

Status: Point in time view as at 01/02/1991.

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

SCHEDULE 1 **S**

Sections 3(2) and 7(9).

THE SCHEME OF GOVERNMENT

PART I **S**

ARTICLES OF CONSTITUTION

Denominational schools

- 1 The articles of constitution shall, in the case of a denominational school, provide for one of the appointed members to be nominated by the church or denominational body in whose interest the school is managed.

Initial provision as regards membership

- 2 The articles of constitution shall specify the membership of the board; so however that the first such specification in respect of the board shall require that—
- (a) the parent members first elected shall be of greater number than had the school board on the relevant date;
 - (b) the staff members first elected shall be of the same number as had the school board on that date; and
 - (c) the appointed members (“appointed” not including persons deemed appointed by virtue of paragraph 1(2) of Schedule 4 to this Act) shall be of greater number than had the school board of co-opted members on that date.

- 3 In paragraph 2 above the reference to the relevant date is to the date immediately preceding the incorporation date; and for the purposes of that paragraph numbers shall be determined as if any vacancy in the membership of the school board were filled.

Parental majority

- 4 The articles of constitution shall, without prejudice to paragraph 1(2) of Schedule 4 to this Act, provide that the number of parent members shall constitute an overall majority of the total number of members of the board of management.

Eligibility

- 5 The articles of constitution for a school shall provide that—
- (a) a person who is eligible for election to a board of management as a staff member shall not be eligible for election as a parent member of that board;
 - (b) a person who is eligible for election to the board of management shall not be eligible for appointment to the board; and

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- (c) a retiring member of a board of management shall not be disqualified, by reason only of such retirement, from further election, or appointment, to the board.

Resignation and removal

6 Subject to paragraph 7 below, the articles of constitution for a school shall provide that—

- (a) a member of a board of management may resign office at any time by giving written notice to the board if after the resignation there will remain in office not less than three members of the board;
- (b) a board of management —
- (i) may terminate the membership of any member who they are satisfied is unable to carry out his duties because of his physical or mental illness or incapacity;
 - (ii) may terminate the membership of any member who they are satisfied has failed, without good cause, to attend meetings held by the board during a continuous period of at least six months if within the period there were three consecutive meetings which he did not attend; and
 - (iii) subject to paragraph 7 below, shall terminate the membership of any member who they are satisfied is either a parent member who has ceased to have a child (whether or not over school age) in attendance at the school or a staff member who has ceased to be a member of staff of the school.

7 No provision shall be made under paragraph 6(b)(iii) above in relation to any person the unexpired period of whose term of office is less than two years.

Proceedings

8 The articles of constitution for a school may make provision as to the meetings and proceedings of the board of management.

9 The provision that may be made by virtue of paragraph 8 above includes in particular provision—

- (a) as to the election of a chairman and vice-chairman;
- (b) as to the establishment, constitution, meetings and proceedings of committees;
- (c) for the delegation of functions of the board of management in such circumstances as may be specified in the articles of constitution to committees established by the board or to any member of the board;
- (d) as to the procedure (including any quorum) when business is transacted by members of a particular category; and
- (e) as to the procedure for the election of members of the board of management and for the determination of any question arising in connection with, or matters relating to, any such elections;

and the provision mentioned in sub-paragraph (b) above may provide for a committee to include persons who are not members of the board of management.

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Allowances to members

- 10 The board of management of a school may be empowered by the articles of constitution to pay to their members and to such other persons as are, by virtue of paragraph 9 above, members of a committee established by virtue of subparagraph (b) of that paragraph, such travelling, subsistence or other allowances as may be determined in accordance with a scheme made by the board and approved by the Secretary of State.
- 11 Any scheme made under paragraph 10 above may be varied or revoked by a subsequent scheme so made.

Saving

- 12 Nothing in the foregoing provisions of this Schedule prejudices the generality of section 2 of this Act.

