

SCHEDULES.

FIRST SCHEDULE

Section 52.

ARTICLES INCORPORATED IN THE TEACHERS SUPERANNUATION SCHEME.

- 1 (1) Where/for the purpose of enabling a teacher to gain special experience of value in teaching, his service is discontinued for such period exceeding one year but not exceeding five years as the Secretary of State may approve, being a period beginning on or after the first day of January nineteen hundred and, forty-two, the teacher may pay into the Education (Scotland) Fund with the consent of the Secretary of State in respect of such period sums equal to ten per centum of his salary as at the date of discontinuing service, so that the said period may be reckoned as a period of service within the meaning of this Scheme.
- (2) The Secretary of State may determine the amount of such payments which shall be reckoned as contributions by the teacher.
- 2 (1) Notwithstanding anything in any enactment, a teacher employed in service within the meaning of this Scheme shall not be subject to an independent superannuation scheme in respect of that service.
- (2) Where a teacher who becomes employed in service within the meaning of this Scheme at or after the, appointed day—
 - (a) has, not more than one year before he so becomes employed in such service, been subject to an independent superannuation scheme, and
 - (b) would, but for the foregoing paragraph, be subject to such a scheme in respect of the service in which he so becomes employed,the service in which he so becomes employed shall not be treated as service within the meaning of this Scheme, and he shall be subject to the independent superannuation scheme accordingly :

Provided that if any teacher who is subject to an independent superannuation scheme by virtue of the foregoing provisions of this paragraph elects within the prescribed time and in the prescribed manner to withdraw from the scheme, the said provisions shall not have effect in relation to any service in which he is employed after the election takes effect.
- (3) Where any teacher makes such an election, the election shall take effect as from the appointed day, or as from the time when he entered the service in which he is for the time being employed, whichever is the later.
- (4) Where any such election is made by a teacher who is a contributory employee or a local Act contributor as defined by the Local Government Superannuation (Scotland) Act, 1937, he shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to that fund calculated in accordance with subsection (5) of section ten of the said Act of 1937, or, as the case may be, in accordance with the corresponding provision of the local Act scheme, together with compound interest on those contributions, calculated to the date on

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which he ceases to be a contributory employee or a local Act contributor at the rate of three per cent. per annum with half yearly rests.

- (5) In this article the expression "independent superannuation scheme " means :—
- (a) any superannuation scheme other than this Scheme (including a superannuation scheme established by or under any public general or local Act of Parliament or provisional order confirmed by Parliament) which provides for the payment of contributions to a fund by any local authority or the persons responsible for the management of any educational establishment or other educational institution, and for the payment out of that fund, in respect of service rendered to the authority or to those persons, of benefits on disablement, retirement, attainment of any specified age, or death ; and
 - (b) any system of superannuation (not being a system established by or under any public general or local Act of Parliament or provisional order confirmed by Parliament) operated jointly by a number of educational establishments or other educational institutions for the purpose of providing such benefits as aforesaid in respect of the service of persons employed by them.
- 3 (1) Subject to the provisions of this article, where a teacher who is employed in service within the meaning of this Scheme after the appointed day by an education authority has before the appointed day been in whole-time paid employment in connection with education in Scotland, such employment shall, if he makes application to the Secretary of State for that purpose within the prescribed time and in the prescribed manner, be treated for the purposes of this Scheme as if it had been service within the meaning thereof:
- Provided that if upon making such an application he requests that his employment before any date specified by him shall not be treated as if it had been service within the meaning of this Scheme, his said employment before that date shall not be so treated by virtue of this article.
- (2) Where an application made by a teacher under this article relates, whether wholly or in part, to employment after the thirty-first day of May, nineteen hundred and twenty-two, he shall be liable to pay the appropriate contributions to the Secretary of State in respect of that employment in accordance with rules made by the Secretary of State ; and no employment after the said date shall be treated as service within the meaning of this Scheme by virtue of this article unless the appropriate contributions are so paid in respect thereof.
 - (3) For the purposes of this article, the appropriate contributions are the contributions which would have been payable by the teacher in respect of the employment in question under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, if that service had been service within the meaning of this Scheme.
 - (4) Where a teacher has ceased to be in employment which is treated as service within the meaning of this Scheme by virtue of this article in order to undertake war service, the provisions of the Education (Scotland) (War Service Superannuation) Act, 1939, shall have effect accordingly with respect to his period of war service, including any such period which falls after the appointed day.
- 4 (1) Subject to the provisions of this article, where any period of employment after the fifteenth day of May, nineteen hundred and twenty-three, including any period of war service, is treated as service within the meaning of this Scheme by virtue of the last foregoing article, the contributions (hereinafter referred to as " employer's

contributions ") which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, by the teacher's employer in respect of that employment shall be paid to the Secretary of State by the education authority by whom the teacher in question is employed in service within the meaning of this Scheme when he first becomes entitled to make an application under the last foregoing article.

