meeting of the board of management of the district school of such combined unions which shall be held for the discharge of the duties of such board.

(2.) Any sum so paid by a board of guardians shall be borne by and charged against the several electoral divisions within their union.

CHAPTER 42.

An Act to improve National Education in Ireland.

[27th June 1892.]

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:

Compulsory Education.

Duty of parent to send child to school.

1.—(1.) In every place to which this section applies, the parent of every child not less than six nor more than fourteen years of age shall cause the child to attend school during such number of days in the year and for such time on each day of attendance as are prescribed in the First Schedule to this Act, unless there is a reasonable excuse for non-attendance.

(2.) Provided that a child over eleven years of age shall not be required to attend school if the child has received such certificate of his proficiency in reading, writing, and elementary arithmetic, as is prescribed in the Second Schedule to this Act.

(3.) Any of the following reasons shall be a reasonable excuse for non-attendance of a child; namely,

(*a.*) That there is not within two miles, measured according to the nearest road, from the residence of the child any national school or other efficient school at which the child can attend, and to which the parent of the child does not object, on religious grounds, to send the child;

(*b.*) That the child has been prevented from attending school by sickness, domestic necessity, or by reason of being engaged in necessary operations of husbandry and the ingathering of crops, or giving assistance in the fisheries, or other work requiring to be done at a particular time or season, or other unavoidable or reasonable cause;

(*c.*) That the child, being under seven years of age, lives at too great a distance from any national school or other efficient school which he can attend, even though that distance is less than two miles;

(*d.*) That the child is receiving suitable elementary education in some other manner.

Prohibition of employment of children required to attend school.

2.—(1.) A person shall not, except as in this Act mentioned, take into his employment in any place to which this section applies, any child, except for the setting or planting potatoes, hay-making, or harvesting—

(i.) who is under the age of eleven years; or

(ii.) who, being of the age of eleven years or upwards, and less than fourteen years of age, has not obtained such certificate of his proficiency in reading, writing, and elementary arithmetic, as is prescribed in the Second Schedule to this Act, unless the child is employed and is attending school in accordance with the Factory and Workshop Acts, 1878 to 1891, but no employer shall compel a child to attend a school to which its parent objects on religious grounds.

(2.) If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding forty shillings.

School attendance committee.

3.—(1.) In every place to which this section applies there shall be a school attendance committee consisting of six, eight, or ten persons, as the local authority of the place may determine, one-half of whom shall be appointed by the local authority and the remainder by the Commissioners, and not less than one-half of whom shall, where such persons are available, be managers or patrons of schools in the place, and the local authority shall make regulations subject to the approval of the Commissioners as to the time and mode of appointment of the committee and the conduct of their proceedings. The term for which the members of the committee shall hold office and the quorum of the committee shall be as prescribed in the Third Schedule to this Act.

(2.) Subject to the approval of the Commissioners after a public inquiry if they shall think fit, the local authority of any place may for the purposes of this Act divide the place into districts, and in such case a school attendance committee shall be appointed for each district in manner herein-before provided.

(3.) The school attendance committee may appoint and remove officers and prescribe their duties, and, with the approval of the local authority, fix their remuneration.

(4.) In the event of the local authority, after warning and reasonable notice, failing to exercise any power, or perform any duty conferred or imposed on them by the preceding part of this section, the same may be exercised or performed by the Commissioners.

(5.) The expenses of a school attendance committee, and the salaries and expenses of their officers, shall be defrayed by the local authority out of the local rate, but any revenue from penalties under this Act in the place or district shall be applied in relief of the local rate.

Attendance orders and enforcement thereof.

4.—(1.) If any parent who is required by this Act to cause his child to attend school makes default without reasonable excuse in so doing, the school attendance committee shall, after due warning to the parent, make a complaint to a court of summary jurisdiction, unless they think that it is inexpedient to take such

proceedings, and the court, if satisfied of the truth of the complaint, may make an order (in this Act called an attendance order) that the child do attend, in accordance with the requirements of this Act, some national school or other efficient school, and, subject to the provisions of section one of this Act, the child shall attend some such school in such regular manner as is specified in the order.

