



Self-Governing Schools etc. (Scotland) Act 1989

1989 CHAPTER 39

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An Act to make provision as regards the acquisition of self-governing status by certain public schools in Scotland; to make further provision as regards education in Scotland; and for connected purposes. [16th November 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

- C1** Act applied (16. 5. 1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\), s. 36\(3\)](#) (with [s. 30\(2\)](#)); [S.I. 1992/817](#), art. 3(2), [Sch.1](#).

^{F1} PART I S

SELF-GOVERNING SCHOOLS

Textual Amendments

- F1** Pt. I (ss. 1-53) repealed (14.7.2000 for the repeal of ss. 13-22, 24 and 31.12.2004 in so far as not already in force) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), ss. 60(3), 61(2)(c), [sch. 3](#); [S.S.I. 2004/528](#), art. 2(b)

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

Duty to maintain self-governing schools

1 Duty of Secretary of State to maintain self-governing schools. S

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2 Scheme of government. S

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3 The board of management and the articles of constitution. S

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4 Members’ tenure of office. S

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5 Qualification for and disqualification from membership of a board of management. S

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6 Proceedings of board of management. S

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8 Execution of documents. S

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9 Reports and parents’ meetings. S

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10 Rights of parents in relation to individual pupils. S

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11 Fees, charges, books etc. S

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12 Management of denominational schools. S

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13 Initiation of procedure for acquisition of self-governing status. S

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14 Ballot of parents on question of acquisition of self-governing status. S

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15 Fresh ballot. S

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16 Proposals for acquisition of self-governing status. S

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17 Ballot expenses. S

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18 Further provision as regards proposals under section 16. S

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19 Rejection or approval of proposals. S

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20 Transition to self-governing status. S

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21 Effect of pending procedure for acquisition of self-governing status on proposals for alteration etc. of schools. S

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22 Transfer of staff to self-governing schools. S

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23 Further provision as regards teachers in self-governing schools. S

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24 Effect of pending procedure for acquisition of self-governing status on appointment etc. of staff. S

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25 Provision of benefits and services for pupils by education authorities. S

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26 Recurrent grant, capital grants and special purpose grants. S

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27 Recurrent grant in respect of provision for special educational needs. S

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28 Recovery of sums in respect of recurrent grant. S

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29 Extension of, and recovery for education etc. provided under, section 23 of 1980 Act. S

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Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

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30 Change in characteristics of self-governing school. S

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31 Discontinuance by board of management. S

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32 Compensation in respect of denominational schools. S

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Withdrawal of grant

33 Withdrawal of grant by Secretary of State. S

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34 Administrative, professional, technical or other services. S

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35 Functions of school board: application of certain provisions of 1988 Act. S

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36 Transfer of land, moveable property and obligations to board of management. S

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37 Disposal of land by board of management. S

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38 Commissioners for school assets. S

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39 Certificates in respect of land, moveable property etc. S

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40 Transfer of property where no certificate issued. S

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41 Disposal of land or moveable property by education authority prior to incorporation date. S

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42 Reduction of disposals of property by education authority. S

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43 Prevention of disposals of property by education authority. S

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44 Repudiation of agreements made in contravention of section 43. S

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45 Reduction or setting aside of disposals made in contravention of section 43. S

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46 Commissioner for school assets’ right of action for contravention of section 43. S

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47 Removal of property from school by education authority. S

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48 Duty of education authority to provide information. S

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49 Educational endowments. S

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Winding up

50 Winding up orders. S

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51 Disposal of property on winding up. S

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52 Transfer of school for establishment of new school. S

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53 Disposal of surplus money on winding up. S

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PART II S

FURTHER EDUCATION

College Councils

^{F2}**54** **S**

Textual Amendments

F2 S. 54 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

^{F3}**55** **S**

Textual Amendments

F3 S. 55 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

^{F4}**56** **S**

Textual Amendments

F4 S. 56 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

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F⁵57 S

Textual Amendments

F5 S. 57 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

F⁶58 S

Textual Amendments

F6 S. 58 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

F⁷59 S

Textual Amendments

F7 S. 59 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

F⁸60 S

Textual Amendments

F8 S. 60 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

Supply of goods and services

F⁹61 S

Textual Amendments

F9 S. 61 repealed (1. 4. 1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(3), Sch.10; S.I. 1992/817, art. 3(2), Sch.4.

F¹⁰62 S

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Textual Amendments

F10 S. 62 repealed (1. 4. 1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(3), [Sch.10](#); S.I. 1992/817, art. 3(2), [Sch.4](#).

^{F11} **63** 

Textual Amendments

F11 S. 63 repealed (1. 4. 1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(3), [Sch.10](#); S.I. 1992/817, art. 3(2), [Sch.4](#).

Discontinuance of college of further education

^{F12} **64** 

Textual Amendments

F12 S. 64 repealed (1. 4. 1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(3), [Sch.10](#); S.I. 1992/817, art. 3(2), [Sch.4](#).

Formation of companies to manage colleges of further education

^{F13} **65** 

Textual Amendments

F13 S. 65 repealed (1. 4. 1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(3), [Sch.10](#); S.I. 1992/817, art. 3(2), [Sch.4](#).

^{F14} **66** 

Textual Amendments

F14 S. 66 repealed (1. 4. 1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(3), [Sch.10](#); S.I. 1992/817, art. 3(2), [Sch.4](#).

