



# Education (Scotland) Act 1980

## 1980 CHAPTER 44

### PART I

#### PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

##### *School education and further education*

#### **1 Duty of education authorities to secure provision of education**

- (1) Subject to subsection (2) below, it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education.
- (2) The duty imposed on an education authority by subsection (1) above shall not include the provision of school education in nursery schools and nursery classes, but an education authority shall have power to provide for their area school education in nursery schools and nursery classes.
- (3) Every education authority—
  - (a) shall have power to secure for their area, and
  - (b) without prejudice to the duty imposed on them by subsection (1) above, shall be under a duty to secure for pupils in attendance at schools in their area, the provision of adequate facilities for social, cultural and recreative activities and for physical education and training.
- (4) The facilities for further education that may be provided by an education authority shall include facilities for vocational and industrial training.
- (5) In this Act—
  - (a) " school education" means progressive education appropriate to the requirements of pupils in attendance at schools, regard being had to the age, ability and aptitude of such pupils, and includes—

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- (i) activities in schools and classes (hereinafter in this Act called "nursery schools" and "nursery classes"), being activities of a kind suitable in the ordinary case for pupils who are under school age ;
- (ii) special education;
- (iii) the teaching of Gaelic in Gaelic-speaking areas;
- (b) further education includes—
  - (i) compulsory part-time and in exceptional cases full-time courses of instruction approved in terms of the regulations made under section 2 of this Act given in colleges (hereinafter in this Act referred to as "junior colleges ") to young persons not exempt from attendance under section 45(8) of this Act and designed to enable them to develop their various aptitudes and capacities and to prepare them for the responsibilities of citizenship;
  - (ii) voluntary part-time and full-time courses of instruction for persons over school age ;
  - (iii) social, cultural and recreative activities and physical education and training, either as part of a course of instruction or as organised voluntary leisure-time occupation;
  - (iv) the teaching of Gaelic in Gaelic-speaking areas;
- (c) "special education" means education by special methods appropriate to the requirements of pupils whose physical, intellectual, emotional or social development cannot, in the opinion of the education authority, be adequately promoted by ordinary methods of education, and shall be given in special schools or by other appropriate means.

## **2 Secretary of State may prescribe standards, etc., for education authorities**

The Secretary of State may make regulations prescribing the standards and general requirements to which every education authority shall conform in discharging their functions under section 1 of this Act

## **3 Fees not to be charged in public schools, etc.: exceptions**

- (1) Subject to the provisions of subsections (2) to (5) below, school education and compulsory further education provided by an education authority shall be provided without payment of fees.
- (2) An education authority shall have power to charge fees for school education in some or all of the classes in a limited number of schools under their management.
- (3) An education authority may award to any pupil in a class in which fees are charged by virtue of subsection (2) above a scholarship, by way of remission in whole or in part of the fee, in any case where, having regard to the pupil's ability and aptitude, it appears to the authority proper to do so; but such a pupil shall not be regarded for the purposes of section 11(1)(a) of this Act (provision of free books, etc.) as receiving free education.
- (4) An education authority shall not exercise the power conferred by subsection (2) above except where it may be exercised without prejudice to the adequate provision of free school education for their area whether—
  - (a) at schools under their management, or

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- (b) at other schools by virtue of arrangements made by them with the managers of those schools or, in the case of schools under the management of another education authority, with that authority.
- (5) Where an education authority are providing school education for an outwith-area pupil in a school under their management—
- (a) in classes in which fees are charged under the provisions of subsection (2) above, the education authority may charge in respect of that pupil, in addition to the fee charged by virtue of that subsection, such extra fee as they think proper,
  - (b) in classes in which no fees are charged, the education authority may charge in respect of that pupil such fee as they think proper.

In this subsection " outwith-area pupil " means, in relation to any education authority, a pupil who is not deemed to belong for the purposes of section 23 of this Act to the area of that authority.

- (6) An education authority shall have power to make charges in respect of the use of some or all of—
- (a) any facilities for voluntary further education provided by them,
  - (b) any facilities provided by them under section 1(3) of this Act.

