

# ÉIRE.

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## BILLE FREASTAL SCOILE, 1942. SCHOOL ATTENDANCE BILL, 1942.

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*Mar do leasúíodh i gCoiste.*

*As amended in Committee.*

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### SCHEDULE.

# ÉIRE.

BILLE FREASTAL SCOILE, 1942.

SCHOOL ATTENDANCE BILL, 1942.

## BILL

*entitled*

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AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR ENSURING SCHOOL ATTENDANCE BY CHILDREN TO WHOM THE SCHOOL ATTENDANCE ACT, 1926, APPLIES, AND FOR THAT AND OTHER PURPOSES TO AMEND THE SAID SCHOOL ATTENDANCE ACT, 1926. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

The Principal Act and construction therewith.

1.—(1) In this Act the expression “ the Principal Act ” means the School Attendance Act, 1926 (No. 17 of 1926), and, where the context so admits, means that Act as amended by this Act.

(2) This Act shall be read and construed as one with the Principal Act and accordingly every expression and word to which a particular meaning is assigned by section 1 of the Principal Act for the purposes of that Act has in this Act the meaning so assigned to it. 15

Recognised school.

2.—In this Act the expression “ recognised school ” means a school for the benefit of which grants are for the time being made from public moneys and which is recognised by the Minister as a school at which education suitable for children to whom the Principal Act applies is given. 20

Obligation to attend school.

3.—(1) The parent of every child to whom the Principal Act applies shall, unless there is a reasonable excuse for not so doing, cause such child to attend a national school, a suitable school, or a recognised school on every day on which such school is open for secular instruction and for such time on such day as shall be prescribed or sanctioned by the Minister in respect of such day. 25 30

(2) Any of the following but no other shall be a reasonable excuse for failure to comply with this section, that is to say :—

(a) that the child has been prevented from attending school by the sickness of the child; 35

(b) that the child is receiving suitable education within the meaning of this Act in a manner other than by attending a national school, a suitable school, or a recognised school; 38

(c) that there is not a national school, a suitable school, or a recognised school accessible to the child which the child can attend and to which the parent of the child does not object on religious grounds to send the child; 40

(d) that the child has been prevented from attending school by some other unavoidable cause.

(3) A school shall be deemed to be accessible to a child for the purposes of this section if, but only if, either—

5 (a) the school is situate, in the case of a child who has not attained the age of ten years, within two miles measured from the child's residence along the shortest way lawfully and conveniently available for him or, in the case of a child who has attained the age of ten  
10 years, within three miles similarly measured, or

(b) there is a suitable means of conveyance to the school available for the child from a point within a reasonable distance from the child's residence.

15 4.—(1) A child shall not be deemed for the purposes of this Act to be receiving suitable education in a manner other than by attending a national school, a suitable school, or a recognised school unless such education and the manner in which such child is receiving it have been certified under this section by the Minister to be suitable. Suitable education otherwise than by attending certain schools.

20 (2) The following provisions shall apply and have effect in relation to every certificate under this section by the Minister, that is to say:—

25 (a) the Minister may, before giving such certificate in respect of a child, require such child to be submitted by his parent to such educational test at such time and place as the Minister shall direct, and the Minister may refuse to give such certificate if such parent fails or refuses to submit such child;

30 (b) the Minister shall not refuse (otherwise than under the next preceding paragraph of this sub-section) to give such certificate in respect of a child until he has informed the parent of such child and also, if such child is receiving education in a school, the manager or conductor of such school of the ground on which he  
35 proposes to refuse such certificate and has given such parent and (where appropriate) such manager or conductor a reasonable opportunity of meeting the requirements of the Minister for the purpose of removing the said ground of refusal;

40 (c) where a child is receiving education in a school (other than a national school, a suitable school, or a recognised school) and the Minister refuses to give a certificate under this section in respect of such child, the Minister may so refuse to give such certificate on the  
45 ground that such school is not appropriate for that particular child or that such school is not appropriate for children to whom the Principal Act applies;

50 (d) where an application is made to the Minister for a certificate under this section in respect of a child, the Minister may make such inquiries and investigations as he shall think proper for the purpose of determining whether to give or to refuse such certificate, and if the parent of such child or the manager or conductor of the school (if any) at which such child is  
55 receiving education fails or refuses to give to the Minister any information in his possession or procurement required by the Minister for the purpose aforesaid, such failure or refusal shall be a ground for refusing to give such certificate.

