



# 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 [<sup>F1</sup>subsections [<sup>F2</sup>(1A)] and (2A)] 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.

[<sup>F3</sup>(1A) The duty imposed on education authorities by subsection (1) above shall, in relation to children who are under school age, be exercisable only as respects children of such description or descriptions as may be prescribed by order.

(1B) Where an order is made under subsection (1A) above, the amount of school education with which children of a description prescribed in that order are to be provided shall also be prescribed in the order.

(1C) An education authority shall have power in relation to pre-school children to secure for their area the provision of such school education, other than that which they are required by subsection (1) above to secure, as they think fit.]

[<sup>F4</sup>(2) .....

[<sup>F5</sup>(2A) The duty imposed on an education authority by subsection (1) above shall not include the provision of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992, but an education authority shall have power to provide such further education for their area.]

(3) Every education authority [<sup>F6</sup>shall for the purposes of their duty under subsection (1) above—

(a)] have power to secure for their area, and

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- (b) <sup>F7</sup> . . . 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.
- [<sup>F8</sup>(4A) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4B) In this section “pre-school children” means—
- (a) children who are under school age and have not commenced attendance at a primary school (other than a nursery class in such a school); and
- (b) children who have attained school age but have not commenced attendance at such a school.]
- (5) In this Act—
- (a) “school education” means progressive education appropriate to the requirements of pupils <sup>F9</sup> . . . , regard being had to the age, ability and aptitude of such pupils, and includes—
- (i) activities in schools and classes ([<sup>F10</sup>such schools and classes being] 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;
- <sup>F11</sup>(ii) . . . . .
- (iii) the teaching of Gaelic in Gaelic-speaking areas;
- (b) further education includes—
- (i) . . . . . <sup>F12</sup>
- (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 [<sup>F13</sup>voluntary organised activities designed to promote the educational development of persons taking part therein or as] part of a course of instruction <sup>F7</sup> . . . . ;
- (iv) the teaching of Gaelic in Gaelic-speaking areas;
- <sup>F14</sup>(c) . . . . .
- <sup>F15</sup>(d) . . . . .

#### Textual Amendments

- F1** Words in s. 1(1) substituted (1.4.1993) by [Further and Higher Education Act \(Scotland\) Act 1992 \(c. 37\)](#), [s. 2\(a\)](#) (with [s. 30\(2\)](#)); S.I. 1992/817, art. 3(2), [Sch. 4](#)
- F2** Word in s. 1(1) substituted (4.3.2002) by [2000 asp 6](#), s. 32(2); S.S.I. 2002/72, [art. 2\(1\)\(a\)](#)
- F3** S. 1(1A)-(1C) inserted (4.3.2002) by [2000 asp 6](#), s. 32(3); S.S.I. 2002/72, [art. 2\(1\)\(a\)](#)
- F4** S. 1(2) repealed (4.3.2002) by [2000 asp 6](#), s. 32(4); S.S.I. 2002/72, [art. 2\(1\)\(a\)](#)
- F5** S. 1(2A) inserted (1.4.1993) by [Further and Higher Education Act \(Scotland\) Act 1992 \(c. 37\)](#), [s. 2\(b\)](#) (with [s. 30\(2\)](#)); S.I. 1992/817, art. 3(2), [Sch. 4](#)
- F6** Words in s. 1(3) substituted (1.4.1983) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), s. 69(2), [Sch. 3 para. 37\(a\)\(i\)](#) and S.I. 1982/1397, [Sch. 2](#)

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- F7** Words repealed (1.4.1983) by Local Government and Planning (Scotland) Act 1982 (c. 43), s. 69(2), **Sch. 4 Pt. I** and S.I. 1982/1397, **Sch. 2**
- F8** S. 1(4A)(4B) inserted (4.3.2002) by 2000 asp 6, s. 32(5); S.S.I. 2002/72, **art. 2(1)(a)**
- F9** Words in s. 1(5)(a) repealed (13.10.2000) by 2000 asp 6, s. 60(2), **Sch. 3**; S.S.I. 2000/361, art. 3(1)(2), **Sch. Pt. I**
- F10** Words in s. 1(5)(a)(i) substituted (13.10.2000) by 2000 asp 6, s. 60(1), **Sch. 2 para. 3(2)**; S.S.I. 2000/361, art. 3(1)(2), **Sch. Pt. I**
- F11** S. 1(5)(a)(ii) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(2)(a)**; S.S.I. 2005/564, art. 2
- F12** S. 1(5)(b)(i) repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**
- F13** Words inserted (1.4.1983) by Local Government and Planning (Scotland) Act 1982 (c. 43), s. 69(2), **Sch. 3 para. 37(b)(i)** and S.I. 1982/1397, **Sch. 2**
- F14** S. 1(5)(c) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(2)(b)**; S.S.I. 2005/564, art. 2
- F15** S. 1(5)(d) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(2)(b)**; S.S.I. 2005/564, art. 2

