

These notes relate to the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12) which received Royal Assent on 12 November 2004

SCHOOL EDUCATION (MINISTERIAL POWERS AND INDEPENDENT SCHOOLS) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Independent schools

Section 3 – Meaning of “independent school”

20. **Section 3** extends the existing definition of an independent school in section 135(1) of the 1980 Act by removing the words “five or more” where they appear before “pupils”. The definition of an independent school will now read: “a school at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school, a grant-aided school or a self-governing school”. As a result, any establishment meeting these criteria is subject to the legislation governing independent schools, whatever the number of pupils on the school roll.