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STATUTORY INSTRUMENTS

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**1994 No. 351 (S.11)**

**EDUCATION, SCOTLAND**

**The Self-Governing Schools (Application and  
Amendment of Regulations) (Scotland) Regulations 1994**

<i>Made</i>	- - - -	<i>16th February 1994</i>
<i>Laid before Parliament</i>		<i>1st March 1994</i>
<i>Coming into force</i>	- -	<i>22nd March 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 2, 19(1), 28B(1)(a)(ii) and (3), 28I, 73(c) and 135(1) of the Education (Scotland) Act 1980<sup>(1)</sup> and sections 7(7), 23(1) and 80(1) of the Self-Governing Schools etc. (Scotland) Act 1989<sup>(2)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**PART I**  
**GENERAL**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Self-Governing Schools (Application and Amendment of Regulations) (Scotland) Regulations 1994, and shall come into force on 22nd March 1994.

(2) In these Regulations—

“the 1980 Act” means the Education (Scotland) Act 1980; and

“the 1989 Act” means the Self-Governing Schools etc. (Scotland) Act 1989.

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(1) 1980 c. 44; section 2 was amended by section 69(1) of the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39) (“the 1989 Act”); section 19(1) was amended by section 82(1) of, and paragraph 8(6)(a) of Schedule 10 to, the 1989 Act; section 28B was inserted by section 1(1) of the Education (Scotland) Act 1981 (c. 58); section 28I was inserted by section 17 of the Education (Schools) Act 1992 (c. 38); and section 135(1) contains the definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) 1989 c. 39; section 80(1) contains the definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

## PART II

### APPLICATION OF REGULATIONS CONCERNING PUBLIC SCHOOLS TO SELF-GOVERNING SCHOOLS

#### **Application of the Schools (Scotland) Code 1956**

2. The Schools (Scotland) Code 1956((3)) shall be amended by insertion of the following regulation:—

#### “SELF-GOVERNING SCHOOLS

##### **Application of Code to self-governing schools**

24A. This Code shall apply to the board of management of a self-governing school as it applies to an education authority, and to a self-governing school as it applies to a public school.”.

#### **Application of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967**

3. The School Premises (General Requirements and Standards)(Scotland) Regulations 1967(4) shall be amended by insertion of the following Part and regulation:—

#### “PART V

#### SELF-GOVERNING SCHOOLS

##### **Application of Regulations to self-governing schools**

27. These Regulations shall apply to the premises and equipment of self-governing schools as they apply to the premises and equipment of public schools.”.

#### **Application of the Schools General (Scotland) Regulations 1975**

4. The Schools General (Scotland) Regulations 1975((5)) shall be amended by insertion of the following Part and regulation:—

#### “PART IVA

#### SELF-GOVERNING SCHOOLS

##### **Application of Regulations to self-governing schools**

13A. These Regulations shall apply to the board of management of a self-governing school and the school under their management, as they apply to an education authority and a school under the management of an education authority, subject to the modifications that—

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(3) S.I.1956/894, amended by S.I.s 1959/476, 1965/55, 1965/940, 1967/1162, 1968/1055, 1971/1079, 1972/776, 1975/1135 and 1982/57.

(4) S.I. 1967/1199, amended by S.I.s 1973/322, 1976/475, 1979/1186 and 1982/965.

(5) S.I. 1975/1135, amended by S.I.s 1982/56, 1982/1735, 1987/290, 1990/1551 and 1993/1604.

- (a) for any reference to an education authority discharging their functions under the Education (Scotland) Act 1980 (“the 1980 Act”), there shall be substituted a reference to the board of management of a self-governing school discharging their functions under the Self-governing Schools etc. (Scotland) Act 1989 (“the 1989 Act”);
- (b) for any reference to a right or wish to refer, or to a reference of, a decision to exclude a pupil in accordance with section 28H of the 1980 Act to an appeal committee set up and maintained under section 28D of that Act, there shall be substituted a reference to a right or wish to refer, or to a reference of, as the case may be, a decision to exclude a pupil in accordance with paragraph 3 of Schedule 2 to the 1989 Act to the appeal committee constituted for the school under the articles of management of the school<sup>(6)</sup>; and
- (c) for any reference to the decision of an appeal committee on a reference under subsection (1) of the said section 28H, or to the decision of a sheriff on appeal under subsection (6) of that section, there shall be substituted respectively a reference to the decision of the appeal committee on a reference under paragraph 3 of the said Schedule 2 and a reference to the decision of a sheriff on appeal under paragraph 6 of that Schedule.”.

#### **Application of the Schools (safety and Supervision of Pupils)(Scotland)Regulations 1990**

5. The Schools (Safety and Supervision of Pupils)(Scotland)Regulations 1990<sup>(7)</sup> shall be amended by insertion of the following regulation:—

##### **“Application of Regulations to self-governing schools**

5. These Regulations shall apply to the board of management of a self-governing school and the school under their management, as they apply to an education authority and a school under the management of an education authority.”.

#### **Application of the School Pupil Records (Scotland) Regulations 1990**

6. The School Pupil Records (Scotland) Regulations 1990 <sup>(8)</sup> shall be amended by insertion of the following regulation:—

##### **“Application of Regulations to self-governing schools**

11A. These Regulations shall apply to the board of management of a self-governing school as they apply to an education authority, subject to the modifications that—

- (a) for the purposes of regulation 3(1) (information to which regulations apply), subject to the following paragraphs of that regulation, the information to which these Regulations apply is personal information which—
  - (i) is held in a pupil’s progress record kept in accordance with the Schools General (Scotland) Regulations 1975, or in any other record kept, by the board of management of a self-governing school for the purpose of the discharge of their functions under section 7(1) of the Self-Governing

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<sup>(6)</sup> The articles of management form part of the scheme of government for a self-governing school made by order of the Secretary of State under section 2(2) of the 1989 Act; see in relation to the appeal committee section 7(9) and paragraph 2(b) of Part II of Schedule 1 to that Act.