- (2) Where a teacher who has been a contributory employee or a local Act contributor as defined by the Local Government (Scotland) Superannuation Act, 1937, (hereinafter referred to as a Local Government Superannuation Act employee), becomes, not more than one year after ceasing to be a Local Government Superannuation Act employee, entitled to make an application under the last foregoing article, no employer's contributions shall be payable in respect of any employment which he was, immediately before he last ceased to be a Local Government Superannuation Act employee, entitled to reckon for superannuation purposes under the said Act of 1937 or under any local Act scheme as defined by that Act.
- (3) In lieu of the employer's contributions which would have been payable in respect of any employment but for the last foregoing paragraph, there shall be paid to the Secretary of State in respect of that employment, out of the appropriate superannuation fund, a sum equivalent to the difference between the sum which has become or will become payable out of that fund in respect of the past contributions of the teacher who made the application (including any sum payable as interest upon such contributions) and the transfer value which would have been payable out of that fund under section twenty-four of the Local Government Superannuation (Scotland) Act, 1937, if, after he last ceased to be entitled to participate in the benefits of the fund, the said teacher had forthwith become entitled to participate in the benefits of some other superannuation fund maintained under that Act or under a local Act scheme as defined by that Act :

Provided that the sum paid to the Secretary of State by virtue of this paragraph in respect of any employment shall not exceed the aggregate amount of the contributions which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, by the teacher's employer in respect of that employment.

- (4) For the purpose of, the last foregoing paragraph—
- (a) the appropriate superannuation fund is the fund in the benefits of which the teacher in question was last entitled to participate as a Local Government Superannuation Act employee before becoming entitled to make the application under the last foregoing article ; and
 - (b) the expression " past contributions " includes in relation to a contributory employee all such contributions as are mentioned in subsection (5) of section ten of the Local Government Superannuation (Scotland) Act, 1937, and in relation to a local Act contributor shall be construed accordingly.
- (5) Where a teacher ceased to be employed in any capacity in respect of which he was a Local Government Superannuation Act employee in order to undertake service which he was entitled to reckon for superannuation purposes by virtue of the Education (Scotland) (War Service Superannuation) Act, 1939, paragraphs (2), (3) and (4) of this article shall have effect as if he had continued to be a Local Government Superannuation Act employee during the period of service which he was so entitled to reckon.

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- (6) Any reference in this article to the contributions which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, by the teacher's employer in respect of the employment of any teacher shall, in relation to a period of war service, be construed as a reference to such employer's contributions only as would have been payable in respect of his service during that period, if immediately before undertaking war service he had been employed by an education authority, governing body or other body of managers.
- 5 (1) Where by virtue of section one of the Education (Scotland) (War Service Superannuation) Act, 1939, a teacher's period of war service is treated as if it were a period of service within the meaning of this Scheme, he may at any time during that period require the Secretary of State to repay to him a sum equal to the balance of his contributions computed as at the date of repayment.
- (2) Where any teacher makes such a requirement, his period of war service after the requirement is made shall not be treated as if it were a period of service within the meaning of this Scheme by virtue of the said Act of 1939.
- (3) Where the balance of any teacher's contributions is repaid under this article, the provisions of paragraphs (a) and (b) of subsection (1) of section four of the Education (Scotland) (Superannuation) Act, 1925, shall have effect as if a repayment had been made under the said paragraph (a).
- (4) The balance of a teacher's contributions shall be calculated for the purposes of this article as it is calculated for the purposes of section four of the said Act of 1925.
- 6 A death gratuity shall not be payable to the legal personal representative of a teacher where the amount thereof would be less than the amount of the contributions made by the teacher in terms of the Education (Scotland) (Superannuation) Acts, 1919 to 1939, together with compound interest on each contribution as from the prescribed date calculated at the rate of three per centum per annum with yearly rests, but under deduction of—
- (a) any contributions returned to the teacher and not repaid by him, and
 - (b) any other sums paid or payable under this scheme to him or to his legal personal representative.

SECOND SCHEDULE

Section 58.

LOCAL INQUIRIES.

- 1 The Secretary of State shall appoint a commissioner to hold the inquiry and to report thereon to him.
- 2 The commissioner shall notify the bodies and persons appearing to him to be interested.
- 3 The commissioner may by notice in writing require any person—
- (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry ; or
 - (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the commissioner may think fit and as the person so required is able to furnish :

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Provided that—

- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him ; and
- (ii) nothing in this paragraph shall empower the commissioner to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

4 The commissioner may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person supported by a declaration of the truth thereof in such form as the commissioner may require.

5 The inquiry shall unless the Secretary of State otherwise directs be held in public.

6 Any person who refuses or wilfully neglects to attend in obedience to a notice issued under paragraph 3 of this Schedule, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice, or who refuses or wilfully neglects to comply with any requirement of the commissioner under paragraph 3 of this Schedule, shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months.

7 The Secretary of State may make orders as to the expenses incurred by the parties appearing at the inquiry and as to the parties by whom such expenses shall be paid.

8 Any order by the Secretary of State under paragraph 7 of this Schedule requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.

THIRD SCHEDULE

Section 68.

CONSTITUTION OF INDEPENDENT SCHOOLS TRIBUNALS.

1 For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require, there shall be appointed by the Secretary of State a panel (hereinafter referred as the " educational panel") of persons to act when required as members of any such tribunal.

2 No officer of any government department and no person employed by an education authority in any capacity other than that of a teacher shall be qualified to be appointed to the educational panel, and no person shall be so qualified unless he has had such experience in teaching or in the conduct, management or administration of schools as the Secretary of State considers suitable.

3 Any person appointed to be a member of the educational panel shall hold office for such period and subject to such conditions as may be determined by the Secretary of State.