(3) The Minister may at any time as and when he thinks fit revoke a certificate given by him under this section, but the Minister shall not revoke (otherwise than under the next following sub-section of this section) any such certificate until he has informed the parent of the child to whom such certificate relates and also, if such child is receiving education in a school, the manager or conductor of such school of the ground on which he proposes to revoke such certificate and has given such parent and (where appropriate) such manager or conductor a reasonable opportunity of meeting the requirements of the Minister for the purpose of removing the said ground of revocation. 5 10

(4) Whenever the Minister has given a certificate under this section in respect of a child, he may at any time while such certificate is in force require such child to be submitted by his parent to such educational test at such time and place as the Minister shall direct, and, if such parent fails or refuses so to submit such child, the Minister may revoke such certificate because of such failure or refusal. 15

(5) Whenever a child to whom the Principal Act applies is receiving education in a manner other than by attending a national school, a suitable school, or a recognised school, the parent of such child shall inform the enforcing authority for the school attendance area to which such child belongs of the fact that such child is so receiving education and of the place and manner in which he is receiving education, and, if such parent fails so to inform such enforcing authority, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 20 25

Transfer from one national school to another such school.

5.—(1) A child to whom the Principal Act applies may be transferred from a national school to another school (being a national school, a suitable school or a recognised school) provided accommodation is available, and— 30

(a) the transfer is effected on the first day of a recognised quarter or the first day on which such other school is open in any recognised quarter or on the first day on which it is open after the conclusion of the period of summer vacation, or 35

(b) the child has changed his ordinary place of residence, or

(c) the parent of the child desires the transfer on religious grounds, or 40

(d) the consent of the Minister to the transfer is obtained before the child is admitted or enrolled in such other school.

(2) The fact that the certificate mentioned in sub-section (3) of section 15 of the Principal Act is not available at the time when a transfer is made under this section shall not of itself render such transfer a contravention of this section. 45

(3) Where a child to whom the Principal Act applies is transferred otherwise than in accordance with this section from a national school to another school, he shall, for the purposes of this Act, be regarded as not being in attendance at such other school. 50

(4) If a parent transfers a child to whom the Principal Act applies from a national school to another school otherwise than in accordance with this section, such parent shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 55

(5) If any doubt or dispute shall arise (otherwise than on a prosecution for an offence under this section) whether a transfer of a child to whom the Principal Act applies from a national school to another school has or has not been effected in accordance with this section, such doubt or dispute shall be determined by the Minister whose determination thereof shall be final and conclusive. 60

6.—(1) When a child to whom the Principal Act applies is transferred from a school (in this sub-section referred to as the former school) which is a national school or a suitable school or a recognised school to another school (in this sub-section referred to as the new school), the principal teacher of the new school shall request the principal teacher of the former school (who shall comply with the request) to furnish to him a certificate in the prescribed form stating the period during which the child was attending the former school, the number of attendances and absences of the child at or from the former school during the prescribed portion of such period, and the class in the former school in which the child was placed for instruction immediately before his transfer.

Obligation to obtain certificate on transfer of child from one school to another.

(2) The Minister may make regulations in relation to any matter or thing referred to in sub-section (1) of this section as prescribed and the word "prescribed" in the said sub-section means prescribed by such regulations.

(3) Until regulations are made by the Minister under sub-section (2) of this section, regulations made under the Principal Act for the purposes of sub-section (3) of section 15 of the Principal Act and in force immediately before the commencement of this section, shall continue in force and be deemed to have been made under sub-section (2) of this section.

7.—(1) The following provisions shall apply and have effect in relation to the employment of children and shall so apply and have effect in addition to any other prohibition of or restriction on such employment which has for the time being the force of law, that is to say:—

Restrictions on employment of children.

