

conferred upon them by the seventy-fourth section of that Act, with the approval of the Education Department, made certain Bye-laws, bearing date the eleventh of October, one thousand eight hundred and seventy-two, numbered 162.

And whereas all the conditions in regard to the said Bye-laws, which are required to be fulfilled by the said Act, have been fulfilled, and the said Bye-laws have been submitted for the sanction of Her Majesty in Council: Now, therefore, Her Majesty, having taken the said Bye-laws (copy whereof is hereunto annexed) into consideration, is pleased, by and with the advice of Her Privy Council, to declare, and doth hereby declare, Her sanction of the same.

*T. M. Biddulph.*

*Bye-Laws referred to in the foregoing Order.*

No. CLXII.

THE ELEMENTARY EDUCATION ACT,  
1870.

*Borough of Durham.*

BYE-LAWS OF THE DURHAM SCHOOL BOARD.

*Recital of 74th Section of Education Act, authorising School Boards to make Bye-laws as to Attendance at School.*

WHEREAS, by the 74th section of the Elementary Education Act, 1870, it is enacted that every School Board may, from time to time, with the approval of the Education Department, make Bye-laws for all or any of the following purposes:—

- (a.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the Bye-laws, to cause such children (unless there is some reasonable excuse) to attend school.
- (b.) Determining the time during which children are so to attend school, provided that no such Bye-law shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour.
- (c.) Providing for the remission or payment of the whole or any part of the fees of any child, where the parent satisfies the School Board that he is unable from poverty to pay the same.
- (d.) Imposing penalties for the breach of any Bye-laws.
- (e.) Revoking or altering any Bye-laws previously made.

Provided that any Bye-law under this section requiring a child between ten and thirteen years of age to attend school, shall provide for the total or partial exemption of such child from the obligation to attend school if one of Her Majesty's Inspectors certifies that such child has reached a standard of education specified in such Bye-law.

*Reasonable Excuses for Non-attendance.*

And by the said 74th section it is further enacted, that any of the following reasons shall be a reasonable excuse, namely:—

- (a.) That the child is under efficient instruction in some other manner.

(b.) That the child has been prevented from attending school by sickness or any unavoidable cause.

(c.) That there is no Public Elementary School open which the child can attend, within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the Bye-laws may prescribe.

*Penalties for breach of Bye-laws.*

And by the said 74th section it is further enacted, that any proceeding to enforce any Bye-law may be taken, and any penalty for the breach of any Bye-law may be recovered in a summary manner; but no penalty imposed for the breach of any Bye-law shall exceed such amount as with the costs will amount to five shillings for each offence, and such Bye-laws shall not come into operation until they have been sanctioned by Her Majesty in Council.

*Recital of Section 17, providing for Payment of School Fees to School Board, and for Remission of Fees in case of Poverty.*

And whereas, by the 17th section of the said Act, it is enacted that every child attending a school provided by any School Board, shall pay such weekly fee as may be prescribed by the School Board, with the consent of the Education Department; but the School Board may, from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

*Recital of Section 25, authorizing School Board to Pay School Fees in case of Poverty.*

And whereas, by the 25th section of the said Act, it is enacted that the School Board may, if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fees payable at any Public Elementary School by any child resident in their district, whose parent is, in their opinion, unable from poverty to pay the same, but no such payment shall be made or refused on condition of the child attending any Public Elementary School other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent.

*Recital of Section 26, authorizing the Establishment of Free Schools in Special Cases.*

And whereas by the 26th section of the said Act, it is enacted that if a School Board satisfy the Education Department that, on the ground of the poverty of the inhabitants of any place in their district, it is expedient for the interests of education to provide a school at which no fees shall be required from the scholars, the Board may, subject to such rules and conditions as the Education Department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

*Recital of Section 36, authorizing School Board to Appoint Officers to enforce Attendance at School.*

And whereas by the 36th section of the said Act, it is enacted that every School Board may, if they think fit, appoint an officer or officers to enforce any Bye-laws under this Act with reference to the attendance of children at school, and to