



Education (Scotland) Act 1962

1962 CHAPTER 47

PART II

RIGHTS AND DUTIES OF PARENTS AND FUNCTIONS OF EDUCATION AUTHORITIES IN RELATION TO INDIVIDUAL PUPILS

General Principle

29 Pupils to be educated in accordance with the wishes of their parents

- (1) In the exercise and performance of their powers and duties under this Act, the Secretary of State and education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.
- (2) A parent shall not be entitled to select a course of secondary education for his child from which in the opinion of the education authority (confirmed by the Secretary of State in the event of a dispute between the parent and the authority) the pupil shows no reasonable promise of profiting.

Transfer from Primary to Secondary Education

30 Transfer schemes

An education authority may at any time, and shall if and when so required by the Secretary of State, prepare and submit for his approval under section seventy of this Act a revised scheme or modification of an existing scheme (hereinafter referred to as a "transfer scheme") relating to the schools under their management and showing the methods to be adopted for transferring pupils from primary schools or departments to secondary schools or departments and for enabling an opinion to be formed as to the courses from which each pupil shows reasonable promise of profiting and a decision

to be made, after taking into account the wishes of the parent, as to the course to which the pupil is to be admitted.

Duty of Parents to provide Education for their Children

31 Duty of parents to provide education for their children

It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.

32 School age

- (1) Subject to the provisions of subsections (2) and (4) of this section and of section thirty-three of this Act, the expression " school age " means any age between the age of five years and the age of fifteen years; and accordingly a person shall be deemed to be of school age if he has attained the age of five years and has not attained the age of fifteen years, and a person shall be deemed to be over school age if he has attained the age of fifteen years.
- (2) As soon as the Secretary of State is satisfied that it is practicable to raise the upper limit of the school age to sixteen years, he shall make regulations prescribing that subsection (1) of this section shall have effect with the substitution of references to the age of sixteen years for references to the age of fifteen years.
- (3) Any person who, whether before or after the passing of this Act, has ceased to be of school age shall not in the event of any subsequent change in the upper limit of school age again become a person of school age.
- (4) Where an education authority have decided under section fifty-five of the Act of 1946 or section sixty-four of this Act that a child requires special educational treatment and the child is in attendance at a special school, he shall, unless the said decision is rescinded, be deemed to be of school age until he attains the age of sixteen years although the upper limit of school age in relation to other children is less than sixteen years.

33 Dates for commencing and terminating school attendance

- (1) The Secretary of State may from time to time require an education authority to fix for their area any or all of the following dates (hereinafter referred to as " fixed dates")—
 - (a) two or more fixed dates for commencing school attendance ; and
 - (b) two school leaving dates:

Provided that—

- (i) in pursuance of any requirement under paragraph (b) of this subsection an education authority may fix different dates for different schools in their area; and
- (ii) if the Secretary of State is satisfied, on the application of the education authority for any area, that, having regard to all the circumstances, it is desirable that for any school in that area three school leaving dates should be fixed, he may require the authority to fix three (but not more than three) school leaving dates for that school.

- (2) The education authority shall when required by the Secretary of State submit proposals for fixed dates to him, and the Secretary of State may approve the proposals or may after consultation with the authority and with such other persons as he thinks fit direct the authority to fix other dates. The authority shall thereupon fix the dates approved by the Secretary of State or the dates specified in the said direction as the case may be.
- (3) A child who does not attain the age of five years on a fixed date for commencing school attendance shall for the purpose of such attendance be deemed to attain that age on the fixed date next following the fifth anniversary of his birth.
- (4) A pupil who was at any time within the period of twelve months preceding the fifteenth anniversary of his birth in attendance at school and who does not attain the age of fifteen years on a school leaving date shall be deemed to be of school age until the school leaving date next following the fifteenth anniversary of his birth or, where that school leaving date falls within a holiday period, until the first day of that holiday period or the fifteenth anniversary of his birth, whichever is the later.
- (5) In the last foregoing subsection " school leaving date " and " holiday period " in relation to any person mean respectively a school leaving date and a holiday period fixed for the school at which the person was last in attendance before attaining the age of fifteen years; and the said subsection shall apply to a person for whom the upper limit of school age is sixteen years, with the substitution for the words " fifteen " and " fifteenth ", wherever those words occur, of the words " sixteen " and " sixteenth " respectively.
- (6) In this section the expression " holiday period " means a period of more than nine consecutive days in which no meeting of the school is held, but does not include any period during which the school is closed for exceptional reasons unless the holiday period and the period of closure for exceptional reasons are consecutive. Exceptional reasons include national or local rejoicing or mourning, national or local emergency and the prevention of the spread of disease.

34 Exemption from school attendance

- (1) When after due inquiry an education authority are satisfied that by reason of any circumstances existing at his home it would cause exceptional hardship to require a child over fourteen years of age to attend school, they may grant exemption from the obligation to attend school to enable the said child to give assistance at home upon such conditions, if any, as to the amount and manner of further attendance at school until the child reaches the upper limit of the school age as the authority think fit.
- (2) No exemption granted under the last foregoing subsection shall extend beyond the date for commencing school attendance next following the date upon which the exemption was granted:

Provided that the authority may if they think fit renew an exemption, so however that the provisions of this section shall apply to such renewal in like manner as they apply to the original grant.
- (3) An exemption granted under this section shall exempt the parent of the child concerned from any prosecution or other proceeding under this Act for neglecting to provide for the education of the said child.
- (4) The education authority shall keep a register of exemptions granted under this section wherein shall be entered the name of each child so exempted and a statement of the circumstances in which and the conditions upon which such exemption was granted.

*Failure of Parents to provide Education for their Children***35 Failure by parent to secure regular attendance by his child at a public school**

- (1) Where a child of school age who has attended a public school on one or more occasions fails without reasonable excuse to attend regularly at the said school, then, unless the education authority have consented to the withdrawal of the child from the school (which consent shall not be unreasonably withheld), his parent shall be guilty of an offence against this section.
- (2) A child shall be deemed to attend regularly at a day school if he attends every meeting at which attendance is compulsory. He shall be deemed to attend regularly at a boarding school if he is present at the school throughout the school term except when he is granted leave of absence by the head teacher or by another person duly authorised by him.
- (3) For the purposes of this section, a child who has been required to discontinue for any period his attendance at a school on account of his parent's refusal or failure to comply with the rules, regulations or disciplinary requirements of the school, shall, unless the court otherwise determines, be deemed to have failed without reasonable excuse to attend regularly at the school.