(a) no person shall have in his employment any child who has not attained the age of twelve years;

(b) the following restrictions shall apply and have effect in relation to the employment of children who have attained the age of twelve years but have not attained the age of fourteen years, that is to say:—

(i) during the period beginning on the 1st day of October in any year and ending on the 30th day of April in the next following year, the employment on any school day shall not exceed two hours in duration, and shall not begin before the hour of 4 p.m., and shall end not later than the hour of 8 p.m.,

(ii) during the period beginning on the 1st day of May in any year and ending on the 30th day of September in the same year, the employment on any school day shall not exceed three hours in duration, and shall not begin before the hour of 7.30 a.m. and shall not, in so far as it takes place before noon, exceed one hour in duration, and shall end not later than the hour of 9 p.m.,

(iii) on any day which is not a school day, the employment shall not exceed five hours in duration, and shall not begin before the hour of 8 a.m., and shall end not later than the hour of 8 p.m.;

(c) the Minister may make regulations under this section prohibiting the employment of any child who has attained the age of twelve years and has not attained the age of fourteen years in any particular occupation specified in such regulations;

(d) where a justice of the District Court is satisfied on the complaint of any person that any child who has attained the age of twelve years and has not attained

the age of fourteen years is employed in a manner which, though not contravening any of the foregoing provisions of this sub-section or any regulation made thereunder, is such as to prevent or interfere with such child obtaining proper benefit from attendance at school, such justice may prohibit such employment or attach to it such conditions as he thinks suitable. 5

(2) Neither this section nor any regulations made thereunder shall prevent the exercise of manual labour by a child lawfully detained in a certified industrial or reformatory school or the receipt by any child of instruction in manual labour in any school. 10

(3) If any person employs any child in contravention of this section or any regulation made thereunder, or any prohibition or condition imposed by a justice of the District Court under this section, such person and the parent of the child shall each be guilty of an offence under this sub-section and be liable on summary conviction thereof to a fine not exceeding five pounds. 15

(4) Where any school attendance officer suspects that any child is in employment in any premises in contravention of this section or any regulation made thereunder, or any prohibition or condition imposed by a justice of the District Court under this section, he may enter such premises and there make such examinations and inquiries as he considers requisite. 20 25

(5) If any person obstructs or interferes with a school attendance officer who is entering or examining any premises in pursuance of the next preceding sub-section of this section or fails to give to such officer any information known to such person which such officer reasonably requires in the course of such examination, such person shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 30

Application of the County Management Acts, 1940 and 1942, to school attendance committees.

8.—(1) Every school attendance committee shall be an elective body within the meaning and for the purposes of the County Management Acts, 1940 and 1942, and those Acts shall apply and have effect in relation to school attendance committees accordingly, but with and subject to the following modification, that is to say, the authorisation of prosecutions for offences under the Principal Act or this Act shall be a reserved function. 35 40

(2) For the purposes of the application by the foregoing sub-section of this section of the County Management Acts, 1940 and 1942, to the school attendance committee for a school attendance area which is a county borough such county borough shall be deemed to be a county and the city manager of such county borough shall be deemed to be a county manager. 45

Redistribution of performance of functions of school attendance committees.

9.—(1) The functions of a school attendance committee in relation to the following matters shall be performed directly by the committee itself, that is to say:—

(a) the authorisation of prosecutions for offences under the Principal Act or this Act, 50

(b) subject to the provisions of section 11 of the Principal Act, the appointment under that section of officers and the fixing and paying thereunder of their remuneration, 55

(c) subject to the provisions of sub-section (1) of section 12 of the Principal Act, the appointment under that sub-section of school attendance officers.

(2) With the exception of the functions mentioned in subsection (1) of this section, the functions of a school attendance committee (including, in particular, its functions in relation to the control, supervision, service, privileges, and superannuation of its officers) shall be performed for the committee by the city or borough manager of the county or other borough in which the school attendance area of the committee is situate, and the said manager may do all such things, including the making of contracts and the signing of documents on behalf of the committee, as are necessary for or incidental to the performance of the said functions.

(3) Subject to any orders or regulations made under any Act and for the time being in force in relation to the service, privileges, or superannuation (as the case may be) of the officers of a school attendance committee, the city or borough manager of the county or other borough in which the school attendance area of the committee is situate shall consider and decide all such questions as may from time to time arise in relation to the service, privileges, and superannuation of the officers of the committee.

10.—Where a member of a school attendance committee is absent from three successive meetings of such committee, he shall cease to be a member of such committee immediately after the third of such meetings, unless his absence was due to illness or other cause deemed sufficient by the Minister but, in any event, a member of a school attendance committee who is absent from six successive meetings of such committee shall cease to be a member of such committee immediately after the sixth of such meetings.