4 Where any complaint is required to be determined by an Independent Schools Tribunal the tribunal shall consist of the sheriff (or, if he is unable to act, a person qualified for appointment as sheriff nominated by the Lord President of the Court of Session), who shall be chairman, and two other members appointed from the

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educational panel by the Secretary of State, of whom at least one shall be a woman in the case of a complaint concerning a school for girls or a complaint concerning the proprietor of a school, or a teacher therein, who is a woman.

- 5 In this Schedule the expression " sheriff " does not include sheriff-substitute, and means the sheriff of the county in which the school to which the complaint relates is situated, or, in the case of an appeal against a refusal to remove a disqualification, the sheriff of the county where the appellant resides.

FOURTH SCHEDULE

Section 86.

MINOR AND CONSEQUENTIAL AMENDMENTS.

Session and Chapter.	Short Title.	Nature of Amendment.
35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	<p>The following section shall be substituted for section forty-six :—</p> <p>“46 (1) Where property or money has been or shall be vested in any persons as trustees for behoof of a public school or other educational establishment under the management of an education authority, or for the promotion of any branch of education in such schools or educational establishments or to increase the income of any teachers therein, the free income of such property or money shall be accounted for and paid to the education authority, and shall be applied and administered by the education authority according to the trusts attaching thereto.</p> <p>(2) It shall be lawful for the education</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p data-bbox="979 383 1347 1986">authority, with the approval of the Secretary of State, to vary or depart from the said trusts, with a view to increasing the efficiency of the school or educational establishment by raising the standard of education therein or by other means.”;</p> <p data-bbox="979 770 1347 1375">in section forty-seven after the words ' ' school or schools ' ' in both places where they occur there shall be inserted the words " or other educational establishments ";</p> <p data-bbox="979 965 1347 1375">in section fifty-one after the words " school board " there shall be inserted the words " and of the managers of schools and other educational establishments in respect of which, and of persons providing educational services to whom, grants are made by the Secretary of State " , and the following proviso shall be added at the end of the section :—</p> <p data-bbox="1082 1375 1347 1986">“Provided that the abstract and report shall not relate to a school or other educational establishment in respect of which the only grant paid is a grant in aid of the managers contributions under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or to any other educational establishment which may be excepted</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
8 Edw. 7. c. 63.	The Education (Scotland) Act, 1908.	<p>by the Secretary of State.”;</p> <p>the following section shall be substituted for section fifty-five :—</p> <p>“55 The function of appointing teachers for service in public schools and other educational establishments under the management of an education authority shall be in the education authority, and every appointment shall be during the pleasure of the authority.”;</p> <p>in section sixty-one after the words " public school " there shall be inserted the words " or other educational establishment under their management ": and in section sixty-eight for the words " subject to inspection and in receipt of any public money as herein-before provided " there shall be substituted the words " in receipt of grants from the Secretary of State other than grants in aid of the managers' contributions under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, " and for the words " children " and " child " wherever they occur there shall respectively be substituted the words " pupils " and " pupil ".</p> <p>The following section shall be substituted for section three :—</p> <p>“3 (1) It shall be lawful for an education authority to maintain an agency for collecting</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>and distributing information as to employments open to pupils on leaving school.</p> <p>(2) It shall be lawful for an education authority to pay such reasonable expenses incidental to the proper discharge of their duties as may be sanctioned by regulations made by the Secretary of State. Such expenses may include contributions to any association of education authorities concerned in the consideration of educational questions.”;</p> <p>in section twelve, in paragraph (a) of subsection (2), there shall be inserted after the words " Act of Parliament " the words " or under the Endowed Institutions (Scotland) Act, 1878 ", and for paragraph (c) of that subsection there shall be substituted the following paragraph :—</p> <p>“(c) a committee or other body for the training of teachers constituted under section forty-nine of the Education (Scotland) Act, 1945”;</p> <p>in section sixteen, in paragraph (a) of subsection (1) as amended</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>by section sixteen and the Schedule to the Act of 1936, for the words from " the inspection " to " leaving certificate examination " there shall be substituted the words " conducting leaving certificate examinations " , and for paragraph (d) of the said subsection there shall be substituted the following paragraph :—</p> <p style="padding-left: 40px;">“(d) To making payment to any committee or other body for the training of teachers constituted under section forty-nine of the Education (Scotland) Act, 1945, in addition to any sums voted by Parliament for the training of teachers, of such sums as may be determined by regulations made by the Secretary of State;”</p> <p>and the following proviso shall be added at the end of the subsection :—</p> <p style="padding-left: 40px;">“Provided that payments under paragraphs (c), (d) and (f), shall be made in accordance with regulations made</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>by the Secretary of State.”;</p> <p>in section twenty-one there shall be added at the end the words " but ' such suspension shall not affect the teacher's rights to the salary or other emoluments attached to his office " ; in section twenty-three for subsection (3) there shall be substituted the following subsection :—</p> <p>“(3) Save as may be otherwise prescribed, it shall be a condition of the payment by the Secretary of State of a grant to the managers of a school or other educational establishment not under the management of an education authority or to other persons providing educational services approved by the Secretary of State that the accounts of the income and expenditure of such managers or persons in respect of such school, educational establishment or service shall be set out according to a form prescribed by the Secretary of State and shall together with the relative vouchers and other documents be submitted for examination and report to the accountant appointed in pursuance of section fifty of the Act of 1872.”;</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
3 & 4 Geo. 5. c. 38.	The Mental Deficiency and Lunacy (Scotland) Act. 1913.	<p data-bbox="987 394 1337 965">in section twenty-nine, in subsection (1), for the words " may after due notice and inquiry, and after hearing any party who desires to be heard," there shall be substituted the words " shall cause a local inquiry to be held, and may, after considering the report of the said inquiry, " and the words from " Provided also " to the end of the subsection shall be omitted ; and in section thirty-three the words " with the consent of the Department " shall be omitted.</p> <p data-bbox="987 987 1347 1525">In section two, in subsection (4), for the words " notified " and " under this section " there shall be substituted the words " reported " and " under section forty-two of the Education (Scotland) Act, 1945," respectively, and for the word " this " where it first occurs there shall be substituted the word " that " ; and in section three for sub-paragraph (v) of paragraph (c) of subsection (1) there shall be substituted the following sub-paragraph :—</p> <p data-bbox="1225 1536 1417 2038" style="padding-left: 40px;">“(v) who is a child with respect to whom a report has been issued under the enactments relating</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	<p>to education that he has been found incapable of receiving education at school, or that by reason of a disability of mind he may require to be dealt with under the Mental Deficiency Acts after leaving school; or”,</p> <p>and in the proviso to the said subsection for the word " notified " there shall be substituted the word " reported ".</p> <p>In section five for the words " children and young persons " there shall be substituted the word " pupils ", and for the words " or continuation classes " there shall be substituted the words " junior colleges or other educational establishments "; in section seven for the words "to give</p>

