



Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

PART II

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

Offences

21 Punishment of vagrants preventing children from receiving education.

(1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years, [^{F1}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], he shall, unless he proves that the child [^{F2}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 [^{F3}level 1 on the standard scale].]

^{F4}(2)

(3) Without prejudice to the requirements of [^{F5}the ^{M1}Education (Scotland) Act 1962], as to school attendance or to proceedings thereunder, this section shall not, during the months of April to September inclusive, apply to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, if a certificate has been obtained that the child has made not less than two hundred attendances at a public school during the months of October to March immediately preceding.

Textual Amendments

F1 Words inserted by [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 4](#)

F2 Words substituted by [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 4](#)

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Section 21. (See end of Document for details)

- F3** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289F**, 289G
- F4** S. 21(2) repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential and Supplementary Modifications) Regulations 2017 (S.S.I. 2017/452), reg. 1, **sch. para. 4**
- F5** Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 17(2)(a)**

Modifications etc. (not altering text)

- C1** S. 21 amended by Criminal Procedure (Scotland) Act 1975 (c. 21), **ss. 168**, 364

Marginal Citations

- M1** 1962 c. 47.

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