36 Power of education authority and of juvenile court in relation to irregular attendance of child at a public school

- (1) It shall be the duty of the education authority if they consider that a parent has committed an offence against the last foregoing section in respect of a child resident in their area, to serve a notice on the parent requiring him, within such time as may be specified in the notice (not being less than forty-eight hours or more than seven days from the service thereof) to appear (with or without the child) before the authority and explain the reason for the absence of the child from school. If the parent fails to satisfy the authority that he had a reasonable excuse, the authority may instruct that he be prosecuted forthwith under section forty-three of this Act, or may warn the parent and postpone for a period not exceeding six weeks a decision as to whether to prosecute.
- (2) Where an education authority in the exercise of the powers conferred upon them by the last foregoing subsection postpone a decision as to whether to prosecute a parent, they may, if the child is still of school age, make an attendance order in respect of the child in accordance with the provisions of section thirty-eight of this Act requiring the parent to cause the child to attend the public school which he has been attending, or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child.
- (3) Without prejudice to the institution of proceedings for an offence against the last foregoing section or the exercise of the power conferred by subsection (1) of section forty-four of this Act, where a child of school age has failed to attend a public school regularly, the education authority may, if satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at school, direct that the child be brought before a juvenile court.
- (4) A juvenile court before which a child is brought under the last foregoing subsection may, if it is satisfied that it is necessary to do so for the purpose of securing the regular attendance of the child at school, make any order which a juvenile court has power to make under section sixty-six of the Act of 1937, in the case of children and young

persons in need of care or protection who are brought before that court under that section.

- (5) For the purposes of the Act of 1937, any child with respect to whom a direction has been given under subsection (3) of this section that he be brought before a juvenile court shall be deemed to be a child about to be brought, or brought, before such a court under section sixty-six of that Act, and any order made by a juvenile court under this section shall be deemed to be an order made under that section, and all the provisions of that Act shall have effect accordingly, but subject to the modification that in relation to any such child subsection (1) of section seventy-one of the said Act shall have effect as if the words " A constable, or " were omitted therefrom.

37 Power of education authority where not satisfied that parent is providing efficient education for his child

- (1) Where a child of school age has not attended a public school in the area in which his parent is residing, or has attended such a school and has been withdrawn (therefrom with the consent of, or excluded by, the education authority, then, if the authority are not satisfied that the parent is providing efficient education for him suitable to his age, ability and aptitude, it shall be the duty of the authority to serve a notice on the parent requiring him within such time as may be specified in the notice (not being less than seven or more than fourteen days from the service thereof) either—
- (a) to appear (with or without the child) before the authority and give such information as the authority may require regarding the means, if any, he has adopted for providing education, or
 - (b) in the option of the parent, to give such information to the authority in writing.
- (2) If a parent on whom a notice has been served in pursuance of the last foregoing subsection fails to satisfy the authority that he is providing efficient education for the child suitable to his age, ability and aptitude or that there is reasonable excuse for his failure to do so, the authority shall make an attendance order in respect of the child in accordance with the provisions of the next following section.

Attendance Orders

38 Making of attendance orders

- (1) References in the two last foregoing sections, and in the following provisions of this Act, to an attendance order in respect of a child are references to an order in writing requiring the parent of the child to cause the child to attend a school named in the order, being a school the managers of which are willing to receive the child.
- (2) In an attendance order in respect of a child—
- (a) a school at which the parent will be required to pay fees shall not be named except at the request of the parent; and
 - (b) a special school shall not be named unless a certificate issued under subsection (2) of section fifty-five of the Act of 1946 or subsection (2) of section sixty-four of this Act is in force certifying that the child is suffering from such disability as to require special educational treatment.
- (3) Before making an attendance order under either of the two last foregoing sections, the education authority shall consider any views expressed by the parent as to the school which he desires his child to attend.

- (4) The authority shall cause a copy of any attendance order made by them under either of the two last foregoing sections to be served upon the parent, and it shall thereupon be the duty of the parent, subject to an appeal to the sheriff under the next succeeding subsection, to cause the child to attend regularly at the school named in the order.
- (5) A parent aggrieved by the making of an attendance order by an education authority may within fourteen days after the date upon which a copy of the order was served upon him under the last foregoing subsection appeal against it to the sheriff, who may confirm, vary or annul the order and whose decision shall be final.

39 Amendment and revocation of attendance orders

- (1) An education authority who have made an attendance order in respect of any child may at any time while the order is in force serve upon the parent of the said child a notice of their intention to amend the order by substituting the name of another school for that named in the order.
- (2) Where a child in respect of whom an attendance order is in force moves his residence, the education authority of the area to which the child has moved may serve upon the parent of the said child a notice of their intention to amend that order by substituting for the name of the school appearing in the order the name of a school attended by children residing in the same neighbourhood as the child.
- (3) The parent may within fourteen days of the service of a notice under subsection (1) or subsection (2) of this section intimate in writing to the authority any objections he may have to the proposed amendment. After the expiry of the said period of fourteen days and after considering any objections made by the parent, the authority may amend the attendance order, and subsections (2), (4) and (5) of the last foregoing section shall apply in the case of the amended attendance order as they apply in the case of an attendance order.
- (4) If at any time while an attendance order is in force with respect to any child the parent of the child makes application to the authority by whom the order was made or amended requesting that another school be substituted for that named in the order, or requesting that the order be revoked on the ground that arrangements have been made for the child to receive efficient education suitable to his age, ability and aptitude at a school other than that named in the order or elsewhere than at school, the authority shall amend or revoke the order in compliance with the request unless they are of opinion that the proposed change of school is unreasonable or inexpedient in the interests of the child, or that the arrangements made for the education of the child at a school other than that named in the order or elsewhere than at school are not satisfactory, as the case may be; and, if a parent is aggrieved by a failure of the authority to reach a decision upon his application within one month after the date thereof or by refusal of the authority to comply with any such request, he may appeal to the sheriff, who shall give such direction as he thinks fit.