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		<p>instruction in religion to children " there shall be substituted the words " for religious observance to be practised and for instruction in religion to be given to pupils ", for the words " the instruction so given " there shall be substituted the words " such observance or instruction ", and after the words " their children should not " there shall be inserted the words " take part in such observance or "; in section nine, in subsection (1), after the word " school " in both places where it occurs there shall be inserted the words " or other educational establishment ", and at the end of the said subsection there shall be added the words " and the Secretary of State may by order make such modifications in the provisions of any trust deed or other instrument relating to any school, or other educational establishment or central institution in receipt of contributions under this subsection as may be necessary to enable provision to be made for such representation as aforesaid, and any such trust deed or other instrument shall, so long as such contributions continue to be paid, have effect subject to any modifications so made. ", in subsection (3) the words " of maintenance of the training colleges" shall be omitted, and the words " of the committees and other bodies for the training of teachers constituted under section forty-nine of the Education (Scotland) Act,</p>

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		<p>1945, " shall be inserted after the word " Scotland and the following subsection shall be inserted at the end of the section :—</p> <p>“(5) It shall be lawful for an education authority to make payments to the managers of schools other than public schools in order to secure the admission thereto and education therein free of charge of pupils nominated by the education authority.”;</p> <p>in section eleven, in subsection (3), for the words from " the First Schedule " to the end of the subsection there shall be substituted the words</p> <p>“Part III of the First Schedule and the Third Schedule to the Town and Country Planning (Scotland) Act, 1932, subject, however, to the following and any other necessary modifications—</p> <p>(i) for references to a local inquiry there shall be substituted references to a local inquiry under section fifty-eight of the Education (Scotland) Act, 1945 ;</p> <p>(ii) for references to the Town and Country Planning (Scotland)</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>Act, 1932, there shall be substituted references to the Education Acts ;</p> <p>(iii) for references to the responsible authority there shall be substituted references to the education authority." ;”;</p> <p>in section twenty, at the beginning, there shall be inserted the figure (1), and the following, subsections shall be added at the end of the section :—</p> <p>“(2) Provision may be made in the said order for the appointment by the advisory council of special committees to deal with remits on particular subjects made to the council by the Secretary of State, for such special committees to be composed of persons nominated by the Secretary of State of whom some shall be members of the council and the remainder shall be persons having special knowledge or experience of the subjects of the respective remits, and for the reports of special committees to be submitted to the Secretary of State by the advisory council, who shall be entitled</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>in submitting the reports to make such comments thereon as they think fit.</p> <p>(3) The Secretary of State may, after consultation with education authorities and other persons interested, by order establish a Regional Advisory Council for any branch of education, to advise the education authorities and other managers of schools, junior colleges and other educational establishments in the region as to the development of the branch of education for which the Council is appointed.”;</p> <p>in section twenty-one the following paragraph shall be inserted at the end of subsection (1) :—</p> <p>“Any other moneys applicable to a purpose to which the said fund may be applied may also, with the consent of the Treasury, be paid into the said fund for application to the said purpose.”,</p> <p>the following subsection shall be inserted after the said subsection :—</p> <p>“(1A) It shall be competent to the Treasury to make such adjustments in the methods of calculating the sums payable under</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
18 & 19. Geo. 5. c. 30.	The Educational Endowments (Scotland) Act, 1928.	<p>the last foregoing subsection as may be expedient in view of any changes which may be made in the votes from which any expenditure either in Scotland or in England and Wales may be made.”,</p> <p>and in paragraph (a) of subsection (2) for the words from " in aid of " to the end of the paragraph there shall be substituted the words " in accordance with regulations made by the Secretary of State in aid of the expenditure of education authorities, of the managers of schools and other educational establishments, and of other persons providing educational services approved by the Secretary of State. "; in section thirty-one, in paragraph (4), for the words " within the meaning of the Education (Scotland) Act, 1872 " there shall be substituted the words " issued in accordance with regulations made under the Education (Scotland) Acts, 1872 to 1945 "; and in the Fifth Schedule, in subparagraph (d) of paragraph 1, for the words " an approved scheme of the education authority " there shall be substituted the words " regulations made by the Secretary of State under section thirty-two of the Education (Scotland) Act, 1945 ".