



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}(2ZA) Before exercising the power conferred by subsection (2)(b) in respect of a person attending an independent school an education authority must have regard to the matter mentioned in section 50A.]

Changes to legislation: *Education (Scotland) Act 1980, Section 49 is up to date with all changes known to be in force on or before 25 April 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) View outstanding changes*

[^{F2}(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).]

(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(2ZA) inserted (4.8.2008) by [Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007 \(asp 15\)](#), [ss. 5\(1\)](#), 11(2); S.S.I. 2008/171, art. 2(2)
- F2** 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\(1\)\(b\)](#).

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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\(3\)](#)