



Education (Scotland) Act 1980

CHAPTER 44

EDUCATION (SCOTLAND) ACT 1980

PART I

PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

School education and further education

- 1 Duty of education authorities to secure provision of education.
- 2 Secretary of State may prescribe standards, etc., for education authorities.
- 2A Assessment of secondary school pupils.
- 3 Fees not to be charged in public schools, etc: exceptions.
- 4 Duty of education authorities to provide child guidance service.
- 5
- 6 Social activities, physical education, etc.
- 7 Provision of educational facilities to be in accordance with schemes.
- 8 Religious instruction.
- 9 Conscience clause.
- 10 Safeguards for religious beliefs.
- 11 Provision of books, materials and special clothing free of charge.
- 12 Library service.
- 13 Provision of hotels.
- 14 Education for children unable to attend school etc.
- 14ZA Meaning of pupil in sections 12 to 14.
- 14A Education in social work establishments.

Transference of schools to education authorities

- 15 Transference of endowed schools to education authorities.
- 16 Transference of denominational schools to education authorities.

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

Provision, maintenance and equipment of schools and other buildings

- 17 Provision, maintenance and equipment of schools and other buildings.
- 18 Improvements as to premises of educational establishments for the safety of pupils.
- 19 Power of Secretary of State to prescribe standards for premises, etc., of educational establishments.
- 19A Secretary of State's power to control use of dangerous materials or apparatus in educational establishments.
- 20 Acquisition of land and execution of works.

Management of denominational schools

- 21 Management of denominational schools.

Discontinuance and moves of educational establishments

- 22 Discontinuance and moves of educational establishments.

Consultation on, and consent for, changes in certain educational matters

- 22A Consultation on certain changes in educational matters.
- 22B Consent for certain changes in educational matters.
- 22C Consent for certain changes affecting denominational schools.
- 22D Further provisions relating to denominational schools.

Co-operation between education authorities and others

- 23 Provision by education authority for education of pupils belonging to areas of other authorities.
- 24 Power of education authorities to make payments to persons providing education, etc.

Promotion of educational developments

- 25 Educational research.
- 26 Educational conferences.
- 27 Provision of museums by education authorities.

PART II

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

General principle

- 28 Pupils to be educated in accordance with the wishes of their parents.
- 28A Duty to comply with parents' requests as to schools.
- 28B Information as to placing in schools and other matters.
- 28C Reference to appeal committee of refusal of placing request.
- 28D Appeal committees.
- 28E Appeal committees: supplementary provisions.
- 28F Appeal to sheriff from appeal committee.
- 28G Application of sections 28A to 28F and Schedule A1 to young persons.
- 28H Reference to appeal committee, and appeal therefrom of decision to exclude pupil.

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

Information as to schools and pupils

- 28I Information as to schools.
- 28J Requirement to provide information as to school education.
- 28K Information as to pupils.
- 29

Duty of parents to provide education for their children

- 30 Duty of parents to provide education for their children.
- 31 School age.
- 32 Dates for commencement of school attendance.
- 33 School leaving dates.
- 34 Exemption from school attendance.

Failure of parents to provide education for their children

- 35 Failure by parent to secure regular attendance by his child at a public school.
- 36 Power of education authority in relation to irregular attendance of child at a public school.
- 37 Power of education authority where not satisfied that parent is providing efficient education for his child.

Attendance orders

- 38 Making of attendance orders.
- 39 Amendment and revocation of attendance orders.
- 40 Period of operation of attendance orders.
- 41 Failure to comply with attendance order.

Reasonable Excuses

- 42 Reasonable excuses.

Prosecutions

- 43 Prosecutions and penalties.
- 44 Powers of Courts in relation to child.
- 45—48

Corporal Punishment

- 48A Abolition of corporal punishment of pupils.

Provision to assist pupils to take advantage of educational facilities

- 49 Power of education authorities to assist persons to take advantage of educational facilities.
- 50 Education of pupils in exceptional circumstances.
- 51 Provision of transport and other facilities.
- 52 Recovery of cost of board and lodging.

Provision of food and clothing

- 53 Provision of school meals.
- 54 Provision of clothing for pupils at public schools.

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

- 55 Provision of food and clothing for pupils at schools other than public schools.
- 56 Condition of provision of clothing by education authorities.

Health and cleanliness of pupils

- 57 Medical and dental examination and inspection.
- 58 Power to ensure cleanliness.

Children requiring special education

- 59
- 60 Functions of education authority in relation to children and young persons with certain special educational needs.
- 61 Examination and assessment of children and young persons.
- 62 Recording of children and young persons.
- 63 Appeals against decisions about recorded children or young persons.
- 64 Provisions supplementary to section 63.
- 65 Appeal to sheriff on the placing in a school of a recorded child or young person.
- 65A Review by education authority of decision to record and information in Record.
- 65B Future provision for recorded children.
- 65C Continuance of Record of young persons.
- 65D Regulations regarding Records.
- 65E Application of certain provisions of this Act to recorded children and young persons.
- 65F Secretary of State may prescribe standards etc. for special schools.
- 65G Attendance of certain children and young persons with special educational needs at establishments outwith United Kingdom.