40 Period of operation of attendance orders

An attendance order made in respect of any child shall, subject to any amendment thereof made by an education authority or variation made by the sheriff, and unless revoked by an authority or annulled by the sheriff, continue in force so long as the child is of school age:

Provided that if a certificate under subsection (2) of section fifty-five of the Act of 1946 or subsection (2) of section sixty-four of this Act certifying that a child is suffering from such disability as to require special educational treatment is withdrawn, any attendance order requiring the attendance of that child at a special school shall be deemed to be annulled.

41 Failure to comply with attendance order

Where an attendance order has been made and is in force in respect of any child, and a copy of such order has been served on the parent of the child, the parent shall, if the order is not complied with, be guilty of an offence against this section unless he satisfies the court that he has a reasonable excuse.

Reasonable Excuses

42 Reasonable excuses

- (1) For the purposes of sections thirty-five, thirty-six, thirty-seven, forty-one and forty-four of this Act, there shall be deemed to be a reasonable excuse if—
 - (a) there is within walking distance of the child's home measured by the nearest available route no public or other school the managers of which are willing to receive the child and to provide him with free education, and either—
 - (i) no arrangements have been made by the education authority under section fifty of this Act with regard to the child, or
 - (ii) any arrangements so made are such as to require the child to walk more than walking distance in the course of any journey between his home and school; or
 - (b) the child has been prevented by sickness from attending school or receiving education as the case may be; or
 - (c) there are other circumstances which in the opinion of the education authority or the court afford a reasonable excuse.
- (2) The fact that an application to an education authority, or an appeal to the sheriff, has been made under subsection (4) of section thirty-nine of this Act in relation to an attendance order in respect of a child shall not be deemed to be a reasonable excuse for failure to cause the child to attend regularly at the school named in the order.
- (3) When a parent alleges that his child has been prevented by sickness from attending school or receiving education as the case may be, the parent shall, if required by the education authority, permit a medical officer of the education authority to examine the child, and any parent who fails to do so shall be guilty of an offence against this section.
- (4) In this section the expression " walking distance " means, in the case of a child who has not attained the age of eight years, two miles, and, in the case of any other child, three miles.

Prosecutions

43 Prosecutions and penalties

- (1) Any person guilty of an offence against section thirty-five or section forty-one or section forty-two of this Act shall be liable, on conviction by a court of summary jurisdiction, in the case of a first conviction to a fine not exceeding one pound, in the case of a second conviction, whether in respect of the same or of another child, to a fine not exceeding five pounds, and in the case of a third or subsequent conviction, whether in respect of the same or of another child, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.
- (2) Proceedings under this section may be taken at the instance either of the public prosecutor of the court of summary jurisdiction in which the proceedings are to be taken or of another person authorised by the education authority to institute proceedings on their behalf.

44 Powers of Courts in relation to child

- (1) If the court before which a prosecution is brought for an offence against section thirty-five or section forty-one or section forty-two of this Act is satisfied that the child has failed without reasonable excuse to attend regularly at school, then, whether or not the parent is convicted, the court may direct that the child be brought before a juvenile court by the education authority of the area in which the child resides, and the court shall so direct if the education authority so request.
- (2) If the court before which a prosecution is brought for an offence against section thirty-five of this Act is satisfied that a child has failed without reasonable excuse to attend regularly at school, but does not, in the exercise of the powers conferred upon it by the last foregoing subsection, direct that the child be brought before a juvenile court, the court may, if the child is still of school age, make an attendance order in respect of the child requiring the parent to cause the child to attend the public school which he has been attending, or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child ; and subsections (2) and (3) of section thirty-eight, and sections thirty-nine to forty-one, of this Act shall apply with any necessary modifications to an attendance order made by a court under this section as they apply to an attendance order made by an education authority.
- (3) Any juvenile court before which a child is brought under subsection (1) of this section shall have in respect of the child the like power as is conferred on such a court by subsection (4) of section thirty-six of this Act.
- (4) The provisions of subsection (5) of section thirty-six of this Act shall apply in relation to any child with respect to whom a direction has been given under subsection (1) of this section as they apply in relation to a child with respect to whom a direction has been given under subsection (3) of that section.

*Attendance at Junior Colleges***45 Attendance at junior colleges**

- (1) It shall be the duty of every education authority to serve on every young person ordinarily resident in their area who is not exempt from compulsory further education a notice (hereinafter referred to as an "attendance notice") directing him to attend a junior college named in the notice, and it shall be the duty of every young person upon whom such a notice is served to attend at the junior college in accordance with the requirements specified in the notice. The authority shall serve a copy of the notice and of any amendment thereof upon the parent of the young person.
- (2) Subject to the provisions of the next following subsection, the requirements specified in an attendance notice shall be such as to secure the attendance at a junior college of the young person upon whom the notice is served—
- (a) for one whole day, or two half-days, in each of forty four weeks in every year while he remains a young person; or
 - (b) for one continuous period of eight weeks, or for two continuous periods of four weeks each in every such year, if the authority are satisfied that continuous attendance would be more suitable for the said young person;

and in this section the expression "year" means, in relation to any young person, in the case of the first year, the period of twelve months beginning with the first day on which he is required by an attendance notice served on him to attend a junior college, and in the case of every subsequent year the period of twelve months beginning immediately after the expiration of the last preceding year:

Provided that—

- (i) in respect of the year in which the young person attains the age of eighteen the requirements specified in the notice shall be reduced to such extent as the education authority think expedient for securing that the attendances required of him until he attains that age shall be as nearly as may be proportionate to those which would have been required of him during a full period of twelve months; and
 - (ii) the Secretary of State may from time to time require an education authority to fix for their area two or more dates for terminating attendance at junior colleges. The education authority shall intimate to the Secretary of State the dates which they propose to fix, and the Secretary of State may approve the said dates or may, after consultation with the authority and with such other persons as he thinks fit, require the authority to fix other dates. The authority shall fix dates in accordance with the approval or requirement of the Secretary of State, and thereupon a young person resident in the area shall for the purpose of attendance at a junior college be deemed to attain the age of eighteen on the fixed date next following the day when he actually attains that age.
- (3) If by reason of the nature of the employment of any young person or of other circumstances affecting him the education authority are satisfied that attendance in accordance with the provisions of the last foregoing subsection would not be suitable in his case, an attendance notice may, with the consent of the young person, require his attendance in accordance with such other arrangements as may be specified in the notice, so, however, that the requirements specified in the notice in accordance with such arrangements as aforesaid shall be such as to secure the attendance of the young person for periods amounting in the aggregate to three hundred and thirty hours in

each year, or, in the case of the year in which he attains the age of eighteen, to the proportionately reduced number of hours.

- (4) Except where continuous attendance at a junior college involves residence at the college or at a hostel, no attendance notice shall require a young person to attend a junior college on a Sunday or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, or, so far as practicable, during any holiday or half-holiday which is allowed in accordance with any custom of his employment, or between the hours of six in the evening and half past eight in the morning:

Provided that the Secretary of State may, on the application of an education authority, direct that in relation to young persons in their area or in any part thereof employed at night or otherwise employed at abnormal times this subsection shall have effect as if for the reference to the hours of six in the evening and half past eight in the morning there were substituted a reference to such other times as may be specified in the direction.

- (5) The place, days, times and periods of attendance required of a young person and the period for which the notice is to be in force shall be specified in any attendance notice served on him ; and the requirements of any such notice may be amended as occasion may require either by the authority by whom it was served or by any other education authority in whose area he may for the time being reside, so, however, that the provisions of 'every such notice shall be such as to secure that the requirements imposed on the young person during each year while he remains a young person shall comply with the provisions of the last three foregoing subsections.
- (6) In determining what requirements shall be imposed upon a young person by an attendance notice or by any amendments to such a notice, the education authority shall have regard, so far as practicable, to any preference which he and, in the case of a young person under the age of sixteen years, his parent may express, to the circumstances of his employment or prospective employment, and to any representations that may be made to the authority by his employer or any person proposing to employ him.
- (7) If a pupil satisfies the education authority that any religious observance or any part of the instruction at a junior college which the pupil is required to attend is contrary to his religious belief or likely to give offence to his religious feelings, the education authority shall permit the pupil to withdraw from such observance or instruction and shall, so far as practicable, arrange for him to be suitably occupied while such observance or instruction is in progress.
- (8) The following persons shall be exempt from compulsory attendance at a junior college, that is to say—
- (a) any person who is in full-time attendance at any school or other educational establishment (not being a junior college) approved by the Secretary of State for the purpose;
 - (b) any person who is shown to the satisfaction of the education authority to be receiving suitable and efficient instruction in some other manner either full-time or for such times as in the opinion of the authority are equivalent to not less than three hundred and thirty hours instruction in a period of twelve months;

- (c) any person who having been exempt under either of the last two foregoing paragraphs did not cease to be so exempt until after he had attained the age of seventeen years and eight months ;
 - (d) any person who is undergoing a course of training approved by the Secretary of State for the mercantile marine or the sea fishing industry or who, having satisfactorily completed such a course, is engaged in the mercantile marine or in the sea fishing industry;
 - (e) any person to whom, by reason of section one hundred and forty or section one hundred and forty-one of this Act, the duties of education authorities do not relate;
 - (f) any person who attained the age of fifteen years before the date when the scheme for the provision of junior colleges came into force.
- (9) If any person is aggrieved by a decision of an education authority given under paragraph (b) of the last foregoing subsection, he may refer the question to the Secretary of State, who shall give such direction thereon as he thinks fit.
- (10) If any young person upon whom an attendance notice has been served fails to comply with any requirement of the notice, he shall be guilty of an offence against this section unless he proves either—
- (a) that he was exempt from compulsory attendance for further education, or
 - (b) that he was prevented from complying with the requirement by reason of sickness or any other unavoidable cause,
- or unless the court is satisfied that there was some other reasonable cause for such failure.

46 Provisions for securing attendance at junior colleges

- (1) For the purpose of facilitating the execution by education authorities of their functions under the last foregoing section, the following provisions shall have effect, that is to say—
- (a) every young person who is not exempt from compulsory attendance at a junior college shall at all times keep the education authority concerned informed of his proper address;
 - (b) every person whose employment such a young person as aforesaid enters shall, not later than four days thereafter, if the young person has not then left his employment, notify the education authority concerned that the young person has entered his employment;
 - (c) where a young person whose entry into employment has been notified in pursuance of the last foregoing paragraph leaves that employment, the employer shall within four days thereafter notify the education authority concerned that the young person has ceased to be employed by him ;
 - (d) where such a young person as aforesaid enters the employment of an employer by whom he had previously been employed, the employer shall immediately notify such entry to the education authority concerned unless the previous entry was so notified in pursuance of paragraph (b) of this subsection;
 - (e) every person by whom such a young person as aforesaid is employed shall notify the education authority concerned of any change of his address, and, if known to him, of any change of the young person's address.

In this subsection the expression " the education authority concerned " means the education authority in whose area the young person is ordinarily resident.

- (2) Any person who fails to comply with any requirement imposed on him by the last foregoing subsection shall be guilty of an offence against this section.
- (3) The education authority by whom an attendance notice is served upon any young person shall serve a copy thereof upon any person who notifies the authority that the young person is employed by him.
- (4) The Secretary of State may by regulations make provision as to the form of attendance notices, as to consultation and the exchange of information between education authorities, as to the issue of certificates of exemption in respect of young persons who are exempt from compulsory attendance at a junior college, and generally for the purpose of facilitating the administration by education authorities of the provisions of this Act as to attendance at junior colleges.
- (5) The Secretary of State and the Minister of Labour shall give directions to education authorities and to local offices of the Ministry of Labour respectively for ensuring due consultation and exchange of information between such authorities and offices.

