

EXECUTIVE NOTE

The Registration of Independent Schools (Scotland) Regulations 2006 SSI/2006/324

The above instrument was made in exercise of the powers conferred by sections 98(3) and 98A(2) of the Education (Scotland) Act 1980, ('the 1980 Act') as amended by the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004. The instrument is subject to negative resolution.

Policy Objectives

The policy objective of these Regulations is to revise the structure of existing Regulations in relation to the provision of information to Scottish Ministers by a person wishing to operate an independent school in Scotland, and to the Registrar of Independent Schools by existing independent schools. Provision for obtaining such information is presently contained within the Registration of Independent Schools (Scotland) Regulations 2005 ('the 2005 Regulations') which these Regulations revoke.

The Subordinate Legislation Committee observed, when considering the 2005 Regulations, that they did not appear to reflect the enabling power contained in section 98(3) of the 1980 Act, and queried the vires of regulation 4 of the 2005 Regulations. Having reflected on these observations, and the overall structure of the regulations, the Education Committee was subsequently informed that amending regulations would be brought forward. In attending to this exercise it was however considered that this would more appropriately be addressed by replacement regulations.

These replacement Regulations therefore revise the structure of the 2005 Regulations in relation to the provision of information to the Scottish Ministers, and to the Registrar of Independent Schools. Regulation 4 represents the main revision to the structure of the 2005 Regulations. It deals with the information which requires to be provided to the Registrar by proprietors of schools which are registered, and sets out a foundation for regulation 5 which makes provision for notification of changes to particulars.

Consultation

The following have been consulted during the preparation of the instrument:

Scottish Council of Independent Schools (SCIS)
All independent schools who are not members of SCIS

Financial Effects

The instrument has no financial effects on the Scottish Executive.

Scottish Executive Education Department
June 2006