



Education (Scotland) Act 1980

1980 CHAPTER 44

PART I

PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

Provision, maintenance and equipment of schools and other buildings

17 Provision, maintenance and equipment of schools and other buildings

- (1) It shall be the duty of an education authority to provide for their area, in accordance with any scheme under section 7 of this Act for the time being in force in the area, sufficient accommodation in public schools (whether day schools or boarding schools), junior colleges and other educational establishments under their management to enable them to carry the said scheme into effect.
- (2) In any case where the Secretary of State is satisfied, upon representations made to him by the education authority of any education area, or by any church or denominational body acting on behalf of the parents of children belonging to such church or body, and after such inquiry as the Secretary of State deems necessary, that a new school is required for the accommodation of children whose parents are resident within that education area, regard being had to the religious belief of such parents, it shall be lawful for the education authority of that area to provide a new school.
- (3) An education authority shall maintain and keep efficient every public school, junior college and other educational establishment under their management, and shall from time to time provide such additional accommodation as may be necessary to carry out the provisions of any such scheme as aforesaid.
- (4) An education authority may, for the purposes of their duty under this section, provide, alter, improve, enlarge, equip and maintain schools, junior colleges and other educational establishments outwith as well as within their area.
- (5) An education authority may provide, alter, improve, enlarge, equip, maintain and furnish houses and hostels, with such outbuildings and gardens as they think expedient,

Status: This is the original version (as it was originally enacted).

for teachers and other officers employed by them (whether or not employed in or about an educational establishment).

18 Improvements as to premises of educational establishments for the safety of pupils

- (1) Subject to the provisions of this section, an education authority may for the purpose of reducing the risk of accident to pupils going to or returning from schools or other educational establishments in their area and under their management, or while actually present at such schools or establishments, do work to improve the safety of any private road which is used by these pupils or which is in the vicinity of such a school or establishment, and provide or arrange for the provision of safety barriers at or near the entrances to such schools and establishments.
- (2) Any work for the purpose of subsection (1) above may be undertaken by the education authority in co-operation with any other person.
- (3) For the purpose of subsection (1) above an education authority may enter on and carry out work on any land:

Provided that where an education authority propose to carry out any such work on land which is in possession of another person, the authority shall obtain the consent of the owner and of the occupier of such land, unless the owner or the occupier cannot be found.
- (4) Where an education authority propose to provide or arrange for the provision of safety barriers for the purpose of subsection (1) above on any road, the authority shall—
 - (a) if it is a public road, obtain the consent of the authority responsible for the maintenance of such road;
 - (b) if it is a private road, consult the authority responsible for the maintenance of public roads in the area in which that private road is situated.
- (5) For the purposes of this section " public road " means a road or street managed and maintained by the Secretary of State or by a regional or islands council, and " private road " means any road, street or path other than a public road, and includes any ford or bridge over which a private road passes.

19 Power of Secretary of State to prescribe standards for premises, etc., of educational establishments

- (1) The Secretary of State may make regulations prescribing standards and general requirements which are to apply to the premises and equipment of educational establishments under the management of education authorities, and regulations under this subsection may prescribe different standards or requirements in respect of such different classes (however defined) of educational establishment as may be specified in the regulations.
- (2) It shall be the duty of an education authority to secure that the premises and equipment of any educational establishment under their management conform to the standards and requirements applicable to that establishment and, in particular, that the premises and equipment of all educational establishments under their management are maintained in such a condition as to conduce to the good health and safety of all persons occupying or frequenting the premises or using the equipment.

- (3) Where the premises or equipment of any educational establishment under the management of an education authority do not conform to the standards or requirements applicable to that establishment or are not maintained as mentioned in subsection (2) above, the Secretary of State may, after consultation with the authority, direct that the premises or equipment be brought into conformity with the said standards or requirements or into the state of maintenance mentioned in that subsection (as the case may be) within a period to be specified in the direction ; and it shall thereupon be the duty of the authority to comply with the direction.

20 Acquisition of land and execution of works

- (1) In order to enable them to execute any of their functions, an education authority may, subject to subsection (2) below, from time to time—
- (a) acquire whether by way of purchase, feu, lease, excambion or donation, any land whether situated within or outwith the area of the authority;
 - (b) erect and furnish buildings or execute any other works on any land belonging to them, or on land leased by them;
 - (c) convert, alter, enlarge or improve any existing building or other works belonging to the authority or leased by them:

Provided always that paragraphs (b) and (c) above shall not of themselves authorise the authority to do anything contrary to the conditions contained in the title to or lease of any such land, buildings or other works.

- (2) An education authority shall not, except in such cases as may be prescribed by regulations made by the Secretary of State, cause or permit works to be commenced for the erection, extension or alteration of any building on land acquired by them for use as the site—
- (a) of an educational establishment or of playing fields to be used in connection with such an establishment, or
 - (b) of an extension to any such establishment or playing fields (whether contiguous to the establishment or playing fields or detached therefrom),
- without the approval of the Secretary of State given in writing before such commencement.
- (3) An application by an education authority to the Secretary of State for an approval under subsection (2) above shall be in such form, and shall contain such particulars, as may be prescribed; and the Secretary of State may give his approval unconditionally, or subject to such conditions as he may think fit.
- (4) For the purpose of the acquisition of land by an education authority under this Act, the Lands Clauses Acts, except in so far as they relate to the purchase and taking of land otherwise than by agreement, shall be incorporated with this Act.
- (5) An education authority may be authorised by the Secretary of State to purchase land compulsorily for the purposes of this Act, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act.
- (6) In this section, and in the Lands Clauses Acts as hereby incorporated, " land " includes water and any right or servitude in or over land or water.