

Status: Point in time view as at 01/02/1991.

Changes to legislation: Local Government (Scotland) Act 1973, SCHEDULE 10 is up to date with all changes known to be in force on or before 07 July 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)

SCHEDULES

SCHEDULE 10

Schedule 124, 125 and 127.

ARRANGEMENTS BY EDUCATION AUTHORITIES FOR DISCHARGE OF THEIR FUNCTIONS

Modifications etc. (not altering text)

- C1** Sch. 10 extended by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 23\(1\)](#)
- C2** Sch. 10 excluded by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), ss. 4\(5\), 5\(5\)](#)
- C3** Sch. 10 restricted (16.1.1990 to the extent mentioned in S.I. 1989/2445, [art. 4](#), and 1.8.1990 to the extent mentioned in S.I. 1990/1552, [art. 3](#), otherwise *prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), ss. 9\(8\)\(b\)\(10\), 195\(2\)](#)

- 1 Subject to the provisions of section 124 of this Act and of any other express provision contained in this Act or any Act passed after this Act, an education authority may arrange for the discharge of any of their functions by their education committee, a sub-committee of that committee, . . . ^{F1} . . . ^{F2} . . . ^{F1}, an officer of the authority or by any other education authority in Scotland.

Textual Amendments

- F1** Words repealed by [Self Governing Schools etc.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)
- F2** Words repealed by [School Boards \(Scotland\) Act 1988 \(c. 47, SIF 41:2\), s. 23\(3\), Sch. 4 para. 4](#)

- 2 Where by virtue of this Schedule or any other enactment any functions of an education authority may be discharged by their education committee, then, unless the authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee, . . . ^{F3} . . . ^{F4} . . . ^{F3} or an officer of the authority.

Textual Amendments

- F3** Words repealed by [Self Governing Schools etc.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** Words repealed by [School Boards \(Scotland\) Act 1988 \(c. 47, SIF 41:2\), s. 23\(3\), Sch. 4 para. 4](#)

- 3 Where by virtue of this Schedule or any other enactment any functions of an education authority may be discharged by another education authority, paragraphs 1

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and 2 above shall apply in relation to those functions as they apply in relation to the functions of that other authority, except that—

- (a) the foregoing provision shall have effect subject to the terms of any arrangement relating to the functions; and
- (b) that other authority shall not, by virtue of this paragraph, arrange for the discharge of those functions by some other education authority.

- 4 Any arrangement made by an education authority or education committee under this Schedule for the discharge of any functions by an education committee, sub-committee, . . . ^{F5} . . . ^{F6}, officer or education authority shall not prevent the authority or committee by whom the arrangement is made from exercising those functions.

Textual Amendments

- F5** Words repealed by [School Boards \(Scotland\) Act 1988 \(c. 47, SIF 41:2\), s. 23\(3\), Sch. 4 para. 4](#)
- F6** Words 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)

- 5 An education authority may arrange for the discharge of any of their functions jointly with one or more other education authorities or other local authorities and, where arrangements are in force for them to do so—

- (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them, and paragraph 2 above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
- (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.

- 6 No arrangement shall be made by an education authority for the discharge otherwise than by their education committee of any function in regard to the dismissal of teachers.

- 7 For the purpose of discharging any functions of an education authority in pursuance of arrangements made under paragraph 5 above an education authority may jointly with one or more other education authorities or other local authorities appoint a joint committee.

- 8 For the purpose of discharging any functions of an education authority in pursuance of arrangements made under this Schedule, an education committee or any joint committee appointed under paragraph 7 above may appoint one or more sub-committees.

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- 9 Subject to the provisions of this Schedule, the number of members of a joint committee or sub-committee appointed thereunder, their term of office, and the area (if restricted) within which such a joint committee or sub-committee are to exercise their authority, shall be fixed by the appointing authorities or, as the case may be, by the appointing committee.
- 10 A joint committee appointed under paragraph 7 above and a sub-committee appointed under paragraph 8 above may, subject to the provisions of section 59 of this Act, include persons who are not members of the appointing authorities, or in the case of a sub-committee, of the authority or authorities of whom they are a sub-committee.
- [^{F7}11 At least half of the members appointed to a joint committee appointed under paragraph 7 above shall be members of the appointing authorities.]

Textual Amendments

- F7** Sch. 10 para. 11 repealed (16.1.1990 to the extent mentioned in S.I. 1989/2445, art. 4, otherwise *prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), ss. 14(6)(8)(c), 194(4), 195(2), Sch. 12 Pt. II

- 12 Every member of a joint committee appointed under this Schedule who at the time of his appointment was a member of one of the appointing authorities shall, upon ceasing to be a member of that authority, also cease to be a member of the joint committee and of any sub-committee thereof; but for the purpose of this paragraph a member of an authority shall not be deemed to have ceased to be a member thereof by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.

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