47 Enforcement of attendance at junior colleges

- (1) Any person guilty of an offence against either of the last two foregoing sections shall be liable on conviction by a court of summary jurisdiction in the case of a first offence against that section to a fine not exceeding one pound, in the case of a second offence against that section to a fine not exceeding five pounds, and in the case of a third or subsequent offence against that section to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.
- (2) If, in furnishing any information for the purposes of either of the last two foregoing sections, any person makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (3) If the parent of a young person or any person by whom a young person is employed or the servant or agent of any such person has connived at any offence committed by the young person against either of the last two foregoing sections, the person who has connived at the offence shall, whether or not any person is proceeded against or convicted in respect of the offence connived at, be guilty of the like offence and punishable accordingly.

48 Power to require attendance of unemployed young persons at junior colleges

- (1) If any young person is capable of and available for work but has no work or only part-time or intermittent work, the Secretary of State may require his attendance in accordance with regulations at any junior college at which he can reasonably be expected to attend.
- (2) If any young person whose attendance at a junior college has been required by the Secretary of State under this section fails, except by reason of sickness or other unavoidable cause, to attend at that college, he shall be liable on conviction by a court of summary jurisdiction in the case of a first offence to a fine not exceeding one pound, in the case of a second offence to a fine not exceeding five pounds, and in the case of

a third or subsequent offence to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

- (3) For the purposes of the last foregoing subsection and of any such proceedings as are therein mentioned, a young person who, by reason of his misbehaviour while attending at a junior college, has been required to discontinue his attendance thereat for any period shall be deemed to have failed without unavoidable cause to attend at that college.
- (4) An education authority shall have power to assist the Secretary of State with respect to the attendance at junior colleges of young persons who may be, or have been, required by the Secretary of State under this section to attend thereat.
- (5) Regulations made by the Secretary of State under this section shall make provision as to the functions to be performed by education authorities with respect to young persons required under this section to attend at junior colleges, and, in particular, shall direct such authorities to make in any attendance notice served on any such young person such modifications as may be provided by the regulations, and shall make provision as to the circumstances in which and the extent to which attendances in pursuance of requirements under this section may be reckoned as attendances in pursuance of the requirements of attendance notices.
- (6) The aforesaid regulations may make provision for the establishment of boards of assessors for the purpose of reporting to the Secretary of State as to the advisability of requiring young persons to attend at a junior college.

Provision to assist Pupils to take Advantage of Educational Facilities

49 Power of education authorities to assist persons to take advantage of educational facilities

- (1) Subject to the following provisions of this section an education authority shall have power to grant, on such conditions as may be prescribed, and make payments in pursuance of, bursaries, scholarships or other allowances to persons over school age attending courses of full-time or part-time education (whether held in Great Britain or elsewhere) which are not courses of primary or secondary education or (in the case of courses held outside Great Britain) are not courses of education comparable to primary or secondary education in Great Britain.
- (2) Subject to the following provisions of this section an education authority shall have power, for the purpose of enabling persons to take advantage without hardship to themselves or their parents of the facilities for primary or secondary education available to them, to grant, on such conditions as may be prescribed, and make payments in pursuance of, allowances for the purpose of defraying in whole or in part—
 - (a) such expenses of persons attending any school as may be expedient to enable them to take full part in the activities of the school;
 - (b) the fees and expenses payable in respect of persons attending schools at which fees are payable;
 - (c) the maintenance expenses of persons over school age Who are attending schools.
- (3) The Secretary of State may make regulations providing that the powers conferred on an education authority by subsections (1) and (2) of this section—

- (a) shall be exercised in accordance with such provisions as may be prescribed by or under the regulations; and
- (b) shall not be exercised in relation to a person who does not fulfil such requirements as to residence in the area of (the authority, or as to other matters, as may be specified in the regulations;

and regulations made under this subsection may contain provision for the determination by (the Secretary of State of any question whether any such requirements are fulfilled in any particular case.

50 Education of pupils in exceptional circumstances

(1) Where in the opinion of an education authority—

- (a) any pupil is, owing to the remoteness of his home or the conditions under which he is living or other exceptional circumstances, unable to receive the full benefit of primary or secondary education unless special arrangements are made for him, or
- (b) primary or secondary education suitable to the age, ability and aptitude of any pupil can best be provided for him at any particular school, or
- (c) compulsory further education should in the case of any pupil be provided by requiring his continuous attendance at a junior college under section forty-five of this Act,

the authority shall, after consultation with the parent and, in any case falling under paragraph (c) of this subsection, with the pupil, make such arrangements of either a temporary or a permanent character as they think best suited to the purpose of enabling that pupil to attend an appropriate school or college.

(2) The arrangements made under the last foregoing subsection may include—

- (a) the provision of travelling facilities or the payment of travelling expenses under section fifty-one of this Act; or
- (b) the accommodation of the pupil at a boarding school or at a junior college where boarding is provided, or in a hostel, home or other institution; or
- (c) other provision of board and lodging, provided that the education authority shall, so far as practicable, give effect to the wishes of the parent with respect to the religious denomination of the person with whom the pupil will reside ; or
- (d) provision for the travelling, board and lodging of teachers.

51 Provision of transport and other facilities

(1) An education authority shall make such arrangements as they consider necessary for the provision of any of the following facilities in respect of pupils attending schools or other educational establishments—

- (a) for their conveyance without charge for the whole or part of the journey between their homes and the schools or other educational establishments which they are attending;
- (b) for making bicycles or other suitable means of transport available to the pupils, or to their parents for the use of the pupils, upon such terms and conditions as may be arranged, or for paying money allowances in lieu thereof;
- (c) for paying the whole or any part, as the authority think fit, of their reasonable travelling expenses,

and any such arrangement may in respect of any pupil make provision for more than one of the facilities specified in the foregoing paragraphs of this subsection.

