Status: Point in time view as at 10/03/2008.

Changes to legislation: Education (Scotland) Act 1980, Cross Heading: Prosecutions is up to date with all changes known to be in force on or before 02 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)

Education (Scotland) Act 1980

1980 CHAPTER 44

PART II

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

Prosecutions

43   Prosecutions and penalties.

(1) Any person guilty of an offence against section 35, 41 or 42 of this Act shall be liable, on conviction by a court of summary jurisdiction, **[F1to a fine not exceeding level 3 on the standard scale]** or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(2) Proceedings under this section **F2**... may be taken at the instance either of the public prosecutor of the court of summary jurisdiction in which the proceedings are to be taken or of another person authorised by the education authority to institute proceedings on their behalf.

Textual Amendments

F1   Words in s. 43(1) substituted (1.4.1996) by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 10, **Sch. 2 Pt. III**.

F2   Words in s. 43(2) repealed (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 4(b)**; S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I 2009/432, art. 3, schs. 1, 2

44   Powers of Courts in relation to child.

F3(1) . . . .

Status: *Point in time view as at 10/03/2008.*
Changes to legislation: *Education (Scotland) Act 1980, Cross Heading: Prosecutions is up to date with all changes known*
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(2) If the court before which a prosecution is brought for an offence against section 35 of this Act is satisfied that a child has failed without reasonable excuse to attend regularly at school, but does not, in the exercise of the powers conferred upon it by [**F4**section 54(1) of the Children (Scotland) Act 1995, refer the matter to the Principal Reporter**]**, the court may, if the child is still of school age, make an attendance order in respect of the child requiring the parent to cause the child to attend the public school which he has been attending or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child; and subsections (2) and (3) of section 38 and sections 39 to 41 of this Act shall apply with any necessary modifications to an attendance order made by a court under this section as they apply to an attendance order made by an education authority.

Textual Amendments

F3   S. 44(1) repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 28(3)(a), **Sch. 5**; S.I. 1996/3201, **art. 3(7)**.

F4   Words in s. 44(2) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 28(3)(b)**; S.I. 1996/3201, **art. 3(7)**.

45— **F5**
48.

Textual Amendments

F5   Ss. 45–48 repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**

Status:
Point in time view as at 10/03/2008.

Changes to legislation:
Education (Scotland) Act 1980, Cross Heading: Prosecutions is up to date with all changes known to be in force on or before 02 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.