



Education (Scotland) Act 1980

1980 CHAPTER 44

PART III

ADMINISTRATION AND FINANCE

Local administration

79 Education authorities may receive and administer bequests.

Every education authority shall be at liberty to accept any bequest or gift of property or funds for behoof of any school or other educational establishment under their management, whether generally or for the promotion of any particular branch or branches of education or instruction, or for increasing the income of any teacher, and it shall be the duty of the authority to administer such property, funds or money according to the wishes and intentions of the donors, and in such manner as to raise the standard of education and otherwise increase the educational efficiency of the school or other educational establishment intended to be benefitted.

80 Funds for behalf of public schools etc., to be transferred to education authorities.

- (1) Where property or money has been or shall be vested in any persons as trustees for behoof of a public school or other educational establishment under the management of an education authority, or for the promotion of any branch of education in such school or educational establishment, or to increase the income of any teacher therein, the free income of such property or money shall be accounted for and paid to the education authority, and shall be applied and administered by the education authority according to the trusts attaching thereto.
- (2) It shall be lawful for the education authority, with the approval of the Secretary of State, to vary or depart from the said trusts, with a view to increasing the efficiency of the school or educational establishment by raising the standard of education therein or by other means.

Changes to legislation: Education (Scotland) Act 1980, Cross Heading: Local administration is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

81 Trust funds to be kept separate.

The amount of every property or fund held by an education authority on a separate trust shall be kept separate.

82 Reports by education authorities.

Every education authority shall make such reports and returns and give such information to the Secretary of State as he may from time to time require.

83 Returns by registrars of births, deaths, and marriages to education authorities.

Every registrar of births, deaths, and marriages shall make to an education authority on a form to be provided by the authority such returns of particulars with regard to the births and deaths of children registered by him as may be required by the authority with the approval of the Registrar-General of Births, Deaths and Marriages in Scotland.

84 Certificates of birth.

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar of births, deaths and marriages having the custody of the register of births containing the entry relating to the birth of that person shall, upon being presented by any person with a written requisition in such form and containing such particulars as may be prescribed and upon payment of a fee of [^{F1}£9.00], supply that person with a copy of the entry certified under his hand.
- (2) Every registrar shall, upon being requested so to do, supply free of charge a form of requisition for the purposes of this section.

Textual Amendments

- F1** S. 84(1): fee of £9.00 payable (in place of amount previously prescribed) amended (1.4.2009) by [Registration of Births, Deaths and Marriages \(Fees\) \(Scotland\) Order 2009 \(S.S.I. 2009/65\)](#), arts. 1(1), 2, [sch.](#)

Modifications etc. (not altering text)

- C1** S. 84(1) modified (1.1.2011) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Scotland\) Order 2010 \(S.S.I. 2010/428\)](#), arts. 1(1), 2, [sch.](#)

85 Presumption of age.

Where in any proceedings under this Act the prosecutor alleges that any person whose age is material to the proceedings is under, of, or over, any age, then, unless the contrary is proved, the court may presume that person to be under, of, or over, the age alleged.

86 Admissibility of documents.

In any legal proceedings any document purporting to be—

- (a) a document issued by an education authority, and to be signed by the proper officer of that authority ^{F2}. . . ;

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- (b) an extract from the minutes of the proceedings of an education authority or of any committee or sub-committee thereof, and to be signed by the chairman of the authority or of the committee or sub-committee or by the officer having the custody of the minutes;
- (c) a certificate giving particulars of the attendance of a pupil at a school ^{F3}, and to be signed by the head teacher of the school ^{F3};
- (d) a certificate issued by a medical officer of a Health Board, and to be signed by such officer;
- (e) a certificate issued by an education authority that an attendance order has been made by the authority and a copy thereof served upon the parent of the child to whom the order relates, and to be signed by the proper officer of the authority ^{F4} . . . ; or
- (f) ^{F5}

shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be, and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature or official capacity, and any such extract or certificate as is mentioned in paragraph (b) (c) (d) [^{F6} or (e)] above shall, in the absence of evidence to the contrary, be sufficient evidence of the matters therein stated.

Textual Amendments

- F2** Words in s. 86(a) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 118(5)(b), **Sch.14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**.
- F3** Words repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**
- F4** Words in s. 86(e) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 118(5)(b), **Sch.14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**.
- F5** S. 86(f) repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**
- F6** Words substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(18)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A(5)(a)(I) words repealed by [2000 asp 6 Sch. 3](#)
- s. 53(3)(b)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53(3)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53ZA inserted by [2016 asp 8 s. 22\(3\)](#)
- s. 54A inserted by [2016 asp 8 s. 23](#)
- s. 98DA inserted by [2016 asp 8 s. 28\(2\)](#)
- s. 99(1A)(g)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)
- s. 99(1A)(h)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)