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Pay and conditions of service

67 Abolition of committee to consider pay and conditions of teaching staff employed in providing further education. S

(1) Subject to subsection (2) below, the committee established under section 94 of the 1980 Act (committee to consider pay and conditions of teaching staff employed in providing further education) is abolished, and accordingly sections 94 to 97 of the 1980 Act are repealed.

(2) Where—

(a) an order made under section 92 of the 1980 Act (as originally enacted and not as substituted by the ^{M1}Education (Scotland) Act 1981) relating to the remuneration of teaching staff employed in providing further education; or

(b) a settlement formulated under section 94(1)(b) of the 1980 Act; or

(c) a determination or, as the case may be, an award made under section 97B of the 1980 Act,

is still in force on the date on which this enactment comes into force the order, settlement, determination or award shall, subject to subsection (3) below, remain in force after that date.

(3) Where, after this enactment comes into force—

(a) any group of teaching staff employed in or in connection with the provision of further education in Scotland and those employing them agree, whether expressly or impliedly, to an alteration of the remuneration payable to, or the terms and conditions of employment of, that group of teaching staff; or

(b) any such alteration as is mentioned in paragraph (a) above is arrived at in an agreed manner,

that alteration shall, to the extent that it is concerned with the same matters, supersede any such order, settlement, determination or award as is referred to in paragraph (a), (b) or (c) of subsection (2) above.

Marginal Citations

M1 1981 c. 58.

PART III S

MISCELLANEOUS AND GENERAL

Miscellaneous

68 Technology academies. S

(1) The Secretary of State may enter into an agreement with any person under which—

(a) that person undertakes to establish and maintain, and to carry on, or provide for the carrying on of, an independent school, to be known as a “technology academy”, having such characteristics as are specified in the agreement and in subsection (2) below; and

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- (b) the Secretary of State agrees to make payments to that person in consideration of those undertakings.
- (2) The characteristics mentioned above are that the school—
 - (a) provides secondary education; and
 - (b) has a broad curriculum with an emphasis on science and technology.
- (3) An agreement under this section shall make any payments by the Secretary of State dependent on the fulfilment of—
 - (a) conditions and requirements imposed for the purpose of securing that no fees are payable in respect of school education provided at the school; and
 - (b) such other conditions and requirements with respect to the school as are specified in the agreement.
- (4) Payments under an agreement under this section may be in respect of capital or current expenditure and, in so far as they relate to the latter, the agreement shall provide for their continuance, subject to the fulfilment of the conditions and requirements mentioned in subsection (3) above, for a period of not less than seven years or for an indefinite period terminable by the Secretary of State by not less than seven years written notice.
- (5) Where such payments relate to capital expenditure, the agreement shall provide for the repayment to the Secretary of State, in the event at any time of the school being discontinued or ceasing to have the characteristics specified in the agreement and in subsection (2) above, of sums determined by reference to—
 - (a) the value at that time of the school premises and other assets held for the purposes of the school; and
 - (b) the extent to which expenditure incurred in providing those assets was met by payments under the agreement.
- (6) Without prejudice to subsection (4) above, an agreement under this section may provide for indemnifying a person, in the event of the agreement being terminated by the Secretary of State, for expenditure—
 - (a) incurred by that person in carrying out the undertaking mentioned in subsection (1) above; or
 - (b) incurred by that person (otherwise than by virtue of subsection (5) above) in consequence of the termination of the agreement.
- (7) Where the Secretary of State is satisfied that a person intends to enter into an agreement with him under this section as respects a technology academy he may, in advance of such agreement, and subject to such conditions and requirements as he considers appropriate, make payments to that or any other person in respect of expenditure incurred, or to be incurred, in establishing the academy.

69 Testing in primary schools. **S**

- (1) At the end of section 2 of the 1980 Act (power of Secretary of State to prescribe standards etc. for education authorities) there shall be added the words “and, without prejudice to the generality of the foregoing, such regulations may include provision as to the testing of pupils in primary schools.”.

^{F15}(2)

^{F16}(3)

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Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

Textual Amendments

- F15** S. 69(2) repealed (31.12.2004) by [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); [S.S.I. 2004/528](#), art. 2(b)
- F16** S. 69(3) repealed (18.9.1996) by [1996 c. 43](#), s. 36, [Sch.6](#); [S.I. 1996/2250](#), [art.2](#)

70 Appraisal of teachers. **S**

- (1) The Secretary of State may by regulations require—
- (a) education authorities;
 - ^{F17}(b)
 - (c) managers of grant-aided schools; and
 - ^{F18}(d) the boards of management of colleges of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992,] (in this section referred to as the “employers”) to secure that the performance of members of their teaching staff in carrying out their duties is regularly appraised in accordance with such requirements as may be prescribed.
- (2) Regulations under this section may require the employers to make schemes for the appraisal of the performance of such members of their teaching staff as may be prescribed; and different schemes may be required to be made in respect of different classes of teachers or of teachers in different establishments.
- (3) Subject to regulations made under this section, an employer may at any time vary or replace a scheme made in accordance with those regulations and, if such regulations so require, he shall—
- (a) before making, varying or replacing any such scheme, consult any body representing teaching staff who are to be affected by the scheme as proposed to be made, varied or replaced;
 - (b) before proceeding with appraisal under any such scheme as so made, varied or replaced, submit it to the Secretary of State.
- (4) When a scheme is submitted to him under subsection (3) above, the Secretary of State may—
- (a) approve it; or
 - (b) after consulting the employer concerned, amend it; or
 - (c) reject it, and require the employer to prepare and submit a fresh scheme.
- (5) Before making regulations under this section the Secretary of State shall consult—
- (a) such bodies representing education authorities or teaching staff as appear to him to be concerned; and
 - (b) any other persons with whom consultation appears to him to be desirable.
- (6) With effect from such date as may be prescribed—
- (a) there shall be deemed to be incorporated into the contract of employment of each member of the employers’ teaching staff a provision requiring such a member to participate in any arrangements for the appraisal of staff made in accordance with regulations made under this section; and
 - (b) that contract shall have effect only in so far as consistent with that provision.