</p> <p>In section five, for the words " on or before the thirty-first day of December, nineteen hundred and twenty," there</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>shall be substituted the words " at one time " and for the words " after the said day," there shall be substituted the words " at a later time "; in section six the words " any part of " shall be omitted, and for the words " the whole of it were an educational endowment " there shall be substituted the words " it were an educational endowment applied wholly to educational purposes "; in section twenty-eight for the words from " endowments belonging " to " 1872 to 1925 " there shall be substituted the words " an educational endowment ", and the words " or the education authority within whose area the school is situated, as then case may be," shall be omitted ; in section forty-one, in paragraph (c) of subsection (1), the words " which in the opinion of the Court of Session is contrary to law " shall be omitted, and in paragraph (d) of the said subsection after the words " The provisions regarding " there shall be inserted the words " inquiries by the Commissioners and, " and for the words from " if for an " to the end of the paragraph there shall be substituted the words " a provision empowering the Secretary of State to cause a local inquiry to be held, and the provisions of the Second Schedule to the Education (Scotland) Act, 1945, with the exception of paragraphs 7 and 8 thereof, shall apply to such inquiry " ; and in section forty-two, at the end of the definition of " Provisional Order " there shall be added</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	<p>the words " or made under the Endowed Institutions (Scotland) Act, 1878 ".</p> <p>In section three, in subsection (2), for the word " fund " there shall be substituted the word " account "; in section twelve, in subsection (1), for the words from " subsection (1) " to the words " any other " there shall be substituted the words " subsections (8), (12), (13) and (14) of section fourteen of this Act shall, with any ", in subsection (7), in sub-paragraph (c) of proviso (iii), for the words "or of centres of advanced technical instruction " there shall be substituted the words " junior colleges or other educational establishments "; in section fourteen, in subsection (4), for the words "school children" there shall be substituted the words " pupils attending schools, junior colleges and other educational establishments " , and for subsection (5) the following subsection shall be substituted :—</p> <p style="padding-left: 40px;">“(5) Every administrative scheme relating to education made by the council of a county within which a large burgh is included for the purpose of education shall, unless the Secretary of State otherwise directs, include provision for the co-operation of the county council and the town council in the execution by the county council</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
25 & 26 Geo. 5. c. 5	The Educational Endowments (Scotland) Act, 1935.	<p>of the functions of the county council as education authority relating to the medical examination, inspection, supervision and treatment and to the cleansing of pupils attending schools, junior colleges and other educational establishments in the large burgh.</p> <p>The county council before making any such scheme and the Secretary of State before approving any such scheme shall consult with the town council, and any such scheme, when so approved, shall be binding on the town council.”;</p> <p>in section seventeen, in subsection (3), for the words from " a local" to the end of the subsection there shall be substituted the words " any body of persons, whether members of the council or not, constituted by the council to advise or assist them in the execution of any of their functions under the Education (Scotland) Acts, 1872 to 1945. "; and in section thirty-one, in subsection (1), after the words " to discontinue " there shall be inserted the words " religious observance or " .</p>
25 & 26 Geo. 5. c. 8.	The Unemployment Insurance Act, 1935.	<p>In section two after the word " training " there shall be inserted the words " centres and " .</p> <p>In section seventy-eight for the word " Minister "</p>

Status: This is the original version (as it was originally enacted).

Session and Chapter.	Short Title.	Nature of Amendment.
		<p>wherever that word occurs there shall be substituted the words " Secretary of State " , in subsection (2) for paragraph (b) there shall be substituted the following paragraph :—</p> <p style="padding-left: 40px;">“(b) in Scotland 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.”,</p> <p>and in subsection (4) for the words from " and, for the purpose " to the end of the subsection there shall be substituted the words " Regulations made by the Secretary of State under this section shall make provision</p>

Status: This is the original version (as it was originally enacted).

Session and Chapter.	Short Title.	Nature of Amendment.
		<p>as to the functions to be performed by education authorities with respect to persons required under this section to attend at authorised courses, and, in particular, shall direct such authorities to make in any attendance notice served on any such 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: " ; in section eighty-seven the following subsection shall be inserted after subsection (4) :</p> <p>—</p> <p>“(5) This section shall not apply to proceedings in Scotland for offences under section seventy-eight of this Act.”;</p> <p>in section one hundred and four, in subsection (1), after the word " Act " where that word first occurs there shall be inserted the words " except under section seventy-eight thereof " ; in section one hundred and thirteen, in subsection (1), for the definition of " Authorised course " there shall be substituted the following definition :—</p> <p>“ Authorised course ' means a course at a junior college established under the enactments relating to education or a training course</p>

Status: This is the original version (as it was originally enacted).

