance next succeeding the fifteenth anniversary of his birth:

(4) References to the Education (Scotland) Act, 1901, shall be construed as references to that Act as amended by this Act.

School children not to be employed in factories, workshops, mines, or quarries.

17. No child or young person under the age of fifteen years who has not been exempted under the Education (Scotland) Act, 1901, from the obligation to attend school shall be employed—

(*a*) in any factory or workshop to which the Factory and Workshop Acts, 1901 to 1911, apply; or

(*b*) in any mine to which the Coal Mines Act, 1911, applies; or 1 & 2 Geo. 5. c. 50.

(*c*) in any mine or quarry to which the Metalliferous Mines Regulation Acts, 1872 and 1875, apply; 35 & 36 Vict. c. 77. 38 & 39 Vict. c. 39.

unless such child or young person was lawfully so employed at the appointed day, and those Acts respectively shall have effect as respects Scotland as if this provision, so far as it relates to the subject matter thereof, were incorporated therein.

VOLUNTARY OR DENOMINATIONAL SCHOOLS.

Transfer of voluntary schools.

18.—(1) It shall be lawful at any time after the first election of education authorities under this Act for the person or persons vested with the title of any school which at the passing of this Act is a voluntary school within the meaning of the Education (Scotland) Act, 1897, with the consent of the trustees of any trust upon which such school is held, to transfer the school, together with the site thereof and any land or buildings and furniture held and used in connection therewith, by sale, lease, or otherwise, to the education authority, who shall be bound to accept such transfer, upon such terms as to price, rent, or other consideration as may be agreed, or as may be determined, failing agreement, by an arbiter appointed by the Department upon the application of either party. 60 & 61 Vict. c. 62.

(2) Any grant payable to a transferred school which has accrued in respect of a period before the date of transfer shall be paid by the Department to the education authority to whom the school is transferred, and shall be applied by that authority in payment of any liabilities on account of the school then outstanding and, so far as not required for that purpose, towards the maintenance of the school.

(3) Any school so transferred shall be held, maintained, and managed as a public school by the education authority, who shall be entitled to receive grants therefor as a public school,

and shall have in respect thereto the sole power of regulating the curriculum and of appointing teachers:

Provided that—

(i) the existing staff of teachers shall be taken over by the education authority and shall from the date of transfer be placed upon the same scale of salaries as teachers of corresponding qualifications appointed to corresponding positions in other schools of the same authority:

(ii) all teachers appointed to the staff of any such school by the education authority shall in every case be teachers who satisfy the Department as to qualification, and are approved as regards their religious belief and character by representatives of the church or denominational body in whose interest the school has been conducted:

(iii) subject to the provisions of section sixty-eight (Conscience Clause) of the Education (Scotland) Act, 1872, the time set apart for religious instruction or observance in any such school shall not be less than that so set apart according to the use and wont of the former management of the school, and the education authority shall appoint as supervisor without remuneration of religious instruction for each such school, a person approved as regards religious belief and character as aforesaid, and it shall be the duty of the supervisor so appointed to report to the education authority as to the efficiency of the religious instruction given in such school. The supervisor shall have right of entry to the school at all times set apart for religious instruction or observance. The education authority shall give facilities for the holding of religious examinations in every such school.

(4) Any question which may arise as to the due fulfilment or observance of any provision or requirement of the preceding subsection shall be referred to the Department, whose decision shall be final.

(5) After the expiry of two years from the passing of this Act no grant from the Education (Scotland) Fund shall be made in respect of any school to which this section applies unless the school shall have been transferred to the education authority, and as from the expiry of that period the Education (Scotland) Act, 1897, shall cease to have effect: Provided that the Department may extend the said period in any case where, in the opinion of the Department, further time is required for the completion of a transfer.

(6) This section shall not apply to any residential institution which is either—

(*a*) a school for blind, deaf, or defective children, shown to the satisfaction of the Department by the person

or persons vested with the title of the school to be attended largely by children whose parents or guardians are resident outwith the education area in which the school is situated ; or

(*b*) an orphanage shown to the satisfaction of the Department by the person or persons vested with the title of the orphanage to be required for the proper education of children destitute of efficient guardianship.

(7) A school established after the passing of this Act to which this section would have applied had the school been in existence at that date may with the consent of the Department be transferred to the education authority, and the provisions of this section shall, with the necessary modifications, apply to any such transfer and to any school so transferred.