- (2) Where the requirements of pupils, for the conveyance of whom arrangements have been made by an education authority under paragraph (a) of the last foregoing subsection, have been met, it shall be the duty of that authority, where there are any vacant places in any vehicle used for such conveyance, to allow such vacant places to be used without charge by other pupils to be selected by the authority.
- (3) Where as a condition of admission to any educational institution a person is required to attend for examination or interview at a particular place, the education authority may pay the whole or part of the expenses necessarily incurred by that person in respect of such attendance.

52 Recovery of cost of board and lodging

Where an education authority have provided a pupil with board and lodging, whether at a school, junior college or hostel or elsewhere, the authority may, in their discretion, require the parent to pay to them in respect thereof such sums if any not exceeding the cost of such board and lodging as in the opinion of the authority he is able without financial hardship to pay:

Provided that—

- (i) where the board and lodging provided for any pupil were so provided under arrangements made by the authority for any of the reasons specified in subsection (1) of section fifty of this Act, no sum shall be recoverable in respect thereof under this section; and
- (ii) where the board and lodging have been so provided for a young person in voluntary attendance at a junior college or, under section thirteen of this Act, at another educational establishment, the authority, if satisfied that he is in a financial position to pay the whole or any part of a sum recoverable from his parent under this section, may recover that sum or that part thereof from the young person instead of from the parent.

Provision of Food and Clothing

53 Provision of food for pupils at educational establishments managed by education authorities

- (1) It shall be the duty of an education authority to provide milk and a midday meal, and it shall be lawful for them to provide other meals and refreshments, for pupils in attendance at public schools and junior colleges under their management on days when the schools meet or when the pupils are required by attendance notices to be present at a junior college, as the case may be, and they may make similar provision for the said pupils on other days, for children who have attained the age of five years pending their admission to school and for pupils in attendance at other educational establishments under their management.
- (2) Where in the opinion of an education authority any pupil attending a public school in their area would otherwise be unable to take full advantage of the education provided, they shall make such arrangements for such period as they deem necessary for the provision to the pupil of milk and midday meals on days when the school does not meet.

- (3) The Secretary of State may make regulations as to the manner in which and the persons by whom the expense of providing such milk, meals and other refreshments is to be defrayed, as to the facilities to be afforded (including any buildings or other equipment to be provided) and as to such other consequential matters as he considers expedient.
- (4) For the purposes of this section, a pupil for whom an education authority have made special arrangements under section fourteen of this Act may, at the discretion of the education authority, be deemed to be in attendance at a public school under their management.

54 Provision of clothing for pupils at public schools

- (1) When it is brought to the notice of an education authority that a pupil attending a school under their management is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided, the education authority shall make such provision for the pupil for the purpose of ensuring that he is sufficiently and suitably clad as they may deem necessary during such period while the pupil is attending school (including days when the school does not meet) as they may determine.
- (2) Where an education authority make provision for a pupil in pursuance of this section, they shall be entitled to recover from the parent of the pupil the expense thereby incurred or, if the authority are satisfied that the parent is unable without financial hardship to pay the whole of that expense, such part thereof, if any, as he is, in the opinion of the authority, able without financial hardship to pay.
- (3) Without prejudice to any powers conferred upon them by the last two foregoing subsections, an education authority may provide clothing free of charge—
 - (i) for any pupil who is a boarder at a school, or
 - (ii) for any pupil in attendance at a nursery school or a nursery class, under the management of the authority.
- (4) For the purposes of this section—
 - (a) a pupil on attaining the age of five years shall, pending his admission to school, be deemed to be attending a school under the management of the education authority in whose area he is ordinarily resident.; and
 - (b) a pupil for whose education it is the duty of an education authority to provide special educational treatment shall be deemed to be attending a school under the management of that authority.

55 Provision of food and clothing for pupils at schools other than public schools

An education authority may, with the consent of the managers of any school in their area which is not a public school, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the managers, make arrangements for securing—

- (a) the provision of milk, meals and other refreshment for pupils in attendance at the school; and
- (b) the provision, for any pupil in attendance at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education (including physical exercise) provided by the school, of such

clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school:

Provided that any arrangements made under this section shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or article shall not exceed the expense which would have been incurred by them if the pupils had been pupils at a public school.

56 Condition of provision of clothing by education authorities

Save as may be otherwise prescribed, provision of clothing by an education authority under any of the powers conferred by this Act may be made in such a way as to confer, at the option of the authority, either a right of property in the clothing or a right to use it only.

Health and Cleanliness of Pupils

57 Regulations as to medical examination and inspection

The Secretary of State may make regulations as to the conduct of medical examinations and medical inspections for the purposes of this Act. Such regulations may, in particular, prescribe the special qualifications or experience to be possessed by the medical practitioners by whom any class of medical examinations may be conducted, by the persons who may assist in the conduct of such examinations, and by the medical practitioners by or under whose directions any class of medical inspections may be conducted.

58 Medical inspection, supervision and treatment of pupils

- (1) It shall be the duty of an education authority to provide for the medical inspection, at appropriate intervals, and for the medical supervision of all pupils in attendance at any school or junior college under their management and of all young persons in attendance at any other educational establishment under their management, and an education authority shall have power to provide for such inspection and supervision of other pupils in attendance at any educational establishment under their management who desire such inspection and supervision.
- (2) For the purpose of securing the proper medical inspection of the pupils for whom it is their duty to provide such inspection an education authority may require the parent of any pupil in attendance at any such school to submit the pupil for medical inspection in accordance with arrangements made by the authority, and may require any young person in attendance at such junior college or other educational establishment to submit himself to such medical inspection; and any person who fails without reasonable excuse to comply with any such requirement shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.
- (3) It shall be the duty of an education authority to make such arrangements for securing the provision of free medical treatment for pupils in attendance at any such school and for young persons in attendance at any such junior college or other educational establishment as are necessary for securing that comprehensive facilities for free medical treatment are available to them either under this Act or otherwise, and an education authority shall have power to make such arrangements as aforesaid with

respect to other pupils in attendance at any educational establishment under their management who desire such treatment.

