



# Education (Scotland) Act 1962

## 1962 CHAPTER 47

### PART I

#### PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

##### *Primary, Secondary and Further Education*

#### **1 Provision of educational facilities by education authorities**

- (1) It shall be the duty of every education authority to secure that adequate and efficient provision is made throughout their area of all forms of primary, secondary and further education.
- (2) The Secretary of State may make regulations prescribing the standards and general requirements to which every education authority shall conform in exercising their functions under the foregoing subsection.
- (3) Primary, secondary and compulsory further education provided in public schools and junior colleges under the management of an education authority shall be without payment of fees :

Provided that if the authority think it expedient they may charge fees in some or all of the classes in a limited number of primary and secondary schools, so, however, that the power to do so may be exercised only where it can be exercised without prejudice to the adequate provision of free primary and secondary education in public schools in which no fees are charged, or in other schools the managers of which agree, in respect of such payment by the education authority as may be agreed, to admit and educate pupils free of charge on the nomination of the education authority.

- (4) It shall be the duty of an education authority to secure that the facilities for primary, secondary and further education provided for their area include adequate facilities for recreation and social and physical training.

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- (5) It shall be the duty of an education authority to make or otherwise secure adequate and suitable provision for the technical education of blind persons ordinarily resident in their area who are capable of receiving and being benefited by such education.
- (6) It shall be lawful for an education authority to provide a child guidance service in child guidance clinics or elsewhere. The function of the service shall be to study handicapped, backward and difficult children, to give advice to parents and teachers as to appropriate methods of education and training and in suitable cases to provide special educational treatment for such children in child guidance clinics.

## **2 Primary education**

- (1) Subject to section five of this Act primary education shall be given in primary schools or departments.
- (2) In this Act " primary education" means progressive elementary education in such subjects as may be prescribed in that behalf in regulations made under subsection (2) of the last foregoing section, regard being had to the age, ability and aptitude of the pupils concerned, and includes—
  - (a) training by appropriate methods in schools and classes (hereinafter referred to as " nursery schools" and " nursery classes ") for pupils between the age of two years and such later age as may be permitted by the said regulations;
  - (b) special educational treatment;
  - (c) the teaching of Gaelic in Gaelic speaking areas.
- (3) The provision of primary education in nursery schools and nursery classes shall be deemed to be adequate if such provision is made at centres where sufficient children whose parents desire such education for them can be enrolled to form a school or class of a reasonable size.

## **3 Secondary education**

- (1) Subject to section five of this Act secondary education shall be given in secondary schools or departments.
- (2) In this Act " secondary education" means progressive courses of instruction of such length and in such subjects as may be approved in terms of the regulations made under subsection (2) of section one of this Act as appropriate to the age, ability and aptitude of pupils who have been transferred from primary schools and departments and to the period for which they may be expected to remain at school and includes—
  - (a) special educational treatment;
  - (b) the teaching of Gaelic in Gaelic speaking areas.
- (3) The provision of secondary education shall be deemed to be adequate if a reasonable variety of courses is provided from which the parent of a pupil may select a course from which, in the opinion of the education authority, the pupil shows reasonable promise of profiting.

## **4 Further education**

" Further education " includes—

- (a) compulsory part-time and in exceptional cases full-time courses of instruction approved in terms of the regulations made under subsection (2) of section one of this Act given in colleges (hereinafter referred to as " junior colleges ") to young persons not exempt from attendance under subsection (8) of section forty-five of this Act and designed to enable them to develop their various aptitudes and capacities and to prepare them for the responsibilities of citizenship;
- (b) voluntary part-time and full-time courses of instruction for persons over school age;
- (c) voluntary leisure-time occupation, in such organized cultural training and recreative activities as are suited to their requirements, for persons over school age; and
- (d) the teaching of Gaelic in Gaelic speaking areas.

## **5 Special educational treatment**

- (1) In this Act "special educational treatment" means education by special methods appropriate to the special requirements of pupils who suffer from disability of mind or body, and shall be given in special schools approved by the Secretary of State for the purpose, or by other means so approved.
- (2) The arrangements made by an education authority for the special educational treatment of pupils of any category within the meaning of section sixty-two of this Act shall be such as to ensure, as far as practicable, that the education is given in an appropriate special school or by other appropriate means.
- (3) Regulations made under subsection (2) of section one of this Act may prescribe the requirements to be complied with as a condition of approval as a special school, and as to the withdrawal of approval from any special school which fails to comply with requirements so prescribed.