Session and Chapter.	Short Title.	Nature of Amendment.
26 Geo. 5. & 1 Edw. 8. c. 32.	The National Health Insurance Act, 1936.	<p>provided under section seventy-seven of this, Act, and includes, in relation to insured contributors who have attained the age of eighteen years, any training course provided by the Assistance Board under the Unemployment Act, 1934;”</p> <p>and in the First Schedule, in paragraph 7 of Part II, for the words from "as a teacher," to " such a school," there shall be substituted the words " pending completion of training of a person provisionally recognised for temporary service as an uncertificated teacher in a school or other educational establishment in Scotland under the management of an education authority or other managers to whom grants are paid by the Secretary of State other than grants in aid of the managers' contributions under the Education (Scotland) (Superannuation) Acts, 1919 to 1939. "</p> <p>In the First Schedule, for paragraph (f) of Part II, there shall be substituted the following paragraph:—</p> <p style="padding-left: 40px;">“(f) Employment in Scotland as a teacher to whom a scheme under the Education (Scotland) (Superannuation) Acts, 1919 to 1939,</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
26 Geo. 5 & 1 Edw. 8. c. 42.	The Education (Scotland) Act, 1936.	<p>applies, or employment pending completion of training of a person provisionally recognised for temporary service as an uncertificated teacher in a school or other educational establishment in Scotland under the management of an education authority or other managers to whom grants are paid by the Secretary of State other than grants in aid of the managers' contributions under the said Acts".</p> <p>In section four, in subsection (2), for the words from " Any such exemption " to " the ensuing term " there shall be substituted the words " No such exemption as aforesaid shall extend beyond the date for commencing school attendance next following the date upon which the exemption was granted " ; and in section fourteen, in paragraph (a), for the words "day school as defined in section thirty-four of the Act of 1908 "</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	<p>there shall be substituted the words " school other than an independent school " , and for paragraph (b) the following paragraph shall be substituted :—</p> <p style="padding-left: 40px;">“(b) any committee or other body for the training of teachers constituted under section forty-nine of the Education (Scotland) Act, 1945, and the certificated teachers employed by them in a school.”.</p> <p>In section twenty-one, in subsection (1), after the word " years " there shall be inserted the words " or any young person who has not attained the age at which under the enactments relating to education children cease to be of school age, " and for the words from " is totally exempted " to the end of the subsection there shall be substituted the words " or young person is not, by being so taken with him, prevented from receiving efficient education suitable to his age, ability and aptitude, be liable on conviction by a court .of summary jurisdiction to a fine not exceeding twenty shillings " , and, in subsection (2), after the word " child " in both places where that word occurs there shall be</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>inserted the words " or young person " ; in section twenty-eight, in subsection (1), for paragraph (a) there shall be substituted the following paragraph :—</p> <p>“(a) until he has attained an age not less than two years below that at which under the enactments relating to education children cease to be of school age ; or”,</p> <p>and in subsection (2), in sub-paragraph (i) of paragraph (a), for the words " under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) " there shall be substituted the words " before they attain the age at which employment ceases to be prohibited under paragraph (a) of the last foregoing subsection " ; in section thirty-two, after subsection (3), there shall be inserted the following subsection :—</p> <p>“(3A) A licence granted under this section shall specify the times, if any, during which the child to whom the licence relates may be absent from school for the purposes authorised by the licence, and for the purposes of the enactments relating</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>to education a child who is so absent during any times so specified shall, notwithstanding anything in section three of the Education (Scotland) Act, 1901, or in section four of the Education (Scotland) Act, 1936, be deemed to have been granted exemption from the obligation to attend school during the specified times.”;</p> <p>in section thirty-eight, in subsection (2), for the year " 1936 " there shall be substituted the year " 1945 ", and for the words " continuation classes " there shall be substituted the words " junior colleges " ; in section fifty, for paragraph (ii) of subsection (1), there shall be substituted the following paragraph :—</p> <p style="text-align: right;">“(ii) to hear proceedings regarding any child with respect to whom a direction has been given under section twenty-eight of the</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937.	<p style="text-align: right;">Education (Scotland) Act, 1945 ;”;</p> <p>in section sixty-five, in paragraph (c) of subsection (1), after the word "child" there shall be inserted the words " or young person ", and after the word " children " there shall be inserted the words " or young persons "; in section one hundred and one, in subsection (5), for the words " of section forty-five of the Education (Scotland) Act, 1872, as amended by any subsequent enactment " there shall be substituted the words " of section sixteen of the Education (Scotland) Act, 1945 " and in section one hundred and ten, in subsection (1) in the definition of " child ", for the words " as provided in section thirty-seven " there shall be substituted the words " in Part III ".</p>
2 & 3 Geo. 6. c. 96.	The Education (Scotland) (War Service Superannuation) Act, 1939.	<p>In section one hundred and fifty-six, in subsection (2) in the definition in paragraph (b) of " young person ", for the words " attained the age of fourteen and " there shall be substituted the words " ceased to be a child but " , and the words from " but does not include " to the end of the definition shall be omitted.</p> <p>In section seven the following definition shall be substituted for, and shall be deemed always to have been, the definition of the expression " period of war service " :—</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>“ Period of war service ' in relation to any person includes—</p> <p>(a) any period during which, though not actually engaged in war service, he is as a result of war service prevented or hindered from procuring work as a teacher ; and (b) in the case of a person who, having been admitted or accepted for admission to preliminary training or to a training centre or training college, gives war service before completing his course of training, any period during which, though not actually engaged in war service, he is as a result of war service prevented or hindered from entering upon or completing his course of training :</p> <p>Provided that a person's period of war service shall not, by virtue of this definition,</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
5 & 6 Geo. 6. c. 5.	The Education (Scotland) Act, 1942.	<p data-bbox="1150 394 1326 801">be extended by a period or periods exceeding in all one year, or such longer period not exceeding two years as the Secretary of State may in any particular case allow”.</p> <p data-bbox="986 824 1326 954">In section one the following paragraphs shall be substituted for paragraphs (1), (2) and (3) :—</p> <p data-bbox="1027 976 1343 1832">“(1) When it is brought to the notice of an education authority that a pupil attending a public school in their area 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.</p> <p data-bbox="1043 1854 1343 2011">(2) Where an education authority make provision for a pupil in pursuance of this section, they shall be</p>