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Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

Textual Amendments

- F17** S. 70(1)(b) repealed (31.12.2004) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\), s. 61\(2\), sch. 3](#); S.S.I. 2004/528, art. 2(b)
- F18** S. 70(1)(d) substituted (1. 4. 1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\), s. 62\(2\), Sch. 9 para.11](#); S.I. 1992/817, art. 3(2), [Sch.4](#).

71 **Placing of recorded and other children and young persons in schools outwith Scotland etc.** **S**

(1) In section 28A of the 1980 Act, as substituted by Schedule A2 to that Act (placing requests in respect of recorded children and young persons)—

(a) in subsection (1)—

(i) the words “a special school the managers of which are willing to admit the child” shall be paragraph (a) of the subsection; and

(ii) after that paragraph there shall be inserted the following paragraph—

“(b) a school in England and Wales or in Northern Ireland, the managers of which are willing to admit the child and which is a school making provision wholly or mainly for children (or as the case may be young persons) with pronounced, specific or complex special educational needs;”;

(b) in subsection (2)—

(i) for the words “special schools (other than public schools)” there shall be substituted the words “schools mentioned in paragraph (a) or (b) of subsection (1) above”; and

(ii) for the words “subsection (1) above” there shall be substituted the words “that subsection”; and

(c) in subsection (3)—

(i) in paragraph (d), for the words “special school” there shall be substituted the words “school mentioned in paragraph (a) or (b) of subsection (1) above”; and

(ii) in paragraph (f), for sub-paragraph (ii) there shall be substituted the following sub-paragraphs—

“(ii) the authority are able to make provision for the special educational needs of the child in a school under their management;

(iia) it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the special educational needs of the child in the specified school and in the school under the authority’s management, to place the child in the specified school; and”;

(iii) for the words “to (f)” there shall be substituted the words “to (e)”.

(2) In Part II of the 1980 Act, the following section shall be inserted after section 65F—

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“65G Attendance of certain children and young persons with special educational needs at establishments outwith United Kingdom.

- (1) Without prejudice to sections 49 (power of educational authorities to assist persons to take advantage of educational facilities) and 50 (education of pupils in exceptional circumstances) of this Act, an education authority shall have power to make such arrangements as they think fit to enable a child or young person to whom subsection (2) below applies to attend an establishment (whether or not a school) outwith the United Kingdom if that establishment makes provision wholly or mainly for persons with pronounced, specific or complex special educational needs.
- (2) This subsection applies to a child or young person if he has such needs as are mentioned in subsection (1) above whether or not a record of those needs is kept in respect of him under section 60 of this Act.
- (3) Without prejudice to the generality of subsection (1) above, the arrangements mentioned in that subsection may include defraying, whether wholly or partly—
 - (a) the fees payable for the child’s or young person’s attendance and his travelling, maintenance and other expenses in respect of that attendance; and
 - (b) where in the opinion of the authority it would be to the advantage of the child or young person were one (or both) of his parents, or some other person, to be present with him at the establishment during the period of the attendance, such expenses of, as the case may be, the parent, parents or other person.”.

72 Further amendment of 1980 Act in respect of recorded children. S

- (1) In section 60(2) of the 1980 Act (powers and duties of education authority as regards children and young persons with special educational needs)—
 - (a) in paragraph (a)(i), after the word “age” there shall be added the words “ and are not children in respect of whom the authority is under a duty by virtue of sub-paragraph (ii) of paragraph (b) below ”;
 - (b) in paragraph (b), the words “are of school age” shall be sub-paragraph (i) and after that sub-paragraph there shall be added the word “ ; or ” and the following sub-paragraph—
 - “(ii) have not attained school age but, being at least two years of age, have come to the attention of the authority as having, or appearing to have, special educational needs.”.
- (2) In section 61(1) of that Act (examination and assessment of children and young persons), in paragraph (b), for the words “who is of school age” there shall be substituted the words “ in respect of whom the authority is under a duty under section 60(2) of this Act ”.
- (3) In section 62(3) of that Act (duty to ensure provision made for recorded special educational needs), at the end there shall be added the words “ ; and they shall in any event, as regards each such child belonging to their area as is mentioned in section 60(2)(b)(ii) of this Act, make provision for any special educational needs

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recorded in respect of the child which are not being met by other suitable arrangements”.

73 Educational services: extension of power of Secretary of State to make grants. S

In section 73(d) of the 1980 Act (power of Secretary of State to make grants to persons providing education or educational services other than education authorities, universities and managers of educational establishments)—

- (a) the word “for” shall be inserted before the words “ providing education or educational services ” and shall with those words constitute sub-paragraph (i); and
- (b) after that sub-paragraph there shall be inserted the word “ or ” and the following sub-paragraph—
 - “(ii) in respect of expenditure incurred or to be incurred by them for the purposes of, or in connection with the provision (or proposed provision) of, education or educational services.”.