#### **4 Duty of education authorities to provide child guidance service**

It shall be the duty of every education authority to provide for their area a child guidance service in child guidance clinics or elsewhere, and the functions of that service shall include—

- (a) the study of handicapped, backward and difficult children;
- (b) the giving of advice to parents and teachers as to appropriate methods of education and training for such children;
- (c) in suitable cases, the provision of special education for such children in child guidance clinics;
- (d) the giving of advice to a local authority within the meaning of the Social Work (Scotland) Act 1968 regarding the assessment of the needs of any child for the purposes of any of the provisions of that or any other enactment.

#### **5 Special education for children with certain disabilities**

- (1) It shall be the duty of every education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that education authority of special educational facilities for children who suffer from—
- (a) the dual handicap of blindness and deafness; or
  - (b) autism or other forms of early childhood psychosis; or
  - (c) acute dyslexia.
- (2) The arrangements made by an education authority for the special education of children who suffer as mentioned in subsection (1) above shall, so far as is practicable, provide for the giving of such education in any school under the management of the education authority.

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## **6 Social activities, physical education, etc.**

- (1) For the purpose of securing the provision of facilities for social, cultural and recreative activities and physical education and training, an education authority may—
  - (a) establish, maintain and manage—
    - (i) camps, outdoor centres, playing fields and swimming pools;
    - (ii) play areas and centres ;
    - (iii) sports halls, centres and clubs;
    - (iv) youth, community and cultural centres and clubs,
 and other places at which any such facilities as aforesaid are available;
  - (b) organise holiday classes, games, expeditions and other activities.
- (2) In the exercise of their powers under subsection (1) above an education authority—
  - (a) may assist any body whose objects include;
  - (b) shall, so far as practicable, co-operate with local authorities and with voluntary societies or bodies whose objects include,
 

the provision or promotion of social, cultural and recreative activities and physical education and training or the facilities for such activities, education and training.
- (3) In this section " local authority " means a regional, islands or district council.

## **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 approved by the Secretary of State under section 69 of this Act, except where such functions relate to—
  - (a) further education as described in sub-paragraphs (ii) and (iii) of section 1(5) (b) 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 section 6(1) of this Act; or
  - (c) special education 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 provisions 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 school 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 school 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 subsection (4) above 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

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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 school 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 then-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 50 of this Act are part of the measures to be taken by the authority to secure the adequate provision of school 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 9 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 subsection (1) above, 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.

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- (3) A poll under subsection (2) above 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**

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.

## **10 Safeguards for religious beliefs**

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 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.

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

- (1) An education authority shall provide free of charge for all pupils belonging to their area who are given free education—
- (a) at schools or junior colleges under their management, or
  - (b) at other schools by virtue of arrangements made by them with the managers of those schools or, in the case of schools under the management of another education authority, with that authority,

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 ; and the authority may make similar provision, with or without charge, for other pupils resident in their area and attending any school or other educational establishment.

- (2) An education authority may 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 education or training provided by the authority under section 1(3) of this Act, articles of clothing suitable for such physical education or training.

## **12 Library service**

- (1) An education authority may, as an ancillary means of promoting education, provide, by purchase or otherwise, such books and other printed matter, pictures, gramophone records, tape recordings, films and other materials as they may think desirable, for pupils attending schools, junior colleges or other educational establishments in their area.
- (2) For the purposes of this section, an education authority may—
  - (a) make such arrangements as they consider necessary for the management of a library service provided by "them including the accommodation and distribution of books and other materials, and
  - (b) enter into arrangements with the managers of public libraries.

## **13 Provision of hostels**

An education authority may provide and maintain hostels for pupils attending educational establishments in their area.

## **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 may 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 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 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 and to make good any deficiency in the income of the school as managed by them.
- (2) 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.

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- (3) 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 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 21st November 1918, to which section 18 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 ; and 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 7 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, an education authority may 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, 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 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 subsection (1) above may be undertaken by the education authority in co-operation with any other person.
- (3) For the purpose of subsection (1) above 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, unless 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) above 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 " public road " means a road or street managed and maintained by the Secretary of State or by a regional or islands council, and " 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.