PART III

ADMINISTRATION AND FINANCE

Central administration

- 66 Inspection of educational establishments.
- 66A Code of practice as regards inspections under section 66
- 67 Local inquiries.
- 68 Power to require submission to medical examination.
- 69 Approval and carrying out of schemes.
- 70 Powers to enforce duty of education authorities and other persons.

Advisory councils

- 71 Advisory councils.

Finance

- 72 Expenses of Secretary of State.
- 73 Power of Secretary of State to make grants to education authorities and others.
- 73A Transfer or delegation of functions relating to student support.
- 73B Regulations relating to student loans.

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

- 73C Transitional provisions and savings on repeal of Education (Student Loans) Act 1990.
- 73D Provision as to maximum amounts of certain allowances.
- 73E Supply of information in connection with student loans.
- 74 Payment of grants to be subject to conditions.
- 75 Examination of accounts.
- 75A Assisted places at grant-aided and independent schools.
- 75B Incidental expenses of and provision for pupils holding assisted places.
- 76 Industrial scholarships.

Grant-aided colleges

- 77 Power of Secretary of State to make regulations with respect to certain institutions providing further education.

Appointment of director of education

- 78 Appointment of director of education.

Local administration

- 79 Education authorities may receive and administer bequests.
- 80 Funds for behalf of public schools etc., to be transferred to education authorities.
- 81 Trust funds to be kept separate.
- 82 Reports by education authorities.
- 83 Returns by registrars of births, deaths, and marriages to education authorities.
- 84 Certificates of birth.
- 85 Presumption of age.
- 86 Admissibility of documents.

PART IV

TEACHERS

Appointment, dismissal, retirement and employment of teachers

- 87 Appointment of teachers.
- 87A Appointment of principal teachers.
- 87B Selection of teachers.
- 88
- 89 Age of retirement of teachers.
- 90 Employment of teachers.

Pay and conditions of teaching staff employed in providing school education

- 91 Committee to consider pay and conditions of teaching staff employed in providing school education.
- 92 Composition of committee established under section 91.
- 93 Publication of settlements and awards in relation to teaching staff employed in providing school education.
- 94—96

Provisions common to the two committees

- 97

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

- 97A Effect of settlement.
- 97B Provision for arbitration.
- 97C Interpretation of sections 91 to 97B.
- 97D Remuneration of teaching staff: transitional provisions.

PART V

INDEPENDENT SCHOOLS

- 98 Registration of independent schools.
- 98A Refusal of registration: referral to Independent Schools Tribunal
- 99 Complaints.
- 100 Determination of complaints.
- 101 Enforcement of orders.
- 102 Removal of disqualifications.
- 103 Proceedings before Independent Schools Tribunals and matters relating thereto.

PART VI

REORGANISATION OF ENDOWMENTS

- 104 Register of educational endowments.
- 105 Schemes for reorganisation of educational endowments.
- 106 Sale of land belonging to educational endowments.
- 107 Educational endowments applicable in part to non-educational purposes.
- 108 Non-educational endowments.
- 108A Courts' power to give effect to reorganisation scheme on petition of Lord Advocate.
- 109 Provisions regarding interests of individuals.
- 110 Provisions as to beneficiaries and teachers.
- 111 Accounts and audit of educational endowments.
- 112 Procedure in preparation of reorganisation schemes.
- 113
- 114 Effect of schemes.
- 115, 116
- 117 Cost of publishing scheme, etc.
- 118 Information by governing bodies.
- 118A Income plans under schemes.
- 119 Quorum of governing body.
- 120 Provision for default of governing body.
- 121 Judgment of Court of Session final.
- 122 Interpretation of Part VI.

PART VII

MISCELLANEOUS PROVISIONS

Employment

- 123 Work experience in last year of compulsory schooling.
- 124
- 125 Adaptation of enactments relating to employment of children and young persons.

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

Children and young persons in accommodation

- 125A Welfare of children and young persons in accommodation provided for purposes of school attendance.

Careers services of education authorities

- 126 Provision of services by education authorities.
127 Records of vocational advice.
128 Control of education authorities by Secretary of State.

Examinations Board

- 129 Establishment of Board to conduct examinations, etc.

Savings and exceptions

- 130 Saving as to persons in the service of the Crown.
131 Saving as to persons suffering from mental disorder and persons detained by order.
131A Consent of child to medical procedures

General

- 132 Amendment of enactments.
133 Regulations, etc.
134 Notices.
135 Interpretation.
136 Transitional and savings provisions, amendments and repeals.
137 Short title, commencement and extent.

