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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 361 (C. 14)**

**EDUCATION**

**The Standards in Scotland's Schools etc. Act 2000  
(Commencement No. 3 and Transitional Provisions) Order 2000**

*Made - - - - 12th October 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by section 61(2), (3) and (4) of the Standards in Scotland's Schools etc. Act 2000<sup>(1)</sup>, hereby make the following Order:

**Citation**

1. This Order may be cited as the Standards in Scotland's Schools etc. Act 2000 (Commencement No. 3 and Transitional Provisions) Order 2000.

**Interpretation**

2. In this Order—

“the Act” means the Standards in Scotland's Schools etc. Act 2000;

“the 1965 Act” means the Teaching Council (Scotland) Act 1965<sup>(2)</sup>; and

“the 1980 Act” means the Education (Scotland) Act 1980<sup>(3)</sup>.

**Commencement of provisions**

3.—(1) Subject to the provisions of article 4 of this Order, the provisions of the Act specified in column 1 of Part I of the Schedule to this Order and described by reference to the subject matter in column 2 of Part I of that Schedule shall, insofar as they are not then in force, come into force on 13th October 2000 but, where a particular purpose is specified in relation to any provision in column 3 of Part I of that Schedule, that provision shall come into force on that day for that purpose only.

(2) Subject to the provisions of article 4 of this Order, the provisions of the Act specified in column 1 of Part II of the Schedule to this Order and described by reference to the subject matter in column 2 of Part II of that Schedule shall, insofar as they are not then in force, come into force on 1st November 2001 but, where a particular purpose is specified in relation to any provision in column 3 of Part II of that Schedule, that provision shall come into force on that day for that purpose only.

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(1) 2000 asp 6.  
(2) 1965 c. 19.  
(3) 1980 c. 44.

### **Transitional and savings provisions**

4.—(1) Notwithstanding the repeal of section 98(2A) of the 1980 Act by the coming into force of section 24 of the Act on 13th October 2000, the protection of section 98(2A) of the 1980 Act shall continue to apply to any person who has conducted an independent school within the period of one month immediately before 13th October 2000.

(2) Paragraphs 9 and 10 of Schedule 2 to the 1988 Act, as substituted by section 30 of the Act, shall apply only to vacancies which arise after 13th October 2000.

(3) Notwithstanding the coming into force on 13th October 2000 of section 51 of the Act for the purpose specified in relation to that section in column 3 of Part I of the Schedule to this Order, section 12(1) of the 1965 Act shall continue in force as originally enacted until 31st October 2001.

Victoria Quay,  
Edinburgh  
12th October 2000

*SAM GALBRAITH*  
A member of the Scottish Executive

## SCHEDULE

Article 3(1) and (2)

## PART I

PROVISIONS OF THE ACT WHICH COME  
INTO FORCE ON 13TH OCTOBER 2000

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
1	Right of child to school education	
2	Duty of education authority in providing school education	
3	Raising standards	
4	National priorities in education	
5	Education authority's annual statement of improvement objectives	
6	School developments plans	
7	Review of school performance	
8	Delegation schemes	
11	Inspection of educational establishments	
12	Code of practice as regards inspection of educational establishments	
13	Guidance to education authorities: raising standards and delegation schemes	
14	Guidance to education authorities as to home education	
16	No justification for corporal punishment	
17	Ending of self governing status of school	
18	Order supplementary to ending of self governing status	
19	Transfer of staff of self governing school	
20	Provision of information in relation to self governing school	

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
21	Educational endowments in relation to self governing school	
24	Registration of independent school	
25	Welfare of pupil attending independent school	
26	Role of School Board in raising standards and improving quality of education	
27	Election of School Board after school ceases to be self governing	
29	Restriction of councillor’s membership of School Board	
30	Involvement of School Board in preparing short leet for appointment of head teacher etc.	
31	Delegation of education authority’s functions to School Board	
38	Admission of children under school age to primary school	
40	Education outwith school	
41	Rights of appeal against exclusion from school	
42	Grants in respect of activities relating to school education	
43	Placing requests: extent of education authority’s duty	
44 (other than the words from “or (vii)” to “numbers;” in section 44(4))	Further provision as respects placing requests	
45	Functions of the Council	
46(1) and (2)	Constitution of the Council	Only for the purpose of enabling elections to be held and appointments and nominations to be made [amending the 1965 Act and bringing those amendments into force to enable elections to be held] prior to 1st November