PART II S

ARTICLES OF MANAGEMENT

- 1 The articles of management for a school may include provision as to the establishment, by the board of management, of committees or other bodies of persons for the purpose of, or in connection with the performance in relation to the school of, such functions as may be determined by or under those articles.
- 2 Without prejudice to the generality of section 2 of this Act, the articles of management shall contain a description such as is required by section 16(4) of this Act (but shall, on any change being made in accordance with section 30 of this Act as respects the school, be amended accordingly) and shall include provision—
- (a) that the board of management shall so exercise their functions as to ensure that the school continues to conform to the description for the time being so contained;
 - (b) subject to paragraphs 2 to 8 of Schedule 2 to this Act, with respect to arrangements for appeals, in such circumstances as may be provided by the articles of management, to an appeal committee constituted in accordance with those articles against any decision or action taken by the board of management, or by any persons authorised under those articles to take any decision or action of the kind in question, in relation to—
 - (i) the admission of pupils to the school; or
 - (ii) the exclusion of any pupil from the school.
 - (c) subject to the said paragraphs 2 to 8, requiring the board of management to publish, for each school year, particulars of—
 - (i) the arrangements for the admission of pupils to the school; and
 - (ii) the procedures applicable under the articles of management and any further arrangements made by them in respect of appeals by parents against any such decision or action as is mentioned in subparagraph (b) above in relation to the admission of pupils to the school;
 - (d) with respect to disciplinary rules and procedures applicable to members of the staff of the school and procedures for affording to them opportunities for seeking redress of any grievances relating to their employment; and

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- (e) with respect to arrangements—
- (i) for affording to any member of the staff an opportunity of making representations with respect to any proposal to dismiss him by the board of management or any persons authorised under the articles of management to dismiss him, including (if he so wishes) oral representations to such person or persons as may be appointed for the purpose;
 - (ii) for requiring the board of management or any such persons to have regard to any representations made by him before taking any decision to dismiss him; and
 - (iii) for affording to any member of staff whom it has been decided to dismiss an opportunity of appealing against that decision before any action is taken to implement it.

SCHEDULE 2 S

Section 10.

RIGHTS OF PARENTS IN RELATION TO INDIVIDUAL PUPILS

General principle

- 1 The board of management of a self-governing school shall, in the exercise of their powers and duties under this Act, have regard to the general principle that, so far as is compatible with—
- (a) the scheme of government of the school;
 - (b) the provision of suitable instruction and training; and
 - (c) the avoidance of unreasonable public expenditure,
- pupils at the school are to be educated in accordance with the wishes of their parents.

Specific Duties

- 2 (1) Where the parent of a child makes a written application to the board of management of a self-governing school for the child's admission to that school, the board shall, subject to sub-paragraph (2) below, admit the child accordingly.
- (2) The duty imposed by sub-paragraph (1) above does not apply—
- (a) if admitting the child to the school would—
 - (i) make it necessary for the board to take an additional teacher into employment;
 - (ii) give rise to significant expenditure on extending or otherwise altering the accommodation at, or facilities provided in connection with, the school;
 - (iii) be seriously detrimental to the continuity of the child's education; or
 - (iv) be likely to be seriously detrimental to order and discipline in the school or the educational well-being of the pupils there;
 - (b) if the education normally provided at the school is not suited to the age, ability or aptitude of the child;
 - (c) if the board have already required the child to discontinue his attendance at the school;

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- (d) if, where the school is a special school, the child does not have special educational needs requiring the education or special facilities normally provided at that school; or
 - (e) if the school is a single sex school (within the meaning given to that expression by section 26 of the ^{M1}Sex Discrimination Act 1975) and the child is not of the sex admitted, or taken to be admitted, to the school;
- but the board may admit a child to the school notwithstanding heads (a) to (e) above.
- (3) The board shall inform the parent in writing of their decision on his application and, where they decide to refuse admission, shall give him written reasons for their decision and inform him of his right to refer it, under paragraph 3 of this Schedule, to an appeal committee.

Marginal Citations

M1 1975 c. 65.

Appeals

- 3 (1) Subject to sub-paragraph (2) below, a parent who has made an application under paragraph 2(1) above may refer a decision of a board refusing the application to the appeal committee constituted for the school under the articles of management.
- (2) Where a reference under this paragraph has been made in respect of a child, no further such reference in respect of the child shall be competent during the period of twelve months beginning with the day on which the immediately preceding such reference was lodged.
- (3) A reference under this paragraph shall be lodged with the appeal committee within 28 days after the receipt by the parent of the decision of the board (which, if posted, shall, unless the contrary is proved, be presumed to have been received on the day after the date on which it was posted except that a decision posted on a Friday or Saturday shall, unless the contrary is proved, be presumed to have been received on the Monday next following); but the committee shall, on good cause being shown, have power to hear such a reference notwithstanding that it was not lodged within that time.
- 4 An appeal committee shall be constituted, in accordance with the articles of management, for each self-governing school and shall consist both of persons who are, and of persons who are not, members of the board of management.
- 5 (1) An appeal committee may, on a reference under paragraph 3 of this Schedule, confirm the decision of a board of management if satisfied—
- (a) that one or more of the grounds of refusal specified in paragraph 2(2) of this Schedule exists or exist; and
 - (b) that, in all the circumstances, it is appropriate to do so,
- but otherwise shall refuse to confirm the board's decision and shall, where they so refuse, require the board to admit the child.
- (2) An appeal committee shall notify their decision under this paragraph, and the reasons for the decision, in writing to the parent who made the reference and to the board; and, where they confirm the board's decision, they shall inform the parent of his right of appeal to the sheriff under paragraph 6 of this Schedule.

