



# Education (Scotland) Act 1945

## 1945 CHAPTER 37

### PART I

#### PROVISION OF EDUCATION BY EDUCATION AUTHORITIES.

##### *Co-operation between Education Authorities and Others.*

#### **17 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) For the purposes of this section, a pupil shall be deemed to belong to the area in which his parent resides.

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**Status:** *This is the original version (as it was originally enacted).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

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- (4) Where at the appointed day or at any subsequent date it 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 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.