



Education (Scotland) Act 1980

1980 CHAPTER 44

PART II

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

- (1) Subject to the following provisions of this section, an education authority shall have power to grant, on such conditions as may be prescribed, and make payments in pursuance of, bursaries, scholarships or other allowances to persons over school age attending courses of full-time or part-time education (whether held in Scotland or elsewhere) which are not courses of school education or (in the case of courses held outside Scotland) are not courses of education comparable to school education in Scotland.
- (2) Subject to the following provisions of this section, an education authority shall have power, for the purpose of enabling persons to take advantage without hardship to themselves or their parents of the facilities for school education available to them, to grant, on such conditions as may be prescribed, and make payments in pursuance of, allowances for the purpose of defraying in whole or in part—
 - (a) such expenses of persons attending any school as may be expedient to enable them to take full part in the activities of the school;
 - (b) the fees and expenses payable in respect of persons attending schools at which fees are payable;
 - (c) the maintenance expenses of persons over school age who are attending schools.

[^{F1}(2A) In subsection (2) above, references to attending school are to so attending not only where the school is in Scotland, but also where it is in England and Wales or in Northern Ireland (“school education” being construed accordingly).]

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- (3) The Secretary of State may make regulations providing that the powers conferred on an education authority by subsections (1) and (2) above—
- (a) shall be exercised in accordance with such provisions as may be prescribed by or under the regulations; and
 - (b) shall not be exercised in relation to a person who does not fulfil such requirements as to residence in the area of the authority, or as to other matters, as may be specified in the regulations;
- and regulations made under this subsection may contain provision for the determination by the Secretary of State of any question whether any such requirements are fulfilled in any particular case.

Textual Amendments

- F1** S. 49(2A) inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(9)**

Modifications etc. (not altering text)

- C1** S. 49(1) modified (1.8.1995) by S.I. 1995/1739, **reg. 3(1)(a)**.
S. 49(1) restricted (1.8.1995) by S.I. 1995/1739, **reg. 3(1)(b)**.
- C2** S. 49(2) modified (1.8.1995) by S.I. 1995/1739, **reg. 3(1)(a)**.
S. 49(2) restricted (1.8.1995) by S.I. 1995/1739, **reg. 3(1)(b)**.

50 Education of pupils in exceptional circumstances.

- (1) Where in the opinion of an education authority—
- (a) any pupil is, owing to the remoteness of his home or the conditions under which he is living or other exceptional circumstances, unable to receive the full benefit of school education unless special arrangements are made for him, or
 - (b) school education suitable to the age, ability and aptitude of any pupil can best be provided for him at any particular school,^{F2}
 - (c)^{F3}
- the authority [^{F4}, in a case where subsection (3) applies, may and, in any other case, subject to subsection (4) below,] shall, after consultation with the parent^{F5}, make such arrangements of either a temporary or a permanent character as they think best suited to the purpose of enabling that pupil to attend [^{F6}, in any case falling under—
- (i) paragraph (a) of this subsection, an appropriate school; and
 - (ii) paragraph (b) thereof, the particular school.]

[^{F7}(1A) In subsection (1) above, references to an appropriate school and to a particular school are references not only to schools in Scotland but also to schools in England and Wales or in Northern Ireland (“school education” being construed accordingly).]

- (2) The arrangements made under subsection (1) above may include—
- (a) the provision of travelling facilities or the payment of travelling expenses under [^{F8}subsection (1) of section 51 of this Act (for the purposes of this paragraph, any reference in that section to a school being construed as a reference not only to a school in Scotland but also to a school in England and Wales or in Northern Ireland)]; or

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- (b) the accommodation of the pupil at a boarding school ^{F5} or in a hostel, home or other institution; or
- (c) other provision of board and lodging, provided that the education authority shall, so far as practicable, give effect to the wishes of the parent with respect to the religious denomination of the person with whom the pupil will reside; or
- (d) provision for the travelling, board and lodging of teachers.

[^{F9}(3) This subsection applies where—

- (a) the education authority have, in accordance with [^{F10}— (i)]their arrangements as published or otherwise made available under section 28B(1)(a) of this Act [^{F11}(ii) any arrangements made by them under section 23(1A) of this Act; or
- (iii) the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act], proposed to place the pupil in a particular school or in one of a number of schools named by them and have, in connection with that proposal, made or offered to make for the pupil suitable arrangements of the kind referred to in subsection (2) above; but
- (b) in consequence of a placing request, the pupil has been placed by them [^{F12}or another education authority]in a school other than a school referred to in paragraph (a) above.

