



# Education (Scotland) Act 1980

## 1980 CHAPTER 44

### PART IV

#### TEACHERS

##### *Appointment, dismissal, retirement and employment of teachers*

#### **87 Appointment of teachers.**

The function of appointing teachers for service in public schools and other educational establishments under the management of an education authority shall be in the education authority, and every appointment shall be during the pleasure of the authority.

#### **<sup>F1</sup> 87A Appointment of principal teachers.**

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##### **Textual Amendments**

- F1** S. 87A repealed (5.2.2007 for specified purposes, 1.8.2007 in so far as not already in force) by [Scottish Schools \(Parental Involvement\) Act 2006 \(asp 8\)](#), s. 24(2), [sch.](#); S.S.I. 2007/31, art. 2(a)(b), schs. 1, 2

#### **<sup>F2</sup> 87B Selection of teachers.**

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##### **Textual Amendments**

- F2** S. 87B repealed (5.2.2007 for specified purposes, 1.8.2007 in so far as not already in force) by [Scottish Schools \(Parental Involvement\) Act 2006 \(asp 8\)](#), s. 24(2), [sch.](#); S.S.I. 2007/31, art. 2(a)(b), schs. 1, 2

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**88** ..... F3

**Textual Amendments**

- F3** S. 88 repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), ss. 75, 82(2), [Sch. 11](#)

**F489** **Age of retirement of teachers.**

**Textual Amendments**

- F4** S. 89 repealed (1.10.2006) by [Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), [Sch. 9](#) (with regs. 44-46)

**90** **Employment of teachers.**

- (1) The Secretary of State may in regulations under section 2 or 74(1) of this Act prescribe that only registered teachers shall be employed or continue to be employed as teachers by education authorities [<sup>F5</sup>, or managers of grant-aided schools.] in the educational establishments to which the regulations apply, subject to such exceptions as may from time to time be so prescribed.
- (2) It is hereby declared that the power of the Secretary of State to make regulations under section 1(2) of the <sup>M1</sup>Education (Scotland) Act 1962, as originally enacted, and as re-enacted as section 2 by the <sup>M2</sup>Education (Scotland) Act 1969 shall be deemed always to have included power on and after 1st November 1965 to prescribe in such regulations that only registered teachers shall be employed or continue to be employed as teachers by education authorities in the educational establishments to which the regulations apply, subject to such exceptions as may from time to time be so prescribed.
- (3) For the avoidance of doubt, it is hereby declared that the power of the Secretary of State to make regulations under section 76(1) of the said Act of 1962 shall be deemed always to have included power on and after 1st November 1965 to prescribe in such regulations that only registered teachers shall be employed or continue to be employed as teachers by managers of educational establishments in the educational establishments to which the regulations apply, subject to such exceptions as may from time to time be so prescribed.
- (4) For the avoidance of doubt, it is hereby declared that in the Schools (Scotland) Code 1956, as amended by the Teachers (Education, Training and Registration) (Scotland) Regulations 1967, regulation 4(2) shall be construed as having always applied to teachers in employment on 1st April 1968, as well as to teachers taken into employment after that date.

**Textual Amendments**

- F5** Words in s. 90(1) inserted (1.1.2017) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), ss. 27, 33(2); S.S.I. 2016/386, reg. 2, sch.

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**Marginal Citations**

- M1 1962 c. 47.
- M2 1969 c. 49.

**[<sup>F6</sup>90A Head teachers: education and training standards**

- (1) The Scottish Ministers may by regulations under section 2 or 74(1) prescribe that only persons falling within subsection (2) may be appointed by education authorities or managers of grant-aided schools as head teachers of schools.
- (2) A person falls within this subsection if the person has achieved such standards of education and training as may be specified in regulations mentioned in subsection (1).
- (3) Regulations made by virtue of subsections (1) and (2) may—
  - (a) provide for exemptions or exceptions,
  - (b) make different provision for different purposes,
  - (c) make consequential, transitional or transitory provision or savings.]

**Textual Amendments**

- F6 S. 90A inserted (1.1.2017) by Education (Scotland) Act 2016 (asp 8), ss. 28(1), 33(2); S.S.I. 2016/386, reg. 2, sch.

*Pay and conditions of teaching staff employed in providing school education*

**<sup>F7</sup>91 .....**

**Textual Amendments**

- F7 Ss. 91-97D repealed (23.3.2001) by 2000 asp 6, s. 55(1); S.S.I. 2001/102, art. 2

**<sup>F8</sup>92 .....**

**Textual Amendments**

- F8 Ss. 91-97D repealed (23.3.2001) by 2000 asp 6, s. 55(1); S.S.I. 2001/102, art. 2

**<sup>F9</sup>93 .....**

**Textual Amendments**

- F9 Ss. 91-97D repealed (23.3.2001) by 2000 asp 6, s. 55(1); S.S.I. 2001/102, art. 2

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**94** ..... **F10**  
**96.**

**Textual Amendments**  
**F10** Ss. 94–97 repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), ss. 67(1), 82(2), **Sch. 11** and ss. 94-97 expressed to be repealed (23.3.2001) by 2000 asp 6, **s. 55(1)**; S.S.I. 2001/102, **art. 2**

*Provisions common to the two committees*

**97** ..... **F11**

**Textual Amendments**  
**F11** Ss. 94–97 repealed by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), ss. 67(1), 82(2), **Sch. 11** and ss. 94-97 expressed to be repealed (23.3.2001) by 2000 asp 6, **s. 55(1)**; S.S.I. 2001/102, **art. 2**

**F12****97A** .....

**Textual Amendments**  
**F12** Ss. 91-97D repealed (23.3.2001) by 2000 asp 6, **s. 55(1)**; S.S.I. 2001/102, **art. 2**

**F13****97B** .....

**Textual Amendments**  
**F13** Ss. 91-97D repealed (23.3.2001) by 2000 asp 6, **s. 55(1)**; S.S.I. 2001/102, **art. 2**

**F14****97C** .....

**Textual Amendments**  
**F14** Ss. 91-97D repealed (23.3.2001) by 2000 asp 6, **s. 55(1)**; S.S.I. 2001/102, **art. 2**

**F15****97D** .....

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### Textual Amendments

**F15** Ss. 91-97D repealed (23.3.2001) by 2000 asp 6, s. 55(1); S.S.I. 2001/102, art. 2

**Changes to legislation:**

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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\(3\)](#)