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## **19 Power of Secretary of State to prescribe standards for premises, etc., of educational establishments**

- (1) The Secretary of State may make regulations prescribing standards and general requirements which are to apply to the premises and equipment of educational establishments under the management of education authorities, and regulations under this subsection may prescribe different standards or requirements in respect of such different classes (however defined) of educational establishment as may be specified in the regulations.
- (2) It shall be the duty of an education authority to secure that the premises and equipment of any educational establishment under their management conform to the standards and requirements applicable to that establishment and, in particular, that the premises and equipment of all educational establishments under their management are maintained in such a condition as to conduce to the good health and safety of all persons occupying or frequenting the premises or using the equipment.
- (3) Where the premises or equipment of any educational establishment under the management of an education authority do not conform to the standards or requirements applicable to that establishment or are not maintained as mentioned in subsection (2) above, the Secretary of State may, after consultation with the authority, direct that the premises or equipment be brought into conformity with the said standards or requirements or into the state of maintenance mentioned in that subsection (as the case may be) within a period to be specified in the direction ; and it shall thereupon be the duty of the authority to comply with the direction.

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

- (1) In order to enable them to execute any of their functions, an education authority may, subject to subsection (2) below, 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) above 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) An education authority shall not, except in such cases as may be prescribed by regulations made by the Secretary of State, cause or permit works to be commenced for the erection, extension or alteration of any building on land acquired by them for use as the site—
  - (a) of an educational establishment or of playing fields to be used in connection with such an establishment, or
  - (b) of an extension to any such establishment or playing fields (whether contiguous to the establishment or playing fields or detached therefrom),without the approval of the Secretary of State given in writing before such commencement.
- (3) An application by an education authority to the Secretary of State for an approval under subsection (2) above shall be in such form, and shall contain such particulars, as

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may be prescribed; and the Secretary of State may give his approval unconditionally, or subject to such conditions as he may think fit.

- (4) 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.
- (5) 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.
- (6) In this section, and in the Lands Clauses Acts as hereby incorporated, "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 section 16(1) 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 9 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) Subsections (1) to (4) above, so far as applicable, shall have effect in relation to any school provided by an education authority under section 17(2) of this Act as they have effect in relation to schools transferred to an education authority as mentioned in subsection (1) above, 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) above.

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- (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.
- (7) In this section, the reference to section 16(1) or 17(2) of this Act shall include a reference to the corresponding provision of the Act of 1918, the Act of 1946 and the Act of 1962.

*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 7 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) Where an education authority propose to discontinue any educational establishment under their management, or to discontinue the use, in connection with such an educational establishment, of any part of that establishment, or of any building or part of a building ancillary to the establishment, and land forming the site, or part of the site, of that establishment or of that part of the establishment or of that building or part of a building, as the case may be, is subject to—
  - (a) the third proviso to section 2 of the School Sites Act 1841 (which provides that, if any land granted in accordance with the provisions of that section ceases to be used for the purposes mentioned in that Act, that land shall revert to the grantor), or
  - (b) any condition of a similar nature in any Act, deed or other instrument,
 the Secretary of State, on the application in that behalf of the education authority, may by order direct that the said proviso or condition shall not have effect in relation to that land:
 

Provided that such a direction shall not be given in relation to any land unless the Secretary of State is satisfied either—

  - (i) that the person to whom the land would revert in accordance with the said proviso or condition cannot after due inquiry be found, or
  - (ii) that, if that person can be found, he has consented to relinquish his rights in relation to the land under the said proviso or condition, and that, if he has consented to do so in consideration of the payment of a sum of money to him, adequate provision can be made for the payment to him of that sum.
- (3) A direction given by the Secretary of State under subsection (2) above in relation to any land may make provision for the payment out of the proceeds of any sale of that land of any sum which is payable to any person in consideration of the relinquishment of his rights in relation to the land under the said proviso or condition.
- (4) If at any time after the expiry of ten years from the transfer of a school under section 16 of this Act, or from the provision of a new school under section 17(2) 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 21 of this Act or in the said subsections so far as applicable and having effect by virtue of subsection (5) of that section, as the case may be, 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.
- (5) In subsection (4) above, the reference to section 16 or 17(2) of this Act shall include a reference to the corresponding provision of the Act of 1918, the Act of 1946 and the Act of 1962.