(8) In any case where the Department are satisfied, upon representations made to them by the education authority of any education area, or by any church or denominational body acting on behalf of the parents of children belonging to such church or body, and after such inquiry as the Department deem necessary, that a new school is required for the accommodation of children whose parents are resident within that education area, regard being had to the religious belief of such parents, it shall be lawful for the education authority of that area to provide a new school, to be held, maintained, and managed by them subject to the conditions prescribed in subsection (3) of this section, so far as those conditions are applicable ; the time set apart for religious instruction in the new school being not less than that so set apart in schools in the same education area which have been transferred under this section.

(9) If at any time after the expiry of ten years from the transfer of a school under this section, or from the provision of a new school as aforesaid, the education authority by whom the school is maintained are of opinion that the school is no longer required, or that, having regard to the religious belief of the parents of the children attending the school, the conditions prescribed in subsection (3) of this section ought no longer to apply thereto, the authority may so represent to the Department, and if the Department, after such inquiry as they deem necessary, are of the same opinion and so signify, it shall be lawful for the education authority thereafter to discontinue the school, or, as the case may be, to hold, maintain, and manage the same in all respects as a public school, not subject to those conditions :

Provided that in the case of any school which has been transferred to an education authority under this section, that authority shall in either of those events make to the trustees by whom the school was transferred, or to their successors in office or representatives, such compensation (if any) in respect of the school or other property so transferred as may be agreed, or as may be determined, failing agreement, by an arbiter appointed by the Department upon the application of either party.

(10) Section thirty-nine of the Education (Scotland) Act, 1872 (which relates to consent to transfers of certain schools under section thirty-eight of that Act), shall, with the necessary modifications, apply to transfers under this section as it applies to transfers under the said section thirty-eight.

REFORMATORY AND INDUSTRIAL SCHOOLS.

Transfer of powers as to reformatory and industrial schools.

19. After the passing of this Act it shall be lawful for the Secretary for Scotland, with the consent of the Treasury, from time to time to make an order transferring to the Department any powers relating to reformatory or industrial schools in Scotland for the time being possessed by the Secretary for Scotland under the Children Act, 1908, or any local Act, (including any powers which have been or may be transferred to the Secretary for Scotland under the said Act of 1908), and by such order to make any adjustment consequential on the transfer and to provide for any matter necessary or proper for giving full effect to the transfer, and on any such order being made the powers so transferred shall be exerciseable by the Department.

8 Edw. 7. c. 67.

ADVISORY COUNCIL.

Advisory Council.

20. It shall be lawful for His Majesty in Council by order to establish an advisory council consisting, as to not less than two-thirds of the members, of persons qualified to represent the views of various bodies interested in education, for the purpose of advising the Department on educational matters, and the Department shall take into consideration any advice or representation submitted to them by the advisory council.

EDUCATION GRANTS.

Education (Scotland) Fund.

21.—(1) In respect of the year commencing the first day of April nineteen hundred and nineteen and every subsequent year, in addition to the sums payable out of the Local Taxation (Scotland) Account into the Education (Scotland) Fund under section fifteen of the Education (Scotland) Act, 1908, there shall be paid into that fund out of moneys provided by Parliament:—

(i) A sum equal to the amount of the sums applicable to education in Scotland (other than the Royal Scottish Museum grant, the capital grant for the training of teachers, sums spent on the superannuation of school teachers and any sums paid under section two or section fifty of the Education (Scotland) Act, 1872), shown by the appropriation account to have been expended from the parliamentary vote for education in Scotland in the year ended the thirty-first day of March nineteen hundred and fourteen (hereinafter

in this section referred to as "the standard year"); and

(ii) Eleven-eightieths of the excess of the amount of the sums estimated to be expended in each year from the vote for education in England and Wales (except so far as such sums represent expenses of general departmental administration or sums spent on the superannuation of teachers or expenses of services for which in the opinion of the Treasury after consultation with the Department Scotland already receives an equivalent by way of direct contribution or of common benefit) over the amount of the sums shown by the appropriation account to have been so expended in the standard year (with the like exception):

Provided that if the amount of the sums (with the exception aforesaid) actually expended in any year from the vote for education in England and Wales, as shown by the appropriation account, exceeds or falls short of the corresponding estimate, the sum to be paid into the Education (Scotland) Fund in terms of paragraph (ii) of this subsection in the year commencing the first day of April next following the day on which such appropriation account is presented to Parliament shall be increased or reduced as the case may be by eleven-eightieths of the difference between such expenditure and estimate.