## **6 Recreation and social and physical training**

- (1) For the purpose of securing adequate facilities for recreation and social and physical training, an education authority may establish, maintain and manage, or assist the establishment, maintenance and management of, camps, holiday classes, playing fields, play centres and other places (including playgrounds, gymnasiums and swimming baths not appropriated to any school or educational establishment) at which facilities for recreation and for such training as aforesaid are available for persons receiving primary, secondary or further education. They may also organise games, expeditions and other activities for such persons, and may defray or contribute towards the expenses thereof.
- (2) An education authority, in making arrangements for the provision of facilities or the organisation of activities under the powers conferred on them by the last foregoing subsection shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

## **7 Provision of educational facilities to be in accordance with schemes**

- (1) The functions of an education authority under the foregoing provisions of this Act shall be exercised in accordance with schemes prepared as hereinafter provided and

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approved by the Secretary of State under section seventy of this Act, except where such functions relate to—

- (a) further education as described in paragraphs (b) and (c) of section four of this Act other than such voluntary part-time or full-time courses of instruction for persons over school age as the Secretary of State may direct; or
  - (b) such facilities as are mentioned in subsection (1) of section six of this Act; or
  - (c) special educational treatment other than in special schools.
- (2) It shall be the duty of an education authority within such time as may be prescribed to prepare and submit for the approval of the Secretary of State a scheme or schemes for the exercise of their powers and duties under the foregoing sections of this Act.
  - (3) An education authority may at any time, and shall if and when so required by the Secretary of State, prepare and submit for his approval a revised scheme or modification of an existing scheme under this section.
  - (4) In considering and determining for the purposes of any scheme for the provision of primary and secondary education what amount of public school accommodation or additional public school accommodation is required for their area, an education authority shall have regard to and take into account every school, whether public or not, and whether situated in the area or not, which, in their opinion, gives, or will when completed give, efficient primary or secondary education, and is, or will when completed be, suitable and available for the education of the pupils in their area.
  - (5) An education authority shall for the purposes of the last foregoing subsection have power to call upon all head teachers and managers of schools other than public schools for such information and for access to and delivery of all such documents as shall to the education authority appear to be necessary to enable them to discharge their duties under this Act, and an education authority may from time to time appoint fit and proper persons to procure such information and to inspect such documents.
  - (6) In the preparation of any scheme for the provision of primary and secondary education, an education authority shall, in particular, have regard to the expediency of securing the provision of boarding accommodation, either in boarding schools or in hostels, for pupils for whom education as boarders is considered by their parents and by the authority to be desirable.
  - (7) In the preparation of any scheme for further education, an education authority shall have regard to such of the following considerations as may be relevant—
    - (a) to any facilities for such education provided for their area by universities, central institutions, colleges of education, educational associations, and other bodies and to the need for consultation with any such organisations as aforesaid and with the education authorities for adjacent areas; and the scheme may include such provisions as to the co-operation of any such bodies or authorities as may have been agreed between them and the authority preparing the scheme;
    - (b) to the need for consultation with persons concerned or engaged in crafts, industries, commerce or other employments in their area;
    - (c) to the need for securing the adequate provision of technical education and, keeping in view the requirements of the crafts, industries, commerce and other employments in the area and the provision therefor made elsewhere, to the need for the establishment of local technical colleges offering courses of suitable standard;

- (d) to the expediency of securing the provision of boarding accommodation, either as part of a junior college or in hostels, for pupils for whom residence at a distance from their homes is necessary in order that the greatest advantage may be derived from compulsory further education; and
  - (e) to the desirability of securing the provision of residential colleges for other forms of further education.
- (8) Where general arrangements under section fifty of this Act are part of the measures to be taken by the authority to secure the adequate provision of primary or secondary or compulsory further education for persons resident in any part of their area, information regarding the said arrangements shall be included in the appropriate scheme prepared under this section.

## **8 Religious instruction**

- (1) Whereas it has been the custom in the public schools of Scotland for religious observance to be practised and for instruction in religion to be given to pupils whose parents did not object to such observance or instruction, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not take part in such observance or receive such instruction, be it enacted that education authorities shall be at liberty to continue the said custom, subject to the provisions of section nine of this Act.
- (2) It shall not be lawful for an education authority to discontinue religious observance or the provision of instruction in religion in terms of the last foregoing subsection, unless and until a resolution in favour of such discontinuance duly passed by the authority has been submitted to a poll of the local government electors for the education area taken for the purpose, and has been approved by a majority of electors voting thereat.
- (3) A poll under the last foregoing subsection shall be by ballot and shall be taken in accordance with rules to be made by the Secretary of State, which rules may apply with any necessary modifications any enactments relating to parliamentary or local government elections.

