

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Self-Governing Schools etc. (Scotland) Act 1989, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Section 82(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 1 In subsection (5) of section 5 of the Universities (Scotland) Act 1889 (which relates to the constitution of university courts), for the words “the principal” there shall be substituted the words “ a vice-chairman elected by the Court from among all its members,”.

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

- 2 (1) The Teaching Council (Scotland) Act 1965 shall be amended as follows.
- (2) In subsection (2) of section 6 (which relates to the registration of teachers)—
- (a) after paragraph (b) there shall be inserted the following paragraph—
- “(ba) in the case of a person who is not entitled to be registered under either of the two foregoing paragraphs, he fulfils such requirements as the Secretary of State may by regulations made under this paragraph prescribe; or”; and
- (b) in paragraph (c), for the words “either of the two foregoing paragraphs” there shall be substituted the words “ paragraphs (a) to (ba) above ”.
- (3) After the said subsection (2) there shall be inserted the following subsection—
- “(2A) Before making regulations under subsection (2)(ba) above the Secretary of State shall consult the Council and such organisation as appears to him to be representative of the interests of education authorities.
- (2B) Regulations made by the Secretary of State under subsection (2)(ba) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (4) In subsection (4) of the said section 6—
- (a) in paragraph (a), at the beginning there shall be inserted the words “ subject to subsection (5B) below, ”;
- (b) in paragraph (b), for the words “may be prescribed, with the approval of the Secretary of State,” there shall be substituted the words “ the Council think appropriate ”; and
- (c) for the words “subsection (2)(b)” there shall be substituted the words “ subsection (2)(b) and (ba) ”.
- (5) After subsection (5A) of the said section 6 there shall be inserted the following subsection—

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“(5B) The Council may with the consent of the Secretary of State make rules under subsection (4)(a) above in respect of persons entitled to be registered by virtue of regulations made under subsection (2)(ba) above.”.

(6) After paragraph 4 of Schedule 1 (which relates to the constitution of the Council) there shall be inserted the following paragraph—

“4A Where a member of the Council or of any committee of the Council has failed without good cause to attend meetings for a period of at least 6 months and to attend 3 consecutive meetings, the Council may, by a vote taken at a meeting of the Council at which the member has been given an opportunity to be heard, remove him from the Council.”.

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

- 3 (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include the board of management of any self-governing school.
- (2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of that Act (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to the board of management of a self-governing school specified in the order.

The Tribunals and Inquiries Act 1971 (c. 62)

- 4 In paragraph 36 of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under direct supervision of the Scottish Committee of the Council on Tribunals), at the end there shall be added the following sub-paragraph—
- “(c) appeal committees constituted by virtue of section 7 of, and paragraph 2(b) of Part II of Schedule 1 to, the Self-Governing Schools etc. (Scotland) Act 1989.”.

The Sex Discrimination Act 1975 (c. 65)

- 5 (1) The Sex Discrimination Act 1975 shall be amended as follows.
- (2) In section 22 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 7 there shall be inserted the following paragraph—

“7A. Self-governing school. Board of management.”.

(3) In section 25(6)(c)(i) (general duty in public sector of education), for the words “or 7” there shall be substituted the words “, 7 or 7A ”.

(4) In section 82(1) (interpretation)—

- (a) after the definition of “associated employer” there shall be inserted the following definition—

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- “board of management”, in relation to a self-governing school, has the same meaning as in the Education (Scotland) Act 1980;” and
- (b) after the definition of “school education” there shall be inserted the following definition—

“self-governing school” has the same meaning as in the Education (Scotland) Act 1980;”.

- (5) In paragraph 6 of Schedule 2 (transitional exemption orders for educational admissions) for the words “or 7” there shall be substituted the words “, 7 or 7A”.

The Race Relations Act 1976 (c. 74)

- 6 (1) The Race Relations Act 1976 shall be amended as follows.
- (2) In section 17 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 7 there shall be inserted the following paragraph—

“7A. Self-governing school.	Board of management.”.
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- (3) In section 19(6)(c)(i) (general duty in public sector of education), for the words “or 7” there shall be substituted the words “, 7 or 7A”.

- (4) In section 78(1) (interpretation)—

- (a) after the definition of “advertisement” there shall be inserted the following definition—

“board of management”, in relation to a self-governing school, has the same meaning as in the Education (Scotland) Act 1980;” and

- (b) after the definition of “school education” there shall be inserted the following definition—

“self-governing school” has the same meaning as in the Education (Scotland) Act 1980;”.