(2)—(*a*) After providing for the payments mentioned in subsection (1) of section sixteen of the Education (Scotland) Act, 1908, the balance of the Education (Scotland) Fund that may remain in any year shall be applied as nearly as may be in making grants in aid of the expenditure of education authorities (or outgoing school boards and secondary education committees) and managers of schools in accordance with minutes of the Department laid before Parliament:

Provided that no minute of the Department framed under this section shall come into force until it has lain for not less than one month on the table of both Houses of Parliament.

(*b*) Subsections (2), (3), and (4) of section sixteen, and sections seventeen and eighteen of the Education (Scotland) Act, 1908, shall cease to have effect.

ELECTION AND PROCEEDINGS OF EDUCATION AUTHORITIES.

Qualification of electors.

22. The members for an electoral division of an education area shall be elected by the persons registered as local government electors for that division under the Representation of the People Act, 1918. 8 Geo. 5. c. 64.

Voting.

23. The voting at any contested election of members of an education authority shall be according to the principle of proportional representation, each elector having one transferable vote as defined by this Act.

Dismissal of teachers.

24.—(1) No resolution of an education authority for the dismissal of a certificated teacher from their service shall be valid unless—

(*a*) written notice of the motion for his dismissal shall, not less than three weeks before the meeting at which the resolution is adopted, have been sent to the teacher and to each member of the education authority; and

(*b*) not less than one half of the members of the education authority are present at the meeting; and

(*c*) the resolution is agreed to by two-thirds of the members so present.

(2) Notwithstanding anything in this Act, it shall be lawful for any school management committee summarily to suspend any teacher from the exercise of his duties in any school or schools under their management; but such suspension shall not affect the teacher's rights to the salary or other emoluments attached to his office.

(3) Nothing in this Act shall affect the rights of teachers appointed before the passing of the Education (Scotland) Act, 1872, in so far as the same are saved by that Act, and the rights of teachers under section twenty-one of the Education (Scotland) Act, 1908.

45 & 46 Vict. c. 18.

(4) The provisions of the Public Schools (Scotland) Teachers Act, 1882, which relate to the dismissal of certificated teachers, shall cease to have effect.

Advisory councils in education areas.

25. It shall be the duty of every education authority within three months after the first election thereof to establish an advisory council (in this Act called a "local advisory council"), consisting of persons qualified to represent the views of bodies interested in education, for the purpose of advising the authority on matters of educational interest relating to the education area, and the authority shall take into consideration any advice or representation submitted to them by the local advisory council.

Power to Department to aid in bringing Act into operation.

26. The Department, on the application of an education authority, may within twelve months after the first election of such authority, from time to time make such orders as appear to them necessary for bringing this Act into full operation as respects the authority so applying, and such order may modify any enactment in this or any other Act, whether general or local, so far as may appear to the Department necessary for the said purpose.

GENERAL.

Approval and carrying out of schemes.

27.—(1) The Department may, after considering any representations made to them on the subject, approve any scheme or revised scheme or modification of an existing scheme submitted to them under this Act by an education authority, and thereupon it shall be the duty of the education authority to carry the same into effect as so approved.

(2) If the Department are of opinion that a scheme does not make adequate provision in respect of all or any of the purposes to which the scheme relates, and the Department are unable to agree with the authority as to what amendments should be made in the scheme, they shall offer to hold a conference with the representatives of the authority, and if requested by the authority shall hold a public inquiry in the matter. The expenses of any such inquiry as certified by the Department shall be paid by the authority.

(3) If thereafter the Department disapprove a scheme they shall notify the authority and if, within one month thereafter, an agreement is not reached they shall lay before Parliament the report of the public inquiry (if any) together with a report stating their reasons for such disapproval and any action they intend to take in consequence thereof by way of withholding or reducing any grants payable to the authority.

Eligibility of women.

28. A woman shall not be disqualified either by sex or marriage from being a member of any education authority, or committee thereof, or school management committee, or school committee, or advisory council, or any other body constituted, elected, nominated, or appointed for educational purposes under or in pursuance of this Act.

Revocation, &c. of Orders in Council.

29. Any Order in Council made under the Education Acts may be revoked or varied as occasion requires by any subsequent Order in Council.

The Department.

30. The Scotch Education Department shall be known as the Scottish Education Department.

Interpretation.

31. In this Act, unless the context otherwise requires—

(1) The expressions "property," "powers," "duties" and "liabilities" have the meanings assigned thereto respectively in the Local Government (Scotland) Act, 1889; 52 & 53 Vict. c. 50.

(2) The expression "burgh" has the same meaning as in the Town Councils (Scotland) Act, 1900; 63 & 64 Vict. c. 49.

