
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 571

The Registration of Independent
Schools (Scotland) Regulations 2005

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Registration of Independent Schools (Scotland) Regulations 2005 and shall come into force on 31st December 2005.

(2) In these Regulations—

- (a) “boarding” in relation to a pupil means a pupil provided with accommodation at a school (or elsewhere under arrangements made by the proprietor of the school), and in relation to a school means a school which provides or makes arrangements for the provision of accommodation for such pupils;
- (b) “child care position” means a child care position within the meaning of the Protection of Children (Scotland) Act 2003⁽¹⁾;
- (c) “the Council” means the General Teaching Council for Scotland;
- (d) “electronic address” means such address as may be provided for by electronic means, and references to the doing of anything in writing shall include references to the doing of that thing by means of a document—
 - (i) transmitted by electronic means;
 - (ii) received in legible form; and
 - (iii) capable of being used for subsequent reference;
- (e) “the 1980 Act” means the Education (Scotland) Act 1980; and
- (f) “the 1997 Act” means the Police Act 1997⁽²⁾.

(3) Where these Regulations require a document to be signed, that requirement shall be satisfied—

- (a) if the signature is written; or
- (b) in the case of a document which is transmitted electronically in accordance with these Regulations by the electronic signature with the meaning of section 7 of the Electronic Communications Act 2000⁽³⁾ of the person who is required to sign it.

(4) References in these Regulations to “relevant person” shall be construed where applicable in accordance with section 103A(6) of the 1980 Act⁽⁴⁾.

(1) 2003 asp 5.

(2) 1997 c. 50.

(3) 2000 c. 7.

(4) Section 103A(6) was inserted into the 1980 Act by virtue of section 7 of the 2004 Act.

(5) References in these Regulations to “employed” shall be construed to include carrying out work of any kind, whether paid or unpaid and whether under a contract of service, contract for services, or otherwise than under a contract.

Revocation

2. The Registration of Independent Schools (Scotland) Regulations 1957⁽⁵⁾ and the Registration of Independent Schools (Scotland) Amendment Regulations 1975⁽⁶⁾ are hereby revoked.

PART II

INFORMATION AS TO PARTICULARS TO BE FURNISHED TO THE REGISTRAR

Application for registration of an independent school

3. Every application for the registration of an independent school⁽⁷⁾ shall—
- (a) be made in writing by the proprietor⁽⁸⁾ of that school to the Scottish Ministers;
 - (b) include information as to the particulars specified in Schedule 1 and such of the information as to the particulars specified in Schedule 2 as is available and applicable at the time the application is made; and
 - (c) include a statement signed by the proprietor that, to the best of the proprietor’s knowledge and belief, the information provided in the application is true and accurate.

Notification to Registrar of changes to certain particulars

4.—(1) Within one month of the occurrence of a designated change affecting a registered school⁽⁹⁾ the proprietor shall furnish the Registrar⁽¹⁰⁾ with written notification of—

- (a) the nature of the designated change;
- (b) the date on which it occurred; and
- (c) information as to such of the particulars specified in paragraph (3) as are applicable.

(2) In paragraph (1), “designated change” means a change in any of the particulars specified in paragraphs 1 to 8 of Schedule 1.

(3) The specified particulars are—

- (a) where there is a change of proprietor, the name, postal address, electronic address, telephone number and facsimile number of the new proprietor and the relevant details of the new proprietor in terms of paragraph 6, 7 and 8 of Schedule 1, together also with a statement as referred to in paragraph 10 of Schedule 1;
- (b) where there is a change of the school’s name, the new name of the school; and
- (c) where there is a change of the school’s location, the new postal address of the school together with, if changed, the electronic address, telephone number and facsimile number.

⁽⁵⁾ S.I.1957/1058.

⁽⁶⁾ S.I. 1975/1412.

⁽⁷⁾ Section 135(1) of the 1980 Act, as amended by section 3 of the 2004 Act, defines “independent school”.

⁽⁸⁾ Section 135(1) of the 1980 Act defines “proprietor”.

⁽⁹⁾ Section 135(1) of the 1980 Act, as amended by section 8(2) and Schedule 2 to the 2004 Act, defines “registered school”.

⁽¹⁰⁾ “Registrar” is as referred to in Part V of the 1980 Act.

Annual returns

5. Information as to the particulars specified in Schedule 2 shall be notified in writing to the Registrar by the proprietor in September of each year.

St Andrew's House, Edinburgh
10th November 2005

ROBERT E BROWN
Authorised to sign by the Scottish Ministers