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- (3) Where a decision of an appeal committee under this paragraph is inconsistent with any decision of the board refusing an application for admission in respect of another child at the same time, the other child being at the same yearly stage of school education, the board shall review their decision as regards the other child and shall inform the parent of that child, in writing, of their decision upon that review and the reasons for such decision.
- (4) The decision of a board upon a review under sub-paragraph (3) above not to reverse their decision to refuse the application in respect of the other child may be referred to an appeal committee by the parent of the other child as if the decision upon the review were a decision to refuse the application; and the provisions of this Schedule relating to references of decisions upon such applications, and appeals from such decisions, shall apply accordingly.
- 6 (1) A parent who has made a reference under paragraph 3 of this Schedule may appeal to the sheriff having jurisdiction where the school is situated against the decision of an appeal committee on that reference.
- (2) The board of management may, but the appeal committee shall not, be a party to an appeal under this paragraph.
- (3) An appeal under this paragraph—
- (a) shall be made by way of summary application;
 - (b) shall be lodged with the sheriff clerk within 28 days after the date of receipt of the decision of the appeal committee (which, if posted, shall, unless the contrary is proved, be presumed to have been received on the day after the date on which it was posted, except that a decision posted on a Friday or Saturday shall, unless the contrary is proved, be presumed to have been received on the Monday next following); and
 - (c) shall be heard in chambers.
- (4) On good cause being shown, the sheriff may hear an appeal under this paragraph notwithstanding that it was not lodged within the time mentioned in sub-paragraph (3) above.
- (5) The sheriff may on an appeal under this paragraph confirm the board's decision if he is satisfied—
- (a) that one or more of the grounds of refusal specified in paragraph 2(2) of this Schedule exists or exist; and
 - (b) that, in all the circumstances, it is appropriate to do so,
- but shall otherwise refuse to confirm their decision and shall, where he so refuses, require the board to admit the child.
- (6) Sub-paragraphs (3) and (4) of paragraph 5 of this Schedule shall apply in relation to a judgment on an appeal under this paragraph as they apply in relation to a decision under that paragraph.
- (7) The sheriff may make such order as to the expenses of an appeal under this paragraph as he thinks proper.
- (8) The judgment of the sheriff on an appeal under this paragraph shall be final.
- 7 (1) Where the board of management of a self-governing school decide to exclude a pupil from the school (whether or not until stipulated conditions are complied with), the

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parent of the pupil may refer the decision to the appeal committee constituted by virtue of paragraph 4 of this Schedule.

- (2) An appeal committee may, on a reference under this paragraph, confirm or annul the decision of the board and, in confirming a decision to exclude a pupil until conditions are complied with, the committee may modify the conditions.
- (3) The decision of an appeal committee on a reference under this paragraph, and the reasons for that decision, shall be notified by the committee in writing to the parent and to the board.
- (4) A decision of an appeal committee, on a reference under this paragraph, annulling a decision of a board or modifying the conditions subject to which the board have excluded a pupil from a school shall be complied with by the board.
- (5) The decision of an appeal committee confirming a board's decision to exclude a pupil or modifying conditions under sub-paragraph (2) above may be appealed against by the parent of the pupil to the sheriff having jurisdiction where the school from which the pupil has been excluded is situated; and sub-paragraphs (2), (3), (4), (7) and (8) of paragraph 6 of this Schedule shall apply to an appeal under this sub-paragraph as they apply to an appeal under that paragraph.
- (6) The sheriff may, on an appeal under sub-paragraph (5) above, confirm or annul the decision of the board excluding the pupil and, in confirming a decision excluding the pupil until certain stipulated conditions are complied with, he may modify the conditions.

Application to young persons

- 8 Paragraphs 2 to 7 of this Schedule shall apply in relation to a young person as if references in those paragraphs to the parent of a child were references to the young person.

SCHEDULE 3 **S**

Section 14(4).