74 Appointment of teachers. S

After section 87 of the 1980 Act there shall be inserted the following sections—

“87A Appointment of principal teachers.

Where an education authority intend to fill a post, other than on an acting basis, of a principal teacher in a school, they shall advertise the post in such publications circulating throughout Scotland as they consider appropriate.

87B Selection of teachers.

Without prejudice to section 7 of the Local Government and Housing Act 1989 (which provides for the appointment of staff of local authorities to be made on merit) and to any requirement in any other enactment as to the considerations to which they may or may not have regard in making appointments, an education authority who are considering an appointment of a teacher shall not exclude any person from consideration for such an appointment on the ground that—

- (a) he is not employed by that education authority; or
- (b) he is or is not employed by a particular employer or class of employer; or
- (c) he is not currently employed as a teacher.”.

75 Dismissal of teachers. S

Section 88 of the 1980 Act (which makes provision as to the procedure to be carried out by an education authority in dismissing certain registered teachers) shall cease to have effect.

F1976 Remuneration of certain persons employed in providing school education. S

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Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

Textual Amendments

F19 S. 76 repealed (31.12.2004) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); [S.S.I. 2004/528](#), art. 2(b)

77 **Extensions of functions of Commission for Local Authority Accounts in Scotland.** **S**

- (1) If a governing body so requests, the Commission for Local Authority Accounts in Scotland (“the Commission”) may—
 - (a) promote or undertake studies designed to improve the economy, the efficiency, or the effectiveness, of the management or operations of that body;
 - (b) in relation to that body’s accounts in respect of any financial year—
 - (i) give advice as to the appointment of suitable persons; or
 - (ii) arrange for members of the Commission’s staff acceptable to that body,
 to audit those accounts.
- (2) For the purposes of this section “governing body” means—
 - ^{F20}(a)
 - (b) a college council established under section 54 of this Act; or
 - (c) the board of directors of a company formed by an education authority by virtue of section 65 of this Act.
- (3) Where the Commission provide services to a governing body under subsection (1) above they shall charge that governing body such fees as will enable the Commission to recover the whole cost of providing those services.
- (4) The provisions of section 97(3) of the 1973 Act (power of the Secretary of State to give directions to the Commission in relation to the discharge of their functions) shall apply in relation to the functions conferred on the Commission by subsection (1) of this section as they apply in relation to the functions conferred on the Commission by subsection (2) of that section.

Textual Amendments

F20 S. 77(2)(a) repealed (31.12.2004) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); [S.S.I. 2004/528](#), art. 2(b)

General

78 **Orders and regulations.** **S**

- (1) Any power of the Secretary of State to make orders or regulations under this Act (other than under any of the excepted provisions) shall be made by statutory instrument.
- (2) For the purposes of subsection (1) above, the excepted provisions are sections 2(2) and 50(1) and paragraph 1 of Schedule 5.

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- (3) A statutory instrument containing any order or regulations made by the Secretary of State under this Act, other than an order under section 81, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Orders or regulations under this Act may make different provision for different cases or circumstances and may contain such incidental, supplemental or transitional provision as the Secretary of State thinks fit.

79 Expenses. **S**

There shall be defrayed out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

80 Interpretation. **S**

(1) In this Act, unless the context otherwise requires—

“the 1973 Act” means the ^{M2}Local Government (Scotland) Act 1973;

“the 1980 Act” means the ^{M3}Education (Scotland) Act 1980;

“the 1988 Act” means the ^{M4}School Boards (Scotland) Act 1988;

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“education authority”, in relation to a school or college of further education,

means the education authority within whose area the school or, as the case

may be, the college is situated;

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“prescribed” means prescribed by regulations made by the Secretary of

State;

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“technology academy” has the meaning given by section 68(1) of this Act.

- (2) Subject to subsection (1) above, expressions used in this Act and in either the 1980 Act or the 1988 Act (or in both) shall, unless the context otherwise requires, have the same meaning in this Act as in that Act (or those Acts).

Textual Amendments

- F21** Words in s. 80(1) repealed (31.12.2004) by [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); S.S.I. 2004/528, art. 2(b)
- F22** Definition of "college of further education" in s. 80(1) repealed (1. 4. 1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(3), [Sch. 10](#); S.I. 1992/817, art. 3(2), [Sch. 4](#).
- F23** Words in s. 80(1) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Marginal Citations

- M2** 1973 c. 65.
- M3** 1980 c. 44.
- M4** 1988 c. 47.
- M5** 1979 c. 33.
- M6** 1970 c. 35.

81 Commencement. **S**

- (1) The following provisions of this Act shall come into force on the passing of this Act—
Part I;
Part II except section 67;
Part III except sections 69(1) and (2), 70, 72 to 76, and 82(2);
Schedules 1 to 9; and
Schedule 10 except paragraphs 1, 2, 8(7), (9) to (11) and (13) to (21) and 10.
- (2) Schedule 11 and the provisions of Parts II and III and Schedule 10 which are excepted by subsection (1) above shall come into force on such date as the Secretary of State may by order appoint.
- (3) Under subsection (2) above different dates may be appointed in relation to different provisions and for different purposes of the same provision.

Modifications etc. (not altering text)

- C2** Power of appointment conferred by s. 81(2) partly exercised: [S.I. 1990/86, art. 2](#), [1990/1108](#), art. 2; [S.I. 1997/391, art.2](#)

82 Minor and consequential amendments and repeals. **S**

- (1) The enactments mentioned in Schedule 10 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential upon the provisions of this Act.
- (2) The enactments mentioned in Schedule 11 to this Act are repealed to the extent specified in the third column of that Schedule.

