



# Education Act 1918

## 1918 CHAPTER 39

### *ATTENDANCE AT SCHOOL AND EMPLOYMENT OF CHILDREN AND YOUNG PERSONS*

#### **8 Provisions as to attendance at elementary schools**

- (1) Subject as provided in this Act, no exemption from attendance at school shall be granted to any child between the ages of five and fourteen years, and any enactment giving a power, or imposing a duty, to provide for any such exemption, and any provision of a byelaw providing for any such exemption, shall cease to have effect, without prejudice to any exemptions already granted. Any byelaw which names a lower age than fourteen as the age up to which a parent shall cause his child to attend school shall have effect as if the age of fourteen were substituted for that lower age.
- (2) In section seventy-four of the Elementary Education Act, 1870, as amended by section six of the Elementary Education Act, 1900, fifteen years shall be substituted for fourteen years as the maximum age up to which byelaws relating to school attendance may require parents to cause their children to attend school, and any such byelaw requiring attendance at school of children between the ages of fourteen and fifteen may apply either generally to all such children, or to children other than those employed in any specified occupations:

Provided that it shall be lawful for a local education authority to grant exemption from the obligation to attend school to individual children between the ages of fourteen and fifteen for such time and upon such conditions as the authority think fit in any case where after due inquiry the circumstances seem to justify such an exemption.
- (3) It shall not be a defence to proceedings relating to school attendance under the Education Acts or any byelaws made thereunder that a child is attending a school or institution providing efficient elementary instruction unless the school or institution is open to inspection either by the local education authority or by the Board of Education, and unless satisfactory registers are kept of the attendance of the scholars thereat.
- (4) A local education authority may with the approval of the Board of Education make a byelaw under section seventy-four of the Elementary Education Act, 1870, providing that parents shall not be required to cause their children to attend school or to receive

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efficient elementary instruction in reading, writing, and arithmetic before the age of six years :

Provided that in considering any such byelaw the Board shall have regard to the adequacy of the provision of nursery schools for the area to which the byelaw relates, and shall, if requested by any ten parents of children attending public elementary schools for that area, hold a public inquiry for the purpose of determining whether the byelaw should be approved.

- (5) Notwithstanding anything in the Education Acts the Board of Education may, on the application of the local education authority, authorise the instruction of children in public elementary schools till the end of the school term in which they reach the age of sixteen or (in special circumstances) such later age as appears to the Board desirable :

Provided that, in considering such application, the Board shall have regard to the adequacy and suitability of the arrangements made by the authority under paragraphs (a) and (c) of subsection (1) of section two of this Act and to the effective development and organisation of all forms of education in the area, and to any representations made by the managers of schools.

- (6) The power of a local education authority under section seven of the Education Act, 1902, to give directions as to secular instruction shall include the power to direct that any child in attendance at a public elementary school shall attend during such hours as may be directed by the authority at any class, whether conducted on the school premises or not, for the purpose of practical or special instruction or demonstration, and attendance at such a class shall, where the local education authority so direct, be deemed for the purpose of any enactment or byelaw relating to school attendance to be attendance at a public elementary school :

Provided that, if by reason of any such direction a child is prevented on any day from receiving religious instruction in the school at the ordinary time mentioned in the timetable, reasonable facilities shall be afforded, subject to the provisions of section seven of the Elementary Education Act, 1870, for enabling such child to receive religious instruction in the school at some other time.

- (7) In section eleven of the Elementary Education Act, 1876, (which relates to school attendance) for the words " there is not within two miles " there shall be substituted the words " there is not within such distance as may be prescribed by the byelaws. "
- (8) Nothing in this section shall affect the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, relating to the attendance at school of the children to whom those Acts apply.

## **9 Provisions for avoidance of broken school terms**

- (1) If a child who is attending or is about to attend a public elementary school or a school certified by the Board of Education under the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, attains any year of age during the school term, the child shall not, for the purpose of any enactment or byelaw, whether made before or after the passing of this Act, relating to school attendance, be deemed to have attained that year of age until the end of the term.

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- (2) The Local Education Authority for the purposes of Part III. of the Education Act, 1902, may make regulations with the approval of the Board of Education providing that a child may, in such cases as are prescribed by the regulations, be refused admission to a public elementary school or such certified school as aforesaid except at the commencement of a school term.

## **10 Compulsory attendance at continuation schools**

- (1) Subject as hereinafter provided, all young persons shall attend such continuation schools at such times, on such days, as the local education authority of the area in which they reside may require, for three hundred and twenty hours in each year, distributed as regards times and seasons as may best suit the circumstances of each locality, or, in the case of a period of less than a year, for such number of hours distributed as aforesaid as the local education authority, having regard to all the circumstances, consider reasonable :

Provided that—

- (a) the obligation to attend continuation schools shall not, within a period of seven years from the appointed day on which the provisions of this section come into force, apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period ; and
- (b) during the like period, if the local education authority so resolve, the number of hours for which a young person may be required to attend continuation schools in any year shall be two hundred and eighty instead of three hundred and twenty.

