



# Self-Governing Schools etc. (Scotland) Act 1989

## CHAPTER 39

### SELF-GOVERNING SCHOOLS ETC. (SCOTLAND) ACT 1989

#### PART I

##### SELF-GOVERNING SCHOOLS

###### *Duty to maintain self-governing schools*

- 1 Duty of Secretary of State to maintain self-governing schools.

###### *Government*

- 2 Scheme of government.
- 3 The board of management and the articles of constitution.
- 4 Members' tenure of office.
- 5 Qualification for and disqualification from membership of a board of management.
- 6 Proceedings of board of management.
- 7 Powers and duties of board of management.
- 8 Execution of documents.
- 9 Reports and parents' meetings.

###### *Parental rights et cetera*

- 10 Rights of parents in relation to individual pupils.

###### *Fees, charges, books, et cetera*

- 11 Fees, charges, books etc.

*Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989. (See end of Document for details)*

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### *Management of denominational schools*

- 12 Management of denominational schools.

#### *Procedure for acquisition of self-governing status et cetera laetc.*

- 13 Initiation of procedure for acquisition of self-governing status.  
 14 Ballot of parents on question of acquisition of self-governing status.  
 15 Fresh ballot.  
 16 Proposals for acquisition of self-governing status.  
 17 Ballot expenses.  
 18 Further provision as regards proposals under section 16.  
 19 Rejection or approval of proposals.  
 20 Transition to self-governing status.

#### *Proposals under sections 22A to 22D of 1980 Act where procedure for acquisition of self-governing status initiated*

- 21 Effect of pending procedure for acquisition of self-governing status on proposals for alteration etc. of schools.

### *Staff*

- 22 Transfer of staff to self-governing schools.  
 23 Further provision as regards teachers in self-governing schools.  
 24 Effect of pending procedure for acquisition of self-governing status on appointment etc. of staff.

### *Benefits and services for pupils*

- 25 Provision of benefits and services for pupils by education authorities.

### *Finance*

- 26 Recurrent grant, capital grants and special purpose grants.  
 27 Recurrent grant in respect of provision for special educational needs.  
 28 Recovery of sums in respect of recurrent grant.  
 29 Extension of, and recovery for education etc. provided under, section 23 of 1980 Act.

#### *Change in characteristics, discontinuance et cetera laetc.*

- 30 Change in characteristics of self-governing school.  
 31 Discontinuance by board of management.  
 32 Compensation in respect of denominational schools.

### *Withdrawal of grant*

- 33 Withdrawal of grant by Secretary of State.

### *Miscellaneous*

- 34 Administrative, professional, technical or other services.  
 35 Functions of school board: application of certain provisions of 1988 Act.

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### *Property*

- 36 Transfer of land, moveable property and obligations to board of management.
- 37 Disposal of land by board of management.
- 38 Commissioners for school assets.
- 39 Certificates in respect of land, moveable property etc.
- 40 Transfer of property where no certificate issued.
- 41 Disposal of land or moveable property by education authority prior to incorporation date.
- 42 Reduction of disposals of property by education authority.
- 43 Prevention of disposals of property by education authority.
- 44 Repudiation of agreements made in contravention of section 43.
- 45 Reduction or setting aside of disposals made in contravention of section 43.
- 46 Commissioner for school assets' right of action for contravention of section 43.
- 47 Removal of property from school by education authority.

### *Provision of information*

- 48 Duty of education authority to provide information.

### *Educational endowments*

- 49 Educational endowments.

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- 50 Winding up orders.
- 51 Disposal of property on winding up.
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- 55 Proceedings of college councils.
- 56 Functions of college councils.
- 57 Financing of college councils and financial information.
- 58 College council to be agent of education authority.
- 59 Power to enforce duties of college councils.
- 60 Allowances for council members.

#### *Supply of goods and services*

- 61 Powers of education authorities to enter agreements and to make loans.
- 62 Supply of goods and services through colleges of further education.
- 63 Financial and accounting provisions.

#### *Discontinuance of college of further education*

- 64 Discontinuance of college of further education.

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*Formation of companies to manage colleges of further education*

- 65 Power of college councils to form companies to manage colleges of further education.
- 66 Transfer of staff to companies formed by virtue of section 65.

*Pay and conditions of service*

- 67 Abolition of committee to consider pay and conditions of teaching staff employed in providing further education.

**PART III**

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*Miscellaneous*

- 68 Technology academies.
- 69 Testing in primary schools.
- 70 Appraisal of teachers.
- 71 Placing of recorded and other children and young persons in schools outwith Scotland etc.
- 72 Further amendment of 1980 Act in respect of recorded children.
- 73 Educational services: extension of power of Secretary of State to make grants.
- 74 Appointment of teachers.
- 75 Dismissal of teachers.
- 76 Remuneration of certain persons employed in providing school education.
- 77 Extensions of functions of Commission for Local Authority Accounts in Scotland.

*General*

- 78 Orders and regulations.
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- 83 Citation and extent.

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**SCHEDULES**

SCHEDULE 1 — The Scheme of Government  
Part I — ARTICLES OF CONSTITUTION

*Denominational schools*

1 .....

*Initial provision as regards membership*

2 .....

3 .....

*Parental majority*

4 .....

*Eligibility*

5 .....

*Resignation and removal*

6 .....

7 .....

*Proceedings*

8 .....

9 .....