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

83 Citation and extent. **S**

This Act—

- (a) may be cited as the Self-Governing Schools etc. (Scotland) Act 1989; and
- (b) extends to Scotland only.

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

SCHEDULES

F²⁴SCHEDULE 1 **S**

Sections 3(2) and 7(9).

Textual Amendments

F24 Sch. 1 repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)

F²⁵SCHEDULE 2 **S**

Section 10.

Textual Amendments

F25 Sch. 2 repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)

F²⁶SCHEDULE 3 **S**

Textual Amendments

F26 Sch. 3 repealed (14.7.2000) by 2000 asp 6, ss. 60(2), 61(2)(c) Sch. 3

F²⁷SCHEDULE 4 **S**

Textual Amendments

F27 Sch. 4 repealed (14.7.2000) by 2000 asp 6, ss. 60(2), 61(2)(c), Sch. 3

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

F28 SCHEDULE 5 S

Textual Amendments

F28 Sch. 5 repealed (14.7.2000) by 2000 asp 6, ss. 60(2), 61(2)(c), Sch. 3

SCHEDULE 6 S

Section 25(3).

PROVISION OF BENEFITS AND SERVICES FOR PUPILS AT SELF-GOVERNING SCHOOLS ETC.

- 1 (1) The 1980 Act shall be amended as follows.
 - (2) In section 51 (provision of transport etc.)—
 - (a) in subsection (1), after the words “(2A)” there shall be inserted the words “ or (2AB) ”;
 - (b) after subsection (2A) there shall be inserted the following subsections—

“(2AB) This subsection applies—

 - (a) where the pupil is in attendance at a self-governing school but lives outwith an area for the time being specified in relation to that school by the Secretary of State by order under this subsection; or
 - (b) where the pupil lives within that area and either—
 - (i) his parent has not applied to the board of management, under paragraph 2(1) of Schedule 2 to the Self-Governing Schools etc. (Scotland) Act 1989, for the pupil’s admission to the school; or
 - (ii) his parent has so applied and they are prepared to admit the pupil, but the pupil is not in such attendance;

and paragraph 8 of the said Schedule 2 shall apply in relation to references in this subsection as that paragraph applies to references in paragraphs 2 to 7 of that Schedule.
 - (2AC) An order under subsection (2AB) above may be revoked, and a new area specified in relation to the school, by a further order under that subsection; but before making any such order, or further order, the Secretary of State shall consult the board of management of the school and the education authority within whose area the school is situated.”.
- (3) In section 54 (education authority’s duty to ensure clothing of pupils at public schools is sufficient etc.)—
 - (a) in subsection (1), after the word “management” there shall be inserted the words “ , or a self-governing school, ”; and
 - (b) in subsection (3), at the end there shall be added the words “ ; or for any pupil who is a boarder at a self-governing school ”.

Status: Point in time view as at 31/12/2004.

Changes to legislation: *There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)*

- (4) In section 55(b) (arrangements for provision of sufficient clothing by education authority for pupils in attendance at schools other than public schools), at the beginning there shall be inserted the words “ except in relation to a school which is a self-governing school, ”.
- (5) In section 57 (health of pupils)—
- (a) in subsection (2), for the words from “inspection”, where it occurs for the second time, to the end there shall be substituted the words—
- “(a) an education authority may require the parent of any pupil in attendance at any school under their management; and
- (b) a board of management of a self-governing school may require the parent of any pupil in attendance at that school,
- to submit the pupil for medical or dental inspection in accordance with arrangements made by the appropriate Health Board in agreement with the authority, or as the case may be board of management; and—
- (i) an education authority may require any young person in attendance at any educational establishment under their management;
- (ii) a board of management of a self-governing school may require any young person in attendance at that school,
- to submit himself for such medical or dental inspection.”;
- and
- (b) in subsection (3), after the word “authority” there shall be inserted the words “ or board of management ”.
- (6) In section 58 (power to ensure cleanliness)—
- (a) in subsection (1)—
- (i) after the word “directions”, where it occurs for the second time, there shall be inserted the words “ , and the board of management of any self-governing school may by notice in writing issued with respect to that school, ”; and
- (ii) after the words “such schools”, where they occur for the second time, there shall be inserted the words “ (or as the case may be at that school) ”;
- (b) in subsection (2), after the word “authority” there shall be inserted the words “ , or in the case of a self-governing school, the board of management, ”;
- (c) in subsection (3), after the word “authority”—
- (i) where it first occurs, there shall be inserted the words—
- “ , or in the case of a self-governing school the board ofmanagement”;
- (ii) where it occurs for the second time, there shall be inserted the words—
- “ , or in the case of a self-governing school any officerappointed by the board of management, ”; and
- (d) in each of subsections (4) and (6), after the word “authority” there shall be inserted the words “ , or as the case may be the board of management ”.

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

- 2 In section 39 of the ^{M7}National Health Service (Scotland) Act 1978 (medical and dental inspection of pupils etc.)—
- (a) in subsection (1), after the word “authority” there shall be inserted the words “ or at any self-governing school ”;
 - (b) in subsection (3), after the word “authority”, where it first occurs, there shall be inserted the words “ and of every board of management ”; and
 - (c) in subsection (4), after the word “authority” there shall be inserted the words “ and of every board of management ”.

