



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART IV

#### MISCELLANEOUS

##### *Education*

#### **143 Self-governing schools: certain proposals under Education (Scotland) Act 1980.**

For subsection (1) of section 21 of the <sup>M1</sup>Self-Governing Schools etc. (Scotland) Act 1989 (effect of pending procedure for acquisition of self-governing status on certain proposals for that school) there shall be substituted—

“(1) Subject to section 14(2) of this Act, where a proposal to do any thing to a school, being a proposal to which this section applies—

- (a) is published under section 22A of the 1980 Act (consultation on certain changes in educational matters), but before a decision is reached on the proposal the education authority receive written notice such as is mentioned in subsection (6) of section 13 of this Act, either of a first resolution or of a request, as regards that school, they shall not decide on the proposal;
- (b) is submitted under section 22B, 22C or 22D of the 1980 Act (consent for certain changes in educational matters or for certain changes affecting denominational schools), but before the Secretary of State consents to the proposal the education authority receive such notice as is mentioned in paragraph (a) above as regards that school, the consent cannot validly be given,

unless and until one of the conditions specified in section 24(2) of this Act is satisfied as regards that school.

(1A) This section applies to a proposal—

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- (a) to discontinue the school; or
- (b) to do any one of such other things to the school as the Secretary of State may by order prescribe.”.

**Marginal Citations**

**M1** 1989 c. 39.

**144 Denominational schools: proposals under section 22D of Education (Scotland) Act 1980.**

In section 22D of the <sup>M2</sup>Education (Scotland) Act 1980 (further provisions relating to denominational schools)—

- (a) in subsection (2)(a), for the word “the” there shall be substituted “ an ”;
- (b) in subsection (2)(c)—
  - (i) for the words “the education authority”, where they first occur, there shall be substituted “ any education authority affected by it ”;
  - (ii) in sub-paragraph (i), for the words “the result” there shall be substituted “ any of the results ”; and
  - (iii) in sub-paragraph (ii), after the word “authority”, there shall be inserted “ submitting the proposal under subsection (1) above ”; and
- (c) for subsections (3) and (4) there shall be substituted the following subsection—

“(3) The results referred to in subsection (2)(c)(i) above are—

- (a) a significant deterioration for pupils belonging to the area of the education authority submitting the proposal under subsection (1) above; or
- (b) a significant deterioration for pupils belonging to the area of any other education authority; or
- (c) where neither paragraph (a) nor paragraph (b) above applies, such a deterioration for pupils as mentioned in the said paragraph (a) and pupils belonging to the area of another education authority as, taken together, amounts to a significant deterioration,

in the provision, distribution or availability of school education in schools of the kind referred to in subsection (2)(a) above compared with such provision, distribution or availability in other public schools.”.

**Marginal Citations**

**M2** 1980 c. 44.

**145 Provision of school transport and other facilities.**

- (1) The <sup>M3</sup>Education (Scotland) Act 1980 shall be amended in accordance with this section.

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- (2) In section 50(3) (power of education authority to provide transport and other facilities in exceptional circumstances)—
- (a) in paragraph (a)—
    - (i) after the word “with”, where it first occurs, there shall be inserted “—  
(i)”;  
and
    - (ii) after the word “Act” there shall be inserted “—
      - (ii) any arrangements made by them under section 23(1A) of this Act; or
      - (iii) the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act”; and
  - (b) in paragraph (b), after the word “them” there shall be inserted “ or another education authority ”.
- (3) In section 51 (provision of transport and other facilities)—
- (a) in subsection (2A)—
    - (i) in paragraph (a)—
      - (A) after the word “with” there shall be inserted “—  
(i)”;  
and
      - (B) after the word “Act” there shall be inserted—
        - “(ii) any arrangements made by them under section 23(1A) of this Act; or
        - (iii) the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act”; and
    - (ii) in paragraph (b), after the word “them” there shall be inserted “ or another education authority ”; and
  - (b) after subsection (2AC) there shall be inserted the following subsection—

“(2AD) Without prejudice to the generality of subsection (1) above, the duty imposed by that subsection applies in cases where a pupil attends a school or educational establishment under the management of another education authority—

    - (a) in accordance with any arrangements made by them under section 23(1A) of this Act;
    - (b) in accordance with the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act; or
    - (c) if at the time when the pupil was placed in that school or educational establishment it was under the management of the education authority for the area to which the pupil belonged, and is under the management of another education

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authority as a consequence of the establishment of such new local government areas.”.

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**Marginal Citations**

**M3** [1980 c. 44.](#)

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