



Education (Scotland) Act 1980

1980 CHAPTER 44

PART I

PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

School education and further education

1 Duty of education authorities to secure provision of education.

(1) Subject to [^{F1}subsections [^{F2}(1A)] and (2A)] below, it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education.

[^{F3}(1A) The duty imposed on education authorities by subsection (1) above shall, in relation to children who are under school age, be exercisable only [^{F4}to the extent required by section 47(1) of the Children and Young People (Scotland) Act 2014].

[^{F5}(1B)

(1C) An education authority shall have power in relation to pre-school children to secure for their area the provision of such school education, other than that which they are required by subsection (1) above to secure, as they think fit.]

[^{F6}(2)

[^{F7}(2A) The duty imposed on an education authority by subsection (1) above shall not include the provision of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992, but an education authority shall have power to provide such further education for their area.]

[^{F8}(2B) An education authority must, at least once every two years—

- (a) consult such persons as appear to be representative of parents of pre-school children within their area about whether and if so how they should provide school education for such children under subsection (1C) above; and

Changes to legislation: Education (Scotland) Act 1980, Section 1 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) after having had regard to the views expressed, prepare and publish their plans in relation to the provision of such education for such children under that subsection.
- (2C) The Scottish Ministers may by order modify subsection (2B) above so as to vary the regularity within which an education authority must consult and plan in pursuance of that subsection.
- (2D) An order made under subsection (2C) above is subject to the negative procedure.]
- (3) Every education authority [^{F9}shall for the purposes of their duty under subsection (1) above—
 - (a)] have power to secure for their area, and
 - (b) ^{F10} . . . be under a duty to secure for pupils in attendance at schools in their area, the provision of adequate facilities for social, cultural and recreative activities and for physical education and training.
- (4) The facilities for further education that may be provided by an education authority shall include facilities for vocational and industrial training.

^{F11}(4A)

[^{F12}(4B) In this section “pre-school children” means—

- (a) children who are under school age and have not commenced attendance at a primary school (other than a nursery class in such a school); and
- (b) children who have attained school age but have not commenced attendance at such a school.]
- (5) In this Act—
 - (a) ^{F13}“school education” means progressive education appropriate to the requirements of pupils . . . , regard being had to the age, ability and aptitude of such pupils, and includes—
 - [^{F14}(i) early learning and childcare;]
 - [^{F15}(ii) provision for special educational needs;]
 - (iii) the teaching of Gaelic in Gaelic-speaking areas;
 - (b) further education includes—
 - (i) ^{F16}
 - (ii) voluntary part-time and full-time courses of instruction for persons over school age;
 - (iii) social, cultural and recreative activities and physical education and training, either as [^{F17}voluntary organised activities designed to promote the educational development of persons taking part therein or as] part of a course of instruction ^{F10} . . . ;
 - (iv) the teaching of Gaelic in Gaelic-speaking areas;
 - ^{F18}(c)
 - ^{F19}(d)

Textual Amendments

- F1** Words in s. 1(1) substituted (1.4.1993) by [Further and Higher Education Act \(Scotland\) Act 1992 \(c. 37\), s. 2\(a\)](#) (with s. 30(2)); S.I. 1992/817, art. 3(2), [Sch. 4](#)
- F2** Word in s. 1(1) substituted (4.3.2002) by [2000 asp 6, s. 32\(2\)](#); S.S.I. 2002/72, [art. 2\(1\)\(a\)](#)

Changes to legislation: Education (Scotland) Act 1980, Section 1 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F3** S. 1(1A)-(1C) inserted (4.3.2002) by 2000 asp 6, s. 32(3); S.S.I. 2002/72, **art. 2(1)(a)**
- F4** Words in s. 1(1A) substituted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **sch. 5 para. 2(2)(a)**; S.S.I. 2014/131, art. 2(2)(3), sch.
- F5** S. 1(1B) omitted (1.8.2014) by virtue of Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **sch. 5 para. 2(2)(b)**; S.S.I. 2014/131, art. 2(2)(3), sch.
- F6** S. 1(2) repealed (4.3.2002) by 2000 asp 6, s. 32(4); S.S.I. 2002/72, **art. 2(1)(a)**
- F7** S. 1(2A) inserted (1.4.1993) by Further and Higher Education Act (Scotland) Act 1992 (c. 37), **s. 2(b)** (with s. 30(2)); S.I. 1992/817, art. 3(2), **Sch. 4**
- F8** S. 1(2B)-(2D) inserted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 54, 102(3)**; S.S.I. 2014/131, art. 2(2)(3), sch.
- F9** Words in s. 1(3) substituted (1.4.1983) by Local Government and Planning (Scotland) Act 1982 (c. 43), s. 69(2), **Sch. 3 para. 37(a)(i)** and S.I. 1982/1397, **Sch. 2**
- F10** Words repealed (1.4.1983) by Local Government and Planning (Scotland) Act 1982 (c. 43), s. 69(2), **Sch. 4 Pt. I** and S.I. 1982/1397, **Sch. 2**
- F11** S. 1(4A) omitted (1.8.2014) by virtue of Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **sch. 5 para. 2(2)(b)**; S.S.I. 2014/131, art. 2(2)(3), sch.
- F12** S. 1(4A)(4B) inserted (4.3.2002) by 2000 asp 6, s. 32(5); S.S.I. 2002/72, **art. 2(1)(a)**
- F13** Words in s. 1(5)(a) repealed (13.10.2000) by 2000 asp 6, s. 60(2), **Sch. 3**; S.S.I. 2000/361, art. 3(1)(2), **Sch. Pt. I**
- F14** S. 1(5)(a)(i) substituted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **sch. 5 para. 2(2)(c)**; S.S.I. 2014/131, art. 2(2)(3), sch.
- F15** S. 1(5)(a)(ii) substituted by Education (Scotland) Act 1981 (c. 58), s. 3(1)(a), **Sch. 8**
- F16** S. 1(5)(b)(i) repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**
- F17** Words inserted (1.4.1983) by Local Government and Planning (Scotland) Act 1982 (c. 43), s. 69(2), **Sch. 3 para. 37(b)(i)** and S.I. 1982/1397, **Sch. 2**
- F18** S. 1(5)(c) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(2)(b)**; S.S.I. 2005/564, art. 2
- F19** S. 1(5)(d) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(2)(b)**; S.S.I. 2005/564, art. 2

Modifications etc. (not altering text)

- C1** S. 1 amended (4.3.2002) by 2000 asp 6, s. 33(1)-(3); S.S.I. 2002/72, **art. 2(1)(b)**
- C2** S. 1(1) restricted (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 16 para. 9(1)(a)** (with ss. 89, 90)

Changes to legislation:

Education (Scotland) Act 1980, Section 1 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A(5)(a)(I) words repealed by [2000 asp 6 Sch. 3](#)
- s. 53(3)(b)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53(3)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53ZA inserted by [2016 asp 8 s. 22\(3\)](#)
- s. 54A inserted by [2016 asp 8 s. 23](#)
- s. 98DA inserted by [2016 asp 8 s. 28\(2\)](#)
- s. 99(1A)(g)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)
- s. 99(1A)(h)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)