#### Modifications etc. (not altering text)

- C1** S. 1 amended (4.3.2002) by 2000 asp 6, s. 33(1)-(3); S.S.I. 2002/72, **art. 2(1)(b)**

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

The Secretary of State may make regulations prescribing the standards and <sup>F16</sup> . . . requirements to which every education authority shall conform in discharging their functions under section 1 of this Act [<sup>F17</sup> and without prejudice to the generality of the foregoing, such regulations may include provision as to the testing of pupils in primary schools.]

#### Textual Amendments

- F16** Word in s. 2 repealed (18.9.1996) by 1996 c. 43, s. 36, **Sch. 6**; S.I. 1996/2250, **art. 2**.
- F17** Words inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), **s. 69(1)**

### [2A <sup>F18</sup> Assessment of secondary school pupils.

- (1) The Secretary of State may by regulations make provision for the testing and assessment of pupils undertaking the first or second year of secondary education in public <sup>F19</sup> . . . schools.
- (2) It shall be the duty of an education authority <sup>F20</sup> . . . to comply with the provisions of regulations made in pursuance of subsection (1) above.
- (3) Regulations made in pursuance of subsection (1) above may make different provision as to different cases or circumstances.]

#### Textual Amendments

- F18** S. 2A inserted (18.9.1996) by 1996 c. 43, s. 32; S.I. 1996/2250, **art. 2**.
- F19** Words in s. 2A(1) repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 3**; S.S.I. 2004/528, art. 2(b)

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**F20** Words in s. 2A(2) repealed (31.12.2004) by [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); S.S.I. 2004/528, art. 2(b)

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

- (1) Subject to the provisions of subsections (2) to (5) below, school education <sup>F21</sup> . . . 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
  - (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 <sup>F22</sup> . . . further education provided by them,
  - (b) any facilities provided by them under section 1(3) of this Act.

[<sup>F23</sup>(7) This section does not apply as respects the provision of school education by virtue of subsections (1) and (1A), or as the case may be subsection (1C), of section 1 of this Act.]

#### Textual Amendments

**F21** Words in s. 3(1) repealed (16.5.1992) by [Further and Higher Education Act 1992 \(c. 37\)](#), s. 62(3), [Sch. 10](#); S.I. 1992/817, art. 3(2), [Sch. 1](#)

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- F22** Word in s. 3(6)(a) repealed (16.5.1992) by Further and Higher Education Act 1992 (c. 37), s. 62(3), **Sch. 10**; S.I. 1992/817, art. 3(2), **Sch. 1**
- F23** S. 3(7) added (4.3.2002) by 2000 asp 6, s. 33(4); S.S.I. 2002/72, **art. 2(1)(b)**

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

It shall be the duty of every education authority to provide for their area [<sup>F24</sup> [<sup>F25</sup> . . . ] psychological service]<sup>F26</sup> . . . , and the functions of that service shall include—<sup>F27</sup>

- (a) the study of children [<sup>F28</sup>having additional support needs];
- (b) the giving of advice to parents and teachers as to appropriate methods of education. . . <sup>F29</sup> for such children;
- (c) in suitable cases, . . . <sup>F30</sup> provision [<sup>F31</sup>for the [<sup>F32</sup>additional support needs] of] such children <sup>F33</sup> . . . <sup>F34</sup> . . . <sup>F33</sup> . . . ;
- (d) the giving of advice to a local authority within the meaning of the <sup>M1</sup>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.

#### Textual Amendments

- F24** Words substituted by Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33, SIF 113:1), **s. 14(2)(a)**
- F25** Words in s. 4 repealed (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 118(2), **Sch.14**; S.I. 1996/323, **art. 4(1)(c)**.
- F26** Words in s. 4 repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(3)(a)**; S.S.I. 2005/564, art. 2
- F27** S. 4(a) substituted by Education (Scotland) Act 1981 (c. 58), Sch. 2 Pt. I para. 2(a), **Sch. 8**
- F28** Words in s. 4(a) substituted (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(3)(b)**; S.S.I. 2005/564, art. 2
- F29** Words repealed by Education (Scotland) Act 1981 (c. 58), **Sch. 9**
- F30** Word repealed by Education (Scotland) Act 1981 (c. 58), **Sch. 9**
- F31** Words substituted by Education (Scotland) Act 1981 (c. 58), Sch. 2 Pt. I para. 2(c), **Sch. 8**
- F32** Words in s. 4(c) substituted (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(3)(c)(i)**; S.S.I. 2005/564, art. 2
- F33** Words in s. 4(c) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **sch. 3 para. 3(3)(c)(ii)**; S.S.I. 2005/564, art. 2
- F34** Words repealed by Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33, SIF 113:1), **s. 14(2)(b)**

#### Marginal Citations

- M1** 1968 c. 49.