(2.) If the school attendance committee have reason to believe that an attendance order has not been complied with, and that there is not any reasonable excuse within the meaning of this Act for non-compliance therewith, they may make a further complaint to a court of summary jurisdiction, and thereupon, if the parent does not satisfy the court that the order has been complied with, or that he has used all reasonable efforts to comply therewith, the court may impose on him a fine not exceeding, including costs, five shillings.

(3.) A complaint under this section with respect to a continuing non-compliance with an attendance order shall not be repeated by the school attendance committee at any less interval than two months.

Exception to prohibition of employment of children.

5. A person shall not be deemed to have taken a child into his employment in contravention of this Act, if it is proved to the satisfaction of the court having cognisance of the case, either—

(1) that during the employment there is not within two miles, measured according to the nearest road, from the residence of the child, any national school or other efficient school which the child can attend, subject to the provisions of section one of this Act; or

(2) that the employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of the child, and that the child obtains such instruction by attendance, in accordance with the requirements of this Act, at a national school, or in some other equally efficient manner.

Exemption.

6.—(1.) Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, that agent or workman shall be liable to a fine as if he were the employer.

(2.) Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which the employment is not in contravention of this Act, that parent shall be liable on summary conviction to a fine not exceeding forty shillings.

(3.) Where an employer charged with taking a child into his employment in contravention of this Act, proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate, and under the belief in

good faith in the genuineness and truth of the certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act, and under the belief in good faith in the representation, the employer shall be exempt from any fine.

(4.) Where an employer satisfies the person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting that agent, workman, or parent, proceedings shall be instituted against that agent, workman, or parent, and not against the employer.

Regulations as to legal proceedings.

7.—(1.) For the purposes of this Act a court of summary jurisdiction shall be constituted of not less than two justices of the peace, or of a divisional justice of Dublin metropolis, and every judgment of such court imposing a penalty shall be subject to appeal.

(2.) Any justice of the peace may by summons require any parent of a child required under this Act to attend school to produce the child before a court of summary jurisdiction; and any person failing without reasonable excuse to the satisfaction of the court to comply with such a summons shall be liable on summary conviction to a fine not exceeding twenty shillings.

(3.) A certificate purporting to be under the hand of the principal teacher of a national school, or other efficient school, stating that a child is or is not attending the school, or stating the particulars of the attendance of a child at the school, shall be conclusive evidence of the facts stated in the certificate.

(4.) A certificate, purporting to be under the hand of the dispensary medical officer of any district, stating that a child is ill, or that there is illness in the family of the child, or where the child resides, shall be conclusive evidence of the facts.

(5.) When a child is apparently of the age alleged by the complainant in the course of any proceedings under this Act, it shall lie on the defendant to prove that the child is not of that age.

(6.) Any person may appear in any proceedings under this Act by any member of his family or any other person authorised by him in this behalf.

(7.) A school attendance committee may appear in any such proceedings by any person appointed by them in that behalf.

Authority to prosecute.

8. No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction by any person on behalf of a school attendance committee, except by the direction of not less than three members of the said committee.

Regulations as to registers.

9. The Commissioners may make regulations as to the registers to be kept by school attendance committees and by the teachers of national schools, and as to the inspection thereof, and every school attendance committee shall comply with such regulations.

Provided that a teacher shall not be required under any such regulations to produce a register for inspection except so far as it relates to the attendance of scholars at the school.

Searches in registers of births. 26 & 27 Vict. c. 11. 43 & 44 Vict. c. 13.

10. Every superintendent registrar or registrar of births and deaths, or other person having the custody of the register books kept in accordance with the Births and Deaths Registration Acts (Ireland), 1863 to 1880, shall at all reasonable times permit any officer of a school attendance committee, on production of an authority from the committee in a form approved by the Registrar General, to inspect the register books without any fee or reward, and to take such notes and extracts as he may deem necessary for enabling him to perform his duties under this Act.

Certificate of birth for purposes of Act.

11. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purposes connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Commissioners, and on payment of such fee, not exceeding sixpence, as the Commissioners from time to time fix, shall be entitled to obtain a certified copy, under the hand of the registrar or superintendent registrar, of the entry in the register under the Births and Deaths Registration (Ireland) Acts, 1863 to 1880, of the birth of the child named in the requisition.

Return of registrars of births and deaths to school attendance committees.

12. Every registrar of births and deaths, when and as required by a school attendance committee, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the committee.

The committee may supply a form, approved by the Commissioners, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The committee may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding one penny for every birth and death entered in such return.

