



Education (Scotland) Act 1980

1980 CHAPTER 44

PART II

RIGHTS AND DUTIES OF PARENTS AND FUNCTIONS OF EDUCATION AUTHORITIES IN RELATION TO INDIVIDUAL PUPILS

Provision to assist pupils to take advantage of educational facilities

51 Provision of transport and other facilities.

(1) An education authority [^{F1}, in a case to which subsection (2A) [^{F2}or (2AB)] below applies, may and, in any other case, subject to subsection (2B) below] shall make such arrangements as they consider necessary for the provision of any of the following facilities in respect of pupils attending schools or other educational establishments—

- (a) for their conveyance without charge for the whole or part of the journey between their homes and the schools or other educational establishments which they are attending;
- (b) for making bicycles or other suitable means of transport available to the pupils, or to their parents for the use of the pupils, upon such terms and conditions as may be arranged, or for paying money allowances in lieu thereof;
- (c) for paying the whole or any part, as the authority think fit, of their reasonable travelling expenses,

and any such arrangement may in respect of any pupil make provision for more than one of the facilities specified in the foregoing paragraphs of this subsection.

(2) Where the requirements of pupils, for the conveyance of whom arrangements have been made by an education authority under subsection (1)(a) above, have been met, it shall be the duty of that authority, where there are any vacant places in any vehicle used for such conveyance, to allow such vacant places to be used without charge by other pupils to be selected by the authority.

[^{F3}(2A) This subsection applies where—

- (a) the education authority have, in accordance with

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[their arrangements as published or otherwise made available under ^{F4}(i)] section 28B(1)(a) of this Act

[any arrangements made by them under section 23(1A) of this Act; or ^{F5}(ii)

(iii) the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act], proposed to place the pupil in a particular school or in one of a number of schools named by them and, where the particular or named school is more than walking distance from the pupil's home measured by the nearest available route, they have offered to make for him suitable arrangements of the kind referred to in subsection (1) above under which he would not require to walk more than walking distance, so measured, in the course of any journey between his home and the school; but

(b) in consequence of a placing request, the pupil has been placed by them [^{F6}or another education authority] in a school other than a school referred to in paragraph (a) above.

In this subsection “walking distance” has the same meaning as in section 42 of this Act.

[This subsection applies—

^{F7}(2AB) (a) where the pupil is in attendance at a self-governing school but lives outwith an area for the time being specified in relation to that school by the Secretary of State by order under this subsection; or

(b) where the pupil lives within that area and either—

(i) his parent has not applied to the board of management, under paragraph 2(1) of Schedule 2 to the Self-Governing Schools etc. (Scotland) Act 1989, for the pupil's admission to the school; or

(ii) his parent has so applied and they are prepared to admit the pupil, but the pupil is not in such attendance;

and paragraph 8 of the said Schedule 2 shall apply in relation to references in this subsection as that paragraph applies to references in paragraphs 2 to 7 of that Schedule.

(2AC) An order under subsection (2AB) above may be revoked, and a new area specified in relation to the school, by a further order under that subsection; but before making any such order, or further order, the Secretary of State shall consult the board of management of the school and the education authority within whose area the school is situated.]

[Without prejudice to the generality of subsection (1) above, the duty imposed by that ^{F8}(2AD) subsection applies in cases where a pupil attends a school or educational establishment under the management of another education authority—

(a) in accordance with any arrangements made by them under section 23(1A) of this Act;

(b) in accordance with the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act; or

(c) if at the time when the pupil was placed in that school or educational establishment it was under the management of the education authority for the

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area to which the pupil belonged, and is under the management of another education authority as a consequence of the establishment of such new local government areas.]

(2B) The duty imposed by subsection (1) above does not apply where the pupil belongs (in accordance with section 23(3) of this Act) to the area of some other education authority or of a local education authority in England and Wales.]

[^{F9}(2C) In considering whether to make any arrangements under subsection (1) above in respect of pupils attending schools, an education authority shall have regard to the safety of such pupils.]

(3) Where as a condition of admission to any educational institution a person is required to attend for examination or interview at a particular place, the education authority may pay the whole or part of the expenses necessarily incurred by that person in respect of such attendance.

Textual Amendments

- F1** Words inserted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **s. 2(3)(a)**
- F2** Words inserted by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 25(3), **Sch. 6 para. 1(2)(a)**
- F3** S. 51(2A)(2B) inserted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **s. 2(3)(b)**
- F4** Words in s. 51(2A)(a) inserted (1.4.1996) by [1994 c. 39](#), **s. 145(3)(a)(i)(A)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**.
- F5** S. 51(2A)(a)(ii)(iii) inserted (1.4.1996) by [1994 c. 39](#), **s. 145(3)(a)(i)(B)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**.
- F6** Words in s. 51(2A)(b) inserted (1.4.1996) by [1994 c. 39](#), **s. 145(3)(a)(ii)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**.
- F7** S. 51(2AB)(2AC) inserted by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 25(3), **Sch. 6 para. 1(2)(b)**
- F8** S. 51(2AD) inserted (1.4.1996) by [1994 c. 39](#), **s. 145(3)(b)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**.
- F9** S. 51(2C) inserted (18.9.1996) by [1996 c. 43](#), s. 36, **Sch. 5 para. 2**; S.I. 1996/2250, **art. 2**.

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