<sup>F35</sup>5 . . . . .

#### Textual Amendments

- F35** Ss. 5, 28(2), 59, 66(2), 111(4)(5), 129(5)(6), 132(1), Sch. 2 paras. 1, 3 repealed by Education (Scotland) Act 1981 (c. 58), **Sch. 9**

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

- (1) For the purpose of securing [<sup>F36</sup>, under section 1(3) of this Act,] 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—
  - <sup>F37</sup>(0) may assist any body whose objects include;
  - <sup>F38</sup>(b) . . . . .
 the provision or promotion of social, cultural and recreative activities and physical education and training or the facilities for such activities, education and training.
- <sup>F39</sup>(3) . . . . .

**Textual Amendments**

**F36** Words inserted (1.4.1983) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 69\(2\), Sch. 3 para. 38](#) and [S.I. 1982/1397, Sch. 2](#)

**F37** Letter “(a)” in s. 6(2) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)\(2\), Sch. 13 para. 118\(3\)\(a\)\(i\), Sch.14; S.I. 1996/323, art. 4\(1\)\(c\)\(d\), Sch. 2.](#)

**F38** s. 6(2)(b) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)\(2\), Sch. 13 para. 118\(3\)\(a\)\(ii\), Sch.14; S.I. 1996/323, art. 4\(1\)\(c\)\(d\), Sch. 2.](#)

**F39** [S. 6\(3\)](#) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)\(2\), Sch. 13 para. 118\(3\)\(b\), Sch.14; S.I. 1996/323, art. 4\(1\)\(c\)\(d\), Sch. 2.](#)

**7 Provision of educational facilities to be in accordance with schemes.**

- <sup>F40</sup>(1) . . . . .
- <sup>F40</sup>(2) . . . . .
- <sup>F40</sup>(3) . . . . .
- (4) In considering and determining for the purposes of [<sup>F41</sup>their functions under the foregoing provisions of this Act in relation to] 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

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education authority appear to be necessary to enable them to discharge their duties 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) [<sup>F42</sup>In the performance of their functions under the foregoing provisions of this Act in relation to] 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 their parents and by the authority to be desirable.

<sup>F43</sup>(7) .....

<sup>F43</sup>(8) .....

#### Textual Amendments

**F40** S. 7(1)-(3) repealed (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), **Sch. 10**; S.I. 1992/817, art. 3(2), **Sch.1**

**F41** Words substituted with saving by Education (Scotland) Act 1981 (c. 58), s. 8(1)(a)(iv)(3), **Sch. 8**

**F42** Words substituted with saving by Education (Scotland) Act 1981 (c. 58), s. 8(1)(a)(v)(3), **Sch. 8**

**F43** S. 7(7)(8) repealed (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), **Sch. 10**; S.I. 1992/817, art. 3(2), **Sch.1**

## 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 <sup>F44</sup>... 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 <sup>F44</sup>... 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.
- (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.

#### Textual Amendments

**F44** Words in s. 8(1)(2) repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 3**; S.S.I. 2004/528, art. 2(b)

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## 9 Conscience clause.

Every public school [<sup>F45</sup>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.

### Textual Amendments

**F45** Words in s. 9 substituted (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 2 para. 3(3)**; S.S.I. 2004/528, art. 2(b)

## 10 Safeguards for religious beliefs.

Where the parent of any pupil who is a boarder at any public school <sup>F46</sup> . . . or other educational establishment under the management of an education authority <sup>F47</sup> . . . 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 [<sup>F48</sup>of the school 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 <sup>F46</sup> . . . [<sup>F49</sup>or other educational establishment], so however that such arrangements shall not entail expenditure by the education authority <sup>F50</sup> . . .