Marginal Citations
M7 1978 c. 29.

F29 SCHEDULE 7 **S**

Section 30(4).

Textual Amendments
F29 Schs. 7-9 repealed (31.12.2004) by Standards in Scotland’s Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)

F29 SCHEDULE 8 **S**

Section 36(8).

F29 SCHEDULE 9 **S**

Section 38.

SCHEDULE 10 **S**

Section 82(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Universities (Scotland) Act 1889 (c. 55)

- 1 In subsection (5) of section 5 of the Universities (Scotland) Act 1889 (which relates to the constitution of university courts), for the words “the principal” there shall be substituted the words “ a vice-chairman elected by the Court from among all its members, ”.

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

The Teaching Council (Scotland) Act 1965 (c. 19)

- 2 (1) The Teaching Council (Scotland) Act 1965 shall be amended as follows.
- (2) In subsection (2) of section 6 (which relates to the registration of teachers)—
- (a) after paragraph (b) there shall be inserted the following paragraph—
- “(ba) in the case of a person who is not entitled to be registered under either of the two foregoing paragraphs, he fulfils such requirements as the Secretary of State may by regulations made under this paragraph prescribe; or”; and
- (b) in paragraph (c), for the words “either of the two foregoing paragraphs” there shall be substituted the words “ paragraphs (a) to (ba) above ”.
- (3) After the said subsection (2) there shall be inserted the following subsection—
- “(2A) Before making regulations under subsection (2)(ba) above the Secretary of State shall consult the Council and such organisation as appears to him to be representative of the interests of education authorities.
- (2B) Regulations made by the Secretary of State under subsection (2)(ba) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (4) In subsection (4) of the said section 6—
- (a) in paragraph (a), at the beginning there shall be inserted the words “ subject to subsection (5B) below, ”;
- (b) in paragraph (b), for the words “may be prescribed, with the approval of the Secretary of State,” there shall be substituted the words “ the Council think appropriate ”; and
- (c) for the words “subsection (2)(b)” there shall be substituted the words “ subsection (2)(b) and (ba) ”.
- (5) After subsection (5A) of the said section 6 there shall be inserted the following subsection—
- “(5B) The Council may with the consent of the Secretary of State make rules under subsection (4)(a) above in respect of persons entitled to be registered by virtue of regulations made under subsection (2)(ba) above.”.
- (6) After paragraph 4 of Schedule 1 (which relates to the constitution of the Council) there shall be inserted the following paragraph—
- “4A Where a member of the Council or of any committee of the Council has failed without good cause to attend meetings for a period of at least 6 months and to attend 3 consecutive meetings, the Council may, by a vote taken at a meeting of the Council at which the member has been given an opportunity to be heard, remove him from the Council.”.

The Local Authorities (Goods and Services) Act 1970 (c. 39)

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

Textual Amendments

F30 Sch. 10 para. 3 repealed (31.12.2004) by Standards in Scotland’s Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)

The Tribunals and Inquiries Act 1971 (c. 62)

F31 4

Textual Amendments

F31 Sch. 10 para. 4 repealed (1. 10. 1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch. 4 Pt.I.

The Sex Discrimination Act 1975 (c. 65)

- 5 (1) The Sex Discrimination Act 1975 shall be amended as follows.
- (2) In section 22 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 7 there shall be inserted the following paragraph—

“7A. Self-governing school. Board of management.”.

- (3) In section 25(6)(c)(i) (general duty in public sector of education), for the words “or 7” there shall be substituted the words “ , 7 or 7A ”.
- (4) In section 82(1) (interpretation)—
- (a) after the definition of “associated employer” there shall be inserted the following definition—
- “ “board of management”, in relation to a self-governing school, has the same meaning as in the Education (Scotland) Act 1980;”;
- (b) after the definition of “school education” there shall be inserted the following definition—
- “ “self-governing school” has the same meaning as in the Education (Scotland) Act 1980;”.
- (5) In paragraph 6 of Schedule 2 (transitional exemption orders for educational admissions) for the words “or 7” there shall be substituted the words “ , 7 or 7A ”.

The Race Relations Act 1976 (c. 74)

- 6 (1) The Race Relations Act 1976 shall be amended as follows.
- (2) In section 17 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 7 there shall be inserted the following paragraph—

“7A. Self-governing school. Board of management.”.

F32(3)

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Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)

- (4) In section 78(1) (interpretation)—
- (a) after the definition of “advertisement” there shall be inserted the following definition—
- “board of management”, in relation to a self-governing school, has the same meaning as in the Education (Scotland) Act 1980;”;
- (b) after the definition of “school education” there shall be inserted the following definition—
- “self-governing school” has the same meaning as in the Education (Scotland) Act 1980;”.