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Session and Chapter.	Short Title.	Nature of Amendment.
		<p>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.”;</p> <p>and in section three the word " pupil " shall be substituted for the word " child " wherever that word occurs, and in paragraph (b) for the words " under any enactment to make special provision " there shall be substituted the words " to provide special educational-treatment ".</p>

FIFTH SCHEDULE

Section 88.

OBSOLETE ENACTMENTS.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Vict. c. 38.	The School Sites Act, 1841.	The whole Act.
7 & 8 Vict. c. 37.	The School Sites Act, 1844.	The whole Act.
12 & 13 Vict. c. 49.	The School Sites Act, 1849.	The whole Act.
14 & 15 Vict. c. 24.	The School Sites Act, 1851.	The whole Act.
15 & 16 Vict. c. 49.	The School Sites Act, 1852.	The whole Act.
35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	In section one, the definitions of " parish ", " burgh ", " parish school ", " burgh school ", " subject to inspection" and " teacher " ; sections twenty-three to twenty-five, thirty-one to thirty-five, and thirty-eight;

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Session and Chapter.	Short Title.	Extent of Repeal.
36 & 37 Vict. c. 53.	The Highland Schools Act, 1873.	in section forty-eight the words from " and the account " to " funds ; and " ; sections fifty-six to fifty-nine ; in section sixty-one the words " out of the school fund " ; sections sixty-seven, seventy and seventy-one ; in section seventy-five the words from " and such report " to the end of the section ; sections seventy-six and seventy-nine.
45 & 46 Vict. c. 59.	The Educational Endowments (Scotland) Act, 1882.	In section two the words " for the purposes of the school fund " .
48 & 49 Vict. c. 61.	The Secretary for Scotland Act, 1885.	The whole Act except section two, section nineteen (so far as relating to the cost of audit) and sections forty-five and forty-six.
50 & 51 Vict. c. 64.	The Technical Schools (Scotland) Act, 1887.	In Part I of the Schedule, the reference to the enactments relating to School Sites.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	The whole Act.
60 & 61 Vict. c. 62.	The Education (Scotland) Act, 1807.	Section eighty-five.
1 Edw. 7. c. 9.	The Education (Scotland) Act, 1901.	The whole Act so far as unrepealed.
8 Edw. 7. c. 63.	The Education (Scotland) Act, 1908.	In section three, the words from " and if the said school board " to the end of the section.
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	In section seven, subsection (4) ; sections thirteen, twenty-two and twenty-six; in section twenty-nine, in subsection (1), the words " from the school fund " ; section thirty-two.
		In section five .the words from " and all expenses " to " county education fund"; in section thirteen, subsection (1) ; sections twenty-five and twenty-eight; in section thirty-

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Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5. c. 36.	The Education 1 (Scotland) Act, 1930.	one, paragraph (2) ; in the Fourth Schedule, paragraphs 3, and 8 to 11 ; and in the Fifth Schedule, sub-paragraph (c) of paragraph 1, sub-paragraph (e) of paragraph s and paragraph 6. The whole Act.

SIXTH SCHEDULE

Section 89.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 131.	The School Grants Act, 1855.	The whole Act.
35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	In section one the definition of " parliamentary grant," " parent" and " public school " ; sections five, twenty-six to thirty, thirty-six, thirty-seven, forty, forty-five, fifty-four and sixty-six ; and in section sixty-eight the words from " for elementary " to " meeting, and ".
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	The whole Act so far as unrepealed.
45 & 46 Vict. c. 59.	The Educational Endowments (Scotland) Act, 1882.	In section forty-five, the words " and any school sharing in such endowment shall be periodically inspected " and the words " and, except in the case of public or state-aided schools, the cost of such inspection ".
46 & 47 Vict. c. 56.	The Education (Scotland) Act, 1883.	The whole Act so far as unrepealed.
53 & 54 Vict c. 43.	The Education of Blind and Deaf Children (Scotland) Act, 1890.	The whole Act so far as unrepealed.
56 & 57 Vict. c. 12.	The Day Industrial Schools (Scotland) Act, 1893.	The whole Act so far as unrepealed.