(4) The duty imposed by subsection (1)(a) or (b) above does not apply where the pupil belongs (in accordance with section 23(3) of this Act) to the area of some other education authority or of a local education authority in England and Wales.]

Textual Amendments

- F2** Word repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**
- F3** S. 50(1)(c) repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c.39, SIF 41:2), s. 82(2), **Sch. 11**
- F4** Words inserted by Education (Scotland) Act 1981 (c.58), **s. 2(2)(a)**
- F5** Words repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**
- F6** Words substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(10)(a)**
- F7** S. 50(1A) inserted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(10)(b)**
- F8** Words substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(10)(c)**
- F9** S. 50(3)(4) inserted by Education (Scotland) Act 1981 (c. 58), **s. 2(2)(b)**
- F10** Words in s. 50(3)(a) inserted (1.4.1996) by 1994 c. 39, **s. 145(2)(a)(i)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**.
- F11** S. 50(3)(a)(i)(ii) inserted (1.4.1996) by 1994 c. 39, **s. 145(2)(a)(ii)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**.
- F12** Words in s. 50(3)(b) inserted (1.4.1996) by 1994 c. 39, **s. 145(2)(b)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**.

51 Provision of transport and other facilities.

(1) An education authority [^{F13}, in a case to which subsection (2A) ^{F14}... below applies, may and, in any other case, subject to subsection (2B) below] shall make such arrangements

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as they consider necessary for the provision of any of the following facilities in respect of pupils attending schools or other educational establishments—

- (a) for their conveyance without charge for the whole or part of the journey between their homes and the schools or other educational establishments which they are attending;
- (b) for making bicycles or other suitable means of transport available to the pupils, or to their parents for the use of the pupils, upon such terms and conditions as may be arranged, or for paying money allowances in lieu thereof;
- (c) for paying the whole or any part, as the authority think fit, of their reasonable travelling expenses,

and any such arrangement may in respect of any pupil make provision for more than one of the facilities specified in the foregoing paragraphs of this subsection.

- (2) Where the requirements of pupils, for the conveyance of whom arrangements have been made by an education authority under subsection (1)(a) above, have been met, it shall be the duty of that authority, where there are any vacant places in any vehicle used for such conveyance, to allow such vacant places to be used ^{F15}... by other pupils to be selected by the authority.

[^{F16}(2AA) An education authority may—

- (a) subject to subsection (2BB) below, charge the parent of a pupil using a vacant place by virtue of subsection (2) above such sum as the authority consider appropriate; or
- (b) allow a vacant place to be so used without charge,

and the authority may make different charges for different cases or different classes of case.

(2BB) An education authority may not charge any sum under subsection (2AA)(a) above unless, having had regard to the financial circumstances of the parent to be charged, the authority consider that the charge can be paid by the parent without undue hardship.]

[^{F17}(2A) This subsection applies where—

- (a) the education authority have, in accordance with [^{F18}—
 - (i)] their arrangements as published or otherwise made available under section 28B(1)(a) of this Act
 - ^{F19}[any arrangements made by them under section 23(1A) of this Act; or
 - (ii)
 - (iii) the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act] , proposed to place the pupil in a particular school or in one of a number of schools named by them and, where the particular or named school is more than walking distance from the pupil's home measured by the nearest available route, they have offered to make for him suitable arrangements of the kind referred to in subsection (1) above under which he would not require to walk more than walking distance, so measured, in the course of any journey between his home and the school; but
- (b) in consequence of a placing request, the pupil has been placed by them [^{F20}or another education authority] in a school other than a school referred to in paragraph (a) above.

In this subsection “walking distance” has the same meaning as in section 42 of this Act.

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^{F21}(2AB)

^{F21}(2AC)

^{F22}[Without prejudice to the generality of subsection (1) above, the duty imposed by that (2AD) subsection applies in cases where a pupil attends a school or educational establishment under the management of another education authority—

- (a) in accordance with any arrangements made by them under section 23(1A) of this Act;
- (b) in accordance with the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act; or
- (c) if at the time when the pupil was placed in that school or educational establishment it was under the management of the education authority for the area to which the pupil belonged, and is under the management of another education authority as a consequence of the establishment of such new local government areas.]