Textual Amendments

F32 Sch. 10 para. 6(3) repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2

The Employment Protection (Consolidation) Act 1978 (c. 44)

F337

Textual Amendments

F33 Sch. 10 para. 7 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt.I (with ss. 191-195, 202)

The Education (Scotland) Act 1980 (c. 44)

- 8 (1) The 1980 Act shall be amended as follows.
- (2) In section 1(5) (interpretation), in paragraph (c)—
- (a) after the word “child” there shall be inserted the words “who has attained school age”; and
- (b) at the end there shall be added the words “and in relation to any other child means such educational provision as is appropriate to those needs”.
- (3) In section 8 (religious instruction)—
- (a) in subsection (1), after the word “authorities” there shall be inserted the words “and boards of management of self-governing schools”; and
- (b) in subsection (2), after the words “education authority” there shall be inserted the words “or board of management”.
- (4) In section 9 (conscience clause), for the words “and every grant-aided school” there shall be substituted the words “, every grant-aided school and every self-governing school”.
- (5) In section 10 (safeguards for religious beliefs)—
- (a) after the words “education authority”, where they first occur, there shall be inserted the words “, or at any self-governing school”;
- (b) the words from “of the school,” where they first occur to “establishment, the education authority” shall become paragraph (a), and after that paragraph there shall be inserted the following paragraph—

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- “;
- (b) of the self-governing school, the board of management,”;
- (c) for the words “or other educational establishment”, where they occur for the third time, there shall be substituted the words “, other educational establishment or self-governing school”; and
- (d) at the end there shall be added the words “or, as the case may be, by the board of management”.
- (6) In section 19 (power of Secretary of State to prescribe standards for premises etc.)—
- (a) in subsection (1), after the word “authorities” there shall be inserted the words “or to the premises and equipment of self-governing schools”;
- (b) in subsection (2)—
- (i) the words from “of an education authority” to “that establishment” shall be paragraph (a), and after that paragraph there shall be inserted the following paragraph—
- “(b) of the board of management of a self-governing school to secure that the premises and equipment of the school conform to the standards and requirements applicable to that school”; and
- (ii) after the words “their management” where they occur for the second time there shall be inserted the words “, or as the case may be of the self-governing school,”; and
- (c) in subsection (3)—
- (i) after the words “education authority” there shall be inserted the words “, or of any self-governing school,”;
- (ii) after the word “establishment” where it occurs for the second time there shall be inserted the words “or school”;
- (iii) after the words “the authority”, where they first occur, there shall be inserted the words “or as the case may be with the board of management”; and
- (iv) for the words “the authority”, where they occur for the second time, there shall be substituted the words “that authority or board”.
- (7) In section 21 (management of denominational schools), in subsection (2)—
- (a) at the beginning there shall be inserted the words “Subject to subsections (2A) and (2C) below,”;
- (b) for the words “Provided that—
- (i) all teachers appointed to”
- there shall be substituted the words—
- “(2A) A teacher appointed to any post on”;
- (c) the words “in every case be teachers who” shall cease to have effect;
- (d) for the word “are” there shall be substituted the words “shall require to be”;
- (e) for the word “their” there shall be substituted the word “his”; and
- (f) for the word “(ii)” there shall be substituted the words—
- “(2B) Where the said representatives of a church or denominational body refuse to give the approval mentioned in subsection (2A) above they shall state their reasons for such refusal in writing.

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(2C)”.

- (8) In section 48A(5) (abolition of corporal punishment: interpretation), in paragraph (a) (i), after the word “public” there shall be inserted the words “, or self-governing,”.
- (9) In section 49 (power of education authorities to assist persons to take advantage of educational facilities), after subsection (2) there shall be inserted the following subsection—
- “(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).”.
- (10) In section 50 (education of pupils in exceptional circumstances)—
- (a) in subsection (1), for the words “an appropriate school or college” there shall be substituted the words—
- “, in any case falling under—
- (i) paragraph (a) of this subsection, an appropriate school; and
- (ii) paragraph (b) thereof, the particular school.”;
- (b) after subsection (1) there shall be inserted the following subsection—
- “(1A) In subsection (1) above, references to an appropriate school and to a particular school are references not only to schools in Scotland but also to schools in England and Wales or in Northern Ireland (“school education” being construed accordingly).”; and
- (c) in subsection (2)(a), for the words “section 51 of this Act” there shall be substituted the words “subsection (1) of section 51 of this Act (for the purposes of this paragraph, any reference in that section to a school being construed as a reference not only to a school in Scotland but also to a school in England and Wales or in Northern Ireland)”.
- (11) In section 52 (recovery of the cost of board and lodging), for the word “another” there shall be substituted the word “an”.
- (12) In section 53 (provision of school meals), after subsection (3) there shall be inserted the following subsection—
- “(3A) Subsections (1) to (3) above apply in relation to pupils in attendance at a self-governing school and the board of management of that school as they apply in relation to pupils in attendance at a public school and the education authority under whose management the public school is.”.
- (13) In section 58 (power to ensure cleanliness), for the words “a junior college or other” there shall be substituted the word “an”.
- (14) In section 66(1) (inspection of educational establishments)—
- (a) for the words “educational establishment being a school or junior college” there shall be substituted the word “school”; and
- (b) for the words “such school or junior college” there shall be substituted the word “school”.