ARRANGEMENTS IN RESPECT OF BALLOT OF PARENTS REGARDING ACQUISITION OF SELF-GOVERNING STATUS

- 1 The school board shall secure that all necessary arrangements for the ballot are made by such body as may be prescribed (in this Schedule referred to as “the prescribed body”).
- 2 The arrangements, and the exercise by the school board of any functions in relation to the ballot, shall accord with such guidance as the Secretary of State may from time to time publish for the purposes of this Schedule.
- 3 The ballot shall be a secret postal ballot of all parents of pupils for the time being in attendance at the school and any question as to whether a person is such a parent shall be determined by the school board; but on being requested to do so by the school

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board the education authority shall, for the purposes of the ballot, provide the board with a copy of the current list maintained by the authority, in respect of the school, under paragraph 6 of Schedule 1 to the 1988 Act (list of names of parents of pupils in attendance).

- 4 It shall be the duty of the school board to secure that the prescribed body take such steps as are reasonably practicable to ensure that each person who is eligible to vote in the ballot is—
- (a) without prejudice to sub-paragraph (b) below, given such information about the consequence for the school of acquisition of self-governing status as may reasonably be expected to enable him to form a proper judgment as to whether such status should be sought for the school;
 - (b) given such information, including (without prejudice to the generality of this sub-paragraph) information—
 - (i) about the ballot and about the procedure for the acquisition of self-governing status; and
 - (ii) in the case of a ballot held by virtue of section 15 of this Act, an explanation (which in the case of a ballot required by a notice under subsection (1) of that section shall repeat the reasons given in the notice by the Secretary of State for declaring the earlier ballot void) as to why a fresh ballot is to be held,
 as may be prescribed;
 - (c) informed that he is entitled to vote in the ballot; and
 - (d) given an opportunity to do so by being provided timeously with a ballot paper which sets out the question as to whether such status should be sought for the school and invites him to vote “yes” or “no” to that question.
- 5 Before the ballot the school board shall make available, for inspection (at all reasonable times and free of charge), to every person employed to work at the school a document containing the information given under paragraph 4(a) and (b) above.
- 6 Subject to section 14 of this Act, and to the foregoing provisions of this Schedule, the arrangements shall be such as the school board think fit.

SCHEDULE 4 S

Section 19(3).

INTERIM BOARD OF MANAGEMENT

- 1 (1) An interim board of management of a self-governing school shall be constituted, under section 19(2) of this Act, in accordance with the following provisions of this paragraph.
- (2) The members of the school board who are—
- (a) parent members shall become parent members of the interim board of management;

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- (b) staff members shall become staff members of the interim board of management;
 - (c) co-opted members shall become members of the interim board of management, being deemed appointed members thereof.
- 2 A person who is a member of a board of management by virtue of paragraph 1 above shall hold office until the interim board of management is succeeded by the first board of management to which members are elected, regardless of whether any period which, but for the operation of section 19(4) of this Act, would have remained of his term of office as a member of the school board, expires before the date of the relevant election.
- 3 An interim board of management shall cease to exist on the fulfilment of their duty under section 3(3) of this Act and shall thereupon be succeeded as board of management by the parent members and staff members to whose election that duty related, together with the person who is for the time being the head teacher of the school.

SCHEDULE 5 **S**

Section 20.

TRANSITION OF ELIGIBLE SCHOOLS TO SELF-GOVERNING STATUS

- 1 Where under section 19(1)(b) of this Act the Secretary of State approves proposals for acquisition of self-governing status in respect of any school he may, by an order or orders made at any time on or after such approval and before the incorporation date in relation to the school, make such provision as he considers appropriate in connection with the school's transition to self-governing status and the impending transfer of responsibility for the conduct of the school to the board of management.
- 2 The provision that may be made by an order under paragraph 1 above includes in particular provision—
- (a) for the exercise by the school board in relation to the school, in such circumstances and in such manner and subject to such conditions as may be specified in the order, of any power so specified corresponding to any of the powers that would by virtue of section 7 of this Act be exercisable by the board of management of the school on that board's incorporation, including in particular power—
 - (i) to appoint members of staff to take up employment on or after the incorporation date;
 - (ii) to enter into contracts for the purpose of, or in connection with, the conduct of the school on or after that date; and
 - (iii) to determine the arrangements for admission of pupils to the school that are to apply in the first school year beginning on or after that date;
 - (b) excluding or modifying any powers of the education authority in relation to any matter to which any power exercisable by the school board in

