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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 75**

**EDUCATION**

**The Schools (Scotland) Code Amendment Regulations 2003**

*Made* - - - - - *6th February 2003*  
*Laid before the Scottish*  
*Parliament* - - - - - *10th February 2003*  
*Coming into force* - - - - - *31st July 2003*

The Scottish Ministers in exercise of the powers conferred by section 2 of the Education (Scotland) Act 1980(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Schools (Scotland) Code Amendment Regulations 2003 and shall come into force on 31st July 2003.

**Amendment of the Schools (Scotland) Code 1956**

2. The following regulations of the Schools (Scotland) Code 1956(2) are hereby revoked:—
- (a) regulation 5(2), (3), (4) and (5)(3);
  - (b) regulation 6(2) and (3)(4);
  - (c) regulation 8;
  - (d) regulation 14;
  - (e) regulation 15(5);

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(1) 1980 c. 44; section 2 was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39) section 69(1) and by the Education (Scotland) Act 1996 (c. 43) Schedule 6; and section 135(1) contains the definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1956/894, amended by S.I. 1959/476, 1965/55 and 940, 1967/1162, 1968/1055, 1971/1079, 1972/776, 1975/1135, 1982/57 and 1994/351.

(3) In regulation 5, paragraph (2) was substituted by S.I. 1965/55 and amended by S.I. 1967/1162; paragraph (3) was substituted by S.I. 1972/776; paragraph (4) was substituted by S.I. 1965/55, amended by S.I. 1967/1162 and substituted by S.I. 1972/776; paragraph (5) was inserted by S.I. 1965/940 and substituted by S.I. 1972/776.

(4) In regulation 6, paragraph (2) was amended by S.I. 1965/940 and substituted by S.I. 1972/776; paragraph (3) was amended by S.I. 1965/940 and substituted by S.I. 1972/776.

(5) Regulation 15 was amended by S.I. 1972/776.

- (f) regulation 23(2) and (3)(6);
- (g) regulation 24(7);
- (h) regulation 29; and
- (i) regulation 30.

### **Savings**

**3.** Notwithstanding the revocation made by regulation 2(d) above, the interpretation provisions in the following instruments which refer to regulation 14 of the School (Scotland) Code 1956, shall remain in force:–

- (a) The School Premises (General Requirements and Standards) (Scotland) Regulations 1967(8);
- (b) The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999(9).

Victoria Quay, Edinburgh  
6th February 2003

*CATHY JAMIESON*  
A member of the Scottish Executive

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(6) In regulation 23, paragraph (2) was substituted by S.I. 1975/1135.  
(7) In regulation 24, paragraph (1)(a) was revoked by S.I. 1982/57, paragraph (1)(b) was modified by S.I. 1975/1135, paragraph (2)(a) was substituted by S.I. 1975/1135, paragraph (3)(a) was modified by S.I. 1975/1135 and paragraph (4) was revoked by S.I. 1975/1135.  
(8) S.I. 1967/1199.  
(9) S.I. 1999/1080.

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## EXPLANATORY NOTE

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

These regulations revoke parts of the Schools (Scotland) Code 1956, as amended, which is a collection of regulations relating to the organisation and management of schools, much of which is now out of date.

Article 2(a) removes the regulations specifying the required qualification for a headteacher of a nursery school or teacher of a nursery class, relating to the appointment of a headteacher and assistant headteachers in primary departments and the promotion to those posts, and on the numbers of teachers in primary departments.

Article 2(b) removes the requirements relating to the appointment of and the promotion to the posts of headteacher, assistant headteachers, principal and assistant principal teachers in secondary schools.

Article 2(c) removes the regulation providing for reports to the Scottish Ministers on unsatisfactory teachers.

Article 2(e) removes the provisions on maximum class sizes in secondary departments and special schools.

Article 2(f) removes the provision dealing with the non-designation of stages or classes in nursery schools and with the proportionate number of nursery nurses or helpers to be employed in nursery schools or classes.

Article 2(g) removes provisions dealing with the application of regulations to special schools and classes.

Article 2(h) and (i) removes transitional provisions in the Code.

Article 3 preserves definitions in other regulations which have referred to regulation 14 of the Code, notwithstanding its revocation.