59 Dental treatment of pupils

It shall be the duty of every education authority to make such arrangements as are necessary for securing that there are available for pupils in attendance at any public school and young persons in attendance at any junior college or other educational establishment under their management comprehensive facilities for free dental treatment provided either—

- (a) by persons employed or engaged by, and at the expense of, the authority, either regularly (whether whole-time or part-time) or for the purposes of particular cases; or
- (b) under arrangements made by a Regional Hospital Board within the meaning of the National Health Service (Scotland) Act, 1947;

or partly in the one way and partly in the other; and every education authority shall have power to make arrangements for rendering available to other pupils in attendance at any educational establishment under their management any facilities which they have caused to be made available in the discharge of the duty imposed on them by the foregoing provisions of this section.

60 Supplementary provisions

- (1) It shall be the duty of an education authority to make arrangements for encouraging and assisting pupils to take advantage of facilities for medical treatment made available under subsection (3) of section fifty-eight of this Act and of those for dental treatment made available under the last foregoing section:

Provided that if the parent of any child or young person gives to the authority notice that he objects to the child or young person availing himself of the said facilities, the child or young person shall not be encouraged or assisted so to do.

- (2) Where under powers conferred by section fourteen of this Act an education authority make special arrangements for any child or young person to receive primary or secondary education elsewhere than at school, the authority may provide for the medical inspection, supervision and treatment and for the dental treatment of that pupil as if he were in attendance at a school under their management.
- (3) An education authority may, with the consent of the managers of any school or other educational establishment in their area which is not under their management, and upon such terms, if any, as may be determined by agreement between the authority and the managers, make arrangements for securing the medical inspection and supervision of, and the provision of medical treatment and of dental treatment for, pupils in attendance at the school or educational establishment:

Provided that the arrangements shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with such inspection, supervision and treatment shall not exceed the expense which would have been incurred by them if the pupils had been pupils at a school or educational establishment under their management.

- (4) Every education authority shall furnish to the Secretary of State such particulars as he may from time to time require of the arrangements made by the authority in the exercise of their functions relating to medical examination, inspection, supervision

and treatment and to dental treatment; and the Secretary of State may give to any such authority such directions as to the discharge by the authority of those functions as appear to him to be expedient.

61 Power to ensure cleanliness

- (1) An education authority may, by directions in writing issued with respect to all schools, junior colleges and other educational establishments under their management or with respect to any of such schools, colleges or establishments named in the directions, authorise a medical officer of the authority to cause examinations to be made of the bodies and clothing of all or any of the pupils in attendance at such schools and young persons in attendance at such colleges or establishments whenever in his opinion such examinations are necessary in the interests of cleanliness.
- (2) Any such examination as aforesaid shall be made by the said medical officer or by a person authorised in writing by him to make such examinations (in this section referred to as an "authorised person"), and, if the body or clothing of any pupil or young person is found upon such an examination to be infested with vermin or in a foul condition, the medical officer, the authorised person or any officer of the authority on their behalf may serve upon the parent of such pupil or upon the young person a notice requiring the parent to cause the body and clothing of the pupil to be cleansed or the young person to cause himself and his clothing to be cleansed as the case may be.
- (3) A notice served under the last foregoing subsection shall inform the person upon whom it is served that, unless within the period limited by the notice, not being more than twenty-four hours after the service thereof, the body and clothing of the pupil or young person to whom the notice relates are cleansed to the satisfaction of the medical officer or an authorised person as may be specified in the notice, the cleansing thereof will be carried out under arrangements made by the education authority; and, if at the expiration of that period the medical officer or an authorised person is not satisfied that the body and clothing of the pupil or young person have been properly cleansed, the medical officer or an authorised person may issue an order directing that the body and clothing of the pupil or young person be cleansed under such arrangements. The order shall be sufficient to authorise any officer of the authority to cause the body and clothing of the pupil or young person named in the order to be cleansed in accordance with such arrangements, and for that purpose to convey him to the premises where the cleansing is to be carried out and to detain him there until such time as the cleansing has been completed.
- (4) It shall be the duty of the education authority to make arrangements for securing that any cleansing under this section, whether at the request of a parent or young person or in pursuance of an order issued under this section, may be carried out in suitable premises by suitable persons and with suitable appliances.
- (5) If after the cleansing of the body or clothing of any pupil or young person has been carried out under this section his body or clothing is again found to be infested with vermin or in a foul condition at any time while he is in attendance at such school, junior college or other educational establishment, and it is proved that the condition of his body or clothing is due to neglect on the part of his parent, or, in the case of a young person in attendance at a junior college or other educational establishment, to his own neglect, the parent or the young person, as the case may be, shall be liable on conviction by a court of summary jurisdiction in the case of a first conviction to a fine not exceeding one pound, in the case of a second conviction to a fine not exceeding five pounds and in the case of a third or subsequent conviction to a fine not exceeding

ten pounds or to a term of imprisonment not exceeding one month or to both such fine and such imprisonment.

- (6) Where a medical officer or authorised person has reason to believe that the body or clothing of any pupil or young person in attendance at such school, junior college or other educational establishment is infested with vermin or in a foul condition, but action for the examination or cleansing thereof cannot immediately be taken, he may, if he considers it necessary so to do in the interests either of the pupil or young person or of other children or young persons in attendance at the school, college or other educational establishment, direct that the pupil or young person be excluded from the school, college or other educational establishment until such action has been taken; and such a direction shall be a defence to any proceedings under this Act in respect of the failure of the pupil or young person to attend school or to comply with the requirements of an attendance notice, as the case may be, on any day on which he is excluded in pursuance of the direction, unless it is proved that the issue of the direction was necessitated by the wilful default of the parent or of the young person.
- (7) No female shall be examined or cleansed under the powers conferred by this section except by a duly qualified medical practitioner or by a woman authorised for that purpose by a medical officer of an education authority.

Handicapped Children

62 Classification and educational arrangements

The Secretary of State shall make regulations defining the several categories of pupils requiring special educational treatment and making provision as to the special educational arrangements appropriate for pupils of each category.