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- accordance with any provision made by virtue of sub-paragraph (a) above applies;
- (c) for—
- (i) requiring the school board to be consulted before the education authority exercise in relation to the school any function of a description specified in the order or take in relation to the school any action of a description so specified; or
 - (ii) requiring or enabling the school board to participate in the exercise in relation to the school of any such function or in the taking in relation to the school of any such action,
- in such circumstances and in such manner as may be so specified;
- (d) with respect to the proceedings of the school board and the authentication of their actions (including the making or issue of any instrument by them or on their behalf); and
- (e) that without prejudice to the generality of section 10(1)(a) of the 1988 Act (information and reports) and even in so far as that section might not otherwise compel compliance, the education authority shall provide the school board with such information as the board may reasonably request under that section in respect of—
- (i) the administration of the school;
 - (ii) the fabric of the school;
 - (iii) the staff employed at the school;
 - (iv) the pupils in attendance at the school; and
 - (v) other children and young persons who would be expected to be pupils in attendance at the school within two years after the incorporation date and of whose existence the authority are aware.
- 3 (1) The Secretary of State may make grants to the school board in respect of expenditure incurred or to be incurred by them in pursuance of any provision made by an order under paragraph 1 above.
- (2) The Secretary of State may impose on a school board to whom any such payment is made such requirements as he may from time to time determine (whether before, at or after the time when the payment in question is made).
- 4 The duty of an education authority to maintain a school in respect of which proposals for acquisition of self-governing status have been approved shall not apply in relation to any expenses incurred by the school board by virtue of this Schedule.
- 5 At any time on or after the date on which he approves any such proposals the Secretary of State may consult the school board with respect to the provisions he proposes to include in the scheme of government for the school.
- 6 On and after the incorporation date in relation to a school any appointment made, contract entered into or other thing done by the school board in pursuance of any provision made by an order under paragraph 1 above, so far as subsisting or in force

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immediately before that date, shall be treated as having been made, entered into or done by the board of management.

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 ”.
- (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)—

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- (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 of management ”;
- (ii) where it occurs for the second time, there shall be inserted the words—
- “ , or in the case of a self-governing school any officer appointed 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 ”.
- 2 In section 39 of the ^{M2}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

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- (c) in subsection (4), after the word “authority” there shall be inserted the words “and of every board of management”.

Marginal Citations

M2 1978 c. 29.

SCHEDULE 7 **S**

Section 30(4).

ARRANGEMENTS IN RESPECT OF BALLOT OF PARENTS REGARDING CHANGE IN CHARACTERISTICS OF SELF-GOVERNING SCHOOL

- [^{F1}1] The board of management of the school shall secure that all necessary arrangements for the ballot are made by such body as may be prescribed (in this Schedule referred to as “the prescribed body”).

Textual Amendments

F1 Sch. 7 repealed (*prosp.*) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3

- 2 The arrangements, and the exercise by the board of management of any functions in relation to the ballot, shall accord with such guidance as the Secretary of State may from time to time publish for the purposes of this Schedule.

Textual Amendments

F1 Sch. 7 repealed (*prosp.*) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3

- 3 The ballot shall be a secret postal ballot of, and only of, all parents of pupils for the time being in attendance at the school; and any question of whether a person is such a parent shall be determined by the board.

Textual Amendments

F1 Sch. 7 repealed (*prosp.*) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3

- 4 It shall be the duty of the board to secure that the prescribed body take such steps as are reasonably practicable to ensure that each person who is eligible to vote in the ballot is—
- (a) without prejudice to sub-paragraph (b) below, given such information about the consequences for the school of the proposed change in characteristics as may reasonably be expected to enable him to form a proper judgment as to whether the change should be sought for the school;
 - (b) given such information, including (without prejudice to the generality of this sub-paragraph) information—
 - (i) about the ballot and about the procedure for changing the characteristics of a self-governing school; and
 - (ii) in the case of a ballot held by virtue of section 15 of this Act, an explanation (which in the case of a ballot required by a notice under

Status: Point in time view as at 01/02/1991.

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)

subsection (1) of that section shall repeat the reasons given in the notice by the Secretary of State for declaring the earlier ballot void) as to why a fresh ballot is to be held;

as may be prescribed;

- (c) informed that he is entitled to vote in the ballot; and
- (d) given an opportunity to do so by being provided timeously with a ballot paper which sets out the question as to whether the change sought should be made and invites him to vote “yes” or “no” to that question.

Textual Amendments

F1 Sch. 7 repealed (*prosp.*) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3

- 5 Subject to the foregoing provisions of this Schedule, the arrangements shall be such as the board think fit.]

Textual Amendments

F1 Sch. 7 repealed (*prosp.*) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3

SCHEDULE 8 S

Section 36(8).