## **9 Conscience clause**

- (1) Every public school and every grant-aided school shall be open to pupils of all denominations, and any pupil may be withdrawn by his parents from any instruction in religious subjects and from any religious observance in any such school; and no pupil shall in any such school be placed at any disadvantage with respect to the secular instruction given therein by reason of the denomination to which such pupil or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects.
- (2) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be specified in a table approved by the Secretary of State.

## **10 Safeguards for religious beliefs**

- (1) Where the parent of any pupil who is a boarder at any public school, junior college or other educational establishment under the management of an education authority requests that the pupil be permitted to attend worship in accordance with the tenets

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of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs, or to receive religious instruction or to practise religious observance in accordance with such tenets outside the working hours of the school, junior college or other educational establishment, the education authority shall make arrangements for affording to the pupil reasonable opportunities for so doing, and such arrangements may provide for affording facilities for such worship, instruction or observance on the premises of the school, junior college or other educational establishment, so however that such arrangements shall not entail expenditure by the education authority.

- (2) Any requirements prescribed by regulations made under subsection (2) of section one of this Act with respect to special schools shall be such as to secure that a pupil shall in no case be compelled to take part in religious observance or to receive religious instruction contrary to the wishes of his parent.

## **11 Provision of books, materials and special clothing free of charge**

- (1) An education authority shall provide free of charge for all pupils who are given free education at schools or junior colleges under their management or at other schools in accordance with subsection (3) of section one of this Act books, writing materials, stationery, mathematical instruments, practice material and other articles which are necessary to enable the pupils to take full advantage of the education provided. The authority may also make similar provision, with or without charge, for other pupils resident in their area and attending any school or other educational establishment.
- (2) For the purposes of the last foregoing subsection, a pupil in respect of whose education fees are charged in a school or class managed by an education authority shall be deemed to be given free education if the authority remit his fees, or pay his fees or grant a scholarship, bursary or allowance under section forty-nine of this Act which is not less in amount than the amount of the fees, or if an award not less in amount than the amount of the fees is made to the pupil by the governing body of any educational endowment as defined in section one hundred and thirty-five of this Act, and it is a condition of the said award that the candidates require financial assistance, or if a combination of such remission, payments, grants or awards together amounts to or exceeds the amount of the fees.
- (3) It shall be in the power of an education authority to provide—
- (a) for pupils in attendance at any school, junior college or other educational establishment under their management, articles of clothing suitable for physical exercise or for other activities of the school, college or establishment for which special clothing is desirable, and
  - (b) for persons who make use of facilities for physical training made available to them by the authority under subsection (1) of section six of this Act, articles of clothing suitable for physical exercise.

## **12 County library service**

- (1) It shall be lawful for the education authority of a county, as an ancillary means of promoting education, to make such provision of books by purchase or otherwise as they may think desirable, and to make the same available not only to the pupils attending schools, junior colleges or other educational establishments in the county, but also to the adult population resident therein.

- (2) For the purposes of this section, an education authority may enter into arrangements with the managers of public libraries.

### **13 Provision of hostels**

An education authority shall have power to provide and maintain hostels for pupils attending day schools or young persons attending junior colleges or other educational establishments in their area, and shall if required by the Secretary of State exercise, in accordance with such conditions as he may prescribe, the power hereby conferred.

### **14 Power to provide education elsewhere than at an educational establishment**

If an education authority are satisfied that by reason of any extraordinary circumstances a pupil is unable to attend a suitable educational establishment for the purpose of receiving education, they shall have power, with the approval of the Secretary of State, to make special arrangements for him to receive education elsewhere than at an educational establishment.

