



# 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, . . . <sup>F1</sup> 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 [<sup>F2</sup>or of a local education authority in England and Wales].

(2) Where an education authority. . . <sup>F3</sup> have provided school education with or without other services for any pupil belonging to the area of some other authority, the education authority. . . <sup>F3</sup>, 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. . . <sup>F3</sup> 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:

. . . <sup>F4</sup>

(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 [<sup>F5</sup>and sections 1(5)(c) and (d), 28A(1) (as it has effect under Schedule A2 to this Act), 50, 51 and 60 to 65F of this Act] and any such pupil to whom the regulations apply shall be 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:

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Education (Scotland) Act 1980, Section 23 is up to date with all changes known to be in force on or before 15 June 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)*

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) ..... F6

#### **Textual Amendments**

- F1** Words repealed by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(2), **Sch. 11**
- F2** Words inserted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **Sch. 7 para. 5**
- F3** Words repealed by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **Sch. 9**
- F4** Proviso repealed by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **Sch. 9**
- F5** Words inserted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), **Sch. 7 para. 6**
- F6** [S. 23\(5\)–\(7\)](#) repealed by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), s. 67(6), **Sch. 6 Pt. I**

#### **Modifications etc. (not altering text)**

- C1** [S. 23](#) amended by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 29(1)

**Status:**

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