



# Education (Scotland) Act 1962

1962 CHAPTER 47 10 and 11 Eliz 2

An Act to consolidate the enactments relating to education in Scotland. [1st August 1962]

## Modifications etc. (not altering text)

- C1 Act amended by [Sex Discrimination Act 1975 \(c. 65\), ss. 23\(2\), 28](#) and [Race Relations Act 1976 \(c. 74\), s. 19\(1\)](#)
- C2 Any provision relating to the Carnegie Trust not devolved (S.) (*prosp.*): [Scotland Act 1978 \(c. 51\), ss. 63, 83\(1\), Sch. 10 Pt.III](#)
- C3 The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

## PART I

### PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

1—28. ....<sup>F1</sup>

## Textual Amendments

- F1 The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

Status: Point in time view as at 01/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1962. (See end of Document for details)

PART II

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

General Principle

29— ..... F2
66E.

Textual Amendments

F2 The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by Education (Scotland) Act 1980 (c. 44, SIF 41:1), 136(3), Sch. 5

PART III

ADMINISTRATION AND FINANCE

67— ..... F3
101.

Textual Amendments

F3 The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by Education (Scotland) Act 1980 (c. 44, SIF 41:1), 136(3), Sch. 5

PART IV

SUPERANNUATION OF TEACHERS

102— ..... F4
110.

Textual Amendments

F4 The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by Education (Scotland) Act 1980 (c. 44, SIF 41:1), 136(3), Sch. 5

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## PART V

### INDEPENDENT SCHOOLS

111— ..... F5  
116

#### Textual Amendments

- F5** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

## PART VI

### REORGANISATION OF ENDOWMENTS

117— ..... F6  
135.

#### Textual Amendments

- F6** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

## PART VII

### MISCELLANEOUS PROVISIONS

#### *Employment*

#### **136 Children not to be employed in factories, mines, or quarries.**

No child shall be employed—

- (a) in any factory to which the <sup>M1</sup>Factories Act 1961 applies; or
- (b) at any mine or quarry within the meaning of the <sup>M2</sup>Mines and Quarries Act 1954;

and those Acts respectively shall have effect as respects Scotland as if this section, so far as it relates to the subject matter thereof, were incorporated therein.

#### Marginal Citations

- M1** 1961 c. 34.  
**M2** 1954 c. 70.

*Status: Point in time view as at 01/11/1996.*

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**[<sup>F7</sup>137 Power of education authorities to prohibit or restrict employment of children.**

(1) If it appears to an education authority that the employment of a child attending a school under their management is or is likely to be prejudicial to his health or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority shall serve upon the parent and upon any person who is employing him for the time being a notice prohibiting the employment of the child in any employment or imposing such restrictions upon the employment of the child as appear to them to be expedient in the interests of the child:

Provided that if the parent or the employer feels aggrieved by the prohibition or restriction, he may appeal to the Secretary of State, who shall have power to confirm, vary or annul the notice as he thinks fit.

(2) An education authority may, by notice in writing served upon the parent or employer of any child attending a school under their management, require the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being employed in such a manner as to be or to be likely to be prejudicial to his health or to render him unfit to obtain the full benefit of the education provided for him.

(3) Any person who knowingly employs a child in contravention of any prohibition or restriction imposed under subsection (1) of this section, or who fails to comply with the requirements of a notice served under subsection (2) of this section, shall be guilty of an offence against this section, and liable on conviction by a court of summary jurisdiction to a fine not exceeding [<sup>F8</sup>level 3 on the standard scale], or, in the case of a second or subsequent offence, not exceeding [<sup>F8</sup>level 3 on the standard scale].

(4) Subsections (1) and (3) of section thirty-six of the Act of 1937 (which relate to powers of entry for the enforcement of the provisions of Part III of that Act with respect to the employment of children), shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of the said Part III.]