#### *Transference of Schools to Education Authorities*

### **15 Transference of endowed schools to education authorities**

- (1) The governing body of any school providing a course of secondary education extending over at least three years administered under a scheme approved in terms of the Act of 1882, or under any Act or any Provisional Order confirmed by Act of Parliament, may, with a view to the maintenance of such school as a school providing a course of secondary education extending over at least three years, resolve to transfer the management thereof, together with the school buildings, and the revenue of the school from endowments in whole or in part, or, where the endowments are held solely for the purpose of such school, together with the endowments, to the education authority of the education area in which the school is situated. The education authority shall have power to receive the same, to manage the school as a school providing a course of secondary education extending over at least three years, and to make good any deficiency in the income of the school as managed by them.
- (2) Where the Secretary of State is satisfied that the revenue of any school administered as aforesaid, being of a yearly value on an average of the three years immediately preceding of not more than one thousand pounds, is insufficient to maintain the school in a condition of satisfactory efficiency as a place of secondary education, the Secretary of State shall cause a local inquiry to be held and may, after considering the report of that inquiry, issue an order transferring the management of the school, together with its buildings and revenue or endowments, as the case may be, as aforesaid to the education authority if the education authority are willing to undertake the same, and the education authority shall in such case have power as aforesaid.
- (3) The Secretary of State may by order make provision for all matters which appear to him necessary or proper for giving full effect to any transfer under this section, including provision for the determination of any existing trust whose whole endowments are so transferred.
- (4) A resolution by a governing body under this section shall not take effect unless it is confirmed by a subsequent meeting called for that special purpose with not less than

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three weeks notice by circular sent to each member of the governing body and held not sooner than one month nor later than two months after the date of the first meeting, and at such second meeting the requisite majority to secure confirmation shall be not less than the absolute majority of the governing body.

## **16 Transference of denominational schools to education authorities**

- (1) It shall be lawful for the person or persons vested with the title of any school established after the twenty-first day of November, nineteen hundred and eighteen, to which section eighteen of the Act of 1918 would have applied had the school been in existence at that date, with the consent of the trustees of any trust upon which the school is held and of the Secretary of State, to transfer the school together with the site thereof and any land or buildings and furniture held and used in connection therewith, by sale, lease or otherwise, to the education authority, who shall be bound to accept such transfer, upon such terms as to price, rent, or other consideration as may be agreed, or as may be determined, failing agreement, by an arbiter appointed by the Secretary of State upon the application of either party.
- (2) The consent of trustees to the transference of a school to an education authority under this section may be given by a majority of not less than two thirds of the trustees present at a meeting duly summoned for that purpose. The transference may be effected by an ordinary disposition or other deed of conveyance by the persons vested with the title, recorded in the register of sasines, and no stamp or other duty shall be exigible on such disposition or other deed; and the persons whose consent is hereby required need not be parties to the conveyance, and the validity of the transference and the title of the education authority shall not be subject to challenge on the ground that the requisite consents were not duly given, unless such challenge shall be judicially made within six months after the recording of the deed of conveyance.
- (3) The existing staff of teachers in a school transferred under this section shall be taken over by the education authority and shall as from the date of transfer be placed upon the same scale of salaries as teachers of corresponding qualifications appointed to corresponding positions in other schools of the same authority. Any question which may arise as to the due fulfilment or observance of any provision or requirement of this subsection shall be determined by the Secretary of State.

### *Provision, Maintenance and Equipment of Schools and other Buildings*

## **17 Provision, maintenance and equipment of schools and other buildings**

- (1) It shall be the duty of an education authority to provide for their area, in accordance with any scheme under section seven 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 to enable them to carry the said scheme into effect.
- (2) In any case where the Secretary of State is satisfied, upon representations made (to him by the education authority of any education area, or by any church or denominational body acting on behalf of the parents of children belonging to such church or body, and after such inquiry as the Secretary of State deems necessary, that a new school is required for the accommodation of children whose parents are resident within that education area, regard being had to the religious belief of such parents, it shall be lawful for the education authority of that area to provide a new school.



- (3) 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.
- (4) 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 outwith as well as within their area.
- (5) 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 (whether or not employed in or about an educational establishment).

