



Education (Scotland) Act 1980

1980 CHAPTER 44

PART I

PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

School education and further education

3 Fees not to be charged in public schools, etc: exceptions.

- (1) Subject to the provisions of subsections (2) to (5) below, school education^{F1} . . . provided by an education authority shall be provided without payment of fees.
- (2) An education authority shall have power to charge fees for school education in some or all of the classes in a limited number of schools under their management.
- (3) An education authority may award to any pupil in a class in which fees are charged by virtue of subsection (2) above a scholarship, by way of remission in whole or in part of the fee, in any case where, having regard to the pupil's ability and aptitude, it appears to the authority proper to do so; but such a pupil shall not be regarded for the purposes of section 11(1)(a) of this Act (provision of free books, etc.) as receiving free education.
- (4) An education authority shall not exercise the power conferred by subsection (2) above except where it may be exercised without prejudice to the adequate provision of free school education for their area whether—
 - (a) at schools under their management, or
 - (b) at other schools by virtue of arrangements made by them with the managers of those schools or, in the case of schools under the management of another education authority, with that authority.
- (5) Where an education authority are providing school education for an outwith-area pupil in a school under their management—
 - (a) in classes in which fees are charged under the provisions of subsection (2) above, the education authority may charge in respect of that pupil, in addition

Status: Point in time view as at 16/05/1992. This version of this provision has been superseded.

Changes to legislation: Education (Scotland) Act 1980, Section 3 is up to date with all changes known to be in force on or before 11 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)

to the fee charged by virtue of that subsection, such extra fee as they think proper,

- (b) in classes in which no fees are charged, the education authority may charge in respect of that pupil such fee as they think proper.

In this subsection “outwith-area pupil” means, in relation to any education authority, a pupil who is not deemed to belong for the purposes of section 23 of this Act to the area of that authority.

- (6) An education authority shall have power to make charges in respect of the use of some or all of—
 - (a) any facilities for ^{F2} . . . further education provided by them,
 - (b) any facilities provided by them under section 1(3) of this Act.

Textual Amendments

F1 Words in s. 3(1) repealed (16.5.1992) by [Further and Higher Education Act 1992 \(c. 37\), s. 62\(3\), Sch.10](#); S.I. 1992/817, art. 3(2), [Sch.1](#)

F2 Word in s. 3(6)(a) repealed (16.5.1992) by [Further and Higher Education Act 1992 \(c. 37\), s. 62\(3\), Sch.10](#); S.I. 1992/817, art. 3(2), [Sch. 1](#)

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