



# Education (Scotland) Act 1980

## 1980 CHAPTER 44

### PART V

#### INDEPENDENT SCHOOLS

#### 99 Complaints.

(1) If at any time the Secretary of State is satisfied that any registered <sup>F1</sup>... school is objectionable upon all or any of the [<sup>F2</sup>grounds mentioned in subsection (1A) below, the Scottish Ministers shall, subject to subsection (1B) below, serve on the proprietor of the school a notice of complaint.—

(1A) The grounds referred to in subsection (1) above are]

- (a) that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of the pupils attending thereat;
- [<sup>F3</sup>(aa) that the welfare of a pupil attending the school is not adequately safeguarded and promoted there;]
- (b) that the school premises or any parts thereof are unsuitable for a school;
- (c) that the accommodation provided at the school premises is inadequate or unsuitable, having regard to the number, ages and sex of the pupils attending the school;
- [<sup>F4</sup>(d) that a condition imposed by virtue of this Part of this Act on the carrying on of the school is not being or has not been complied with;
- (e) that any part of the school premises is, by virtue of this Part of this Act, disqualified from being used as a school;
- (f) that any accommodation provided at the school premises is, by virtue of this Part of this Act, disqualified from being used as such or is being used as such for pupils of—
  - (i) such number; or
  - (ii) such age or sex,from which use it is so disqualified;
- (g) that the proprietor of the school is—

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**Changes to legislation:** Education (Scotland) Act 1980, Section 99 is up to date with all changes known to be in force on or before 12 June 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) View outstanding changes

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- (i) by virtue of this Part of this Act, disqualified from being the proprietor of an independent school;
    - (ii) [<sup>F5</sup>barred from regulated work with children];
    - (iii) a prescribed person; or
    - (iv) otherwise not a proper person to be the proprietor of an independent school;
  - (h) that a teacher in the school is—
    - (i) by virtue of this Part of this Act, disqualified from being a teacher in any school;
    - (ii) [<sup>F6</sup>barred from regulated work with children];
    - (iii) a prescribed person; or
    - (iv) otherwise not a proper person to be a teacher in any school; or
  - (j) that the proprietor of the school has not, in relation to particulars prescribed under paragraph (a) of section 98(3) of this Act—
    - (i) furnished information required by virtue of that paragraph; or
    - (ii) notified, by virtue of paragraph (b) of that subsection, a change in such particulars,
 to the Registrar.
- (1B) The Scottish Ministers need not serve a notice of complaint under subsection (1) above where they are satisfied that they urgently require to make an order under section 100(2) of this Act.
- (1C) A notice of complaint is a notice—
- (a) stating the ground of the complaint together with the full particulars of the matter complained of; and
  - (b) specifying—
    - (i) the measures which, in the opinion of the Scottish Ministers, are necessary to remedy the matter complained of; and
    - (ii) the period, beginning with the day on which the notice is served, before the expiry of which such measures require to be taken.]
- (2) If it is alleged by any notice of complaint served under this section that any [<sup>F7</sup>teacher in the school is—
- (a) disqualified as mentioned in sub-paragraph (i) or (ii) of subsection (1A)(h) above;
  - (b) a prescribed person; or
  - (c) otherwise not a proper person to be a teacher in any school,]
- that [<sup>F8</sup>teacher] shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation, and a copy of the notice shall be served upon him at the same time as the notice is served.
- [<sup>F9</sup>(3) The proprietor of a registered school may, before the expiry of the period mentioned in subsection (4) below, appeal to the sheriff principal against a notice of complaint.
- (4) The period referred to in subsection (3) above is—
- (a) the period of 28 days beginning with the day on which the notice of complaint is served; or
  - (b) the period specified under subsection (1C)(b)(ii) above,
- whichever is the shorter.]

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### Textual Amendments

- F1** Words in s. 99(1) repealed (31.12.2005) by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), s. 9(2), [sch. 2](#); S.S.I. 2005/10, art. 3(d) (with art. 3(2))
- F2** S. 99(1A) and words substituted (31.12.2005) for words by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), [ss. 5\(2\)\(a\)\(i\)](#), 9(2); S.S.I. 2005/570, art. 2(a) (with art. 3(2))
- F3** S. 99(aa) inserted (13.10.2000) by [2000 asp 6](#), s. 25; S.S.I. 2000/361, art. 3(1)(2), [Sch. Pt. I](#)
- F4** S. 99(1A)(d)-(j)(1B)(1C) substituted (31.12.2005) for s. 99(1)(d) and words by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), [ss. 5\(2\)\(a\)\(ii\)](#), 9(2); S.S.I. 2005/570, art. 2(a) (with art. 3(2))
- F5** Words in s. 99(1A)(g)(ii) substituted (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), s. 101(2), [sch. 4 para. 7\(a\)](#) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a)
- F6** Words in s. 99(1A)(h)(ii) substituted (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), s. 101(2), [sch. 4 para. 7\(b\)](#) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a)
- F7** Words in s. 99(2) substituted (31.12.2005) by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), s. 9(2), [sch. 1 para. 1\(3\)\(a\)](#); S.S.I. 2005/570, art. 2(c) (with art. 3(2))
- F8** Word in s. 99(2) substituted (31.12.2005) by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), s. 9(2), [sch. 1 para. 1\(3\)\(b\)](#); S.S.I. 2005/570, art. 2(c) (with art. 3(2))
- F9** S. 99(3)(4) substituted (31.12.2005) for s. 99(3) by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), [ss. 5\(2\)\(b\)](#), 9(2); S.S.I. 2005/570, art. 2(a) (with art. 3(2))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A(5)(a)(I) words repealed by [2000 asp 6 Sch. 3](#)
- s. 53(3)(b)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53(3)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53ZA inserted by [2016 asp 8 s. 22\(3\)](#)
- s. 54A inserted by [2016 asp 8 s. 23](#)
- s. 98DA inserted by [2016 asp 8 s. 28\(2\)](#)
- s. 99(1A)(g)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)
- s. 99(1A)(h)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)