



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART IV

MISCELLANEOUS

Education

143

F1

Textual Amendments

F1 S. 143 repealed (5.4.2010) by [Schools \(Consultation\) \(Scotland\) Act 2010 \(asp 2\)](#), ss. 18, 22(1)(2), [Sch. 3 para. 2](#); S.S.I. 2010/70, [art. 2](#)

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

In section 22D of the ^{M1}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

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- (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

M1 1980 c. 44.

145 Provision of school transport and other facilities.

- (1) The ^{M2}Education (Scotland) Act 1980 shall be amended in accordance with this section.
- (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 “—

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

Marginal Citations

M2 1980 c. 44.

Changes to legislation:

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