Meaning of "parent."

13. For the purposes of this Act the expression "parent" shall include the guardian of a child and every person who is liable to maintain or has the actual custody of the child.

Forgery, false entries, and false information.

14. If any person forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is, to his knowledge, false in any material particular, or, knowing any such certificate to be forged or counterfeit, makes use thereof, or makes or knowingly uses any false entry in any register kept in pursuance of this Act, he shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

Application of foregoing provisions.

15.—(1.) The foregoing provisions of this Act shall apply to every place which either is a municipal borough or is a town or township under commissioners, and the council or commissioners of the place shall be the local authority of the place for the purposes of this Act.

(2.) Any county council which may be established under any Act of this or any future session of Parliament may, by resolution,

and shall on application made by any baronial council so established with reference to their barony or any part thereof, apply the foregoing provisions of this Act to any part of their county, and thereupon those provisions shall so apply, and the county council shall be, for the purposes of this Act, the local authority of the place to which it is so applied, and may order the expenses under this Act to be levied off that place.

(3.) Where as regards any suburb or other area outside the boundaries of, but immediately adjoining, any municipal borough or any town or township under commissioners, the Commissioners of National Education consider that, having regard to the character and local situation of such suburb or area, the provisions of this Act should apply to the same, the Commissioners may, after such local inquiry as they think fit, by order so declare, and thereupon the provisions of this Act shall apply to such suburb or area, and the local authority and school attendance committee of the borough, town, or township to which the said suburb or area adjoins shall carry out the provisions of this Act in the same in like manner as if the said suburb or area were within the boundaries of the said borough, town, or township: Provided that no order shall be made under this section unless the consent of the local authority concerned has been first obtained: Provided further, that no such order shall remain in force after the provisions of this Act have been duly applied to such suburb or area by resolution of a county council.

(4.) An order made by the Commissioners under this section shall be published in the Dublin Gazette and in the newspapers published in the locality, and the production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of any such order, shall be conclusive evidence that such order was duly made and properly published, and of the date and contents thereof.

Commencement of foregoing provisions.

16. The foregoing provisions of this Act shall come into operation on the first day of January one thousand eight hundred and ninety-four, except that a school attendance committee may be appointed, and regulations for its guidance may be framed, at any time after the passing of this Act.

Power to acquire land for schoolhouse or teacher's residence.

17.—(1.) If the Commissioners are satisfied that a site is required for a national school or for the residence of a teacher of a national school, and cannot be obtained on reasonable terms except under the powers conferred by this section, and if security to the satisfaction of the Commissioners is given to them for the probable amount of the purchase-money, and the costs of carrying this section into effect, they may authorise persons approved of by them as trustees to purchase a site for such school or residence to be held by the trustees on trust for the purposes of such school or residence.

41 & 42 Vict. c. 52.

(2.) For the purpose of the purchase of land in pursuance of this section, section two hundred and three of the Public Health (Ireland) Act, 1878, shall apply as if it were herein re-enacted, and in terms made applicable to such trustees instead of to the sanitary authority, and section two hundred and fourteen of the same Act shall apply to Provisional Orders made for the purposes of this section.

Provided as follows:—

(*a.*) References in the said section two hundred and three to a newspaper circulating in the district of the sanitary authority shall be construed as references to a newspaper circulating in the Poor Law Union where the land proposed to be taken is situate;

(*b.*) If a memorial is presented to the Local Government Board within one month after the making of a Provisional Order by an owner, lessee, or occupier of lands proposed to be taken compulsorily, stating that the memorialist requires that such Order shall not be acted upon until it is confirmed by Parliament, then the Order shall be of no force unless and until it is confirmed by Parliament; but if no such memorial is presented, then the Order shall come into force at the expiration of one month from the making thereof;

(*c.*) The Order may contain such provisions as the Local Government Board may deem necessary for securing that, in case the said trustees acquire land as a site for a school or residence under this Act, otherwise than by agreement, the school or residence shall be built to the satisfaction of the Commissioners, and shall be properly maintained, and be at all times conducted as a national school or used for the residence of a teacher of a national school, under the regulations of the Commissioners for the time being in force; and for providing for the appointment of new trustees from time to time; and, generally, for all such matters and things as the Commissioners may think expedient.