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

- 7 In section 29 of the Employment Protection (Consolidation) Act 1978 (persons holding certain offices to be allowed time off for public duties)—

- (a) after paragraph (ee) of subsection (1) there shall be inserted the following paragraph—

“(ef) a member of a school board or of the board of management of a self-governing school;” ; and

- (b) in subsection (2)(c)—

- (i) for the words “and “central institution” and “college of education”” there shall be substituted the words “ “board of management”, “central institution”, “college of education” and “self-governing school””; and

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- (ii) at the end there shall be added the words “and “school board” has the meaning assigned by section 1(1) of the School Boards (Scotland) Act 1988”.

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

- 8 (1) The 1980 Act shall be amended as follows.
- (2) In section 1(5) (interpretation), in paragraph (c)—
- (a) after the word “child” there shall be inserted the words “who has attained school age”; and
 - (b) at the end there shall be added the words “and in relation to any other child means such educational provision as is appropriate to those needs”.
- (3) In section 8 (religious instruction)—
- (a) in subsection (1), after the word “authorities” there shall be inserted the words “and boards of management of self-governing schools”; and
 - (b) in subsection (2), after the words “education authority” there shall be inserted the words “or board of management”.
- (4) In section 9 (conscience clause), for the words “and every grant-aided school” there shall be substituted the words “, every grant-aided school and every self-governing school”.
- (5) In section 10 (safeguards for religious beliefs)—
- (a) after the words “education authority”, where they first occur, there shall be inserted the words “, or at any self-governing school”;
 - (b) the words from “of the school,” where they first occur to “establishment, the education authority” shall become paragraph (a), and after that paragraph there shall be inserted the following paragraph—

“,

 - (b) of the self-governing school, the board of management,”;
 - (c) for the words “or other educational establishment”, where they occur for the third time, there shall be substituted the words “, other educational establishment or self-governing school”; and
 - (d) at the end there shall be added the words “or, as the case may be, by the board of management”.
- (6) In section 19 (power of Secretary of State to prescribe standards for premises etc.)—
- (a) in subsection (1), after the word “authorities” there shall be inserted the words “or to the premises and equipment of self-governing schools”;
 - (b) in subsection (2)—
 - (i) the words from “of an education authority” to “that establishment” shall be paragraph (a), and after that paragraph there shall be inserted the following paragraph—

“(b) of the board of management of a self-governing school to secure that the premises and equipment of the school conform to the standards and requirements applicable to that school”; and

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- (ii) after the words “their management” where they occur for the second time there shall be inserted the words “, or as the case may be of the self-governing school,”; and
 - (c) in subsection (3)—
 - (i) after the words “education authority” there shall be inserted the words “, or of any self-governing school,”;
 - (ii) after the word “establishment” where it occurs for the second time there shall be inserted the words “or school”;
 - (iii) after the words “the authority”, where they first occur, there shall be inserted the words “or as the case may be with the board of management”; and
 - (iv) for the words “the authority”, where they occur for the second time, there shall be substituted the words “that authority or board”.
- (7) In section 21 (management of denominational schools), in subsection (2)—
 - (a) at the beginning there shall be inserted the words “Subject to subsections (2A) and (2C) below,”;
 - (b) for the words “Provided that—
 - (i) all teachers appointed to”there shall be substituted the words—
 - “(2A) A teacher appointed to any post on”;
 - (c) the words “in every case be teachers who” shall cease to have effect;
 - (d) for the word “are” there shall be substituted the words “shall require to be”;
 - (e) for the word “their” there shall be substituted the word “his”; and
 - (f) for the word “(ii)” there shall be substituted the words—
 - “(2B) Where the said representatives of a church or denominational body refuse to give the approval mentioned in subsection (2A) above they shall state their reasons for such refusal in writing.
- (2C)”.
 - (8) In section 48A(5) (abolition of corporal punishment: interpretation), in paragraph (a)
 - (i), after the word “public” there shall be inserted the words “, or self-governing,”.
 - (9) In section 49 (power of education authorities to assist persons to take advantage of educational facilities), after subsection (2) there shall be inserted the following subsection—
 - “(2A) In subsection (2) above, references to attending school are to so attending not only where the school is in Scotland, but also where it is in England and Wales or in Northern Ireland (“school education” being construed accordingly).”.
- (10) In section 50 (education of pupils in exceptional circumstances)—
 - (a) in subsection (1), for the words “an appropriate school or college” there shall be substituted the words—
 - “, in any case falling under—
 - (i) paragraph (a) of this subsection, an appropriate school; and

