



Education (Scotland) Act 2016

2016 asp 8

PART 3

MISCELLANEOUS

28 Head teachers: education and training standards

(1) After section 90 of the 1980 Act insert—

“90A Head teachers: education and training standards

- (1) The Scottish Ministers may by regulations under section 2 or 74(1) prescribe that only persons falling within subsection (2) may be appointed by education authorities or managers of grant-aided schools as head teachers of schools.
- (2) A person falls within this subsection if the person has achieved such standards of education and training as may be specified in regulations mentioned in subsection (1).
- (3) Regulations made by virtue of subsections (1) and (2) may—
 - (a) provide for exemptions or exceptions,
 - (b) make different provision for different purposes,
 - (c) make consequential, transitional or transitory provision or savings.”.

(2) After section 98D of the 1980 Act insert—

“98DA Head teachers of independent schools: education and training standards

- (1) The Scottish Ministers may by regulations make provision for or in connection with the standards of education and training to be achieved by persons who are to be appointed as head teachers of independent schools.
- (2) Regulations under subsection (1) may make provision in relation to—
 - (a) a registered school,
 - (b) a school in respect of which an application under section 98A is made.

Status: This is the original version (as it was originally enacted).

- (3) Regulations under subsection (1) may—
- (a) provide for exemptions or exceptions,
 - (b) make different provision for different purposes,
 - (c) make consequential, transitional or transitory provision or savings.”.
- (3) In section 133 of the 1980 Act (regulations, etc.), after subsection (2B) insert—
- “(2BA) Subsection (2) above shall not apply to any regulations under—
- (a) section 2 or 74(1) that make provision such as is mentioned in section 90A, or
 - (b) section 98DA(1);
- and such regulations shall be subject to the affirmative procedure.”.