



Education (Scotland) Act 1980

1980 CHAPTER 44

PART II

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

Duty of parents to provide education for their children

30 Duty of parents to provide education for their children.

[^{F1}(1)] It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.

[^{F2}(2) Section 1 of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (right of child to be provided with school education by, or by virtue of arrangements made by, an education authority) is without prejudice to the choice afforded a parent by subsection (1) above.]

Textual Amendments

- F1** S. 30 renumbered as s. 30(1) (13.10.2000) by 2000 asp 6, s. 60(1), **Sch. 2 para. 3(5)**; S.S.I. 2000/361, art. 3(1)(2), **Sch. Pt. I**
- F2** S. 30(2) added (13.10.2000) by 2000 asp 6, s. 60(1), **Sch. 2 para. 3(5)**; S.S.I. 2000/361, art. 3(1)(2), **Sch. Pt. I**

Modifications etc. (not altering text)

- C1** S. 30(1) restricted (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 16 para. 9(1)(b)** (with ss. 89, 90)

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31 School age.

Subject to sections 32(3) and 33(2) and (4) of this Act, a person is of school age if he has attained the age of five years and has not attained the age of sixteen years.

Modifications etc. (not altering text)

- C2** S. 31 applied (1.11.1996) by 1995 c. 36, s. 93(1); S.I. 1996/2203, art. 3(3), **Sch.**
S. 31 applied (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 10(a)** (which substituted definition in 1961 c. 34, s. 176(1)); S.I. 1996/3201, **art. 3(7)** (Sch. 4 para. 10(a) was repealed (1.9.1997) by 1996 c. 56, s. 582(2), **Sch. 38 Pt. II**).
- C3** S. 31 applied (1.9.1997) by 1996 c. 56, ss. 582(1)(4), 583(2), **Sch. 37 Pt. II para. 135**(substituting the definition of "child" in 1961 c. 34, s. 176(1)), Sch. 40 para. 1 (with ss. 1(4), 561, 562, Sch. 39); S.I. 1997/1623, **art. 2**.
- C4** S. 31 applied (1.11.1998) by 1998 c. 39, s. 55(4) (with s. 36); S.I. 1998/2574, art. 2(1), **Sch. 1**.

32 Dates for commencement of school attendance.

- (1) Subject to subsection (7) below, an education authority shall fix a date or dates (any such fixed date being hereinafter referred to as a "school commencement date") for the commencement of attendance at primary schools in their area; and any such date may be either a calendar date or fixed by reference to the occurrence of a particular annual event.
- (2) Subject to subsection (7) below, an education authority may, under subsection (1) above—
 - (a) fix different school commencement dates for different primary schools in their area;
 - (b) at any time fix a different school commencement date in substitution for any date previously fixed by them under the said subsection (1).
- (3) A child who does not attain the age of five years on a school commencement date shall, for the purposes of section 31 of this Act, be deemed not to have attained that age until the school commencement date next following the fifth anniversary of his birth.
- (4) Subject to subsection (7) below, an education authority shall, in respect of each school commencement date fixed by them under subsection (1) above and applicable to a public primary school, fix the latest following date (any such fixed date being hereinafter referred to as an "appropriate latest date") on or before which a child must attain the age of five years in order to come within the category of children whom the authority consider of sufficient age to commence attendance at a public primary school at that school commencement date.
- (5) Subject to subsection (7) below, an education authority may, under subsection (4) above—
 - (a) where a school commencement date is applicable to more than one public primary school in their area, fix in respect of that school commencement date different appropriate latest dates for those different schools;
 - (b) at any time fix a different appropriate latest date in substitution for any date previously fixed by them under the said subsection (4).
- (6) The education authority shall carry out their duty under section 1 of this Act as if a child who is under school age on a school commencement date, but who will attain

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the age of five years on or before the next following appropriate latest date fixed in respect of the school commencement date, has attained the age of five years on the school commencement date; but nothing in this subsection or in subsection (4) above shall, in respect of a child under school age,—

- (a) impose any duty on his parent; or
- (b) require an education authority to take any action under section 36 or 37 of this Act.

