EXEMPTION FROM SCHOOL ATTENDANCE

1952 No. 1147 (S. 52)

The Exemptions (Potato Lifting) (Scotland) Regulations, 1952

Made - - - -	11*th June*, 1952
Laid before Parliament	12*th June*, 1952
Coming into Operation	16*th June*, 1952

In the exercise of the powers conferred upon me by subsection (3) of section 1 of the Education (Exemptions) (Scotland) Act, 1947(**a**), and by subsection (1) of section 1 of, and serial number (7) of Part I of the Schedule to, the Expiring Laws Continuance Act, 1951(**b**), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Interpretation

1.—(1) In these Regulations, unless the context otherwise requires—

(*a*) " Act of 1937 " means the Children and Young Persons (Scotland) Act, 1937(**c**);

(*b*) " Act of 1947 " means the Education (Exemptions) (Scotland) Act, 1947;

(*c*) " Exemption " means exemption under section 1 of the Act of 1947, for the purpose of enabling children to be employed in ingathering the potato crop.

(2) The Interpretation Act, 1889(**d**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

Refusal and withdrawal of exemption

2.—(1) If it appears to an Education Authority that the employment of a child in ingathering the potato crop is likely to be or is prejudicial to his health, they may require the child to be medically examined by a medical officer of the authority, and exemption shall not be granted, or, if already granted, shall be withdrawn, unless the medical officer is satisfied that the child is fit for such employment.

(2) Where exemption has already in any year been granted to a child for fifteen school days and the child has been absent from school on the said days, further exemption shall not be granted to the child in the said year without the prior approval of one of Her Majesty's Inspectors.

(3) Where a child to whom exemption has been granted is not employed in ingathering the potato crop and by an employer approved for the purpose of these Regulations by an Education Authority, the exemption shall be withdrawn.

Exclusion of byelaws

3. The Byelaws made by an Education Authority under subsection (2) of section 28 of the Act of 1937 shall not apply with respect to the employment in ingathering the potato crop of children to whom exemption has been granted under the Act of 1947.

(**a**) 10 & 11 Geo. 6. c. 36.
(**b**) 15 & 16 Geo. 6. c. 3.
(**c**) 1 Edw. 8 & 1 Geo. 6. c. 37.
(**d**) 52 & 53 Vict. c. 63.

Provisions as to employment of exempted children

4.—(1) No child to whom exemption has been granted shall be employed on a day to which the exemption relates except in the ingathering of the potato crop and by an employer approved for the purpose of these Regulations by an Education Authority.

(2) No child shall be employed in ingathering the potato crop for more than forty hours in any week, or for more than eight hours in any day, provided that an interval of at least one hour shall be allowed to the child after any continuous period of work extending to four hours.

(3) No child shall be employed in ingathering the potato crop unless he is suitably shod and is suitably clad for protection against the weather, unless suitable sanitary arrangements have been made for him, and unless suitable arrangements have been made for his mid-day meal, for his supervision, so far as practicable, at work by a responsible person, and for his transport, if necessary, to and from work in a vehicle which is safe for the conveyance of children and is so constructed as to provide the children with protection from the weather; and no arrangement shall be deemed to be suitable under which the employer makes a charge in respect of any of the said services.

(4) This Regulation shall have effect as if contained in subsection (1) of section 28 of the Act of 1937.

Revocation

5. The Exemptions (Potato Lifting) (Scotland) Provisional Regulations, 1947, are hereby revoked.

Citation and commencement

6.—(1) These Regulations may be cited as the Exemptions (Potato Lifting) (Scotland) Regulations, 1952.

(2) These Regulations shall come into operation on 16th June, 1952.

James Stuart,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
11th June, 1952.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations specify the circumstances in which an Education Authority may refuse or withdraw exemptions of children from attendance at school for employment in ingathering the potato crop and prescribe the conditions on which children exempted may be so employed. They also exclude the byelaws relating to the employment of children made by Education Authorities and apply to contraventions of the Regulations the provisions of the Children and Young Persons (Scotland) Act, 1937, relating to penalties and legal proceedings where a child is employed in contravention of the provisions of that Act or of the byelaws made thereunder.