## **18 Improvements as to premises of educational establishments for the safety of pupils**

- (1) Subject to the provisions of this section and with the approval of the Secretary of State an education authority shall have power for the purpose of reducing the risk of accident to pupils going to or returning from schools or other educational establishments in their area and under their management, or while actually present at such schools or establishments, to do work to improve the safety of any private road which is used by these pupils or which is in the vicinity of such a school or establishment, and to provide or arrange for the provision of safety barriers at or near the entrances to such schools and establishments.
- (2) Any work for the purpose of the last foregoing subsection may be undertaken by the education authority in co-operation with any other person.
- (3) For the purpose of subsection (1) of this section an education authority may enter on and carry out work on any land:  
  
Provided that where an education authority propose to carry out any such work on land which is in possession of another person, the authority shall obtain the consent of the owner and of the occupier of such land, or shall satisfy the Secretary of State that the owner or the occupier cannot be found.
- (4) Where an education authority propose to provide or arrange for the provision of safety barriers for the purpose of subsection (1) of this section on any road, the authority shall—
  - (a) if it is a public road, obtain the consent of the authority responsible for the maintenance of such road;
  - (b) if it is a private road, consult the authority responsible for the maintenance of public roads in the area in which that private road is situated.
- (5) For the purposes of this section the expression "public road " means a road or street managed and maintained by the Secretary of State or by a county or town council, and the expression " private road " means any road, street or path other than a public road, and includes any ford or bridge over which a private road passes.

## **19 Requirements as to premises of educational establishments**

- (1) The Secretary of State may make regulations prescribing standards applicable to the premises or equipment of schools, junior colleges and other educational

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establishments under the management of education authorities, and such regulations may prescribe appropriate standards for such types of schools, junior colleges and other educational establishments as may be specified in the regulations.

- (2) If the Secretary of State is satisfied, after consultation with the education authority, that it is impracticable or would be unreasonable to apply the standards prescribed under the foregoing subsection to the premises or equipment of a particular school, college or establishment, he may make an order prescribing modified standards for such school, college or establishment.
- (3) Every education authority shall secure that any premises or equipment provided by them for a school, junior college or other educational establishment conform to the standards applicable to the school, college or establishment.
- (4) Where the premises or equipment of any school, junior college or other educational establishment under the management of an education authority do not conform to the standards applicable to the school, college or establishment, it shall be in the power of the Secretary of State, after consultation with the education authority, to direct that the premises or equipment be brought into conformity with the said standards within a period to be specified in the direction; and it shall thereupon be the duty of the education authority to comply with the direction.
- (5) With a view to securing that the premises 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 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.

## **20 Acquisition of land and execution of works**

- (1) 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;
  - (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 subsection 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.

- (2) For the purpose of the acquisition of land by an education authority under this Act, the Lands Clauses Acts, except in so far as they relate to the purchase and taking of land otherwise than by agreement, shall be incorporated with this Act.
- (3) An education authority may be authorised by the Secretary of State to purchase land compulsorily for the purposes of this Act, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such compulsory

purchase as if this Act had been in force immediately before the commencement of that Act.

- (4) In this section, and in the Lands Clauses Acts as hereby incorporated, the expression "land" includes water and any right or servitude in or over land or water.

### *Management of Denominational Schools*

## **21 Management of denominational schools**

- (1) Any school transferred to an education authority under subsection (1) of section eighteen of the Act of 1918 or under subsection (1) of section sixteen of the Act of 1946 or subsection (1) of section sixteen of this Act shall be held, maintained and managed by the education authority as a public school.
- (2) In any such school the education authority shall have the sole power of regulating the curriculum and of appointing teachers:
- Provided that—
- (i) all teachers appointed to the staff of any such school by the education authority shall in every case be teachers who satisfy the Secretary of State as to qualification, and are approved as regards their religious belief and character by representatives of the church or denominational body in whose interest the school has been conducted;
- (ii) subject to the provisions of section nine of this Act, the time set apart for religious instruction or observance in any such school shall not be less than that so set apart according to the use and wont of the former management of the school.
- (3) For each such school the education authority shall appoint as supervisor of religious instruction, without remuneration, a person approved as regards religious belief and character as aforesaid, and the supervisor so appointed shall report to the education authority as to the efficiency of the religious instruction given in such school, and shall be entitled to enter the school at all times set apart for religious instruction or observance.
- (4) In every such school the education authority shall give facilities for the holding of religious examinations.
- (5) The foregoing provisions of this section so far as applicable, shall have effect in relation to any school provided by an education authority under subsection (8) of section eighteen of the Act of 1918 or under subsection (2) of section seventeen of the Act of 1946 or under subsection (2) of section seventeen of this Act as they have effect in relation to schools transferred to an education authority as mentioned in subsection (1) of this section, subject to the modification that the time set apart for religious instruction in any school so provided shall be not less than that so set apart in schools in the same education area which have been transferred as mentioned in subsection (1) of this section.
- (6) Any question which may arise as to the due fulfilment or observance of any provision or requirement of the foregoing provisions of this section shall be determined by the Secretary of State.