(3) The expression "parish" has the same meaning as in the Local Government (Scotland) Act, 1894; 57 & 58 Vict. c. 58.

(4) The expression "certificated teacher" means a teacher holding or who is deemed to hold a certificate of competency within the meaning of the Education (Scotland) Act, 1872;

(5) The expression "transferable vote" has the same meaning as in the Representation of the People Act, 1918;

(6) The expression "transferred school" means a school transferred to or provided by an education authority under the section of this Act relating to transfer of voluntary schools;

(7) The expression "the Education Acts" means the Education (Scotland) Acts, 1872 to 1914, and this Act.

Provisions as to education authorities, school management committees, transfer, and modification and repeal of enactments.

32.—(1) The provisions set out in the Second, Third and Fourth Schedules to this Act, relating respectively to education authorities, school management committees, and the transfer of powers, property, and officers, shall have effect as if those provisions were enacted in this Act.

(2) The provisions set out in the Fifth Schedule to this Act with respect to the adaptation of Acts shall have effect for the purpose of adapting the law to the provisions of this Act.

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

Extent, commencement, citation, and construction.

33.—(1) This Act shall extend to Scotland only.

(2) This Act shall, except as otherwise expressly provided, come into operation on the appointed day, and the appointed day shall be such day as the Department may appoint, and different days may be appointed for different purposes and for different provisions of this Act (including the repeal of different enactments), for different areas or parts of areas, and for different persons or classes of persons.

(3) This Act may be cited as the Education (Scotland) Act, 1918, and the Education (Scotland) Acts, 1872 to 1914, and this Act may be cited as the Education (Scotland) Acts, 1872 to 1918, and shall, so far as is consistent with the tenor thereof, be construed together as one Act.

The SCHEDULES referred to in the foregoing Act.

Section 1.

FIRST SCHEDULE.

BURGHS FORMING EDUCATION AREAS.

Edinburgh.
Glasgow.
Aberdeen.
Dundee.
Leith.

SECOND SCHEDULE.

Section 32

Provisions as to Education Authorities.

1. The time for every election of an education authority subsequent to the first shall be appointed by the Department, having regard to the circumstances and convenience of the education area, and so that so far as is practicable and convenient there shall be an election in each education area once and (except in the case of the second election) not oftener in every period of three years, and the Department may appoint the time or times for the elections subsequent to the first in each education area by general order, which shall subsist until a new order shall be made; and the education authority in office shall, at a convenient time before the time appointed for the next election, take such steps as they shall deem necessary, or as shall be appointed by the Department, for the election of a new education authority accordingly. Time for elections.

2.—(*a*) Subject to the provisions of this Act, the election of an education authority shall be held at such time and place and in such manner and in accordance with such regulations as the Department may from time to time by order prescribe, and the Department may by order appoint or direct the appointment, and make regulations as to the duties, remuneration, and expenses of any officer requisite for the purpose of such election, and make regulations respecting all other necessary things preliminary or incidental to such election, including regulations prescribing the method of voting, and transferring and counting votes at any election according to the principle of the transferable vote, and for adapting the provisions of the Ballot Act, 1872, and any other Act relating to elections thereto; and the Department may by order revoke or alter any previous order. Conduct of elections. 35 & 36 Vict c. 33.

(*b*) An education authority, or the returning officer of an education authority, may refer to the Department any question that may arise in regard to the procedure at such an election, and the determination of the Department shall be final.

3. No election held in pursuance of this Act shall be deemed to be vitiated in consequence of the neglect of any officer to give proper notice of the election, or in consequence of any technical defect in the proceedings which has not been prejudicial to the interests of any party concerned in the election. Election not to be vitiated for informality.

4. All expenses incident to the second or any subsequent election of an education authority, other than the expenses of any candidate, shall be paid by that authority out of the education fund. Expenses of elections.

5. The provisions of subsection (1) and subsection (2), except paragraph (*e*) thereof, of section twenty of the Local Government (Scotland) Act, 1894 (which relates to disqualification for parish councils), shall apply to disqualification for education authorities, with the substitution of references to an education authority or member of an education authority for references to a parish council or parish councillor, respectively. Disqualification for membership.

6. Each education authority elected under this Act shall remain in office until a new election shall take place, and should an election not take place as required by this Act and at the time in this Act provided, the Department may issue an order for an election at such time and place as the Department shall determine, or may allow the existing authority to continue in office; and should a vacancy occur in any education authority during the currency of the period of office of Continuance in office.

such authority, the vacancy shall be filled by the authority nominating a person to fill the same, and every person so nominated shall go out of office at the same date as the authority.

