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STATUTORY INSTRUMENTS

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**1999 No. 1080**

**The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999**

**Citation and commencement**

1. These Regulations may be cited as the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 and shall come into force on 28th April 1999.

**Interpretation**

2.—(1) In these Regulations—

“the 1980 Act” means the Education (Scotland) Act 1980;

“placing arrangements” in relation to a school means, so far as relevant, the education authority’s arrangements for the placing of pupils in schools, including any relevant guidelines as respects placing in schools, both as mentioned in section 28B(1) of the 1980 Act(1);

“first school year” in relation to a pupil in a lower primary class at any school means the school year in which he first attends that school on being placed there;

“class” means a group in which pupils are taught in an ordinary teaching session;

“lower primary class” means a class containing pupils in the first, second or third yearly stage of primary education;

“ordinary teaching session” does not include a school assembly or other school activity usually conducted with large groups of pupils;

“Primary 1 class”, “Primary 2 class” and “Primary 3 class” mean a class containing pupils in respectively the first, second or third yearly stage of primary education;

“qualified teacher”, in relation to a lower primary class, means a person who is a registered teacher holding the qualifications required by the Schools (Scotland) Code 1956(2) to be a teacher employed in a primary school or who, in accordance with that Code, may be otherwise so employed;

“school” means any school under the management of an education authority;

“school year” means a period of 12 months beginning on 1st August in any year;

“special school” means a special school under the management of an education authority;

“suitable education”, in relation to a child means efficient education suitable to his age, ability and aptitude and any special educational needs he may have.

“yearly stage” has the same meaning as in regulation 14 of the Schools (Scotland) Code 1956.

(2) For the purposes of these Regulations a child shall be treated as having been placed in a school outside a normal placing round where the decision to place him in the school was taken after 30th April immediately preceding the start of his first school year.

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(1) Section 28B was inserted by the Education (Scotland) Act 1981 (c. 58), section 1(1).

(2) S.I.1956/894; relevant amending instrument is S.I. 1967/1162.

(3) Children placed in a school for nursery education and subsequently transferred to a Primary 1 class at the school shall be regarded for the purposes of these Regulations as placed in the school on being so transferred.

#### **Limit on lower primary class sizes**

**3.—**(1) No lower primary class at a school shall contain more than 30 pupils while an ordinary teaching session is conducted by a single qualified teacher.

(2) Where an ordinary teaching session in the case of any such class is conducted by more than one qualified teacher, paragraph (1) shall be taken to prohibit the class from containing more than 30 pupils for every one of those teachers.

(3) Where a lower primary class at a school contains any excepted pupil (as defined by regulation 4), paragraph (1) or (2) shall apply as if he were not included in the class.

(4) Any limit imposed by this regulation shall apply—

- (a) in relation to a Primary 1 class, from 1st August 1999;
- (b) in relation to a Primary 2 class, from 1st August 2000; and
- (c) in relation to a Primary 3 class, from 1st August 2001.

#### **Excepted pupils**

**4.—**(1) For the purposes of regulation 3, a child to whom any of paragraphs 2 to 7 of the Schedule applies is an excepted pupil in relation to a lower primary class at a school unless suitable education could be provided for him in another lower primary class at that school without relevant measures having to be taken.

(2) In paragraph (1) “relevant measures” means measures which would—

- (a) be required to be taken to ensure compliance with any limit imposed by regulation 3, and
- (b) prejudice the provision of efficient education or the efficient use of resources.

St Andrew’s House,  
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