TRANSFER AND APPORTIONMENT OF ASSETS

^{F2} Identification of land, moveable property, liabilities and obligations

Textual Amendments

F2 Sch. 8 repealed (*prosp.*) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3

- 1 (1) The education authority and the commissioner for school assets appointed in respect of a school shall, whether before or after the incorporation date, so far as practicable arrive at such written agreements, and execute such other instruments, as are necessary or expedient—
- (a) to identify or define the land, moveable property, liabilities and obligations transferred to and vested in the board of management under section 36 of this Act; or
 - (b) for making any arrangements such as are mentioned in paragraph 2(2) below as will afford to the authority and the board as against each other such rights and safeguards as they may require for the proper discharge of their respective functions.
- (2) Any such agreement shall provide so far as is expedient—
- (a) for the creation of interests in land or land obligations, whether involving the surrender of any existing interest or obligation or the creation of a new interest or obligation, and whether in favour of or incumbent on the education authority or the board of management; and
 - (b) for the granting of indemnities.

Status: Point in time view as at 01/02/1991.

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)

- (3) An education authority shall supply a commissioner for school assets with such information, including all deeds relating to interests in land and land obligations, as he may require in the exercise of his functions.
- 2 (1) The land, moveable property, liabilities and obligations mentioned in section 36(2) or (3) of this Act shall, where their nature permits, be divided or apportioned between the education authority and the board of management in such proportions as may be appropriate.
- (2) Any land, moveable property, liability or obligation the nature of which does not permit its division or apportionment shall be transferred to the board of management or retained by the education authority according to—
- (a) in the case of land, which of the education authority or the board of management appear, as at the incorporation date, to be likely to experience the greater practical difficulty through not having possession of that land or, where neither of them appear likely to experience such difficulty to a greater extent than the other, which of them appear on that date to be likely to make use of the land to the greater extent; or
 - (b) in the case of any moveable property or of any liability or obligation, which of them appear on the incorporation date to be likely to make use of the property or, as the case may be, to be affected by the liability or obligation to the greater extent,
- subject (in either case) to such arrangements for the protection of the other party as may be agreed between the education authority and the commissioner for school assets or determined by the Secretary of State under paragraph 5 below.
- (3) Where any land falls to be divided under sub-paragraph (1) above—
- (a) any rent payable under a lease in respect of that land, and
 - (b) any rent charged on that land;
- shall be correspondingly divided or apportioned so that one part of any such rent is payable in respect of, or charged on, only one part of the land and the other part is payable in respect of, or charged on, only the other part of the land.

Transfer certificates

- 3 A certificate issued under section 39(1) of this Act in relation to land shall—
- (a) specify all interests in land and land obligations which are transferred; and
 - (b) state from whom and to whom the interests in land and land obligations are transferred;
- and shall where necessary be accompanied by a map or plan identifying the land which is being transferred.
- 4 No stamp duty shall be chargeable in respect of any transfer made under section 36, 51 or 53(2) of this Act or in accordance with this Schedule.

Reference of disputes to Secretary of State

- 5 (1) Where it appears to a commissioner for school assets unlikely that agreement will be reached in respect of any matter on which agreement is required to be reached under paragraph 1 above, he shall refer the matter to the Secretary of State.

Status: Point in time view as at 01/02/1991.

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) Where a reference has been made under sub-paragraph (1) above, the Secretary of State may, whether before or after the incorporation date, determine that matter, and may include in the determination any provision which might have been included in an agreement under the said paragraph 1.
- (3) The Secretary of State shall seek such assistance and advice as he may require from the commissioner for school assets, and shall consult the education authority, before making a determination under this paragraph.
- (4) Where the Secretary of State has made a determination under sub-paragraph (2) above that any land, moveable property, liability or obligation is to be transferred from the education authority to the board of management the commissioner for school assets shall conform with that determination in issuing a certificate under section 39(1) of this Act.

Right to production of documents of title

- 6 Without prejudice to paragraph 1(3) above, where on any transfer of land or moveable property to a board of management under section 36 of this Act the education authority is entitled to retain possession of a document relating in part to the title to any such land or moveable property, the authority shall be treated as having given to the board an acknowledgment in writing of the right of the board to production of that document and to delivery of copies of it.