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
		2001 for the Council to be constituted in accordance with the 1965 Act as amended by section 46(1) and (2) on that date
46(3)	Repeal	
46(5)	Removal from office of the Council members	
47	Keeping of the register of teachers	
48	Provision of information by the Council	
49	Provision of information to the Council	Only for the purpose of the insertion into the 1965 Act and bringing into force of sections 9B(a)(i) and (b) and 9C
51	Appeals	Only for the purpose of insertion into the 1965 Act and bringing into force a substituted section 12(1) (other than the words from “(a) such person” to “or” in the third place where it occurs)
52	Amendment of section 17 of the 1965 Act	Only for the purpose of the insertion into the 1965 Act and bringing into force of a substituted definition of “the register”
53	Power of the Council to borrow money	
54	Power of Scottish Ministers to require the Council to establish committees	
56	Guidance to education authorities as to manner of conducting sex education	
57	Consent of child to medical procedures	
58	Interpretation	
59	Regulations	
60	Minor and consequential amendments and repeals	Only for the purpose of bringing into force paragraphs 1(1), (2), (4) and (5)(d)(i) and 3(1), (2), (5), (6), (7) and (8)

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
		of Schedule 2 to the Act and in Schedule 3 to the Act– the entry relating to the 1965 Act; in the entry relating to the 1980 Act, the repeal of the words “in attendance at schools” in section 1(5)(a); and the entry relating to the School Boards (Scotland) Act 1988.

## PART II

### PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST NOVEMBER 2001

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
46	Constitution of the Council	For all other purposes
50	Professional Conduct Committee and Investigating and Disciplinary sub committees	Only for the purpose of the insertion into the 1965 Act and bringing into force of substituted sections 10, 10A(1), 10B, 10C, 11(1) (except heads (ii) and (iii)), 11(8), 11(9) (except the words “or (2) above”), 11(10), 11(11) and 11B
51	Appeals	For all other purposes
52	Amendment of section 17 of the 1965 Act	For all other purposes
60	Minor and consequential amendments	Only for the purpose of bringing into force, so far as not yet in force, paragraph 1 of Schedule 2 to the Act.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the majority of provisions of the Standards in Scotland's Schools etc. Act 2000 ("the Act") (2000 asp 6).

Article 3(1) brings into force on 13th October 2000, the provisions of the Act listed in Column 1 of Part 1 of the Schedule to this Order. This covers principally the right of every child to a school education (section 1), the duty of local authorities to provide education (section 2), the improvement framework for education (sections 3–8), the inspection of education authorities (sections 11–12), guidance to local authorities (section 13–14), abolition of corporal punishment (section 16), the ending of self-governing schools (sections 17–21), provisions relating to the registration of independent schools and pupils attending (section 24 –25), provisions relating to school boards (sections 26–31), admission of children under school age to primary schools (section 38), education outwith school (section 40), appeals against exclusion (section 41), placing requests (sections 43–44), provisions relating to the General Teaching Council ("GTC") but mostly only for the purpose of allowing new elections to be held (sections 45–54), guidance to local authorities on sex education (section 56) and consent of a child to medical procedure (section 57).

Article 3(2) brings into force on 1st November 2001 the provisions of the Act listed in Column 1 of Part II of the Schedule to this Order. This covers principally certain provisions relating to the General Teaching Council not already brought into force by Article 3(1).

Article 4 makes transitional and savings provisions. Article 4(1) provides that the protection of section 98(2A) of the 1980 Act (limited period in which to conduct independent school without registration) shall continue to apply to any person who has conducted an independent school within the period of one month immediately before 13th October 2000. Article 4(2) clarifies that the new procedures for the preparing of a short leet for the appointment of headteachers etc. only applies to vacancies arising after 13th October 2000. Article 4(3) provides for the current appeal mechanism in section 12(1) of the 1965 Act in relation to decisions taking in GTC disciplinary proceedings to continue in operation until the substituted version of that provision is wholly in force on 1st November 2001.

This Order also brings into force minor and consequential amendments and repeals. The repeals relating to self-governing schools have not been brought into force as St Mary's Episcopal Primary school in Dunblane remains a self-governing school. These repeals will be brought into force when an order is made under section 17 of the Act returning St Mary's to the management of the education authority.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 22	28th July 2000	2000/258 (C.8)
Section 9	23rd August 2000	2000/298 (C.9)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 10		
Section 28		
Section 60(1) (partially only for the purpose of bringing into force the amendments to the School Boards (Scotland) Act 1988 in paragraph 4 of Schedule 2 to the Act)		