Non-attendance at meetings by member of school attendance committee.

(1) Any member of a school attendance committee who is a manager or patron of a national or other suitable school may, if unable to attend the meetings of such committee regularly, nominate a person approved of by the Minister to represent him at such meetings for any period not less than three months.

Deputies for certain members of school attendance committees.

(2) Attendance at a meeting of a school attendance committee by a person nominated under this section in respect of such committee shall be deemed, for the purposes of the Principal Act and this Act, to be an attendance by the person who so nominated him.

(3) A person nominated under this section in respect of a school attendance committee shall, at every meeting of such committee attended by him while such nomination is in force, have the same rights of addressing the meeting and voting as the person by whom he was nominated would have had.

(1) The Minister may require a school attendance committee to appoint at their monthly meetings rotatory sub-committees consisting of three of their members to hold meetings (which shall be weekly or fortnightly as the Minister may direct) for the purpose of dealing with cases of absences of children from school (including the authorising of prosecutions of parents), and it shall be the duty of every such committee to comply with every such requisition made to it.

Sub-committees of school attendance committees.

(2) The quorum of every sub-committee appointed in pursuance of a requisition made by the Minister under this section shall be two and every such sub-committee shall be appointed and act for a period not less than one month.

(1) The Minister may from time to time require any school attendance committee—

Certain requisitions by the Minister to school attendance committees.

(a) to make all such arrangements and do all such things authorised by the Principal Act or this Act as the Minister thinks proper for the enforcement of the said Acts,

(b) to submit to the Minister a statement of the manner in which such committee is enforcing the said Acts and of the activities of its officers, and

(c) to make such changes in its methods of enforcing the said Acts or in the duties of its officers as the Minister considers to be necessary as a result of any statement submitted as aforesaid.

(2) It shall be the duty of every school attendance committee to comply with every requisition made to it by the Minister under this section.

School attendance officers.

14.—(1) The Minister may, whenever and so often as he thinks proper, direct that there be appointed, in addition to the then existing number of school attendance officers of a school attendance committee, such number as he may specify.

(2) Every school attendance officer of a school attendance committee (whether appointed before or after the passing of this Act)—

(a) shall be furnished with an identity certificate in the prescribed form signed by the chief executive officer or the secretary of such committee, and

(b) shall be furnished with a distinctive badge in the prescribed form and of the prescribed material, and

(c) shall, when exercising any authority or power under the Principal Act or this Act as a school attendance officer, produce on demand the identity certificate furnished to him in pursuance of this section and show such certificate to the person in relation to whom he is exercising such authority or power, and

(d) shall at all times while engaged on his duties as a school attendance officer wear in the prescribed manner the badge furnished to him in pursuance of this subsection.

(3) A document produced by a person claiming to be a school attendance officer and represented by him to be the identity certificate furnished to him in pursuance of this section and purporting on its face to be such certificate and to be duly signed and to have been furnished to him in accordance with this section shall, until the contrary is proved, be evidence that such person is such school attendance officer.

Powers of inspection of roll book.

15.—(1) Any school attendance officer may at any reasonable time inspect and take a copy of the whole or any part of the roll book and register of any school at which children to whom the Principal Act applies are attending in his school attendance area or of any such school in any other school attendance area at which a child to whom the Principal Act applies resident in his school attendance area is receiving education.

(2) Where a school attendance officer applies to the principal teacher of a school for liberty to inspect under this section the roll book and register of such school, such principal teacher shall afford to such school attendance officer reasonable facilities for the exercise of his powers under this section in respect of such roll book and register and shall also give to such officer such information (derivable from the said roll book, register, or other records of such school) in relation to any of the children attending such school as such officer shall require for the purposes of his duties as such officer.

(3) No school attendance officer shall use any of his powers under this section for the purpose of obtaining information in relation to a child or a school other than information which is reasonably necessary for the due performance by him of his duties as such officer.

Absence of child from school.

