

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Education (Scotland) Act 1980, SCHEDULE A1 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE A1

#### APPEAL COMMITTEES

##### Textual Amendments

**F1** Sch. A1 inserted by [Education \(Scotland\) Act 1981 \(c. 58\), s. 1\(2\)](#), [Sch. 1](#)

- 1 An appeal committee set up under section 28D(1) of this Act shall be constituted in accordance with this Schedule.
- 2 An appeal committee shall consist of 3, 5 or 7 members nominated by the authority from among persons appointed by the authority under this Schedule; and sufficient persons may be appointed to enable 2 or more appeal committees to sit at the same time.
- 3 The persons appointed shall comprise—
- (a) members of the authority or of [<sup>F2</sup>any committee appointed by the authority whose purposes include advising the authority on any matter relating to the discharge of any of their functions as education authority or discharging any of those functions on behalf of such authority]; and
  - (b) persons who are not members of the authority or of [<sup>F3</sup>any such committee] but are—
    - (i) parents of children of school age;
    - (ii) persons who in the opinion of the authority have experience in education; or
    - (iii) persons who in the opinion of the authority are acquainted with the educational conditions in the area of the authority;
- but shall not include any person employed by the authority [<sup>F4</sup>in an administrative or advisory capacity as respects the discharge of their education functions.].

##### Textual Amendments

- F2** Words in [Sch. A1 para. 3\(a\)](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 118\(10\)\(a\)\(i\)](#); [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#).
- F3** Words in [Sch. A1 para. 3\(b\)](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 118\(10\)\(a\)\(ii\)](#); [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#).
- F4** Words in [Sch. A1 para. 3](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 118\(10\)\(a\)\(iii\)](#); [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#).

- 4 The members of an appeal committee who are members of the authority or of [<sup>F5</sup>any committee such as is mentioned in paragraph 3 above] shall not outnumber the other members of the appeal committee by more than one.

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#### Textual Amendments

**F5** Words in [Sch. A1 para. 4](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 118\(10\)\(b\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#).

5 A person who is a member of [<sup>F6</sup>any committee such as is mentioned in paragraph 3 above] shall not be chairman of an appeal committee.

#### Textual Amendments

**F6** Words in [Sch. A1 para. 5](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 118\(10\)\(c\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#).

6 A person shall not be a member of an appeal committee for the consideration of a reference of a decision if he was among those who made the decision or took part in or was present at discussions as to whether the decision should be made.

7 A person who is—

- (a) a teacher at a relevant school (within the meaning of paragraph 8 below);
- (b) a pupil at such a school;
- (c) a parent of a pupil at such a school; or
- (d) a member of a [<sup>F7</sup>Parent Council or Combined Parent Council] having functions in relation to such a school

shall not be a member of an appeal committee for consideration of a reference involving a question whether a child is to be placed in the specified school or excluded from the relevant school.

#### Textual Amendments

**F7** Words in [Sch. A1 para. 7](#) substituted (1.8.2007) by [Scottish Schools \(Parental Involvement\) Act 2006 \(asp 8\), ss. 18\(4\), 24\(2\)](#); [S.S.I. 2007/31, art. 2\(b\), sch. 2](#)

8 For the purposes of paragraph 7 above, “relevant school” means in relation to a reference to the appeal committee—

- (a) the school which the child to whom the placing request relates attends;
- (b) the specified school;
- (c) the school which the education authority propose that the child to whom the placing request relates should attend;
- (d) a school from which pupils are normally transferred to the school referred to in sub-paragraph (b) or (c) above; or
- (e) the school from which the pupil has been excluded.

9 An appeal committee constituted in accordance with this Schedule shall be included in the bodies to which sections 45(4) and 46 of the <sup>M1</sup>Local Government (Scotland) Act 1973 (allowances) apply.]

#### Marginal Citations

**M1** [1973 c. 65](#).

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