CHAPTER 23.

An Act to make further provision as to Byelaws respecting the attendance of Children at School under the Elementary Education Acts.

[26th August 1880.]

WHEREAS a school attendance committee within the meaning of the Elementary Education Act, 1876, are authorised to make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such school attendance committee were a school board, but a school attendance committee for a union cannot make byelaws respecting any parish in their union, except on the requisition of the parish; and it is expedient to make further provision for the making of byelaws respecting the attendance of children at school: 39 & 40 Vict. c. 79. 33 & 34 Vict. c. 75.

And whereas it is expedient otherwise to amend the Elementary Education Act, 1876, in respect of byelaws: 39 & 40 Vict. c. 79.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Elementary Education Act, 1880, and shall be construed as one with the Elementary Education Act, 1876, and that Act and this Act may be cited together as the Elementary Education Acts, 1876 and 1880. Short title and construction. 39 & 40 Vict. c. 79.

2. It shall be the duty of the local authority (within the meaning of the Elementary Education Act, 1876,) of every school district in which byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, are not at the passing of this Act in force, forthwith to make byelaws under that section for such district. Obligation to make byelaws as to the attendance of children at school. 39 & 40 Vict. c. 79.

If at any time after the thirty-first day of December one thousand eight hundred and eighty it appears to the Education Department that in any school district there are no byelaws under that section in force, the Education Department may either proceed under section twenty-seven of the Elementary Education Act, 1876, (which relates to a local authority who fail to fulfil their duty under that Act,) or may make byelaws respecting the attendance of children at school in that district, and the byelaws so made shall have effect and be enforced and be subject to revocation and alteration as if they had been made by the local authority for that district and sanctioned by the Education Department in pursuance of section seventy-four of the Elementary Education Act, 1870: Provided that where in a school district in which byelaws are not in force a byelaw is made in pursuance of this section, that byelaw shall not prevent a child who, at the date of the byelaw taking effect, is employed in accordance with the Elementary Education Act, 1876, from continuing to be so employed. 33 & 34 Vict. c. 75. 39 & 40 Vict. c. 79. 33 & 34 Vict. c. 75. 39 & 40 Vict. c. 79.

3. The school attendance committee for a union comprising a parish may, in pursuance of section twenty-one of the Elementary Education Act, 1876, without the requisition of the parish, make byelaws under section seventy-four of the Elementary Education Act, 1870, respecting the attendance of children at school. Power of school attendance committee to make byelaws. 39 & 40 Vict. c. 79. 33 & 34 Vict. c. 75.

4. Every person who takes into his employment a child of the age of ten and under the age of thirteen years, resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly. Enforcing of byelaws. 39 & 40 Vict. c. 79.

Proceedings may, in the discretion of the local authority or person instituting the same, be taken for punishing the contravention of a byelaw, notwithstanding that the act or neglect or default alleged as such contravention constitutes habitual neglect to provide efficient elementary education for a child within the meaning of section eleven of the Elementary Education Act, 1876: Provided that nothing in this section shall prevent an employer from employing any child who is employed by him or by any other person at the time of the passing of this Act, and who attends school in accordance with the provisions of the Factory and Workshop Act, 1878. 39 & 40 Vict. c. 79. 41 & 42 Vict. c. 16.

Amendment of 39 & 40 Vict. c. 79. s. 40. as to education being condition of relief to parents of children.

5. Notwithstanding anything contained in section forty of the Elementary Education Act, 1876, a child shall not, as a condition of the continuance of relief out of the workhouse being continued to him or his parent, be required to attend school further or otherwise than he is required to attend by a byelaw in force under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1876, and this Act, in the school district in which he is resident: Provided that this section shall not apply where there is no such byelaw in force in the school district.

33 & 34 Vict. c. 75.
39 & 40 Vict. c. 79.

Repeal.
39 & 40 Vict. c. 79.

6. The Elementary Education Act, 1876, shall be repealed to the extent and from the times in the third column of the schedule to this Act mentioned, without prejudice to anything previously done or suffered, or any order previously made, or any right or title or liability acquired, accrued, or incurred in pursuance of any enactment hereby repealed; and any such thing, order, right, and title and liability may be enforced, and any proceeding then pending for such enforcement may be carried on, as if such enactment had not been repealed.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	In section twenty-one, the words "may if they think fit" and the words "on the requisition of the parish, but not otherwise," as from the passing of this Act. Section twenty-two, as from the passing of this Act. Sections fifty-one and fifty-two, as from the passing of this Act. First Schedule, as from the first of January one thousand eight hundred and eighty-one, from "During the four years next after" down to "higher standard required for that year," both inclusive (being paragraph (3)), and from "Provided that in each of the four years next after" down to the end of the table, both inclusive (being paragraph 6).

CHAPTER 24.

An Act to consolidate and amend the Law relating to the Manufacture and Sale of Spirits. [26th August 1880.]

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:

Preliminary.

Short title.

1. This Act may be cited as the Spirits Act, 1880.

Commencement.

2. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-one, which date is in this Act referred to as the commencement of this Act.