16.—(1) Whenever a child to whom the Principal Act applies is for the time being attending a national school, a suitable school

or a recognised school in accordance with the Principal Act or this Act but is absent from such school on any day or days on which he should, under the Principal Act or this Act, attend such school, his parent shall, not later than the third day after the day or the first 5 of the days (as the case may be) of such absence, communicate in writing or otherwise to the principal teacher of such school the cause of such absence, and if he fails so to do he shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding, in the 10 case of a first such offence, the sum of ten shillings or, in the case of a second or any subsequent such offence, the sum of one pound.

(2) If any person, being the parent of a child to whom the Principal Act applies, shall, in pursuance of the foregoing sub-section 15 of this section, make to the principal teacher of the national or other suitable school which such child is attending a communication which is false or misleading, such person shall be guilty of an offence under this sub-section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(3) In any prosecution for an offence under sub-section (1) 20 of this section a certificate purporting to be signed by the principal teacher of a school (being a national school, a suitable school or a recognised school) stating that the child to whom the prosecution relates is or is not attending that school or stating 25 that such child did or did not attend that school on particular days shall, until the contrary is proved, be evidence of such of the matters aforesaid as are stated in such certificate.

17.—Whenever a school attendance officer for a school attendance area situate in a county borough or borough mentioned 30 in the Schedule to this Act finds in any public place in his school attendance area a child who appears to such officer to be a child to whom the Principal Act applies and who, having regard to the day and hour at which he is so found, ought, so far as such officer is aware, to be attending in a school, such officer may 35 detain such child and question him as to his name, age, residence, school attendance, and reason for not being at school, and such officer may also, if he is not satisfied of the truth of the replies of such child to such questions, take such child (using such (if any) force as may be necessary) to his true place of residence 40 and there question the parent of such child as to the name, age, and school attendance of such child and the reason for his not being at school.

Powers of school attendance officer in respect of children found out of school.

18.—(1) Whenever a parent fails or neglects to cause his child to whom the Principal Act applies to attend school in accordance 45 with the Principal Act and this Act, he shall, unless he shows that there was a reasonable excuse under the Principal Act or this Act for such failure, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine, in the case of a first such offence, not exceeding twenty 50 shillings or, in the case of a second or subsequent such offence (whether in relation to the same or another child), not exceeding forty shillings.

Failure of parent to comply with Acts.

(2) Where, in a prosecution of a parent for an offence under this section either the court convicts the parent of such offence 55 or the parent satisfies the court that he has used all reasonable efforts to cause the child in respect of whom the prosecution is brought to attend school in accordance with the Principal Act and this Act, the court, if it so thinks fit, may either—

(a) order the said child to be sent to a certified industrial 60 school, in which case Part IV of the Children Act, 1908, as amended by subsequent enactments, shall (so far as applicable) apply as if such order had been made thereunder, or

(b) order, in accordance with Part II of the said Children 65 Act, 1908, as so amended, the committal of the said

child to the care of a relative or other fit person named by the court, in which case the said Part II, as so amended shall (so far as applicable) apply as if such order had been made thereunder.

Inspection of schools.

19.—(1) The manager or conductor of a school at which children to whom the Principal Act applies are attending shall permit such school, at any time when it is open for secular instruction, to be inspected by an officer of the Minister or by any other person authorised in that behalf by the Minister. 5

(2) Whenever a school is being inspected under the foregoing sub-section of this section, the manager or conductor of, and every teacher in, such school— 10

(a) shall permit all or any of the children to whom the Principal Act applies then attending such school to be examined by the officer or other person making such inspection, and 15

(b) shall give to such officer or other person all such information in his possession or procurement in relation to such school or all or any of the children attending it as such officer or other person shall reasonably require. 20

(3) If the manager or conductor of a school at which children to whom this Act applies are attending refuses to permit, or obstructs, an inspection of such school under this section, or if such manager or conductor or any teacher at such school fails to permit, or obstructs, any such examination as is mentioned in the next preceding sub-section of this section, or fails or refuses to give any such information as he is required by that sub-section to give, or gives any such information which is to his knowledge false or misleading, such manager, conductor, or teacher (as the case may be) shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds. 25 30

(4) Whenever a school has been inspected under this section, the Minister shall, as soon as conveniently may be, inform the manager or conductor of such school of the result of such inspection. 35

Education of the children of vagrants.