<sup>(7)</sup> S.I. 1990/295.

<sup>(8)</sup> S.I. 1990/1551.

Schools etc. (Scotland) Act 1989 to provide suitable and efficient school education at the school; and

- (ii) relates to a person who receives, or has received, school education provided by the board of management; and
- (b) for the purposes of regulation 11 (review of decisions), review of a decision shall be by the board of management, no member of the board who took part in making the decision to be reviewed being present during, or participating in, the review.”.

### **Application of the Education (Provision of Information as to Schools)(Scotland) Regulations 1993**

7. The Education (Provision of Information as to Schools)(Scotland) Regulations 1993 (9) shall be amended by insertion of the following regulation:—

#### **“Application of regulations of self-governing schools**

4. These Regulations shall apply to the board of management of a self-governing school and the school under their management, as they apply to an education authority and a school for the management of which an education authority are responsible, subject to the modification that, for the purposes of paragraph 6 of the Schedule hereto, a self-governing school shall be treated like a school for which no School Board is established.”.

## **PART III**

### **OTHER AMENDMENTS OF REGULATIONS RELATING TO SCHOOLS TO TAKE ACCOUNT OF SELF-GOVERNING SCHOOLS**

#### **Amendment of the Schools General (Scotland) Regulations 1975**

8. Regulation 10 (pupils' progress records) of the Schools General (Scotland) Regulations 1975 shall be amended as follows:—

- (a) in paragraph (1)(c), for the words “(whether public, grant-aided or independent)”, there shall be substituted the words “(whether public, self-governing, grant-aided or independent)”; and
- (b) in paragraph (2), for the words “which is a public or grant-aided school,”, there shall be substituted the words “which is a public, self-governing or grant-aided school,”.

#### **Amendment of the Education (School and Placing Information) (Scotland) Regulations 1982**

9. Paragraph 2 in Part II (school information) of Schedule 1 to the Education (School and Placing Information) (Scotland) Regulations 1982((10)) shall be amended as follows:—

- (a) in paragraph (kk)(ii)—
  - (i) for the words “or which are grant-aided schools”, in both places where they appear, there shall be substituted the words “or which are self-governing or grant-aided schools”; and
  - (ii) for the words “or a grant-aided special school”, there shall be substituted the words “or a self-governing or grant-aided special school”;

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(9) S.I. 1993/1605.

(10) S.I. 1982/950, amended by S.I. 1990/181 and 1993/1604.

- (b) in each of paragraphs (r)(vii) and t(ii), for the words “or which are grant-aided schools”, in both places where they appear, there shall be substituted the words “or which are self-governing or grant-aided schools”;
- (c) in paragraph (u), for the words “or are grant-aided schools”, in both places where they appear, there shall be substituted the words “or are self-governing or grant-aided schools”; and
- (d) in paragraph (v)—
  - (i) for the words “or are grant-aided schools”, in both places where they appear, there shall be substituted the words “or are self-governing or grant-aided schools”; and
  - (ii) for the words “and a grant-aided school”, there shall be substituted the words “and a self-governing or a grant-aided school”.

### **Amendment of the Special Schools (Scotland) Grant Regulations 1990**

**10.** In regulation 3 (making of grants) of the Special Schools (Scotland) Grant Regulations 1990((11)), after the words “managers of a special school”, there shall be inserted the words “which is not a self-governing school”.

St Andrew’s House,  
Edinburgh  
16th February 1994

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (a) apply to self-governing schools, established under the Self-Governing Schools etc. (Scotland) Act 1989, the provisions of existing regulations which apply to public schools, that is, schools for the management of which education authorities are responsible, and (b) make amendments to existing regulations in their application to public schools to take account of the existence of self-governing schools.

In Part II of the Regulations:—

Regulation 2 applies the Schools (Scotland) Code 1956 which makes provision as to staff, designation of stages and classes within a school and class sizes;

Regulation 3 applies the School Premises (General Requirements and Standards) (Scotland) Regulations 1967, which make provision as to size of sites, and regulate accommodation;

Regulation 4 applies the Schools General (Scotland) Regulations 1975, which make provision as to exclusion of pupils, minimum number of school days, keeping of registers and other matters relating to the internal organisation of schools, and as to progress records of pupils;

Regulation 5 applies the Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990, which make provision as to care of pupils, and in particular as to playground supervision;

Regulation 6 applies the School Pupil Records (Scotland) Regulations 1990, which make provision as to access to personal information in records relating to past and present pupils; and

Regulation 7 applies the Education (Provision of Information as to Schools) (Scotland) Regulations 1993, which make provision as to supply of information by education authorities and the managers of schools to the Secretary of State.

In Part III of the Regulations (which amends certain regulations in their application to public schools and the education authorities responsible for their management, to take account of the existence of self-governing schools):—

Regulation 8 amends the Schools General (Scotland) Regulations 1975 to ensure that the progress record of a pupil attending a public school includes information as to any self-governing school previously attended by the pupil, and that it will be transferred to any self-governing school to which a pupil transfers;

Regulation 9 amends the Education (School and Placing Information) (Scotland) Regulations 1982 so that information as to average figures required to be included in school handbooks for public schools takes account of self-governing schools; and

Regulation 10 amends the Special Schools (Scotland) Grant Regulations 1990 to exclude boards of management of self-governing schools from their scope. This is because grant for self-governing special schools will be paid under the legislation relating to self-governing schools.