Incorporation of education authorities.

7. The education authority of each education area shall be a body corporate by the name of the education authority of the burgh or county, as the case may be, forming that education area, and shall have perpetual succession and power to sue and be sued, and to acquire and hold land and property for the purposes of the Education Acts. Service on an education authority of all legal processes and notices shall be effected by service on their clerk.

Meetings.

8. An education authority shall meet at such times as the conduct of business may require. There shall be at least one general meeting of every education authority in each month: provided that it shall not be necessary to hold more than one such meeting between the end of June and the beginning of October.

Chairman.

9. Every education authority shall at the first meeting after their election appoint one of their number to be chairman during the authority's period of office, and may appoint a vice-chairman, and should the chairman or vice-chairman be absent from any meeting of the authority, the members present shall appoint one of themselves to be chairman of the meeting; and should a vacancy occur in the office of chairman during the authority's period of office, it shall be filled by a new appointment. At every meeting the chairman shall have a casting as well as a deliberative vote.

Quorum.

10. The quorum of an education authority shall be one-fourth of the whole members of the authority, but shall in no case be less than three.

Committees of education authorities.

11. Subject to the provisions of this Act, an education authority may from time to time appoint committees consisting in whole or in part of members of the authority, for the exercise of any of their powers, and no committee of an education authority shall, unless re-appointed, hold office for more than one year. Provided that an education authority shall not so delegate any of the powers and duties of a school management committee constituted under the section of this Act relating to school management committees, nor any powers and duties which by that section the authority are required themselves to retain, exercise, and perform.

Power to co-operate.

12.—(*a*) Any education authority may make arrangements with any other education authority for co-operation or combination with that authority in the performance of any duty or the exercise of any power under the Education Acts, and any scheme submitted to the Department under this Act may provide for such co-operation or combination.

(*b*) Any education authorities, or education authorities and town councils or county councils or other local authorities, may from time to time join in making such arrangements with regard to the conduct and management of their business, and the distribution of such business among their officers, and the joint use of offices or buildings, or otherwise, as shall seem to them, in the whole circumstances of the case, to be most effective and economical.

Power to alter electoral divisions, &c.

13. The Secretary for Scotland may from time to time by order provide for altering the number of members of an education authority, and their apportionment among the electoral divisions of an education area, or for altering the number and boundaries of such divisions.

Local inquiry.

14. Section ninety-three of the Local Government (Scotland) Act, 1889 (which relates to local inquiry, &c.), shall apply in any case where

the Secretary for Scotland is authorised or required by this Act to make any order or to hold any inquiry: Provided that the costs of any inquiry held in pursuance of the section of this Act relating to electoral divisions and constitution of authorities shall be deemed to be expenses incident to the first election of the education authority for the education area to which the inquiry relates.

First election of education authorities.

15. With respect to the first election of education authorities under this Act the following provisions shall have effect, that is to say:—

(1) The first election in and for each education area shall take place on such day as the Department may by order appoint, being not less than one month after the issue of the order:

(2) The Department shall appoint a fit and proper person to be the returning officer at every such election:

(3) The Department shall timeously frame and issue such rules and directions as may be necessary for the conduct of such first elections:

(4) If at the date fixed for the first election of any education authority under this Act the register of local government electors in force for the time being under the Representation of the People Act, 1918, is not framed so as to show in separate divisions, or otherwise to distinguish the names of the persons who are entitled to vote at that election in the electoral divisions of the education area, the persons registered in pursuance of the provisions of the First Schedule to the last-mentioned Act as local government electors in respect of the voting areas comprised in the respective electoral divisions of the education area shall, for the purposes of such first election, be deemed to be duly registered as local government electors for those divisions respectively:

(5) If from the form of the registers of local government electors in force for the time being, or any other cause, any difficulty arises as to holding the first election of an education authority, or as to the first meeting of any education authority, the Department may by order do any matter or thing which seems to them necessary for the proper holding of the first election and for the proper holding of the first meeting of the authority, and may, if it appears to them necessary, direct a new election to be held, or fix the date for such new election, or may authorise the education authority to meet and transact business notwithstanding any vacancies in their number:

And any such order may modify the provisions of this Act and any enactment applied by this Act, so far as may appear to the Department necessary for the proper holding of the first election or first meeting of an education authority:

(6) All expenses incident to the first election of an education authority, other than the expenses of any candidate, shall be paid by the secondary education committee for the district which forms or comprises the education area of that authority: Provided that in the case of the local education authority of Glasgow such expenses shall be paid by the secondary education committee for the district of the Glasgow School Board:

(7) Subject as aforesaid, the provisions of this Act with respect to the second and subsequent elections of education authorities shall apply to the first elections of such authorities.

