



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VIII

FUNCTIONS

Education

[^{F1}123 Education authorities.

The education authority for the purposes of the ^{M1}Education (Scotland) Act 1980 and any other enactment conferring functions on the education authority shall be a local authority.]

Textual Amendments

F1 S. 123 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 92(28); S.I. 1996/323, art. 4(1)(c)

Marginal Citations

M1 1980 c. 44

[^{F2}124 Membership of committees appointed by education authorities.

- (1) Where an education authority appoint a committee whose purposes include—
 - (a) advising the authority on any matter relating to the discharge of their functions as education authority; or
 - (b) discharging any of those functions of the authority on their behalf,the members of such committee shall, notwithstanding the provisions of section 57(3) and (4)(a) of this Act, be appointed in accordance with this section.
- (2) Subject to the provisions of section 59 of this Act, an education authority who appoint a committee such as is mentioned in subsection (1) above shall secure that—

Status: Point in time view as at 01/10/2009.

Changes to legislation: Local Government (Scotland) Act 1973, Cross Heading: Education is up to date with all changes known to be in force on or before 27 June 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)

- (a) at least half of the persons appointed by them to be members of such committee are members of the authority; and
 - (b) the persons appointed by them to be members of such committee shall include the three persons mentioned in subsection (4) below.
- (3) Subject to the provisions of subsection (2) above, an education authority may appoint persons who are not members of the authority to be members of a committee such as is mentioned in subsection (1) above.
- (4) The three persons mentioned in subsection (2)(b) above (who shall not be members of the education authority appointing such committee) are—
- (a) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church;
 - (b) in the case of the education authority for each area other than Orkney Islands, Shetland Islands and Western Isles, one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and
 - (c) one person or, in the case of the education authorities for Orkney Islands, Shetland Islands and Western Isles, two persons, in the selection of whom the authority shall have regard (taking account of the representation of churches under paragraphs (a) and (b) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.
- (5) Where two or more authorities appoint a joint committee whose purposes include discharging any of the functions of those authorities as education authorities on their behalf, section 57(3) of this Act shall apply to such a joint committee as if for the words “two-thirds” there were substituted the words “one-half”.]

Textual Amendments
F2 S. 124 substituted (1.4.1996) by 1994 c. 39, s. 31 (with s. 7(2)); S.I. 1996/323, art. 4(1)(a), **Sch. 1**

^{F3}125

Textual Amendments
F3 S. 125 repealed by Self-Governing Schools Etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11** (subject to savings in s. 54(7) of that Act whereby s. 125 remains in force in relation to any college council appointed under the said section 125 for so long as that council remains in existence)

^{F4}126 **Disqualification for membership of committees appointed by education authorities.**

Notwithstanding the provisions of section 59 of this Act, a person shall not, by reason of his being a teacher employed in an educational establishment under the management of an education authority, be disqualified for being a member of—

- (a) a committee such as is mentioned in subsection (1) of section 124 of this Act;
- (b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or

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(c) any sub-committee of such a committee or joint committee.]

Textual Amendments

F4 S. 126 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(29)**; S.I. 1996/323, **art. 4(1)(c)**

^{F5}**127**

Textual Amendments

F5 S. 127 repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, **art. 4(1)(d)**, **Sch. 2**

128 Educational endowments.

(1) Where, immediately before 16th May 1975, any educational endowment is to any extent vested in the existing local authority for an area specified in the first column of Table A below, that endowment shall on that day to that extent be transferred to and vest for the same purposes in the appropriate new local authority for the area specified in relation thereto in the second column of that Table.

TABLE A

Existing area	New area
County	Region or islands area
County of a city	
Large burgh	District or islands area
Small burgh	
District	

(2) Where, immediately before 16th May 1975, any educational endowment is to any extent to be vested, by virtue of his office, in the holder of any office connected with an existing local authority specified in the first column of Table B below, that endowment shall on that day to that extent be transferred to and vest for the same purposes in the holder of the office, specified in relation thereto in the second column of that Table, of the appropriate new local authority as determined by reference to subsection (1) above.

TABLE B

Existing office-holder	New office-holder
Lord Provost	[^{F6} Convener of council]
Provost	
Convener of county	
Chairman of district council	
MagistrateCouncillorChairman of or member of a committee	Councillor, or any other person nominated by the council

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Any specified officer

The corresponding officer or (if there is no such officer) the proper officer

- (3) Where, immediately before 16th May 1975, any power with respect to an educational endowment is vested in an existing local authority, or (by virtue of his office) in the holder of an office connected with such an authority, that power shall on that day be transferred to and vest in the appropriate new local authority or (as the case may be) in the new office-holder of that authority, as ascertained by reference to subsections (1) and (2) above.
- (4) Subject to the provisions of the governing instrument of an educational endowment, where, as the result of the election of a local authority occurring after 16th May 1975, it is necessary for a person to be nominated by the authority or by a committee thereof to be vested (to any extent) with the endowment, in terms of subsection (2) above, or to be vested with any power, in terms of subsection (3) above, that person shall be so nominated at the first meeting of the authority or committee held after it has been elected or appointed; and in such a case the person who (to the said extent) was last vested with the endowment or, as the case may be, who was last vested with the power, before the meeting shall continue therein until the date of the meeting.
- (5) In this section, unless the context otherwise requires, expressions used in Part VI of the ^{M2}Education (Scotland) Act 1962 have the same meaning as in that Part, and “the appropriate new local authority” means, in relation to an existing local authority, the new authority whose area comprises the whole or the greater part of the area of the existing authority: and if, in any case, there is a dispute as to such appropriate authority, or as to the person or persons corresponding to an existing office-holder or office-holders for the purposes of this section, it shall be taken to be such new local authority or, as the case may be, person or persons as the Secretary of State may direct.
- (6) Nothing in this section shall affect any other power to reorganise any educational endowment or otherwise to alter the provisions of any trust.

Textual Amendments

F6 S. 128(2): words in Table B substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(30)**; S.I. 1996/323, **art. 4(1)(c)**

Modifications etc. (not altering text)

C1 S. 128 excluded by Local Government (Scotland) Act 1975 (c. 30), s. 16, **Sch. 3 para. 13(1)**

Marginal Citations

M2 1962 c. 47.

F7 129

Textual Amendments

F7 S. 129 repealed by Education (Scotland) Act 1980 (c. 44), **Sch. 5**

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

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