(2B) The duty imposed by subsection (1) above does not apply where the pupil belongs (in accordance with section 23(3) of this Act) to the area of some other education authority or of a local education authority in England and Wales.]

^{F23}[(2C) In considering whether to make any arrangements under subsection (1) above in respect of pupils attending schools, an education authority shall have regard to the safety of such pupils.]

(3) Where as a condition of admission to any educational institution a person is required to attend for examination or interview at a particular place, the education authority may pay the whole or part of the expenses necessarily incurred by that person in respect of such attendance.

[^{F24}(4) In this section “school” does not include a nursery school or a nursery class in a school.]

Textual Amendments

- F13** Words inserted by [Education \(Scotland\) Act 1981 \(c. 58\), s. 2\(3\)\(a\)](#)
- F14** Words in s. 51(1) repealed (31.12.2004) by [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\), s. 61\(2\), sch. 3; S.S.I. 2004/528, art. 2\(b\)](#)
- F15** Words in s. 51(2) repealed (1.4.2003) by [Local Government in Scotland Act 2003 \(asp 1\), ss. 45\(1\), 62\(2\); S.S.I. 2003/134, art. 2\(1\), sch.](#)
- F16** S. 51(2AA)(2BB) inserted (1.4.2003) by [Local Government in Scotland Act 2003 \(asp 1\), ss. 45\(2\), 62\(2\); S.S.I. 2003/134, art. 2\(1\), sch.](#)
- F17** S. 51(2A)(2B) inserted by [Education \(Scotland\) Act 1981 \(c. 58\), s. 2\(3\)\(b\)](#)
- F18** Words in s. 51(2A)(a) inserted (1.4.1996) by [1994 c. 39, s. 145\(3\)\(a\)\(i\)\(A\); S.I. 1996/323, art. 4\(1\)\(a\), Sch. 1.](#)
- F19** S. 51(2A)(a)(ii)(iii) inserted (1.4.1996) by [1994 c. 39, s. 145\(3\)\(a\)\(i\)\(B\); S.I. 1996/323, art. 4\(1\)\(a\), Sch. 1.](#)
- F20** Words in s. 51(2A)(b) inserted (1.4.1996) by [1994 c. 39, s. 145\(3\)\(a\)\(ii\); S.I. 1996/323, art. 4\(1\)\(a\), Sch. 1.](#)
- F21** [S. 51\(2AB\)\(2AC\)](#) repealed (31.12.2004) by [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\), s. 61\(2\), sch. 3; S.S.I. 2004/528, art. 2\(b\)](#)
- F22** S. 51(2AD) inserted (1.4.1996) by [1994 c. 39, s. 145\(3\)\(b\); S.I. 1996/323, art. 4\(1\)\(a\), Sch. 1.](#)

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- F23** S. 51(2C) inserted (18.9.1996) by 1996 c. 43, s. 36, **Sch. 5 para. 2**; S.I. 1996/2250, **art. 2**.
F24 S. 51(4) added (4.3.2002) by 2000 asp 6, s. 37(3); S.S.I. 2002/72, **art. 2(1)(f)**

52 Recovery of cost of board and lodging.

—Where an education authority have provided a pupil with board and lodging, whether at a school, ^{F25} hostel or elsewhere, the authority may, in their discretion, require the parent to pay to them in respect thereof such sums if any not exceeding the cost of such board and lodging as in the opinion of the authority he is able without financial hardship to pay:

Provided that—

- (i) where the board and lodging provided for any pupil were so provided under arrangements made by the authority for any of the reasons specified in section 50(1) of this Act, no sum shall be recoverable in respect thereof under this section; and
- (ii) where the board and lodging have been so provided for a young person ^{F25} under section 13 of this Act, at [^{F26}an] educational establishment, the authority, if satisfied that he is in a financial position to pay the whole or any part of a sum recoverable from his parent under this section, may recover that sum or that part thereof from the young person instead of from the parent.

Textual Amendments

- F25** Words repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**
F26 Word substituted by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 8(11)**

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