SCHEDULES

SCHEDULE A1 — Appeal Committees

- 1 An appeal committee set up under section 28D(1) of this...
- 2 An appeal committee shall consist of 3, 5 or 7...
- 3 The persons appointed shall comprise— (a) members of the authority...
- 4 The members of an appeal committee who are members of...
- 5 A person who is a member of any committee such...
- 6 A person shall not be a member of an appeal...
- 7 A person who is— (a) a teacher at a relevant...
- 8 For the purposes of paragraph 7 above, “relevant school...
- 9 An appeal committee constituted in accordance with this Schedule shall...

SCHEDULE A2 — Application of Certain Provisions of this Act to Recorded Children and Young Persons

- 1 Sections 28B and 28D of this Act and Schedule A1...
- 2 Sections 28C, 28E(1) to (6) and 28F(1) and (5) to...
- 3 In relation to a recorded child, for section 28A of...
- 4 (1) Sections 28A, 28B and 28D of this Act and...
- 5 Sections 28C, 28E(1) to (6) and 28F(1) and (5) to...
- 6 Section 28G of this Act shall not apply in relation...

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

SCHEDULE 1 — Local Inquiries

- 1 The Secretary of State shall appoint a person to hold...
- 2 The person appointed shall notify the bodies and persons appearing...
- 3 The person appointed may by notice in writing require any...
- 4 The person appointed to hold the inquiry may administer oaths...
- 5 The inquiry shall unless the Secretary of State otherwise directs...
- 6 Any person who refuses or wilfully neglects to attend in...
- 7 The Secretary of State may make orders as to the...
- 8 Any order by the Secretary of State under paragraph 7...

SCHEDULE 1A — Revocation of Determinations for the Purposes of the Assisted Places Scheme

- 1 The proprietors or managers of a participating school may request...
- 2 On the expiry of the period of notice referred to...
- 3 Subject to paragraph 4 below, the Secretary of State may...
- 4 (1) If the Secretary of State— (a) is not satisfied...
- 5 A notice of revocation of a determination given under paragraph...
- 6 Revocation of a determination shall not affect the operation of—...

SCHEDULE 1B —

Procedure

- 1 The committee may, from time to time—
- 2 Subject to any standing orders made under paragraph 1(c) above...

General powers

- 3 Subject to the provisions of this Act, the committee or...
- 4 Without prejudice to the generality of paragraph 3 above, the...

Recovery of expenditure

- 5 Expenditure incurred by the committee shall be recoverable so far...
- 6 In so far as such expenditure is not defrayed from...

SCHEDULE 2 — Constitution of Independent Schools Tribunals

- 1
- 2 No officer of any government department and no person employed...
- 3
- 4 Where any complaint is required to be determined by an...
- 5 In this Schedule “sheriff principal” means the sheriff principal of...

SCHEDULE 3 — Transitional and Savings Provisions

General

- 1 Where any document refers expressly or by implication to an...
- 2 Any reference in any provision of this Act (whether expressed...

Children Requiring Special Education

- 3 Any reference in any enactment or other instrument passed or...
- 4 Any decision, made under the Act of 1962 before the...

Status: Point in time view as at 28/11/2004.

Changes to legislation: Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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)

Savings

- 5 The repeal by the said Act of 1969 of sections...
- 6 The repeal by the said Act of 1969 of section...

SCHEDULE 4 — Amendment of Enactments

- 1
- 2

The Factories Act 1961 (c. 34)

- 3 In section 176(1) (interpretation), in the definition of “child” for...

The Public Expenditure and Receipts Act 1968 (c. 14)

- 4 In Schedule 3 (variation of fees), in paragraph 1(b) for...

The Social Work (Scotland) Act 1968 (c. 49)

- 5 In section 94(1) (interpretation), in the definition of “school age”...

The Sex Discrimination Act 1975 (c. 65)

- 6 In section 22 (discrimination by bodies in charge of educational...
- 7 In section 23(2) (other discrimination by education authorities), for the...
- 8 In section 25 (general duty in public sector of education)—...
- 9 In section 79 (educational endowments to which Part VI of...
- 10 In section 81(3)(b) (orders), for the words “128 of the...
- 11 In section 82(1) (interpretation), in the definition of “education authority”,...

The Race Relations Act 1976 (c. 74)

- 12 In section 17 (discrimination by bodies in charge of educational...
- 13 In section 18(2) (discrimination by education authorities), for the words...
- 14
- 15 In section 78(1) (interpretation), in the definitions of “education authority”,...

The National Health Service (Scotland) Act 1978 (c. 29)

- 16 In section 15(1)(f) (supply of goods and services to local...
- 17 In section 39(5) (medical and dental health inspection, supervision and...
- 18 In section 108(1) in the definitions of “education authority” and...
- 19 In paragraph 10(b) of Schedule 15 (saving of amendments), for...

Schedule 5 — Enactments Repealed

SCHEDULE 6 — Postponement of The Commencement of Certain Provisions

- 1—15
- 16 Section 127(3) and (4).

Status:

Point in time view as at 28/11/2004.

Changes to legislation:

Education (Scotland) Act 1980 is up to date with all changes known to be in force on or before 01 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.