- (2) Any young person—

- (i) Who is above the age of fourteen years on the appointed day ; or
- (ii) who has satisfactorily completed a course of training for, and is engaged in, the sea service, in accordance with the provisions of any national scheme which may hereafter be established, by Order in Council or otherwise, with the object of maintaining an adequate supply of well-trained British seamen, or, pending the establishment of such scheme, in accordance with the provisions of any interim scheme approved by the Board of Education ; or
- (iii) who is above the age of sixteen years and either—
  - (a) has passed the matriculation examination of a university of the United Kingdom or an examination recognised by the Board of Education for the purposes of this section as equivalent thereto ; or
  - (b) is shown to the satisfaction of the local education authority to have been up to the age of sixteen under full-time instruction in a school recognised by the Board of Education as efficient or under suitable and efficient full-time instruction in some other manner,

shall be exempt from the obligation to attend continuation schools under this Act unless he has informed the authority in writing of his desire to attend such schools and the authority have prescribed what school he shall attend.

- (3) The obligation to attend continuation schools under this Act shall not apply to any young person—
- (i) who is shown to the satisfaction of the local education authority to be under full-time instruction in a school recognised by the Board of Education as

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efficient or to be under suitable and efficient full-time instruction in some other manner ; or

- (ii) who is shown to the satisfaction of the local education authority to be under suitable and efficient part-time instruction in some other manner for a number of hours in the year (being hours during which if not exempted he might be required to attend continuation schools) equal to the number of hours during which a young person is required under this Act to attend a continuation school.

- (4) Where a school supplying secondary education is inspected by a British university, or in Wales or Monmouthshire by the Central Welsh Board, under regulations made by the inspecting body after consultation with the Board of Education, and the inspecting body reports to the Board of Education that the school makes satisfactory provision for the education of the scholars, a young person who is attending, or has attended, such a school shall for the purposes of this section be treated as if he were attending, or had attended, a school recognised by the Board of Education as efficient.
- (5) If a young person who is or has been in any school or educational institution, or the parent of any such young person, represents to the Board that the young person is entitled to exemption under the provisions of this section, or that the obligation imposed by this section does not apply to him, by reason that he is or has been under suitable and efficient instruction, but that the local education authority have unreasonably refused to accept the instruction as satisfactory, the Board of Education shall consider the representation, and, if satisfied that the representation is well founded, shall make an order declaring that the young person is exempt from the obligation to attend a continuation school under this Act for such period and subject to such conditions as may be named in the order:

Provided that the Board of Education may refuse to consider any such representation unless the local education authority or the Board of Education are enabled to inspect the school or educational institution in which the instruction is or has been given.

- (6) The local education authority may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school: Provided that, if any question arises between the local education authority and the employer of a young person whether a requirement made under this subsection is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board of Education determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.
- (7) The local education authority shall not require any young person to attend a continuation school on a Sunday, or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, nor so far as practicable during any holiday or half-holiday which in his employment he is accustomed to enjoy, nor between the hours of seven in the evening and eight in the morning : Provided that the local education authority may, with the approval of the Board, vary those hours in the case of young persons employed at night or otherwise employed at abnormal times.

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- (8) A local education authority shall not, without the consent of a young person, require him to attend any continuation school held at or in connection with the place of his employment. The consent given by a young person for the purpose of this provision may be withdrawn by one month's notice in writing sent to the employer and to the local education authority.

Any school attended by a young person at or in connection with the place of his employment shall be open to inspection either by the local education authority or by the Board of Education at the option of the person or persons responsible for the management of the school.

- (9) In considering what continuation school a young person shall be required to attend a local education authority shall have regard, as far as practicable, to any preference which a young person or the parent of a young person under the age of sixteen may express, and, if a young person or the parent of a young person under the age of sixteen represents in writing to the local education authority that he objects to any part of the instruction given in the continuation school which the young person is required to attend, on the ground that it is contrary or offensive to his religious belief, the obligation under this Act to attend that school for the purpose of such instruction shall not apply to him, and the local education authority shall, if practicable, arrange for him to attend some other instruction in lieu thereof or some other school.

## **11 Enforcement of attendance at continuation schools**

- (1) If a young person fails, except by reason of sickness or other unavoidable cause, to comply with any requirement imposed upon him under this Act for attendance at a continuation school, he shall be liable on summary conviction to a fine not exceeding five shillings, or, in the case of a second or subsequent offence, to a fine not exceeding one pound.
- (2) If a parent of a young person has condoned to or connived at the failure on the part of the young person to attend a continuation school as required under this Act, he shall, unless an order has been made against him in respect of such failure under section ninety-nine of the Children Act, 1908, be liable on summary conviction to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, whether relating to the same or another young person, to a fine not exceeding five pounds.

