



Education (Scotland) Act 1945

1945 CHAPTER 37

PART III

ADMINISTRATION AND STAFFING.

Miscellaneous Powers of Secretary of State.

57 Powers of Secretary of State as to medical examination and inspection.

- (1) The Secretary of State may make regulations as to the conduct of medical examinations and medical inspections for the purposes of this Act. Such regulations may, in particular, prescribe the special qualifications or experience to be possessed by the medical practitioners by whom any class of medical examinations may be conducted, by the persons who may assist in the conduct of such examinations, and by the medical practitioners by or under whose directions any class of medical inspections may be conducted.
- (2) Every education authority shall furnish to the Secretary of State such particulars as he may from time to time require of the arrangements made by the authority in the exercise of their functions relating to medical examination, inspection, supervision and treatment ; and the Secretary of State may give to any such authority such directions as to the discharge by the authority of those functions as appear to him to be expedient.
- (3) Where any question is to be decided by the Secretary of State under the Education Acts or under any rule, regulation or order made thereunder, then, if in the opinion of the Secretary of State the medical examination of any pupil would assist the determination of the question, the Secretary of State may by notice in writing served on the parent of that pupil, if the pupil is enrolled at a school, or, if that pupil is enrolled at a junior college or other educational establishment, upon him, require the parent to submit him, or require him to submit himself, as the case may be, for such examination ; and if any person on whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

58 Local inquiries.

The Secretary of State may cause a local inquiry to be held for the purpose of the exercise of any of his functions under the Education Acts, and the provisions of the Second Schedule to this Act shall have effect with regard to any such inquiry.

59 Approval and carrying out of schemes.

- (1) The Secretary of State may, after considering any representations made to him on the subject and the report of any local inquiry which may have been held under the last foregoing section, approve, either as submitted or with such modifications and amendments as he thinks proper, any scheme or revised scheme or modification of an existing scheme (in this section referred to as " the scheme ") submitted to him under the Education Acts ; and thereupon it shall be the duty of the education authority to carry the scheme into effect as so approved.
- (2) If an education authority inform the Secretary of State that they are aggrieved by his approval with modifications or amendments of the scheme, the Secretary of State shall cause the scheme as so approved to be laid before Parliament as soon as may be thereafter together with the report of any local inquiry which may have been held under the last foregoing section. If either House of Parliament within the period of forty days beginning with the day on which the scheme is laid before it resolves that the approval of the scheme be annulled, the scheme as so approved shall cease to have effect, but without prejudice to anything previously done thereunder or to the submission and approval with or without modifications and amendments of any new scheme, revised scheme or modification of an existing scheme.
- (3) In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

60 Powers of Secretary of State to enforce duty of authorities and other persons.

If the Secretary of State is satisfied, either on complaint by any person interested or otherwise, that an education authority, the managers of a school or educational establishment, or other persons have failed to discharge any duty imposed on them by or for the purposes of the Education Acts, the Secretary of State may make an order declaring them to be in default in respect of that duty and requiring them before a date stated in the order to discharge that duty. If by the said date the education authority, managers or other persons have not discharged the duty, one or other of the following steps may be taken to secure the discharge thereof—

- (a) the Secretary of State may make such arrangements as he thinks fit for the discharge of the duty, and all expenses incurred by the Secretary of State in so doing shall be recoverable as a debt due by the authority, managers or other persons to the Secretary of State ; or
- (b) the Court of Session may, on the application of the Lord Advocate, order specific performance of the duty.