Parliamentary Grant.

School grant and limit of school fees in schools receiving grant.

18.—(1.) After the financial year ending the thirty-first day of March one thousand eight hundred and ninety-two there shall be paid out of moneys provided by Parliament an annual grant (in this Act called the school grant) in aid of education in elementary schools conducted in accordance with the regulations of the Commissioners, of two hundred and ten thousand pounds or of such other amount as Parliament may determine having regard to the amount of the fee grant under the Elementary Education Act, 1891; and the school grant shall be applied in accordance with the provisions of the Fourth Schedule to this Act.

54 & 55 Vict. c. 56.

(2.) In any school receiving aid from the school grant (and not being an evening school), where the average rate (as determined by the Commissioners) of fees received during the year one thousand eight hundred and ninety-one was not in excess of six shillings a year for each child of the number of children in average attendance at the school, no school fee shall be charged after the first day of October one thousand eight hundred and ninety-two for any child.

(3.) In any school receiving aid from the school grant (and not being an evening school), where the said average rate was so in excess, the fees to be charged shall not be such as to make the

average rate of fees for all children in average attendance at the school exceed for any year the amount of the said excess.

(4.) After the passing of this Act the scale of school fees in any school receiving aid from the school grant shall not be altered or fixed except with the approval of the Commissioners.

(5.) For the purposes of this section and of the schedule to this Act the expression "child" shall mean a child over three and under fifteen years of age.

Supplemental.

Extent of Act. **19.** This Act shall extend to Ireland only.

Short title. **20.** This Act may be cited as the Irish Education Act, 1892.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

(1.) The number of attendances for the purposes of the first section of this Act shall be seventy-five complete attendances in each half-year ending respectively the thirtieth day of June and the thirty-first day of December at any national or other efficient school.

Sections 1, 2.

SECOND SCHEDULE.

(2.) A certificate of proficiency for the purposes of this Act shall be a certificate issued by the principal teacher of the school which the child has last attended of such proficiency in reading, writing, and elementary arithmetic as is now prescribed for the fourth class in the programme of instruction of the Commissioners, or such higher proficiency as may hereafter be prescribed by them.

Section 3.

THIRD SCHEDULE.

The members of a school attendance committee shall continue in office for three years from the date of their appointment.

The quorum of the committee shall be three.

Section 18.

FOURTH SCHEDULE.

PROVISIONS AS TO APPLICATION OF GRANT FOR ELEMENTARY SCHOOLS.

The school grant shall be applied by the Commissioners in accordance with regulations to be made by them with the concurrence of the Treasury, as follows:—

First.—In augmenting by twenty per centum the existing rate of class salaries of teachers and of salaries of assistant teachers, and by three shillings and sixpence the capitation grant to schools receiving such grants and not having teachers paid by class salaries.

Secondly.—In granting a bonus of nine pounds to each male, and seven pounds ten shillings to each female, assistant teacher of five years' standing who is classed higher than the third class.

Thirdly.—In awarding a third class salary to each teacher of a school having an average attendance of from twenty to thirty children.

Fourthly.—The residue shall be distributed as a capitation grant as nearly as possible in proportion to the average number of children daily attending the several schools in aid of which salaries or other money payments are paid by the Commissioners.

CHAPTER 43.

An Act to consolidate and amend certain Enactments relating to the Acquisition of Land for Military Purposes.

[27th June 1892.]

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

PART I.

Acquisition of Land for Military Purposes.

Powers to purchase land.

1.—(1.) A Secretary of State may purchase land in the United Kingdom under this Act, for the military purposes of any portion of Her Majesty's military forces.

(2.) A volunteer corps may, with the consent of the Secretary of State, themselves purchase land under this Act for military purposes.

(3.) The council of a county or borough may, at the request of one or more volunteer corps, purchase under this Act, and hold, land on behalf of the volunteer corps for military purposes.

(4.) The Secretary of State shall, before giving his consent to the purchase of any land under this Act by a volunteer corps, send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly.

Machinery for purchase of land.

2. For the purpose of the purchase of land under this Act, the Lands Clauses Acts shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following; (that is to say,)

(1.) There shall not be incorporated with this Act sections sixteen or seventeen of the Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act.

(2.) In the construction of this Act and the incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State, volunteer corps, or council of a county or borough, as the case may be (in this section referred to as