## **12 Administrative provisions relating to continuation schools**

- (1) The Board of Education may, from time to time make regulations prescribing the manner and form in which notice is to be given as to the continuation school (if any) which a young person is required to attend, and the times of attendance thereat, and as to the hours during which his employment must be suspended, and providing for the issue of certificates of age, attendance and exemption, and for the keeping and preservation of registers of attendance, and generally for carrying into effect the provisions of this Act relating to continuation schools.
- (2) For the purposes of the provisions of this Act relating to continuation schools, the expression "year" means in the case of any young person the period of twelve months reckoned from the date when he ceased to be a child, or any subsequent period of twelve months.

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### 13 Amendment of 3 Edw.7 c.45 and 4 Edw.7 c.15

- (1) The Employment of Children Act, 1903, so far as it relates to England and Wales, shall be amended as follows:—

- (i) For subsection (1) of section three the following subsection shall be substituted :—

“A child under the age of twelve shall not be employed ; and a child of the age of twelve or upwards shall not be employed on any Sunday for more than two hours, or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening :

Provided that a local authority may make a byelaw permitting, with respect to such occupations as may be specified, and subject to such, conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents, but so that any employment permitted by byelaw on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon.”

- (ii) In subsection (2) of section three, which prohibits the employment of a child under the age of eleven years in street trading, the words " under the age of eleven years " shall be repealed :
- (iii) For section twelve the following section shall be substituted :—

“Except as regards the City of London, the powers and duties of a local authority under this Act shall be deemed to be powers and duties under Part III. of the Education Act, 1902, and the provisions of the Education Acts for the time being in force with regard to those powers and duties and as to the manner in which the expenses of an authority under that Part of that Act shall be paid shall apply accordingly”:

- (iv) For the definition of the expression "local authority " there shall be substituted the following definitions :—

“The expression ' local authority ' means in the case of the City of London the mayor, aldermen, and commons of that city in common council assembled and elsewhere the local education authority for the purposes of Part III. of the Education Act, 1902.”

- (2) The Prevention of Cruelty to Children Act, 1904, so far as it relates to England and Wales, shall be amended as follows :—

- (i) In paragraph (b) of section two, which restricts the employment of boys under the age of fourteen years and of girls under the age of sixteen years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m., " eight p.m." shall be substituted for " nine p.m. " so far as relates to children under fourteen years of age :
- (ii) In paragraph (c) of section two, which restricts the employment of children under eleven years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, twelve years shall be substituted for eleven years:

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- (iii) In section three, which relates to licences for the employment of children exceeding ten years of age, the age of twelve years shall be substituted for the age of ten years :
- (iv) A licence under section three to take part in any entertainment or series of entertainments, instead of being granted, varied, added to, or rescinded as provided by that section, shall be granted by the local education authority for the purposes of Part III. of the Education Act, 1902, of the area in which the child resides, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, and may be rescinded by the authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject as aforesaid, may be varied or added to by that authority at the request of the holder of the licence :
- (v) The holder of a licence shall at least seven days before a child takes part in any entertainment or series of entertainments furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable on summary conviction to a fine not exceeding five pounds:
- (vi) Subsections (3) and (4) of section three shall cease to apply with respect to licences to take part in an entertainment or series of entertainments :
- (vii) If the applicant for a licence or a person to whom a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section :
- (viii) The provisions of this subsection shall not apply to any licence in force on the appointed day :
- (ix) References to the Employment of Children Act, 1903, shall be construed as references to that Act as amended by this Act.

#### **14 Prohibition against employment of children in factories, workshops, mines, and quarries**

No child within the meaning of this Act shall be employed—

- (a) in any factory or workshop to which the Factory and Workshop Acts, 1901 to 1911, apply ; or
- (b) in any mine to which the Coal Mines Act, 1911. applies; or
- (c) in any mine or quarry to which the Metalliferous Mines Acts, 1872 and 1875, apply ;

unless lawfully so employed on the appointed day ; and those Acts respectively shall have effect as respects England and Wales as if this provision, so far as it relates to the subject-matter thereof, was incorporated therewith.

#### **15 Further restrictions on employment of children**

- (1) The local education authority, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from, his education, may either prohibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that

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the employment may be authorised under the other provisions of this Act or any other enactment.

- (2) It shall be the duty of the employer and the parent of any child who is in employment, if, required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable on summary conviction to a fine not exceeding forty shillings.

## **16 Penalties on illegal employment of children and young persons**

If any person—

- (a) employs a child in such a manner as to prevent the child from attending school according to the Education Acts and the byelaws in force in the district in which the child resides ; or
- (b) having received notice of any prohibition or restriction as to the employment of a child issued by a local education authority under this Act, employs a child in such a manner as to contravene the prohibition or restriction ; or
- (c) employs a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act; or
- (d) employs a young person at any time when, in pursuance of any requirement under this Act issued by a local education authority, the employment of that young person must be suspended ;

he shall be deemed to have employed the child or young person in contravention of the Employment of Children Act, 1903, and subsections (1) and (2) of section five and section six and section eight of that Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Act as well as to children within the meaning of that Act.