THIRD SCHEDULE.

Section 32.

PROVISIONS AS TO SCHOOL MANAGEMENT COMMITTEES.

1. In this Schedule the expression "committee" means a school management committee constituted in pursuance of this Act.

2. With a view to the first constitution of committees, it shall be the duty of every education authority, as soon as may be after the first election of such authority, to prepare and submit to the Department a scheme or schemes for the constitution of the committees throughout their education area; and the education authority may at any time, and shall if and when so required by the Department, prepare and submit a revised scheme or modification of an existing scheme.

3. A committee shall be reconstituted after each fresh election of the education authority, as at such date as the authority may appoint, being not less than one month or more than two months after such election, and shall remain in office until the next reconstitution, or until the coming into force of a revised or modified scheme, whichever of these events shall first occur.

4. A member of a committee may resign on giving to the education authority and the committee one month's notice in writing of his intention so to do.

5. Casual vacancies in the membership of a committee arising from death or resignation or any other cause shall be filled up as soon as may be by the education authority or otherwise in accordance with the scheme.

6. The education authority may appoint a place and time for the first meeting of a committee after the first constitution or any reconstitution thereof, or after the coming into force of any revised or modified scheme, but, subject to any such appointment, and to the provisions of any scheme, the place and time of meetings, the quorum, and the proceedings of a committee shall be such as the committee determine.

7. Each committee shall from time to time elect a chairman, who shall hold office for such period as shall be fixed at the time of his election, and, in case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot. The chairman shall have a casting as well as a deliberative vote.

8. Subject to the provisions of any scheme, a committee may appoint a clerk to hold office during the pleasure of the committee, and two or more committees may arrange for the appointment of the same person to act as clerk to both or all of them.

9. The proceedings of a committee shall not be invalidated by any vacancy among the members, or by any defect in the appointment or qualification of any of the members thereof.

10. Minutes of the proceedings of a committee shall be kept in a book provided for the purpose, and a minute of such proceedings, signed at the same or the next ensuing meeting by the chairman or by a person purporting to be the chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof.

11. Until the contrary is proved, a committee shall be deemed to have been duly constituted or re-constituted, and to have power to deal with any matter referred to in the minutes.

12. Subject to the provisions of this Act, a committee shall observe such regulations and restrictions as the education authority may from time to time prescribe, including any regulation or restriction relating to finance; and no expenditure by or on behalf of a committee shall become a charge on the education fund unless or except in so far as it has been authorised or sanctioned by the education authority.

FOURTH SCHEDULE.

Section 32.

PROVISIONS AS TO TRANSFER OF POWERS, PROPERTY, AND OFFICERS.

1. On and after the appointed day there shall be transferred to and vested in each education authority the whole powers and duties of each school board and secondary education committee within and with respect to the education area of that authority.

2. No election of a school board shall be held nor shall any appointment of a secondary education committee be made after the passing of this Act, and the members of every such board or committee holding office at the passing of this Act, or appointed to fill casual vacancies thereafter, shall continue in office until the appointed day and no longer, and as from that day school boards and secondary education committees shall be abolished, and any reference in any scheme, deed, or instrument to a school board or secondary education committee shall be construed as a reference to the education authority to whom the powers and duties of such board or committee have been transferred.

3. On and after the appointed day all such property as belongs or would but for the passing of this Act belong to or be vested in or held in trust for any school board or secondary education committee whose powers and duties are by or in pursuance of this Act transferred to an education authority shall pass to and vest in or be held in trust for such authority, subject to all debts and liabilities affecting the same, and shall be held by that authority for the purposes for which such property is or would have been held except in so far as such purposes may be modified by or in pursuance of this Act. And if any question shall arise as to the heritable or moveable property transferred or to be transferred by or in pursuance of this Act, the same shall, failing agreement, be finally determined by the Department.

4. An education authority shall have full power to manage, alter and enlarge, and with the consent of the Department to excamb or alienate, any lands or heritages transferred to them by or in pursuance of this Act.

5. All debts and liabilities of any school board or secondary education committee whose powers and duties are transferred by or in pursuance of this Act to an education authority shall become debts and liabilities of that authority and shall, subject to the provisions of this Act, be defrayed by them out of the education fund of the education area:

Provided that any surplus or deficiency shown in the revenue accounts of a school board, made up and balanced as at the appointed day, shall in the year succeeding the transfer be taken into account by the authority in determining the amount which they certify to the parish council or councils levying poor rate in the area which formed the district of that

school board, to be imposed, levied, and collected as education rate therein, under the section of this Act relating to expenses of education authorities.

