

*Status: This is the original version (as it was originally enacted).*

## SCHEDULE 1

*(introduced by section 28(3))*

### AMENDMENTS OF 1988 ACT CONSEQUENTIAL ON RESTRICTING BY-ELECTIONS FOR PARENT MEMBERS OF SCHOOL BOARDS

- 1 The 1988 Act shall be amended in accordance with the following paragraphs.
- 2 In section 2 (composition of School Board)—
  - (a) in subsection (1), the words from “; and the number prescribed” to the end are repealed; and
  - (b) in subsection (2), the words “(including co-opted parent members)” are repealed.
- 3 In section 2A (elections)—
  - (a) for subsections (4) and (5) substitute—
    - “(4) In the event of a lesser number of parent members being elected than is necessary to make up the number for the time being prescribed for the purposes of subsection (1)(a) of section 2 of this Act, then not more than three months after the election up to two persons from among the parents of pupils in attendance at the school may be co-opted by the Board; and a person so co-opted shall be a parent member of the Board and not a co-opted member within the meaning given in subsection (1)(c) of that section.
    - (5) In a case where, under section 28(1) of the Standards in Scotland's Schools etc. Act 2000 (asp 6), a by-election falls to be held, it shall be held not more than three months after the vacancy occurs.”; and
  - (b) in subsection (8), for the words from “subsection” to “be,” substitute “section 28(1) of the Standards in Scotland's Schools etc. Act 2000 (asp 6) or, as the case may be, subsection”.
- 4 In section 2B (co-option), for subsections (3) and (4) substitute—
  - “(3) Where a vacancy for a parent member of a Board arises and—
    - (a) no by-election falls to be held, then the Board may, in accordance with this Act, co-opt, within three months after it does so arise;
    - (b) a by-election falls to be held but on its being held no parent member is elected, the Board may, in accordance with this Act, co-opt, within three months after the by-election,  
from among the parents of pupils in attendance at the school another person in his place; and a person so co-opted shall be a parent member of the Board and not a co-opted member within the meaning given in section 2(1)(c) of this Act.”.
- 5 In section 3 (terms of office)—
  - (a) after subsection (4) insert—
    - “(4A) The term of office of a parent member co-opted under section 2A(4) of this Act shall expire at the end of the regular election period in the second relevant year after the election which gave rise to the co-option.

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- (4B) The term of office of a member co-opted under section 2B(3) of this Act shall expire at the end of the regular election period in the next relevant year after the co-option takes place.”; and
- (b) in subsection (5), the words—
- (i) “or co-opted under section 2B(3) of this Act to fill a vacancy in the membership of the Board”; and
  - (ii) “or, as the case may be, co-opted”,
- are repealed.
- 6 In section 20 (schools without a Board and disestablishment of Board)—
- (a) subsection (5) is repealed; and
  - (b) for subsection (6) substitute—
- “(6) Where—
- (a) so few parent members are elected that co-option under section 2A(4) of this Act would not be sufficient to make up the number for the time being prescribed for the purposes of section 2(1)(a) of this Act, the School Board shall not be established or, in the case of an existing Board, shall be disestablished; or
  - (b) a vacancy occurs for a parent member and the case is—
    - (i) one where, under section 28(1) of the Standards in Scotland's Schools etc. Act 2000 (asp 6), a by-election falls to be held but on its being held no parent member is elected; or
    - (ii) not one where, as is mentioned in sub-paragraph (i) above, a by-election falls to be held,

and, in either case, the Board choose not to, or are unable to or fail to, exercise their power under section 2B(3) of this Act so as to make up the number so prescribed, the Board shall be disestablished.”.
- 7 In section 22(2) (interpretation), the definition of “co-opted parent member” is repealed.