- (7) The period between an appropriate latest date applicable to a school and the next following school commencement date applicable to that school (whether or not the school commencement date is that in respect of which the appropriate latest date is fixed) shall not, except with the approval of the Secretary of State on an application to him by the education authority, exceed six months by more than seven days:

Provided that no such application shall be made, nor approval given, in respect of any such period which commences after 31st December 1979.

- (8) In relation to any child, “school commencement date”—
- (a) in subsection (3) above—
 - (i) means, where the child is a pupil in attendance at a primary school, a school commencement date of that school;
 - (ii) in any other case has the same meaning as in subsection (6) above;
 - (b) in subsection (6) above means a school commencement date of the public primary school to which a child of his religious denomination and from his place of residence would normally be admitted.
- (9) In this section, “primary school” does not include a nursery school or a nursery class.

33 School leaving dates.

- (1) The last day of May (hereinafter referred to as the “summer leaving date”) and the appropriate day in December (hereinafter referred to as the “winter leaving date”) shall be the school leaving dates in each year.
- (2) Subject to subsection (4) below, for the purposes of section 31 of this Act a person shall, if the date of his attaining the age of sixteen years is—
- (a) on or after 1st March but before the next summer leaving date, be deemed not to have attained that age until the summer leaving date;
 - (b) after the summer leaving date but before 1st October next following that date, be deemed to have attained that age on the summer leaving date;
 - (c) on or after 1st October but before the next winter leaving date, be deemed not to have attained that age until the winter leaving date;
 - (d) after the winter leaving date but before 1st March next following that date, be deemed to have attained that age on the winter leaving date.
- (3) In subsection (1) above, “the appropriate day in December” means—
- (a) in the case of a person who is a pupil in attendance at a school, the first day of the Christmas holiday period;
 - (b) in any other case, 21st December,
- and in paragraph (a) of this subsection, “Christmas holiday period” means a period of consecutive days which includes 25th December and in which the school does not meet for the purpose of providing school education.

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(4) F3

Textual Amendments

F3 S. 33(4) repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(2), **Sch. 11**

Modifications etc. (not altering text)

C5 S. 33 applied (1.11.1998) by 1998 c. 39, s. 55(4) (with s. 36); S.I. 1998/2574, art. 2(1), **Sch. 1**.

34 Exemption from school attendance.

- (1) Where after due inquiry an education authority are satisfied that by reason of any circumstances existing at his home it would cause exceptional hardship to require a child over fourteen years of age to attend school, they may grant exemption from the obligation to attend school to enable the said child to give assistance at home upon such conditions, if any, as to the amount and manner of further attendance at school until the child reaches the upper limit of the school age as the authority think fit.
- (2) No exemption granted under subsection (1) above shall extend beyond the date for commencing school attendance next following the date upon which the exemption was granted:

Provided that the authority may if they think fit renew an exemption, so however that the provisions of this section shall apply to such renewal in like manner as they apply to the original grant.
- (3) An exemption granted under this section shall exempt the parent of the child concerned from any prosecution or other proceeding under this Act for neglecting to provide for the education of the said child.
- (4) The education authority shall keep a register of exemptions granted under this section wherein shall be entered the name of each child so exempted and a statement of the circumstances in which and the conditions upon which such exemption was granted.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A(5)(a)(I) words repealed by [2000 asp 6 Sch. 3](#)
- s. 53(3)(b)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53(3)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53ZA inserted by [2016 asp 8 s. 22\(3\)](#)
- s. 54A inserted by [2016 asp 8 s. 23](#)
- s. 98DA inserted by [2016 asp 8 s. 28\(2\)](#)
- s. 99(1A)(g)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)
- s. 99(1A)(h)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)