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Session and Chapter.	Short Title.	Extent of Repeal.
6 Edw. 7. c. 10.	The Education of Defective Children (Scotland) Act, 1906.	The whole Act so far as unrepealed:
8 Edw. 7. c. 63.	The Education (Scotland) Act, 1908.	Sections four and five ; in section seven, subsections (1) to (3) ; sections eight to eleven ; in section sixteen, in paragraph (f) of subsection (1), the words from " and set forth " to the end of the paragraph ; section twenty ; in section twenty-four, subsection (1) ; in section thirty-four, the definitions of " secondary education ", " day school ", " continuation class ", " provincial committee " " training centre ", " parent " and " guardian " ; and the First Schedule.
8 Edw. 7. c. 67	The Children Act, 1908.	The whole Act so far as unrepealed.
3 & 4 Geo. 5. c. 12.	The Education (Scotland) Act, 1913.	The whole Act.
3 & 4 Geo. 5. c. 38.	The Mental Deficiency and Lunacy (Scotland) Act, 1913.	In section two, in subsection (1), the words " education or for the " and the words from " as the case may require " to the end of the subsection, and subsections (2) and (3) ; in section three, subsection (2) ; in section twenty-six, in the first proviso, the words from " of school boards " to "or the powers " .
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	Sections four, six, eight and ten ; in section eleven, subsection (1) ; sections fourteen and fifteen; in section seventeen, as amended by section sixteen of, and the Schedule to, the Act of 1936, the words " other than a child or young person in respect of whom an employment certificate granted under the Education

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Session and Chapter.	Short Title.	Extent of Repeal.
		(Scotland) Act, 1936, is in force " ; in section eighteen, in subsection (10) the words from " as it applies " to the end of the subsection; section twenty-seven; in section thirty-one, paragraph (3) ; in the Second Schedule, sub-paragraph (a) of paragraph 12 ; in the Fourth Schedule, paragraph 4 ; in the Fifth Schedule, paragraph 3, and in paragraph 5, sub-paragraphs (a), (b), (c), (d) and (f).
10 & 11 Geo. 5. c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	In section four the definition of the expression " child "
15 & 16 Geo. 5. c. 55.	The Education (Scotland) (Superannuation) Act, 1925.	In section seven, in subsection (1), the words " and at the expiration of every subsequent period of seven years "
15 & 16 Geo. 5. c. 89.	The Education (Scotland) Act, 1925.	Sections four and five.
18 & 19 Geo. 5. c. 28.	The Education (Scotland) Act, 1928.	The whole Act.
18 & 19-Geo. 5. c. 30.	The Educational Endowments (Scotland) Act, 1928.	In section fifteen, subsection (1) ; sections thirty-one to thirty-three, thirty-five and thirty-seven ; and in section forty-two the definition of the expression " grant-aided school".
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section twelve, in subsection (3), in paragraph (a), the word " (a) education ", the words from " and all matters " to " the education committee ", and the words " or town " and " as the case may be ", and paragraph (b), and in subsection (7), in paragraph (iii) of the proviso, sub-paragraph (b).
22 & 23 Geo. 5. c. 47.	The Children and Young Persons (Scotland) Act, 1932.	Section nine.

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Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Geo. 5. c. 8.	The Unemployment Insurance Act, 1935.	Section seventy-six; in section seventy-nine, in subsection (1), the words " and contribute towards the cost of any other authorised courses " ; in section eighty, in subsection (1), the words " persons who have not attained the age of eighteen years and of " and the words " who have attained that age ", and in subsection (2), paragraph (a); in section eighty-three, in subsection (2), the words from "and shall include " to the end of the subsection ; in section one hundred and four, in subsection (2), the words " section seventy-eight Or " ; and section one hundred and twelve.
26 Geo. 5 & 1 Edw. 8. c. 42.	The Education (Scotland) Act, 1936.	Sections one to three ; in section four, in subsection (1) as amended by paragraph (d) of subsection (1) of section one of the Act of 1939, the words " after the day preceding the appointed day"; sections six to nine ; in section eleven, the words from " and the insertion " to the end of the section; sections twelve and thirteen; in section seventeen, the definitions of " Act of 1890 ", " Act of 1906 ", " Deaf " and " Local Committee for Juvenile Employment ", and subsection (2) ; and the Schedule, so far as relating to the amendment of the Education (Scotland) Act, 1872, of the Education (Scotland) Act, 1878, of the Education of Blind and Deaf-Mute Children (Scotland) Act, 1890, of sections three, sixteen, twenty, twenty-six and thirty-four of the Education (Scotland) Act,

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Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	1908, and of sections four, six, ten, fourteen, fifteen and seventeen of the Education (Scotland) Act, 1918. In section thirty-seven, paragraph (3) ; and in section thirty-eight, subsections (5) and (6).
1 Edw. 8 & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act, 1937.	Sections one and two ; in section three, in subsection (1), the words from " recommendations " to " with ", and the words " after considering a recommendation of the grants committee ", and in subsection (3) as applied to Scotland by section ten, the words " after consultation with the National Council for Scotland " and the words " on the recommendation of the grants committee and" ; in section eight, subsection (2) ; and in section ten, in subsection (2), the words from " for any reference ", where they occur for the second time, to " Act in Scotland ", subsection (3), in subsection (4), the proviso, and subsection (10)
1 Edw. 8 & 1 Geo. 6. c. 69.	The Local Government Superannuation (Scotland) Act, 1937.	In the First Schedule, paragraph of Part II.
1 & 2 Geo. 6. c. 8.	The Unemployment Insurance Act, 1938.	Sections one and six.
2 & 3 Geo. 6. c. 112.	The Education (Emergency) (Scotland) Act, 1939.	In section one, subsection (1) ; in section two, subsection (3) ; and the Schedule.