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- (ii) paragraph (b) thereof, the particular school.”;
- (b) after subsection (1) there shall be inserted the following subsection—
- “(1A) In subsection (1) above, references to an appropriate school and to a particular school are references not only to schools in Scotland but also to schools in England and Wales or in Northern Ireland (“school education” being construed accordingly).”;
- (c) in subsection (2)(a), for the words “section 51 of this Act” there shall be substituted the words “subsection (1) of section 51 of this Act (for the purposes of this paragraph, any reference in that section to a school being construed as a reference not only to a school in Scotland but also to a school in England and Wales or in Northern Ireland)”.
- (11) In section 52 (recovery of the cost of board and lodging), for the word “another” there shall be substituted the word “an”.
- (12) In section 53 (provision of school meals), after subsection (3) there shall be inserted the following subsection—
- “(3A) Subsections (1) to (3) above apply in relation to pupils in attendance at a self-governing school and the board of management of that school as they apply in relation to pupils in attendance at a public school and the education authority under whose management the public school is.”.
- (13) In section 58 (power to ensure cleanliness), for the words “a junior college or other” there shall be substituted the word “an”.
- (14) In section 66(1) (inspection of educational establishments)—
- (a) for the words “educational establishment being a school or junior college” there shall be substituted the word “school”; and
- (b) for the words “such school or junior college” there shall be substituted the word “school”.
- (15) In section 67 (local inquiries), after the words “under this Act” there shall be inserted the words “or under any other enactment relating to education”.
- (16) In section 68 (power to require submission to medical examination), for the words “a junior college or other” there shall be substituted the word “another”.
- (17) In section 74 (payment of grants to be subject to conditions), in subsection (1)—
- (a) after the words “prescribed in” there shall be inserted the words “or determined by him under”; and
- (b) after the words “specified in” there shall be inserted the words “or determined by him under”.
- (18) In section 86 (admissibility of documents), for the words “(e) or (f)” there shall be substituted the words “or (e)”.
- (19) In subsection (2) of section 97A (effect of settlement formulated by committee established under section 91)—
- (a) for the words from the beginning to “section 91 of this Act” there shall be substituted the words “Where a settlement has been formulated by the committee”;
- (b) for the word “(i)” there shall be substituted the word “(a)”;
- (c) for the word “(ii)” there shall be substituted the word “(b)”.

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- (20) In paragraph (a) of section 97C (interpretation of sections 91 to 97B—
- (a) the words “(i)” and “(or)” and sub-paragraph (ii) shall cease to have effect;
 - (b) after the word “may” there shall be inserted the words “from time to time”;
 - and
 - (c) after the word “determine;” there shall be inserted the words “and the provisions of those sections shall accordingly not apply in relation to such teachers or other persons employed by education authorities in Scotland in, or in connection with, the provision of school education as are excluded from the definition of “teaching staff” by such an order;”.
- (21) In section 123 (work experience in last year of compulsory schooling)—
- (a) in subsection (1)—
 - (i) for the words “in his last year of compulsory schooling” there shall be substituted the words “to whom this subsection applies”; and
 - (ii) after the word “authority” there shall be inserted the words “(where the child is in attendance at a school under the management of that authority) or by the board of management of a self-governing school (where the child is in attendance at that self-governing school)”; and
 - (b) for subsection (4) there shall be substituted the following subsection—

“(4) Subsection (1) above applies to a child undergoing compulsory education during the period between 1st May in the calendar year before the calendar year in which he attains the upper limit of school age and the end of the latter year.”.
- (22) In section 135(1) of that Act (interpretation)—
- (a) after the definition of “attendance order” there shall be inserted the following definition—

“ “board of management”, in relation to a self-governing school means a board incorporated under section 19(2) of the Self-Governing Schools etc. (Scotland) Act 1989;”;
 - (b) in the definition of “grant-aided school”, at the end, there shall be added the words “, a self-governing school or a technology academy (within the meaning of the Self-Governing Schools etc. (Scotland) Act 1989)”;
 - (c) in the definition of “independent school”, for the words “or a grant-aided school” there shall be substituted the words “, a grant-aided school or a self-governing school”;
 - (d) in the definition of “school”, after the words “grant-aided school” there shall be inserted the words “, a self-governing school”;
 - (e) after the definition of “school age” there shall be inserted the following definition—

“ “school board” has the meaning assigned to it by section 1 of the School Boards (Scotland) Act 1988;”;
 - (f) after the definition of “school education” there shall be inserted the following definition—

“ “self-governing school” has the meaning given by section 1(3) of the Self-Governing Schools etc. (Scotland) Act 1989;”.

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

- 9 In paragraph 6 of Schedule 5 to the Representation of the People Act 1983 (arrangements for use of school room for parliamentary election meetings), after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) for any reference to a grant maintained school and its governing body substitute a reference to a self-governing school and its board of management (within the meaning of the Education ((Scotland) Act 1980);”.

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

- 10 In paragraph 5 of Schedule 2 to the School Boards (Scotland) Act 1988 (appointment committees), after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) in respect of the performance of his duties as a member of an appointment committee, a person—

- (i) shall not, under or by virtue of that Act, be entitled to receive any allowance or expenses;
- (ii) shall be entitled to receive under this sub-paragraph from the education authority such allowances and expenses as may be determined by the Secretary of State;”.

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