



# Education (Scotland) Act 1945

## 1945 CHAPTER 37

### PART I

#### PROVISION OF EDUCATION BY EDUCATION AUTHORITIES.

##### *School Buildings, etc..*

#### **12 Provision and maintenance of schools, etc..**

- (1) It shall be the duty of an education authority to provide for their area, in accordance with any scheme under section two of this Act for the time being in force in the area, sufficient accommodation in public schools (whether day schools or boarding schools), junior colleges and other educational establishments under their management for all pupils resident in the area for whose education efficient and suitable provision is not otherwise made.
- (2) An education authority shall maintain and keep efficient every public school, junior college and other educational establishment under their management and shall from time to time provide such additional accommodation as may be necessary to carry out the provisions of any such scheme as aforesaid.
- (3) An education authority may, for the purposes of their duty under this section, provide, alter, improve, enlarge, equip and maintain schools, junior colleges and other educational establishments outside as well as within their area.
- (4) An education authority may provide, alter, improve, enlarge, equip, maintain and furnish houses and hostels, with such outbuildings and gardens as they think expedient, for teachers and other officers employed by them.

#### **13 Requirements as to premises of schools, etc..**

- (1) The Secretary of State may make regulations prescribing the standards to which the premises, furnishing and equipment of schools, junior colleges and other educational establishments under the management of education authorities are to conform, and

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such regulations may prescribe appropriate standards for such descriptions of schools, junior colleges and other establishments as may be specified in the regulations.

- (2) Subject as hereinafter provided, it shall be the duty of an education authority to secure that the premises, furnishing and equipment of every school, junior college and other educational establishment maintained by them conform to the standards prescribed for schools, colleges or educational establishments of the description to which the school, college or educational establishment belongs :

Provided that if the Secretary of State is satisfied with respect to the premises of any school, college or educational establishment that, having regard to the nature of the site or to any existing buildings thereon or to other special circumstances affecting such premises, it would be unreasonable to require conformity with the requirements of the regulations in any particular respect, he may direct that those premises shall be deemed to conform to the prescribed standards if in lieu of conforming to the requirements of the regulations in that respect they conform to such other requirements as may be specified.

- (3) With a view to securing that the premises, furnishing and equipment of schools, junior colleges and other educational establishments under the management of an education authority are maintained in such a condition as to contribute to the good health of the pupils, it shall be the duty of an education authority to cause their medical officers as part of their ordinary work from time to time to inspect and to report to them upon the said premises, furnishing and equipment, and in making the said inspections the medical officers shall have special regard to' the lighting, heating and ventilation, and to the sanitary arrangements.

#### **14 Discontinuance of educational establishments.**

- (1) Subject to any special conditions attaching thereto and to any scheme under section two of this Act relating thereto, an education authority may, with the sanction of the Secretary of State,—
- (a) discontinue, or change the site of, any educational establishment under their management, or part thereof ; and
  - (b) sell, excamb or let any land vested in them :

Provided that the sanction of the Secretary of State shall not be required in the case of a let for a period of one year or less or of a let with breaks in favour of the education authority at intervals not exceeding one year.

- (2) The School Grants Act, 1855, (which restricts the sale of land for the purchase of which money was advanced out of the parliamentary grant for education) shall cease to have effect.

#### **15 Acquisition of land, etc..**

In order to enable them to execute any of their functions, an education authority may from time to time—

- (a) acquire, whether by way of purchase, feu, lease, excambion or donation, any land whether situated within or outwith the area of the authority;
- (b) erect and furnish buildings or execute any other works on any land belonging to them, or on land leased by them ;

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- (c) convert, alter, enlarge or improve any existing building or other works belonging to the authority or leased by them :

Provided always that paragraphs (b) and (c) of this section shall not of themselves authorise the authority to do anything contrary to the conditions contained in the title to or lease of any such land, buildings or other works.

## **16 Borrowing powers.**

—Where an education authority require to incur expenditure in the exercise of any of the powers conferred upon them by the last foregoing section, or in purchasing any moveable property, or in making any other payment, and the authority are of opinion that the expenditure cannot conveniently be met out of revenue, they shall report the position to the Secretary of State, and if he considers that, by reason of the permanent character of the works involved, or of the length of time for which the moveable property may be expected to remain serviceable, or of the purpose for which such other payment is to be made, the expenditure may properly be met by borrowing, and that the repayment of the loan should be spread over a term of years, the authority may borrow money for the purpose, and shall repay the money so borrowed within such period not exceeding fifty years as the Secretary of State may determine.