*Discontinuance and Moves of Educational Establishments*

**22 Discontinuance and moves of educational establishments**

- (1) Subject to any special conditions attaching thereto and to any scheme under section seven of this Act relating thereto, an education authority may—
- (a) sell, feu, excamb or let any land vested in them; and
  - (b) with the sanction of the Secretary of State discontinue, or change the site of, any educational establishment under their management, or part thereof.
- (2) If at any time after the expiry of ten years from the transfer of a school under section eighteen of the Act of 1918, or under section sixteen of the Act of 1946 or section sixteen of this Act, or from the provision of a new school under the said section eighteen or under subsection (2) of section seventeen of the Act of 1946 or under subsection (2) of section seventeen of this Act, the education authority by whom the school is maintained are of opinion that the school is no longer required, or that, having regard to the religious belief of the parents of the children attending the school, the conditions prescribed in subsections (1) to (4) of section twenty-one of this Act ought no longer to apply thereto, the authority may so represent to the Secretary of State, and if the Secretary of State, after such inquiry as he deems necessary, is of the same opinion and so signifies, it shall be lawful for the education authority thereafter to discontinue the school, or, as the case may be, to hold, maintain and manage the same in all respects as a public school not subject to those conditions:

Provided that—

- (i) in the case of any school which has been transferred as aforesaid to an education authority, that authority shall in either of those events make to the trustees by whom the school was transferred, or to their successors in office or representatives, such compensation (if any) in respect of the school or other property so transferred as may be agreed, or as may be determined, failing agreement, by an arbiter appointed by the Secretary of State upon the application of either party ; and
- (ii) if before the expiry of ten years from the transfer of any such school, the education authority are of opinion as aforesaid and so represent, and the trustees by whom the school was transferred, or their successors in office or representatives, formally intimate to the Secretary of State that they concur with the authority in their opinion as represented, then in such case, if the Secretary of State is of the same opinion and so signifies, it shall be lawful for the education authority forthwith to discontinue or to hold, maintain or manage the school as aforesaid, subject to the like provision with respect to compensation.

*Co-operation between Education Authorities and Others*

**23 Co-operation in the performance of functions**

- (1) An education authority may, and shall, if required by the Secretary of State, make arrangements for co-operation or combination with another education authority in the performance of any duty or the exercise of any power under this Act, and an education authority and any other local authority may make arrangements for co-operation or combination in the exercise of any functions which the authorities have respectively

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power to exercise; and any scheme submitted to the Secretary of State under this Act may include provision for such co-operation or combination.

- (2) Where any question, difference or dispute arises between authorities in regard to or out of any such arrangements as aforesaid, the same shall be determined by the Secretary of State, and it shall be the duty of such authorities to comply with any such determination or any direction given for the purpose thereof.
- (3) Any education authorities, or education authorities and other local authorities, may from time to time join in making such arrangements with regard to the conduct and management of their business, and the distribution of such business among their officers, and the joint use of offices or buildings, or otherwise, as shall seem to them, in the whole circumstances of the case, to be most effective and economical.
- (4) In this section the expression " local authority " means a county, town or district council.

#### **24 Provision by education authority for education of pupils belonging to areas of other authorities**

- (1) An education authority shall have power to provide, in or in connection with any public school, junior college or other educational establishment under their management, primary, secondary or further education and other services under this Act for any pupil belonging to the area of some other education authority.
- (2) Where an education authority or the managers of any school not conducted for private profit situated in the area of that authority have provided primary or secondary education with or without other services for any pupil belonging to the area of some other authority, the education authority or the managers, as the case may be, may, if a claim therefor is made within the prescribed period, recover from that other authority such contributions in respect of such provision as may be agreed by the authorities concerned or by the authority and the managers concerned, as the case may be, or, in default of such agreement, as may be determined by the Secretary of State, who shall have regard to the estimated cost of such provision:

Provided that, if in the case of any pupil the Secretary of State is satisfied, having regard to all the circumstances including the religious belief of the parents, that there was no sufficient reason why he should not have attended a school provided by the authority of the area to which he belongs, the Secretary of State may, on the application of that authority, direct that no contribution shall be recoverable in respect thereof under this subsection.

