

## PART II.

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## ATTENDANCE OF CHILDREN AT SCHOOL.

## s. 4.

4. (1) The parent or guardian of any child between the age of six years and the school leaving age shall cause him to attend regularly a State or certified school or a school subsidised under the provisions of the Principal Act or the regulations thereunder.

Compulsory attendance at school.  
Amended, Act No. 20, 1917, s. 2 (a); Act No. 17, 1939, s. 177 (b) (i); Act No. 48, 1940, s. 2 (1) (b).

(1A) The parent or guardian of any child between the age of six years and the school leaving age shall, where—

New subsection added, Act No. 7, 1944, s. 3 (1) (a).

- (a) such child is, by reason of blindness or other infirmity, not capable of being educated by the ordinary methods of instruction; and
- (b) a special school has been declared or a certified special school has been established for children suffering from the class of infirmity from which such child is suffering; and
- (c) the place of residence of such child is within the district of such special school or of such certified special school,

cause him to attend regularly at such special school or certified special school.

(2) Every parent or guardian of a child between the age of six years and the school leaving age who fails to cause him to attend a State or certified school or special school or certified special school or school subsidised as aforesaid, or fails to cause him to attend at the State or certified school or special school or certified special school or school subsidised as aforesaid, in which such child is a scholar on any half-day when the school is open, and who fails to show to the satisfaction of the court that such non-attendance on any half-day is due to one or more of the causes mentioned in subsection (4) (a), (b), (c), (d), (e), (f), (g), or any other cause deemed by the court to be sufficient, shall be liable to a penalty not exceeding five shillings for the first offence, and not exceeding forty shillings for any subsequent offence in respect of the same child.

Amended, Act No. 20, 1917, s. 2 (b); Act No. 17, 1939, s. 177 (b) (ii); Act No. 48, 1940, s. 2 (1) (b); Act No. 7, 1944, s. 3 (1) (b).

(3) In any prosecution under this section the statement on oath of the prosecutor that he believes the child to be of or about the age stated in the information shall be prima facie evidence of such age.

(4) It shall be a good defence to any such prosecution that at the date alleged in the information—

- (a) \* \* \* \* \*
- (b) that the child was receiving regular and efficient instruction on at least eighty-five days in each half-year in his home, the onus of proof of which shall lie upon the parent or guardian;
- (c) the Minister or any officer authorised by him had granted an exemption certificate under this Act in respect of the child, and that at the time aforesaid the certificate was in force; or

Repealed, Act No. 17, 1939, s. 177 (b) (iii).

Amended, Act No. 17, 1939, s. 177 (b) (iv).

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- (d) there was not a school within three miles by the nearest practicable route of the place of residence of such child, or that the child was less than eleven years of age, and there was not a school within two miles by the nearest practicable route of his place of residence: Provided that in any case where the child may travel to school on a free pass by train, or by boat or other conveyance, this defence shall not be sufficient unless it be shown that the child would have to walk three miles, or if less than eleven years of age, two miles, in order to travel by such train, boat, or conveyance, such distance to be computed so as to include mileage to such train, boat, or conveyance, and also from the terminal point of the same to the school;
- (e) the child was prevented from attending school by sickness, danger of infection, temporary or permanent infirmity, or other sufficient cause, and within seven days after the date on which such sickness, danger, infirmity, or cause occurred or arose the defendant gave or caused to be given notice thereof in writing to the teacher of the school which the child attended immediately prior to such date; or
- (f) the absence from school was by reason of the child's disobedience, and was not due to any neglect or default of the defendant; or
- (g) the child had not been absent for more than six half-days during the three months during which the school had been open immediately preceding such half-day.

New subsection added, Act No. 7, 1944, s. 3 (1) (c).

(4A) In the application of subsection four of this section to and in respect of a child who, by reason of blindness or other infirmity, is not capable of being educated by the ordinary methods of instruction that subsection shall be read and construed as if paragraph (d) thereof were omitted and the following paragraph inserted in lieu thereof:—

(d) the child is not resident in the district of the special school or certified special school.

Definition of half-day's attendance.

(5) An attendance for not less than two hours during the period for which school is open on any half-day shall constitute attendance on such half-day, but any child having received the teacher's sanction to leave school on any half-day before the completion of the hours appointed shall be deemed to have attended on such half-day.

*Register of attendances.*

5. The proprietor or principal teacher of any certified school or special certified school shall—

- (a) keep a register, in a form approved by the Minister, of the attendance of scholars at his school;
- (b) at the request of an inspector of schools, attendance officer, or other person authorised by the Minister, produce to him such register and permit him to inspect and make extracts from the same;

Certified register to be kept and information to be given as to attendance of scholars. Amended, Act No. 7, 1944, s. 2 (1) (b).