#### *Co-operation between education authorities and others*

### **23 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, school education 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 school 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

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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 school 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 school 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 purposes 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.

- (4) Where on 1st January 1947 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 school education for pupils belonging to the area of another education authority, then whether contributions have been recovered under section 24(2) of the Act of 1946, section 24(2) of the Act of 1962 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) The Secretary of State may make regulations requiring or authorising payments of amounts determined by or under the regulations to be made by one authority to another where—
- (a) the authority receiving the payment makes, in such cases or circumstances as may be specified in the regulations, provision for education in respect of a pupil having such connection with the area of the paying authority as may be so specified ; and
  - (b) one of the authorities is an education authority and the other authority is a local education authority in England or Wales.
- (6) In subsection (5)(a) above, the reference to provision for education includes a reference to provision of any benefits or services for which provision is made by or under the enactments relating to education.
- (7) Regulations under subsection (5) above may make different provision for different cases or different circumstances and may contain such incidental, supplementary or transitional provisions as the Secretary of State thinks fit.

## **24 Power of education authorities to make payments to persons providing education, etc.**

- (1) An education authority may, for the purpose of promoting education generally, or of improving the facilities for education available, or the education provided, for their area in particular, make payments—
- (a) to another education authority,
  - (b) to a university, or to the managers of a hostel or other residence used by students attending a university,
  - (c) to the managers of any school (other than a public school),

- (d) to the managers of any educational establishment (other than a school),
  - (e) to any other person providing education or educational services,
  - (f) to any person to assist the carrying out of educational research,
- and any such payment may be made either unconditionally or subject to such conditions as may be agreed between the parties.

(2) Where—

- (a) it is agreed between an education authority and the managers of any educational establishment, as a condition of the making of payments under subsection (1) above, that the authority shall have representation or additional representation on the governing body of that establishment, but
- (b) the provisions of any trust deed or other instrument relating to the establishment will not, unless they are modified, permit provision to be made for such representation or additional representation as aforesaid,

the Secretary of State may, on being requested to do so by the managers of the establishment, by order make such modifications in the provisions of that trust deed or other instrument as may be necessary to enable provision to be made for such representation or additional representation, as the case may be, as aforesaid, and any such trust deed or other instrument shall, so long as the said payments continue to be made, have effect subject to any modifications so made.

*Promotion of educational developments*

**25 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.

**26 Educational conferences**

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.

**27 Provision of museums by education authorities**

- (1) An education authority may provide and maintain museums within their area, and shall have power—
- (a) to acquire any objects which, in their opinion, it is desirable to include in a collection contained in a museum maintained by them under this section;
  - (b) to lend any object vested in them and comprised in any such collection, on such terms and conditions as they think fit, to any person for any purpose;
  - (c) subject to subsection (3) below, to transfer any object vested in them and comprised in any such collection to the governing body of a museum maintained by a person other than the education authority, for the purpose of being included in a collection contained in that museum;

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- (d) subject to subsection (3) below, to sell, exchange, give away or otherwise dispose of any object vested in them and comprised in a collection contained in a museum maintained by them under this section, if for any reason that object is not, in their opinion, required for retention in any such collection;
  - (e) to co-operate with any other education authority or any other body;
  - (f) generally to do all such things as they may consider necessary or expedient for or in connection with the provision and maintenance of museums under this section.
- (2) An education authority may, if they think fit, make such charge as they consider reasonable for admission to a museum maintained by them under this section, and in determining whether, and in what manner, to exercise their powers under this subsection in relation to any museum, an authority shall take into account the need to secure that the museum plays its full part in the promotion of education in their area, and shall have particular regard to the interests of children and students.
- (3) Where an object has become vested in an education authority subject to any trust or condition—
- (a) that object shall, on being transferred under subsection (1)(c) above, be subject to the like trust or condition in the hands of the transferee ;
  - (b) the powers conferred by subsection (1)(d) above shall not be exercisable in relation to that object in a manner inconsistent with that trust or condition.