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- (15) In section 67 (local inquiries), after the words “under this Act” there shall be inserted the words “or under any other enactment relating to education”.
- (16) In section 68 (power to require submission to medical examination), for the words “a junior college or other” there shall be substituted the word “another”.
- (17) In section 74 (payment of grants to be subject to conditions), in subsection (1)—
- (a) after the words “prescribed in” there shall be inserted the words “or determined by him under”; and
 - (b) after the words “specified in” there shall be inserted the words “or determined by him under”.
- (18) In section 86 (admissibility of documents), for the words “(e) or (f)” there shall be substituted the words “or (e)”.
- ^{F34}(19)
- ^{F35}(20)
- (21) In section 123 (work experience in last year of compulsory schooling)—
- (a) in subsection (1)—
 - (i) for the words “in his last year of compulsory schooling” there shall be substituted the words “to whom this subsection applies”; and
 - (ii) after the word “authority” there shall be inserted the words “(where the child is in attendance at a school under the management of that authority) or by the board of management of a self-governing school (where the child is in attendance at that self-governing school)”; and
 - (b) for subsection (4) there shall be substituted the following subsection—

“(4) Subsection (1) above applies to a child undergoing compulsory education during the period between 1st May in the calendar year before the calendar year in which he attains the upper limit of school age and the end of the latter year.”.
- (22) In section 135(1) of that Act (interpretation)—
- (a) after the definition of “attendance order” there shall be inserted the following definition—

“ “board of management”, in relation to a self-governing school means a board incorporated under section 19(2) of the Self-Governing Schools etc. (Scotland) Act 1989;”;
 - (b) in the definition of “grant-aided school”, at the end, there shall be added the words “, a self-governing school or a technology academy (within the meaning of the Self-Governing Schools etc. (Scotland) Act 1989)”;
 - (c) in the definition of “independent school”, for the words “or a grant-aided school” there shall be substituted the words “, a grant-aided school or a self-governing school”;
 - (d) in the definition of “school”, after the words “grant-aided school” there shall be inserted the words “, a self-governing school”;
 - (e) after the definition of “school age” there shall be inserted the following definition—

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- “school board” has the meaning assigned to it by section 1 of the School Boards (Scotland) Act 1988;” and
- (f) after the definition of “school education” there shall be inserted the following definition—
- “self-governing school” has the meaning given by section 1(3) of the Self-Governing Schools etc. (Scotland) Act 1989;”.

Textual Amendments

- F34** Sch. 10 para. 8(19) repealed (31.12.2004) by Standards in Scotland’s Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)
- F35** Sch. 10 para. 8(20) repealed (31.12.2004) by Standards in Scotland’s Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)

The Representation of the People Act 1983 (c. 2)

- 9 In paragraph 6 of Schedule 5 to the Representation of the People Act 1983 (arrangements for use of school room for parliamentary election meetings), after sub-paragraph (a) there shall be inserted the following sub-paragraph—
- “(aa) for any reference to a grant maintained school and its governing body substitute a reference to a self-governing school and its board of management (within the meaning of the Education ((Scotland) Act 1980);”.

The School Boards (Scotland) Act 1988 (c. 47)

- 10 In paragraph 5 of Schedule 2 to the School Boards (Scotland) Act 1988 (appointment committees), after sub-paragraph (a) there shall be inserted the following sub-paragraph—
- “(aa) in respect of the performance of his duties as a member of an appointment committee, a person—
- (i) shall not, under or by virtue of that Act, be entitled to receive any allowance or expenses;
- (ii) shall be entitled to receive under this sub-paragraph from the education authority such allowances and expenses as may be determined by the Secretary of State;”.

SCHEDULE 11 **S**

Section 82(2).

REPEALS

1973 c. 65.

Local Government (Scotland) Act 1973. Section 125.

In section 126, the words “(as read with section 125(4) of this Act)—(a)”; the words “or of any college council

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		appointed by that authority”; paragraph (b); and the proviso to paragraph (b).
		In Schedule 10, in paragraphs 1 and 2 the words “a college council”; and in paragraph 4 the words “college council”.
1978 c. 29.	National Health Service (Scotland) Act 1978.	In section 39(1), the words “junior college or”.
1980 c. 44.	Education (Scotland) Act 1980.	Section 1(5)(b)(i).
		In section 7(7)(d) the words “either as part of a junior college or”.
		In section 10, the words “, junior college” in each of the three places where they occur.
		In section 11(1)(a) the words “or junior colleges”.
		In section 11(2)(a), the words “junior college” and “college”.
		In section 12(1), the words “junior colleges”.
		In section 17(1), the words “junior colleges”.
		In section 17(3), the words “junior college”.
		In section 17(4), the words “junior colleges”.
		In section 21(2), the words “in every case be teachers who”.
		In section 23(1), the words “junior college”.
		Section 33(4).
		Sections 45 to 48.
		In section 50(1), in paragraph (b), the word “or”; paragraph (c); and the words from “and, in any case” to “the pupil”.

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In section 50(2)(b), the words “or at a junior college where boarding is provided”.

In section 52, the words “junior college or” and the words “in voluntary attendance at a junior college or”.

In section 57(4), the words “junior college”.

In section 58(1), the words “junior colleges”, “colleges” and “colleges or”.

In section 58(5), the words “junior college” where they first appear.

In section 58(6), the words “junior college”; and the word “college” in both other places where it occurs.

In section 71(3), the words “junior colleges”.

In section 86(c), the words “or junior college” and “or college”.

Section 86(f).

Section 88.

Sections 94 to 97.

In section 97A, paragraph (b) of subsection (2).

In section 97B(2), the words “or, as the case may be, section 95(1)”.

In paragraph (a) of section 97C, the words “(i)” and “or”, and subparagraph (ii).

Section 124.

In section 135(1), in paragraph (i) of the definition of “educational establishment”, the words “, a junior college”, “other” and “junior college”; in paragraph (ii) of that

Status: Point in time view as at 31/12/2004.

Changes to legislation: *There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)*

definition the words “or junior colleges”; and the definition of “junior college”.

In Schedule 6, paragraphs 1 to 15.

Status:

Point in time view as at 31/12/2004.

Changes to legislation:

There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989.