*Allowances to members*

10 .....

11 .....

*Saving*

12 .....

Part II — ARTICLES OF MANAGEMENT

1 .....

2 .....

SCHEDULE 2 — Rights of Parents in Relation to Individual Pupils

*General principle*

1 The board of management of a self-governing school shall, in...

*Specific Duties*

2 (1) Where the parent of a child makes a written...

*Appeals*

3 (1) Subject to sub-paragraph (2) below, a parent who has...

4 An appeal committee shall be constituted, in accordance with the...

5 (1) An appeal committee may, on a reference under paragraph...

6 (1) A parent who has made a reference under paragraph...

7 (1) Where the board of management of a self-governing school...

*Application to young persons*

8 Paragraphs 2 to 7 of this Schedule shall apply in...

SCHEDULE 3 —

1 The school board shall secure that all necessary arrangements for...

2 The arrangements, and the exercise by the school board of...

3 The ballot shall be a secret postal ballot of all...

4 It shall be the duty of the school board to...

5 Before the ballot the school board shall make available, for...

6 Subject to section 14 of this Act, and to the...

SCHEDULE 4 —

- 1 (1) An interim board of management of a self-governing school...
- 2 A person who is a member of a board of...
- 3 An interim board of management shall cease to exist on...

SCHEDULE 5 —

- 1 Where under section 19(1)(b) of this Act the Secretary of...
- 2 The provision that may be made by an order under...
- 3 (1) The Secretary of State may make grants to the...
- 4 The duty of an education authority to maintain a school...
- 5 At any time on or after the date on which...
- 6 On and after the incorporation date in relation to a...

SCHEDULE 6 — Provision of Benefits and Services for Pupils at Self-Governing Schools etc.

- 1 (1) The 1980 Act shall be amended as follows.
- 2 In section 39 of the National Health Service (Scotland) Act...

SCHEDULE 7 — Arrangements in Respect of Ballot of Parents Regarding Change in Characteristics of Self-Governing School

- 1 The board of management of the school shall secure that...
- 2 The arrangements, and the exercise by the board of management...
- 3 The ballot shall be a secret postal ballot of, and...
- 4 It shall be the duty of the board to secure...
- 5 Subject to the foregoing provisions of this Schedule, the arrangements...

SCHEDULE 8 — Transfer and Apportionment of Assets

*Identification of land, moveable property, liabilities and obligations*

- 1 (1) The education authority and the commissioner for school assets...
- 2 (1) The land, moveable property, liabilities and obligations mentioned in...

*Transfer certificates*

- 3 A certificate issued under section 39(1) of this Act in...
- 4 No stamp duty shall be chargeable in respect of any...

*Reference of disputes to Secretary of State*

- 5 (1) Where it appears to a commissioner for school assets...

*Right to production of documents of title*

- 6 Without prejudice to paragraph 1(3) above, where on any transfer...

*Construction of agreements*

- 7 (1) Where any rights, liabilities or obligations transferred under section...
- 8 Save as otherwise provided by any provision of this Act...
- 9 (1) Without prejudice to the generality of paragraphs 7 and...

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10 The provisions of paragraphs 7 to 9 above shall have...

*Third parties affected by vesting provisions*

11 (1) Without prejudice to the generality of paragraphs 7 to...

*Delivery of documents to board of management*

12 The commissioner for school assets shall, as soon as is...

SCHEDULE 9 — Commissioners for School Assets

*Appointment*

- 1 Where the Secretary of State has approved proposals published under...
- 2 The appointment of a commissioner shall be in writing, and...
- 3 Subject to paragraphs 5 and 6 below, a commissioner's appointment...
- 4 The Secretary of State shall pay the remuneration of the...

*Resignation and dismissal*

- 5 A commissioner may resign his office at any time by...
- 6 The Secretary of State may, if it appears to him...

*Powers*

- 7 A commissioner may with the prior consent of the Secretary...
- 8 The commissioner shall comply with any directions given to him...
- 9 A commissioner shall not delegate any of his functions.

*Status*

10 A commissioner shall not be regarded as a servant or...

SCHEDULE 10 — Minor and Consequential Amendments

*The Universities (Scotland) Act 1889 (c. 55)*

1 In subsection (5) of section 5 of the Universities (Scotland)...

*The Teaching Council (Scotland) Act 1965 (c. 19)*

2 (1) The Teaching Council (Scotland) Act 1965 shall be amended...

*The Local Authorities (Goods and Services) Act 1970 (c. 39)*

3 (1) Subject to sub-paragraph (2) below, in the Local Authorities...

*The Tribunals and Inquiries Act 1971 (c. 62)*

4 .....

*The Sex Discrimination Act 1975 (c. 65)*

5 (1) The Sex Discrimination Act 1975 shall be amended as...

*The Race Relations Act 1976 (c. 74)*

6 (1) The Race Relations Act 1976 shall be amended as...

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*The Employment Protection (Consolidation) Act 1978 (c. 44)*

7 .....

*The Education (Scotland) Act 1980 (c. 44)*

8 (1) The 1980 Act shall be amended as follows.

*The Representation of the People Act 1983 (c. 2)*

9 In paragraph 6 of Schedule 5 to the Representation of...

*The School Boards (Scotland) Act 1988 (c. 47)*

10 In paragraph 5 of Schedule 2 to the School Boards...

SCHEDULE 11 — Repeals



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