- (3) The Secretary of State may make regulations prescribing the areas to which particular classes of pupils receiving primary or secondary education are to be deemed to belong for the purposes of this section and any such pupil to whom the regulations apply shall be deemed to belong to the area determined in accordance with the regulations. Any other pupil receiving primary or secondary education shall, for the aforesaid purposes, be deemed to belong to the area in which his parent is ordinarily resident, and any pupil receiving further education shall be deemed to belong to the area in which he himself is ordinarily resident:

Provided that any pupil who becomes ordinarily resident in any area wholly or mainly for the purpose of attending an educational establishment providing further education shall be deemed to belong not to that area but to any area to which he was deemed to belong immediately before he became so resident.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where on the first day of January, nineteen hundred and forty-seven, or at any subsequent date it was or is the practice of an education authority or of the managers of a school situated in the area of that authority to provide for the primary or secondary education of pupils belonging to the area of another education authority, then, whether contributions have been recovered under subsection (2) of section twenty-four of the Act of 1946 or this section or not, they shall not be entitled to discontinue such practice except after giving such notice as the Secretary of State may, in the event of a dispute, consider reasonable.
- (5) Nothing in this section shall be construed as preventing the payment by agreement between education authorities or between an education authority and the managers of an educational establishment not conducted for private profit of contributions in respect of education and other services under this Act provided by one authority on behalf of another or by such managers on behalf of an authority in cases where the authority or the managers by whom the education or services are provided are not entitled to recover contributions under this section.

## **25 Contributions to maintenance of certain schools and institutions**

- (1) It shall be lawful for every education authority to contribute to the maintenance of any school or other educational establishment not under their own management which is included in the scheme under section seven of this Act, and in which the teachers are remunerated at a rate not lower than the rate for teachers of similar qualifications employed by the authority, and to make a reasonable representation of the authority on the governing body of any such school or other educational establishment (where such representation is not already provided for) a condition of any contribution other than a contribution required by subsection (3) of this section.
- (2) The Secretary of State may by order make such modifications in the provisions of any trust deed or other instrument relating to any school or other educational establishment in receipt of contributions under the last foregoing subsection as may be necessary to enable provision to be made for such representation as aforesaid, and any such trust deed or other instrument shall, so long as such contributions continue to be paid, have effect subject to any modifications so made.
- (3) Every education authority shall continue to contribute to the maintenance of any school within their education area but not under their own management which at the twenty-first day of November, nineteen hundred and eighteen, was recognised by the Scottish Education Department as an intermediate or secondary school, so long as such school continues to be recognised as a school providing a course of secondary education extending over at least three years or at least five years as the case may be. The amount so contributed shall be not less than the contribution made to such school in terms of paragraphs (a) and (b) of subsection (4) of section seventeen of the Act of 1908, in respect of the financial year ending on the fifteenth day of May nineteen hundred and fourteen, by any secondary education committee whose powers and duties are vested in that education authority:

Provided that the amount of the contribution required to be made under this subsection shall not exceed the amount by which the income of such school from all other sources falls short of the expenditure.

- (4) Any question arising as to the application of the last foregoing subsection to any school or as to the amount of any contribution so made or to be made shall be determined by the Secretary of State.

- (5) Every education authority shall contribute in each year towards the aggregate expense of the committees and other bodies for the training of teachers constituted under section seventy-seven of the Act of 1946 or section eighty-one of this Act such sum as the Secretary of State may determine, being a sum proportioned to the number of certificated teachers in the service of each education authority on the thirty-first day of March in each year.
- (6) It shall be lawful for every education authority to contribute to the maintenance of any educational institution or agency, where such contribution appears to the education authority desirable for the educational benefit of persons resident within the education area of the authority.
- (7) It shall be lawful for an education authority to make payments to the managers of schools other than public schools in order to secure the admission thereto and education therein free of charge of pupils nominated by the education authority.

## **26 Contributions to universities**

- (1) An education authority may contribute to the maintenance of any university.
- (2) An education authority may provide financial assistance to any university for the purpose of improving the facilities for further education available for their area.

### *Promotion of Educational Developments*

## **27 Educational research**

An education authority may make such provision for conducting or assisting the conduct of research as appears to the authority to be desirable for the purpose of improving the education provided for their area.

## **28 Educational conferences**

Subject to any regulations made by the Secretary of State, an education authority may arrange or organise, or participate in the arrangement or organisation of, conferences or meetings for the discussion of questions relating to education, and may expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences or meetings for the discussion of such questions, including the expenses of any person authorised by them to attend any such conference or meeting.