



# School Boards (Scotland) Act 1988

## 1988 CHAPTER 47

### *School Boards*

#### **2 Composition of Boards**

- (1) A School Board shall consist of—
  - (a) persons (to be known as “parent members”) who are, and who shall be elected by, parents of pupils in attendance at the school;
  - (b) (except in the case of a school which has no staff, as defined in subsection (13) below) persons (to be known as “staff members”) who are, and who shall be elected by, members of the staff of the school; and
  - (c) persons (to be known as “co-opted members”), who shall be co-opted by the Board,in such numbers as shall be prescribed.
- (2) Parent members shall form a majority of every School Board.
- (3) Regulations—
  - (a) shall specify the numbers of parent, staff and co-opted members, and different provision may be made for different schools and for different classes of schools;
  - (b) may specify the dates at which the number of pupils in attendance at a school is to be determined for the purposes of any regulations made under paragraph (a) above;
  - (c) shall specify, in relation to schools in existence at the commencement of section 1 of this Act (except where a decision has been taken, in accordance with section 20(1) of this Act, not to have a School Board), the date by which an education authority shall hold the first elections of parent and staff members to School Boards under this section;
  - (d) may provide for the making by education authorities, within such time as may be prescribed, of arrangements to adjust the composition of School Boards in consequence of variation of regulations made under this section or changes in the circumstances of a school, including—

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*Status: This is the original version (as it was originally enacted).*

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- (i) provision enabling authorities to hold elections or to direct co-options;
  - (ii) provision enabling authorities to direct the early termination of office of any member;
  - (iii) provision enabling authorities to determine the term of office of any person elected or co-opted under such arrangements.
- (4) A person who is eligible for election to a School Board as a staff member shall not be eligible for election to that Board as a parent member.
- (5) A person who is eligible for election to a School Board shall not be eligible for co-option to that Board.
- (6) A person may not be a member of a School Board in more than one capacity (as parent, staff or co-opted member) at any one time.
- (7) Where a school is a denominational school—
  - (a) transferred to the education authority under section 16(1) of the 1980 Act (transference of denominational schools to education authorities); or
  - (b) provided by the authority under section 17(2) of the 1980 Act (which relates, among other things, to the provision by the education authority of denominational schools),one of the co-opted members shall be a person nominated by the church or denominational body in whose interest the school is conducted.
- (8) Elections under this Act shall be held in accordance with Schedule 1 to this Act.
- (9) In relation to schools (including combined schools) which come into existence after the commencement of section 1 of this Act, the first elections under this Act shall (subject to section 20) be held as soon as is practicable after pupils first attend the school.
- (10) A Board shall, as soon as is practicable after their establishment, co-opt members in accordance with subsection (1) above.
- (11) In the event of a lesser number of parent members being elected on any occasion than is necessary to make up the numbers for the time being prescribed under this section, section 20(5) to (7) of this Act shall apply.
- (12) In the event of a lesser number of staff members than is for the time being prescribed being elected on any occasion section 3(6) of this Act shall apply.
- (13) In subsection (1)(b) above, “staff” (in relation to a school) means teachers, and instructors, whether full-time or part-time, employed by the authority for the purpose of providing education at that school, whether or not they are also so employed at other schools, but does not include the headteacher.