6. A parish council shall, in imposing, levying, and collecting the education rate, take into account any sum standing at the credit or debit of the council in respect of any balance of school rate already levied by them.

7. During the period between the first election of any education authority and the appointed day, any school board or secondary education committee whose powers are to be transferred to that authority shall furnish thereto such information as that authority may reasonably require.

8. The officers of any school board or secondary education committee whose powers and duties are transferred under this Act to any education authority shall after the appointed day become the officers of that authority, and shall (subject to the provisions of this Act relating to the dismissal of teachers) hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed, and while performing the same duties shall receive not less salaries or remuneration than they would have received or been entitled to if this Act had not passed.

9. An education authority may distribute the business to be performed by existing officers, whether for the authority or any committee thereof or for any school management committee in the education area, in such manner as the authority may think just, and every existing officer shall perform such duties in relation to that business as may be directed by the authority.

10. An education authority may abolish the office of any existing officer whose office they may deem unnecessary, but such officer shall be entitled to compensation under this Act.

11. Section one hundred and twenty of the Local Government (Scotland) Act, 1889 (which relates to compensation to existing officers), shall, with the necessary modifications, apply to officers transferred under this Act or by this Act declared to be entitled to compensation, who by virtue of this Act or anything done in pursuance or in consequence thereof suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, subject as follows :—

(*a*) References to the county council and to the convener or vice-convener shall be construed as references to the education authority and to the chairman respectively :

(*b*) The reference to the Acts and rules relating to His Majesty's Civil Service shall be construed as a reference to the Acts and rules which were in operation at the date of the passing of the Local Government (Scotland) Act, 1889 :

(*c*) In the proviso to subsection (2), "the passing of this Act" shall, except in the case of abolition of office, mean the date when the loss arose, and in the case of abolition of office the date of such abolition :

(*d*) Any expenses shall be paid out of the education fund of the education authority :

(*e*) Subsections (8) and (9) shall not apply.

12. Sections forty-seven, fifty-two, and fifty-three of the Local Government (Scotland) Act, 1894 (which contain transitory provisions),

shall apply to any transfer mentioned in this schedule, subject as follows :—

(*a*) References to the fifteenth day of May one thousand eight hundred and ninety-five shall be construed as references to the appointed day :

(*b*) References to the parish council shall be construed as references to the education authority.

FIFTH SCHEDULE.

Section 32.

ADAPTATION OF ACTS.

1. In the Education (Scotland) Acts, 1872 to 1914, and in any other Act—

(*a*) references to school boards and to secondary education committees shall be construed as references to education authorities ;

(*b*) references to school board districts (whether as burghs or parishes or districts, or by whatever name called) and to the districts of secondary education committees, shall be construed as references to education areas ;

(*c*) references to the school fund and to the district education fund shall be construed as references to the education fund, and references to the school rate shall be construed as references to the education rate ;

(*d*) references to a district bursary scheme shall be construed as references to an approved scheme of the education authority.

2. In the Education (Scotland) Act, 1878— 41 & 42 Vict. c. 78.

In section six, for the words " ten years " there shall be substituted the words " thirteen years."

3. In the Education of Blind and Deaf-mute Children (Scotland) Act, 1890—

In section three, for the words "sixteen years" there shall be substituted the words "eighteen years" and in section five the words "except in the case of a deaf-mute child under seven years of age" shall be omitted.

4. In the Employment of Children Act, 1903— 3 Edw. 7. c. 45.

In subsections (1) and (2) of section five, for the words " age of sixteen " there shall be substituted the words " age of seventeen."

5. In the Education (Scotland) Act, 1908—

(*a*) For paragraph (3) of section three there shall be substituted the following paragraph :—

> "In bringing opportunities for education within easier reach of children in outlying parts of their education area, either by providing means of conveyance, or by paying travelling expenses for teachers or pupils, or by providing lodging or board and lodging in convenient proximity to a school, or by defraying the cost of such means of conveyance or lodging or board and lodging, or otherwise, on such terms and conditions in every case as having regard to all the circumstances (including the circumstances of the parents of the children) the authority consider reasonable."

(*b*) The expenses which may be sanctioned by minutes of the Department under paragraph (7) of section three shall include—

(i) travelling expenses necessarily incurred in attending meetings of an education authority or any committee thereof or meetings of a local advisory council ;

(ii) an allowance at uniform rates to be prescribed by the Department in respect of other personal expenses necessarily incurred and time necessarily lost from ordinary employment in attending such meetings ; and

(iii) contributions by any education authority to any association of such authorities concerned in the consideration of educational questions.