63 Duty of education authorities to ascertain what children are suffering from disability

- (1) It shall be the duty of an education authority to ascertain what children in their area who have attained the age of five years—
- (a) require special educational treatment; or
 - (b) are suffering from a disability of mind of such a nature or to such an extent as to make them unsuitable for education or training in a special school.
- (2) If for the purpose of their duty under the last foregoing subsection an authority consider it necessary that a child should be medically examined, they shall by notice in writing served upon the parent of the child require him to submit the child for medical examination by a medical officer of the authority in order to obtain advice as to whether the child is suffering from any disability of mind or body and as to the nature and extent of any such disability ; and if a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements thereof he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.
- (3) Before any child is so medically examined as aforesaid, the authority shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

- (4) If the parent of any child who has attained the age of two years requests the education authority for the area to cause the child to be so medically examined as aforesaid, the authority shall comply with the request unless in their opinion the request is unreasonable.
- (5) It shall be the duty of an education authority to disseminate in their area information as to the educational importance to any child suffering from disability of mind or body of the early ascertainment of his disability, and of the opportunity for medical examination available under this section.

64 Children requiring special educational treatment

- (1) The education authority shall consider the advice given with respect to any child in consequence of the medical examination under the last foregoing section and any reports or information which they are able to obtain from teachers or other persons with respect to the ability and aptitude of the child, and, if the authority decide that the child requires special educational treatment, they shall give to the parent notice of their decision and shall ensure that any education provided for the child is by means of special educational treatment.

- (2) The advice given with respect to any child in consequence of any such medical examination as aforesaid shall be communicated to the parent of the child, and the medical practitioner by whom the examination was made shall, if required by the parent or by the authority so to do, issue to the parent and to the authority a certificate in the prescribed form showing whether the child is suffering from any disability of mind or body and, if so, the nature and extent thereof, and any parent who is aggrieved by the terms of the certificate may within fourteen days after the date of issue thereof, refer the case to the Secretary of State:

Provided that an education authority shall not require the issue of such a certificate in respect of any child unless the certificate is, in their opinion, necessary for the purpose of securing that the child shall receive special educational treatment.

- (3) Any certificate issued under the last foregoing subsection may be withdrawn by the Secretary of State or by a medical officer of the education authority, and upon the withdrawal of such a certificate the decision of the education authority under subsection (1) of this section in regard to the child with respect to whom the certificate was issued shall be deemed to have been rescinded, and the education authority shall cease to provide special educational treatment for the child and shall notify the parent accordingly.
- (4) Where an education authority have decided under subsection (1) of this section that a child requires special educational treatment, and where such treatment is being provided for that child in a special school by or with the approval of the authority, the child shall not while of school age be withdrawn from that school without the consent of the authority:

Provided that if the parent of any child is aggrieved by the failure of the authority to reach a decision upon his application for their consent to such withdrawal within one month after the date of his application or by the refusal of the authority to comply with such application, he may within fourteen days after the expiry of the said period of one month or after such refusal, as the case may be, appeal to the sheriff, who shall give such direction as he thinks fit.

65 Children unsuitable for education or training in a special school

- (1) If, after considering in accordance with the provisions of subsection (1) of the last foregoing section the advice, reports and information with respect to any child who has attained the age of two years, the education authority decide that the child is suffering from a disability of mind of such a nature or to such an extent as to make him unsuitable for education or training in a special school, it shall (subject to the next following subsection) be the duty of the authority to issue to the local health authority a report of their decision, together with a copy of any document which was taken into account for the purposes of the decision.
- (2) Before issuing a report under this section with respect to any child, the education authority shall give to the parent of the child not less than twenty-one days' notice in writing of their intention to do so, and if within that period the parent refers to the Secretary of State the question whether such a report should be issued the report shall not be issued except by his direction.
- (3) Any notice under subsection (2) of this section shall contain a statement of the functions of the local health authority with respect to the making of arrangements for the treatment, care or training of the child in the event of the report being issued, and, if known to the education authority, a statement of the arrangements proposed to be made by the local health authority in the discharge of those functions.
- (4) Where a report has been issued under subsection (1) of this section in respect of a child—
 - (a) the parent of the child may, at any time (but not earlier than twelve months after the date of the issue of the report nor more often than once in any subsequent period of twelve months) by notice in writing request the education authority to review the decision ; and
 - (b) if at any time it appears to the local health authority, or to any authority or body responsible for the management of an institution in which the child is under care, that the decision ought to be reviewed, they shall give notice to that effect to the education authority ;

and thereupon the education authority shall cause the child to be medically examined, and the provisions of subsections (2) and (3) of section sixty-three of this Act shall apply for the purpose of such examination in like manner as they apply for the purpose of the duty of the authority under subsection (1) of the said section.
- (5) If, after considering the advice given by the medical officer and any reports or information from the local health authority or from the parent of the child or from the authority or body responsible for the management of the institution in which the child is under care or from other persons, the education authority decide that the child is suitable for education in a school other than a special school or education or training in a special school, they shall cancel their original report and shall intimate the cancellation to the authority to whom the report was originally issued, to any other authority or body concerned, and to the parent.
- (6) If, after considering the advice and reports referred to in the last foregoing subsection, the education authority refuse to cancel a report, they shall intimate such refusal to the authority to whom the report was originally issued, to the authority or body responsible for the management of the institution in which the child is under care and to the parent of the child, and it shall be competent to such authority, body or parent, within fourteen days after receipt of such intimation to appeal against such refusal to the Secretary of State.

- (7) On any appeal under the last foregoing subsection the Secretary of State may require the education authority to cancel the report or may confirm their refusal to do so.

66 Children who may benefit by local health authority services after leaving school

- (1) Where the education authority decide that a child in attendance at a school in their area or under their management, or at a special school, is suffering from mental deficiency to such an extent that he may, on leaving school, benefit from services which the local health authority have power to provide, it shall be the duty of the education authority to issue to the parent of the child and to the local health authority, not earlier than six months before the child ceases to be of school age, a report of their decision together, in the latter case, with a copy of any document which was taken into account for the purposes of the decision.
- (2) The provisions of subsections (2) and (3) of section sixty-three of this Act shall apply for the purpose of the duty of an education authority under the last foregoing subsection in like manner as those provisions apply for the purpose of the duty of the authority under subsection (1) of the said section.