**Textual Amendments**

**F7** S. 137 repealed (*prosp.*) by [Employment of Children Act 1973 \(c. 24\)](#), s. 3(4), [Sch. 2](#).

**F8** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)

**138— Effect of attendance notices on computation of working hours.**

**144.**

**F9**

**Textual Amendments**

**F9** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), [Sch. 5](#)

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## 145 General definitions.

In this Act, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:—

- (1)—(6) . . . <sup>F10</sup>
- (7) “Act of 1937” means the <sup>M3</sup>Children and Young Persons (Scotland) Act 1937, except in Part IV and the Third Schedule;
- (8)—(15C) . . . <sup>F10</sup>
- (16) “Education authority” means [<sup>F11</sup><sup>F12</sup>a [council constituted under section 2 of the Local Government etc. (Scotland) Act 1994],] and “area” in relation to an education authority shall be construed accordingly;
- (17) . . . <sup>F10</sup>
- (18) “Employment” includes employment in any labour exercised by way of trade or for purposes of gain whether the gain be to the child or to the young person or to any other person, and a person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour; and “employ” shall be construed accordingly;
- (19) “Employer” includes a parent who employs his children;
- (19A)—(32) . . . <sup>F10</sup>
- (33) “Parent” includes guardian and any person who is liable to maintain or has [<sup>F13</sup>parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has the care of,]a child or young person;
- (34)—(41B) . . . <sup>F10</sup>
- (42) “School” means an institution for the provision of primary or secondary education or both primary and secondary education being a public school, a grant-aided school or an independent school, and includes a nursery school and a special school; and the expression “school” where used without qualification includes any such school or all such schools as the context may require, but does not include [<sup>F14</sup>an establishment or residential establishment within the meaning of the <sup>M4</sup>Social Work (Scotland) Act 1968];
- (43)—(49) . . . <sup>F10</sup>

### Textual Amendments

- F10** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5
- F11** Words in s. 145(16) substituted (1.4.1996) by virtue of 1994 c. 39, s. 180(1), [Sch. 13](#), para. 58; S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F12** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 11 para. 12](#)
- F13** Words in s. 145(33) substituted (1.11.1996) by 1995 c. 36, s. 105(4), [Sch. 4](#), para. 11; S.I. 1996/2203, [art. 3\(3\)](#), Sch.
- F14** Words substituted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 67\(b\)](#)

### Marginal Citations

- M3** 1937 c. 37.
- M4** 1968 c. 49.

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**146, Interpretation.**

**147.** . . . . . F15

**Textual Amendments**  
**F15** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

**148 Commencement.**

(1) . . . . . F16

(2) The provisions of this Act set forth in the second column of the Ninth Schedule shall respectively come into operation on the days mentioned opposite to them in the third column of the said Schedule, and, where days are to be appointed by the Secretary of State for the coming into operation of any of the said provisions, he may appoint different days for different purposes and different provisions.

**Textual Amendments**  
**F16** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

**Modifications etc. (not altering text)**  
**C4** Power conferred by s. 148(2) not exercised

**149 Citation and extent.**

(1) This Act may be cited as the Education (Scotland) Act 1962.

(2) This Act shall extend to Scotland only.

(3) . . . . . F17

**Textual Amendments**  
**F17** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

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## SCHEDULES

### F18F18 FIRST— EIGHTH SCHEDULE

#### Textual Amendments

**F18** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

F18

### NINTH SCHEDULE

Section 148.

#### POSTPONEMENT OF THE COMMENCEMENT OF CERTAIN PROVISIONS

Serial number	Provision	Day upon which the provision shall come into operation
1—17	...	...
	F19	F19
18	Section one hundred and thirty-six.	Such day as the Secretary of State may by statutory instrument appoint.
19—21	...	...
	F19	F19

#### Textual Amendments

**F19** The whole Act except sections 136 and 137, subsections (7), (16), (18), (19), (33) and (42) of section 145, section 149(1) and (2) and section 148(2) and Schedule 9 so far as they relate to section 136 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:1\)](#), 136(3), Sch. 5

**Status:**

Point in time view as at 01/11/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Scotland) Act 1962.