20.—(1) In this section the word "vagrant" means a person who has no fixed place of abode and habitually wanders from place to place.

(2) On every 1st day of May every vagrant who has in his custody and living or travelling with him any child to whom the Principal Act applies (whether he is or is not the parent of such child) shall register, in the station of the *Gárda Síochána* for the district in which he then is, his own name and occupation (if any) and the name, sex, and age of every such child then in his custody and living or travelling with him and also the prescribed particulars of the education previously received or then being received by every such child. 40 45

(3) If any vagrant shall fail or neglect to register in accordance with the next preceding sub-section of this section himself or any child in his custody and living or travelling with him to whom the Principal Act applies or shall, when so registering himself or any such child, make any statement which is false or misleading, he shall be guilty of an offence under this sub-section. 50 55

(4) Any school attendance officer may question any vagrant whom he finds in his school attendance area as to whether such vagrant has any child to whom the Principal Act applies in his custody and living or travelling with him and as to the age, sex, education, and school attendance of every (if any) such child and, if such vagrant fails or refuses to answer any such question put to him by such school attendance officer or gives to such 60

officer an answer to any such question which is false or misleading, he shall be guilty of an offence under this sub-section.

5 (5) The attendance at a national school, a suitable school or a recognised school of a child to whom the Principal Act applies and who is in the custody of and living or travelling with a vagrant for a period of less than a recognised quarter (including periods of absence authorised by the Principal Act or this Act) shall not be attendance at such school for the purposes of the Principal Act or this Act.

10 (6) Every vagrant who has in his custody and living or travelling with him any child to whom the Principal Act applies shall, whenever required so to do by the Minister, submit such child to such educational test at such time and place as the Minister shall direct, and if he fails so to submit any such child he shall  
15 be guilty of an offence under this sub-section.

20 (7) Any member of the *Gárda Síochána* may arrest without warrant in any place, other than the county boroughs and borough mentioned in the Schedule to this Act, any person who appears to him to be a vagrant and whom he suspects of having committed an offence under any sub-section of this section or of  
25 having failed to cause a child to whom the Principal Act applies who is in his custody and living or travelling with him to receive suitable education in accordance with the Principal Act and this Act.

30 (8) Any member of the *Gárda Síochána* may arrest without warrant in any county borough or borough mentioned in the Schedule to this Act any person in respect of whom he is informed by a school attendance officer that such person is a vagrant and has committed an offence under any sub-section  
35 of this section or has failed to cause a child to whom the Principal Act applies who is in his custody and living or travelling with him to attend school in accordance with the Principal Act and this Act.

40 (9) Where a member of the *Gárda Síochána* arrests a person under either of the two next preceding sub-sections, he may take into custody and remove to a suitable place of detention or security any child to whom the Principal Act applies and who is in the custody of and living or travelling with the person so  
45 arrested.

40 In this sub-section the expression "suitable place of detention or security" means any place declared by order of the Minister to be a suitable place of detention or security for the purposes of this sub-section.

45 (10) Every person found guilty on summary conviction of an offence under any sub-section of this section shall be liable to a fine not exceeding five pounds or, at the discretion of the court, to imprisonment for a term not exceeding one month.

50 (11) Where a vagrant is convicted of the offence of having failed to cause a child to whom the Principal Act applies and who is in his custody and living or travelling with him to attend school in accordance with the Principal Act and this Act, the court, if it so thinks fit, may either—

55 (a) order such child to be sent to a certified industrial school, in which case Part IV of the Children Act, 1908, as amended by subsequent enactments, shall (so far as applicable) apply as if such order had been made thereunder, or

60 (b) order, in accordance with Part II of the said Children Act, 1908, as so amended, the committal of the said child to a relative or other fit person named by the court, in which case the said Part II, as so amended, shall (so far as applicable) apply as if such order had been made thereunder.

65 (12) The Minister may, whenever and so often as he thinks fit, by order declare that any one or more of the preceding sub-

sections of this section shall only apply in respect of children of any particular age, and any such order shall have effect accordingly, and may at any time be revoked by a subsequent order made by the Minister.

Amendment of section 18 of the Principal Act.

