



# Education (Scotland) Act 1980

## 1980 CHAPTER 44

### PART I

#### PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

##### *Co-operation between education authorities and others*

#### **23 Provision by education authority for education of pupils belonging to areas of other authorities**

- (1) An education authority shall have power to provide in or in connection with any public school, junior college or other educational establishment under their management, school education or further education and other services under this Act for any pupil belonging to the area of some other education authority.
- (2) Where an education authority or the managers of any school not conducted for private profit situated in the area of that authority have provided school education with or without other services for any pupil belonging to the area of some other authority, the education authority or the managers, as the case may be, may, if a claim therefor is made within the prescribed period, recover from that other authority such contributions in respect of such provision as may be agreed by the authorities concerned or by the authority and the managers concerned, as the case may be, or, in default of such agreement, as may be determined by the Secretary of State, who shall have regard to the estimated cost of such provision:

Provided that, if in the case of any pupil the Secretary of State is satisfied, having regard to all the circumstances including the religious belief of the parents, that there was no sufficient reason why he should not have attended a school provided by the authority of the area to which he belongs, the Secretary of State may, on the application of that authority, direct that no contribution shall be recoverable in respect thereof under this subsection.

- (3) The Secretary of State may make regulations prescribing the areas to which particular classes of pupils receiving school education are to be deemed to belong for the purposes of this section and any such pupil to whom the regulations apply shall be

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*Status: This is the original version (as it was originally enacted).*

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deemed to belong to the area determined in accordance with the regulations. Any other pupil receiving school education shall, for the aforesaid purposes, be deemed to belong to the area in which his parent is ordinarily resident, and any pupil receiving further education shall be deemed to belong to the area in which he himself is ordinarily resident:

Provided that any pupil who becomes ordinarily resident in any area wholly or mainly for the purposes of attending an educational establishment providing further education shall be deemed to belong not to that area but to any area to which he was deemed to belong immediately before he became so resident.

- (4) Where on 1st January 1947 or at any subsequent date it was or is the practice of an education authority or of the managers of a school situated in the area of that authority to provide school education for pupils belonging to the area of another education authority, then whether contributions have been recovered under section 24(2) of the Act of 1946, section 24(2) of the Act of 1962 or this section or not, they shall not be entitled to discontinue such practice except after giving such notice as the Secretary of State may, in the event of a dispute, consider reasonable.
- (5) The Secretary of State may make regulations requiring or authorising payments of amounts determined by or under the regulations to be made by one authority to another where—
  - (a) the authority receiving the payment makes, in such cases or circumstances as may be specified in the regulations, provision for education in respect of a pupil having such connection with the area of the paying authority as may be so specified ; and
  - (b) one of the authorities is an education authority and the other authority is a local education authority in England or Wales.
- (6) In subsection (5)(a) above, the reference to provision for education includes a reference to provision of any benefits or services for which provision is made by or under the enactments relating to education.
- (7) Regulations under subsection (5) above may make different provision for different cases or different circumstances and may contain such incidental, supplementary or transitional provisions as the Secretary of State thinks fit.

## **24 Power of education authorities to make payments to persons providing education, etc.**

- (1) An education authority may, for the purpose of promoting education generally, or of improving the facilities for education available, or the education provided, for their area in particular, make payments—
  - (a) to another education authority,
  - (b) to a university, or to the managers of a hostel or other residence used by students attending a university,
  - (c) to the managers of any school (other than a public school),
  - (d) to the managers of any educational establishment (other than a school),
  - (e) to any other person providing education or educational services,
  - (f) to any person to assist the carrying out of educational research,
 and any such payment may be made either unconditionally or subject to such conditions as may be agreed between the parties.

(2) Where—

- (a) it is agreed between an education authority and the managers of any educational establishment, as a condition of the making of payments under subsection (1) above, that the authority shall have representation or additional representation on the governing body of that establishment, but
- (b) the provisions of any trust deed or other instrument relating to the establishment will not, unless they are modified, permit provision to be made for such representation or additional representation as aforesaid,

the Secretary of State may, on being requested to do so by the managers of the establishment, by order make such modifications in the provisions of that trust deed or other instrument as may be necessary to enable provision to be made for such representation or additional representation, as the case may be, as aforesaid, and any such trust deed or other instrument shall, so long as the said payments continue to be made, have effect subject to any modifications so made.