### Textual Amendments

**F46** Words repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**

**F47** Words in s. 10 repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 2 para. 3(4)(a)**; S.S.I. 2004/528, art. 2(b)

**F48** Words in s. 10 substituted (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 2 para. 3(4)(b)**; S.S.I. 2004/528, art. 2(b)

**F49** Words in s. 10 substituted (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 2 para. 3(4)(c)**; S.S.I. 2004/528, art. 2(b)

**F50** Words in s. 10 repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 2 para. 3(4)(d)**; S.S.I. 2004/528, art. 2(b)

## 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. . . <sup>F51</sup> 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,



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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, . . . <sup>F51</sup> or other educational establishment under their management, articles of clothing suitable for physical exercise or for other activities of the school, . . . <sup>F52</sup> 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.

#### Textual Amendments

**F51** Words repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**

**F52** Word repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**

## 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, . . . <sup>F53</sup> 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.

#### Textual Amendments

**F53** Words repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**

## 13 Provision of hotels.

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

## [<sup>F54</sup> 14 Education for children unable to attend school etc.

- (1) If an education authority are satisfied that, by reason of—
- (a) any extraordinary circumstances (not being circumstances mentioned in paragraph (b), or subsection (2) or (3), below)—
    - (i) a pupil is unable; or
    - (ii) it would be unreasonable to expect a pupil,

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- to attend a suitable educational establishment for the purpose of receiving education, they may;
- (b) a pupil's prolonged ill-health [<sup>F55</sup> or a pupil's being subject to any measures authorised by virtue of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) or authorised, in consequence of the pupil's mental disorder, by virtue of the Criminal Procedure (Scotland) Act 1995 (c. 46)]—
- (i) the pupil is unable; or
- (ii) it would be unreasonable to expect the pupil,
- to attend such an establishment for that purpose, they shall, without undue delay after those circumstances become apparent to them, make special arrangements for the pupil to receive education elsewhere than at an educational establishment.
- (2) If an education authority have, under section 34(1) of this Act, granted a pupil exemption from the obligation to attend school, the exemption being to enable the pupil to give assistance at home in circumstances arising out of the illness or infirmity of a member of the pupil's family, they shall in so far as is practicable and without undue delay make such special arrangements as are mentioned in subsection (1) above.
- (3) If a pupil withdraws, excluded by the education authority (or with the consent of the authority in circumstances where he would have been so excluded but for his withdrawal), from a public school in their area they shall, without undue delay—
- (a) provide school education for him in a school managed by them;
- (b) make arrangements for him to receive such education in any other school the managers of which are willing to receive him; or
- (c) make such special arrangements as are mentioned in subsection (1) above.]

#### Textual Amendments

- F54** S. 14 substituted (13.10.2000) by 2000 asp 6, s. 40; S.S.I. 2000/361, art. 3(1)(2), **Sch. Pt. I**
- F55** Words in s. 14(1)(b) inserted (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 277(2), 333(2); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

#### Modifications etc. (not altering text)

- C2** S. 14 amended (13.10.2000) by 2000 asp 6, ss. 3(2)(3), 5(1); S.S.I. 2000/361, art. 3(1)(2), **Sch. Pt. I**

#### [<sup>F56</sup>14ZAMeaning of pupil in sections 12 to 14.

In sections 12 to 14 of this Act and in section 52 of this Act as it relates to the said section 13, any reference to a pupil shall include a reference to a student attending a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992.]

#### Textual Amendments

- F56** S. 14ZA inserted (1.4.1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 7(2)**; S.I. 1992/817, art. 3(2), **Sch. 4**

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[<sup>F57</sup>**14A Education in social work establishments.**

- (1) An education authority may, in accordance with this section, provide for their area school education in any establishment provided by a local authority under section 59(1) or (2) of the <sup>M2</sup>Social Work (Scotland) Act 1968 which is provided wholly or mainly for children under school age (other than any establishment whose provision is secured by them under paragraph (c) of the said section 59(2)).
- (2) The provision of school education referred to in subsection (1) above shall consist of the making available by the education authority, in accordance with arrangements made by them in that behalf with the local authority providing the establishment, of the services of any teacher who is employed by them.
- (3) Arrangements under subsection (2) above may make provision for—
  - (a) the supply of equipment for use in connection with the provision of school education made available under the arrangements;
  - (b) any supplementary or incidental matters connected with the arrangements.
- (4) A teacher whose services are made available by an education authority in pursuance of arrangements under subsection (2) above shall, during the period in which his services are made available, be deemed to be in a post in a primary department of a school under the management of the education authority.]

**Textual Amendments**

**F57** S. 14A inserted by Education (Scotland) Act 1981 (c. 58), s. 12

**Marginal Citations**

**M2** 1968 c. 49.

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**Changes to legislation:**

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