Construction of agreements

- 7 (1) Where any rights, liabilities or obligations transferred under section 36 of this Act are rights, liabilities or obligations under an agreement to which the education authority were a party immediately before the incorporation date, the agreement shall, unless the context otherwise requires, have effect on and after the incorporation date as if—
 - (a) the board of management had been a party to the agreement;
 - (b) for any reference (whether express or implied and, if express, however worded) to the education authority there were substituted, as respects anything falling to be done on or after the incorporation date, a reference to the board of management;
 - (c) any reference (whether express or implied and, if express, however worded) to a specified officer of the education authority or a person employed by the authority in a specified capacity were, as respects anything falling to be done on or after the incorporation date, a reference to such person as the board of management may appoint or, in default of appointment, to an officer or employee of the board of management who corresponds as closely as possible to the person referred to in the agreement; and
 - (d) where the agreement refers to land, moveable property, liabilities or obligations which fall to be apportioned or divided between the education authority and the board of management, the agreement constituted two separate agreements separately enforceable by and against the authority and the board as regards the part of the land, moveable property, liabilities or obligations retained by the authority or, as the case may be, the part thereof vesting in the board and not as regards the other part.
- (2) Head (d) of sub-paragraph (1) above shall apply in particular to the stipulations and conditions of any lease by or to the education authority.

Status: Point in time view as at 01/02/1991.

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)

- (3) This paragraph applies to any agreement whether in writing or not and whether or not of such a nature that rights and liabilities under it could be assigned by the education authority.
- 8 Save as otherwise provided by any provision of this Act (whether expressly or by necessary implication) paragraph 7 above, except head (a) of sub-paragraph (1), shall apply in relation to any statutory provision, any provision of any agreement to which the education authority was not a party, and any provision of any document other than an agreement, if and in so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the authority was a party; and, in relation to any such statutory or other provision as aforesaid, references in heads (b) and (c) of that sub-paragraph to the authority and to any officers or servants of the authority include references made by means of a general reference to a class of persons of which the authority is one, without the authority themselves being specifically referred to.
- 9 (1) Without prejudice to the generality of paragraphs 7 and 8 above, any person shall, as from the incorporation date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability transferred to and vested in the board of management under section 36 of this Act as he would have had if that right or liability had at all times been a right or liability of the board.
- (2) Without prejudice to section 36(5)(d) of this Act, any legal proceedings commenced before the incorporation date by or against the education authority, in so far as they relate to any land, moveable property, liability or obligation transferred to the board of management under this Act, or to any agreement relating to any such land, moveable property, liability or obligation, shall be continued by or against the board of management to the exclusion of the education authority.
- 10 The provisions of paragraphs 7 to 9 above shall have effect for the interpretation of agreements, statutory provisions and other documents subject to the context, and shall not apply where the context otherwise requires.

Third parties affected by vesting provisions

- 11 (1) Without prejudice to the generality of paragraphs 7 to 10 above—
- (a) any transfer of land or moveable property from an education authority to a board of management under section 36 of this Act; and
- (b) any subsequent transfer of that land or moveable property from a board of management,
- shall be binding on all other persons, notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of, or the waiver of any right by, any person other than the authority and the board.
- (2) If as a result of any such transfer any person's rights or liabilities—
- (a) cease to be enforceable by or against the education authority and instead become enforceable by or against the board of management; or
- (b) become enforceable as to part by or against the education authority and as to part by or against the board of management,
- the commissioner for school assets shall give that person written notification of that fact.

Status: Point in time view as at 01/02/1991.

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)

- (3) If in consequence of a certificate issued under section 39(1) of this Act or of anything done in pursuance of the provisions of this Schedule—
- (a) the rights or liabilities of any person other than the education authority or the board of management which were enforceable against or by the authority become enforceable—
 - (i) against or by the board of management; or
 - (ii) as to part against or by the authority and as to part against or by the board; and
 - (b) the value of any property or interest of that person is thereby diminished, such compensation as may be just shall be paid to that person by the authority, the board or both.
- (4) Any dispute as to whether and if so how much compensation is payable under subparagraph (3) above, or as to the person to whom it shall be paid, shall be referred to and determined by an arbiter appointed by the Lord President of the Court of Session.

Delivery of documents to board of management

- 12 The commissioner for school assets shall, as soon as is practicable after the incorporation date, deliver to the board of management—
- (a) any agreements or instruments made or, as the case may be, executed by him and the education authority under paragraph 1 above;
 - (b) copies of any determinations made by the Secretary of State under paragraph 5 above; and
 - (c) any certificates issued by him under section 39(1) of this Act.]

SCHEDULE 9 **S**

Section 38.