(*c*) In section five, for the words "age of sixteen years" there shall be substituted the words "close of the school session " in which they attain the age of sixteen years."

(*d*) In paragraph (*d*) of subsection (1) of section sixteen, for the words "such sums as may be required to meet their approved " expenditure for the like purpose," there shall be substituted the words "such sum per head of the students in training " in any year as may be determined by minute of the " Department."

(*e*) For subsection (1) of section twenty-two there shall be substituted the following subsection :—

"Where it is represented to the Department by an education authority that it would be expedient that the area for which that authority acts should be united with the adjacent area of another education authority so as for all purposes to constitute an area under one education authority, or where apart from any such representation it appears to the Department that such a union would be expedient, the Department shall consult with the authorities concerned, and may cause a local inquiry to be held, and if they are of opinion that the areas ought to be united, may by order provide accordingly."

(*f*) In section thirty-four, in the definition of "intermediate school," for the words " instruction in languages, mathematics, " science, and such other subjects as may from time to time " be deemed suitable " there shall be substituted the words " instruction in such subjects as may from time to time be " deemed suitable."

6. The Department may by order at any time after the passing of this Act make such further adaptations in the provisions of any Act (including any local Act and any provisional order duly confirmed) as may seem to them necessary to make those provisions conform with the provisions of this Act. Any order so made by the Department shall be laid before each House of Parliament forthwith ; and unless an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after the order is laid before it, praying that the order may be annulled, the order shall have effect as if enacted in this Act.

SIXTH SCHEDULE.

Section 32.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	Sections eight to ten. Section twelve, so far as not already repealed. Section thirteen. Sections seventeen to nineteen. Sections twenty-one and twenty-two. Section forty. Sections forty-two to forty-four. Section fifty-three. Section sixty-seven from "where in any burgh or parish" to the end of the section. Schedule B, so far as not already repealed. Schedule C.
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	In section fifteen, the words "in the manner provided " in section thirteen of the " principal Act." Section twenty-one. Sections twenty-six and twenty-seven. Sections twenty-nine to thirty-two. The Schedule.
45 & 46 Vict. c. 18.	The Public Schools (Scotland) Teachers Act, 1882.	The whole Act.
46 & 47 Vict. c. 56.	The Education (Scotland) Act, 1883.	Section five, so far as not already repealed. Section thirteen. Section fifteen.
52 & 53 Vict. c. 75.	The Parliamentary Grant (Caithness and Sutherland) Act, 1889.	The whole Act.
53 & 54 Vict. c. 43.	The Education of Blind and Deaf-mute Children (Scotland) Act, 1890.	In section five the words " except in the case of a " deaf-mute child under " seven years of age."
1 Edw. 7. c. 22.	The Factory and Workshop Act, 1901.	Sections sixty-eight to seventy-two, as respects Scotland, except as respects children or young persons lawfully employed before the appointed day.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 63.	The Education (Scotland) Act, 1908.	In subsection (4) of section three the following words "epileptic or crippled or detective" and the words "within the meaning of "the Education of Defective Children (Scotland) Act, 1906." Sections nine and ten. In subsection (6) of section fourteen, the proviso to that subsection. Section fifteen, from "To "this fund shall also be "paid" to the end of the section. Subsections (2), (3), and (4) of section sixteen. Sections seventeen and eighteen. Section twenty-seven. Section thirty-one. The First Schedule.
3 & 4 Geo. 5. c. 13.	The Education (Scotland) (Glasgow Electoral Divisions) Act, 1913.	The whole Act.

CHAPTER 49.

An Act to increase the weekly sum which under the Bastardy Laws Amendment Act, 1872, may be ordered to be paid by the putative father of a bastard child.

[21st November 1918.]

BE 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:

Increase of maximum payment under affiliation orders. 35 & 36 Vict. c. 65.

1.—(1) Section four of the Bastardy Laws Amendment Act, 1872 (which provides for the making of an order on the putative father for the maintenance, &c., of a bastard child), shall have effect as well for the purpose of pending applications as for the purpose of future applications as though "ten shillings a week" were therein substituted for "five shillings a week."

(2) Where an order under the said section four for the payment of a weekly sum is in force at the date of the commencement of this Act, either the court which made the order or any other court of summary jurisdiction for the same petty sessional division or a court of summary jurisdiction for the place where the person who is entitled under the order to