



# Education (Scotland) Act 1945

## 1945 CHAPTER 37

### PART III

#### ADMINISTRATION AND STAFFING.

##### *Business Arrangements of Education Authorities.*

#### **44 Amendment of law regarding schemes under 19 and 20 Geo. 5. c. 25.**

- (1) Subsection (10) of section fourteen of the Act of 1929 (which relates to the revocation and variation of schemes) shall cease to apply to a scheme for the constitution of the education committee or for the administration of the functions of a council relating to education, and the following subsections shall be added at the end of the said section :

“(12) A council being an education authority may, at any time, and shall if so required by the Secretary of State, prepare and submit for his approval under subsection (8) of this section a revised scheme for the constitution of the education committee or for the administration of the functions of the council relating to education. Notwithstanding anything in any scheme approved under the said subsection (8) the preparation under this subsection of the first revised scheme for the constitution of the education committee and of the first revised scheme for the administration of the functions of the council relating to education shall stand referred to the education committee.

- (13) If a council when required by the Secretary of State under the last foregoing subsection to submit for his approval—
- (a) a revised scheme for the constitution of the education committee fail to comply with such requirement within two months after the date thereof, or
  - (b) a revised scheme for the administration of the functions of the Council relating to education fail to comply with such requirement within three months after the date thereof,

---

*Status: This is the original version (as it was originally enacted).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

---

the Secretary of State may himself make a revised scheme, but before making such scheme he shall publish in one or more newspapers circulating in the education area a notice stating his intention to make such scheme, and that a copy of a draft of the schemes is open to inspection at a specified place and that representations thereon may be made to him within fourteen days after the publication of the notice, and shall consider, any representations which may be submitted to him within that period, and any scheme so made shall have effect as if it were a scheme submitted by that council and approved by the Secretary of State.

(14) In the last two foregoing subsections any reference to a revised scheme includes a reference to a modification of an existing scheme.”

(2) Paragraph (a) and the first sentence of paragraph (c) of subsection (3) and subsection (6) of section twelve of the Act of 1929, (which relate to reference and delegation to committees), shall cease to apply to the education committee and the following paragraphs shall be inserted after paragraph (a) of subsection (3) of the said section :—

“(aa) Notwithstanding anything in any local Act, every scheme for the administration of the functions of a council relating to education shall, save as hereinafter provided, provide for the delegation to the education committee of all the functions of the council relating to education.

(ab) The following functions shall be excluded from the' delegation to the education committee :—

- (i) the raising of money by rate or loan ;
- (ii) the approval with or without adjustment of the estimates (including supplementary estimates) of capital and revenue expenditure and the authorisation of the expenditure included therein ;
- (iii) the power to incur expenditure on behalf of the council other than expenditure previously authorised in accordance with the estimates approved by the council or otherwise or expenditure necessarily incurred in circumstances of urgency.

(ac) The following functions may be excluded from the delegation to the education committee :—

- (i) the acquisition and disposal of land, provided always that, except in cases of urgency, before acquiring land for, or disposing of land held for, an educational purpose, the council shall give the education committee an opportunity of considering the matter and shall receive and consider a report from the committee as to the suitability of the land for the purpose for which it is proposed to acquire it or as to whether the land is no longer required or likely to be required for an educational purpose, as the case may be ;
- (ii) the appointment, dismissal, remuneration and conditions of service (other than functions) of the director of education and of any deputy or assistant director of education, provided that the council shall have regard to any recommendations made by the education committee with regard to such matters ;

---

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

---

- (iii) the remuneration and the conditions of service of staff other than teachers, provided that the council shall have regard to any recommendations made by the education committee with regard thereto ;
- (iv) the school medical service, provided that any arrangements made for the administration of the said service shall be such as to ensure close co-operation between the education committee and the teachers and other officers responsible to that committee on the one hand, and any committee charged with the responsibility for the said service and the officers responsible to that committee, on the other;
- (v) any function with regard to which the council satisfy the Secretary of State that, having regard to other functions of the council, it is expedient that that function should not be so delegated : provided that in such a case, and without prejudice to the reference or delegation of the said function to any other committee, the scheme shall provide that the said function shall stand referred to the education committee, and the council or any other committee to whom the function may have been delegated shall not, unless, in their opinion the matter is urgent, be entitled to exercise the said function until they have received and considered the report of the education committee thereon.”

#### **45 Admission of Press to meetings of education committees.**

- (1) Representatives of the Press shall be admitted to any meeting of an education committee at which any matter is to be dealt with, a decision on which does not require to be submitted for the approval of the education authority;

Provided that it shall be competent to an education committee to exclude the representatives of the Press temporarily from, any such meeting as often as may be desirable when in the opinion of a majority of the members of the committee present at the meeting, expressed by resolution, in view of the special nature of the business being, or about to be, dealt with, such exclusion is advisable in the public interest.

- (2) In this section " representatives of the Press " means duly accredited representatives of newspapers and duly accredited representatives of news agencies which systematically carry on the business of selling and supplying reports and information to newspapers.

#### **46 Minutes of education committee meetings.**

The minutes of proceedings of the education committee of an education authority shall be open to the inspection of any local government elector for the area at all reasonable hours on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

#### **47 Education estimates.**

The estimates (including supplementary estimates) of capital and revenue expenditure relating to education shall be in the prescribed form, and approval by the education

---

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

---

authority of those estimates and authorisation of the expenditure included therein shall be sufficient authority to incur, on purposes falling within the description of any head in the prescribed form, expenditure not exceeding in amount the total under that head in the estimates so approved. Savings under one head may not be used to defray expenditure under another head without the consent of the education authority.