COMMISSIONERS FOR SCHOOL ASSETS

^{F3} Appointment

Textual Amendments

F3 Sch. 9 repealed (*prosp.*) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3

- 1 Where the Secretary of State has approved proposals published under section 16 of this Act, he shall appoint a commissioner for school assets (in this Schedule referred to as the “commissioner”) in respect of that school, for the purpose of carrying out the functions of a commissioner mentioned in this Act.
- 2 The appointment of a commissioner shall be in writing, and shall specify—
- (a) the school or schools in respect of which he is appointed; and
 - (b) his remuneration.
- 3 Subject to paragraphs 5 and 6 below, a commissioner’s appointment shall come to an end when it appears to the Secretary of State that he has completed what he was employed to do.

Status: Point in time view as at 01/02/1991.

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 The Secretary of State shall pay the remuneration of the commissioner and any expenses incurred by him in carrying out his functions.

Resignation and dismissal

- 5 A commissioner may resign his office at any time by giving notice in writing to the Secretary of State.
- 6 The Secretary of State may, if it appears to him that a commissioner is unable or unfit to discharge his functions, terminate the commissioner’s appointment by notice in writing to him.

Powers

- 7 A commissioner may with the prior consent of the Secretary of State employ persons, on such terms as he may determine, to assist him in carrying out his functions.
- 8 The commissioner shall comply with any directions given to him by the Secretary of State in carrying out his functions.
- 9 A commissioner shall not delegate any of his functions.

Status

- 10 A commissioner shall not be regarded as a servant or agent of the Crown, nor as enjoying any status, immunity or privilege of the Crown; and any property which he may hold in his capacity as a commissioner shall not be regarded as property of, or property held on behalf of, the Crown.]

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, ”.

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

Status: Point in time view as at 01/02/1991.

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)

- (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)

- 3 (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include the board of management of any self-governing school.
- (2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of that Act (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to the board of management of a self-governing school specified in the order.

Status: Point in time view as at 01/02/1991.

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 Tribunals and Inquiries Act 1971 (c. 62)

- 4 In paragraph 36 of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under direct supervision of the Scottish Committee of the Council on Tribunals), at the end there shall be added the following sub-paragraph—

“(c) appeal committees constituted by virtue of section 7 of, and paragraph 2(b) of Part II of Schedule 1 to, the Self-Governing Schools etc. (Scotland) Act 1989.”.

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.”. |
|-----------------------------|------------------------|

- (3) In section 19(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 78(1) (interpretation)—

(a) after the definition of “advertisement” there shall be inserted the following definition—

Status: Point in time view as at 01/02/1991.

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)

- “board of management”, in relation to a self-governing school, has the same meaning as in the Education (Scotland) Act 1980;” and
- (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;”.

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

- 7 In section 29 of the Employment Protection (Consolidation) Act 1978 (persons holding certain offices to be allowed time off for public duties)—
- (a) after paragraph (ee) of subsection (1) there shall be inserted the following paragraph—
- “(ef) a member of a school board or of the board of management of a self-governing school;” ; and
- (b) in subsection (2)(c)—
- (i) for the words “and “central institution” and “college of education”” there shall be substituted the words “ “board of management”, “central institution”, “college of education” and “self-governing school””; and
- (ii) at the end there shall be added the words “and “school board” has the meaning assigned by section 1(1) of the School Boards (Scotland) Act 1988”.

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”;

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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)*

- (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—
- “;
- (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 “(i)” there shall be substituted the words—

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- “(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.
- (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

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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)

- (b) for the words “such school or junior college” there shall be substituted the word “school”.
- (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)”.
- (19) In subsection (2) of section 97A (effect of settlement formulated by committee established under section 91)—
- (a) for the words from the beginning to “section 91 of this Act” there shall be substituted the words “Where a settlement has been formulated by the committee”;
 - (b) for the word “(i)” there shall be substituted the word “(a)”;
 - (c) for the word “(ii)” there shall be substituted the word “(b)”.
- (20) In paragraph (a) of section 97C (interpretation of sections 91 to 97B)—
- (a) the words “(i)” and “(or)” and sub-paragraph (ii) shall cease to have effect;
 - (b) after the word “may” there shall be inserted the words “from time to time”; and
 - (c) after the word “determine;” there shall be inserted the words “and the provisions of those sections shall accordingly not apply in relation to such teachers or other persons employed by education authorities in Scotland in, or in connection with, the provision of school education as are excluded from the definition of “teaching staff” by such an order;”.
- (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)—

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- (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—
- “ “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;”.

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;”.

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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)

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 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”. |

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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”.

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

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

In Schedule 6, paragraphs 1 to 15.

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Changes to legislation:

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