**21.**—(1) In section 18 of the Principal Act, the expression “ an 5  
offence under this Act ” shall, wherever it occurs in that section,  
be construed and have effect as including an offence under the  
Principal Act as amended by this present Act and an offence  
under this present Act. 15

(2) No such certificate by a duly qualified medical practitioner 10  
as is mentioned in sub-section (4) of section 18 of the Principal  
Act shall be admitted in evidence under that sub-section unless  
it states (in addition to such of the matters mentioned in the said  
sub-section as are relevant) that the medical practitioner giving  
the certificate attended and examined the child or other person 15  
to whom the certificate relates and also states the latest date on  
which such medical practitioner so attended and examined such  
child or other person.

(3) Where a prosecution to which sub-section (5) of section 18  
of the Principal Act applies is brought by a school attendance 20  
officer and the court orders under that sub-section any costs in  
relation to such prosecution incurred by the person prosecuted  
to be paid by the prosecutor, the court shall order such costs to  
be paid by the school attendance committee of which such school  
attendance officer is an officer and shall not order any such costs 25  
to be paid by such school attendance officer.

(4) Where a child to whom the Principal Act applies  
ordinarily attends a school in a school attendance area other  
than the school attendance area to which such child belongs, a  
prosecution for an offence under the Principal Act or this Act in 30  
respect of such child may (without prejudice to the provisions  
(where applicable) of sub-section (6) of section 18 of the  
Principal Act) be prosecuted by either the enforcing authority  
for the said school attendance area in which such school  
is situate or by the enforcing authority for the said school 35  
attendance area to which such child belongs.

Penalty for making false returns.

**22.**—Every person who makes any return under or for the  
purpose of the Principal Act or this Act which is to his know-  
ledge false or misleading in any material particular shall be  
guilty of an offence under this section and shall be liable on 40  
summary conviction thereof to a fine not exceeding fifty pounds  
or, at the discretion of the court, to imprisonment for a term  
not exceeding six months.

Amendment of the Schedule to the Principal Act.

**23.**—Every mention or reference in the Principal Act of or  
to the county boroughs and urban districts mentioned in the 45  
Schedule to that Act shall be construed and have effect as a  
mention of or reference to the county boroughs and borough  
mentioned in the Schedule to this Act.

Repeal of portions of the Principal Act.

**24.**—The following portions of the Principal Act are hereby  
repealed, that is to say:—section 4, sub-section (4) of section 6, 50  
section 7, sub-sections (2) and (3) of section 12, sub-section (3) of  
section 15, sections 16 and 17, and the Schedule.

Commencement.

**25.**—This Act shall come into operation on such day as shall be  
fixed for that purpose by order of the Minister either generally or  
with reference to any particular portion, and different days may 60  
be so fixed for the different portions of this Act.

Short title and collective citation.

**26.**—(1) This Act may be cited as the School Attendance Act,  
1942.

(2) The School Attendance Acts, 1926 and 1936, and this  
Act may be cited together as the School Attendance Acts, 1926 65  
to 1942.

SCHEDULE.

The County Borough of Cork.

The County Borough of Dublin.

The County Borough of Waterford.

The Borough of Dun Laoghaire.

BI

Éire.

Éire.

BILLE FREASTAL SCOILE, 1942.

SCHOOL ATTENDANCE BILL, 1942.

BILLE

(mar do leasúidh i gCoiste)

dá ngairmtear

Acht do dhéanamh socrúithe bhreise agus fheabhsa chun a áirithiú go ndéanfaidh leanbhaí le n-a mbaineann an tAcht Freastal Scoile, 1926, scoil do fhreastal, agus do leasú an Acht Freastal Scoile, 1926, adubhradh chun na críche sin agus chun crícheanna eile.

An tAire Oideachais do thug isteach.

Do hordúidh, ag Dáil Eireann, do chlóbhuailadh, 19adh Mí na Samhna, 1942.

BAILE ATHA CLIATH:  
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 3-4, Sráid an Choláiste, Baile Atha Cliath.

Clóbhuailte ag CAHILL & Co., LTD.

[Raol Glan.]

BILL

(as amended in Committee)

entitled

An Act to make further and better provision for ensuring school attendance by children to whom the School Attendance Act, 1926, applies, and for that and other purposes to amend the said School Attendance Act, 1926.

Introduced by the Minister for Education.

Ordered by Dáil Eireann, to be printed, 19th November, 1942.

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