

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)

SCHEDULES

^{F1}SCHEDULE 1

Sections 3(2) and 7(9).

Textual Amendments

- F1** Sch. 1 repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)

^{F2}SCHEDULE 2

Section 10.

Textual Amendments

- F2** Sch. 2 repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), sch. 3; S.S.I. 2004/528, art. 2(b)

^{F3}SCHEDULE 3

Textual Amendments

- F3** Sch. 3 repealed (14.7.2000) by 2000 asp 6, ss. 60(2), 61(2)(c) Sch. 3

^{F4}SCHEDULE 4

Textual Amendments

- F4** Sch. 4 repealed (14.7.2000) by 2000 asp 6, ss. 60(2), 61(2)(c), Sch. 3

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F⁵SCHEDULE 5

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Textual Amendments

F5 Sch. 5 repealed (14.7.2000) by 2000 asp 6, ss. 60(2), 61(2)(c), Sch. 3

SCHEDULE 6

Section 25(3).

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 51 (provision of transport etc.)—
- (a) in subsection (1), after the words “(2A)” there shall be inserted the words “ or (2AB) ”;
- (b) after subsection (2A) there shall be inserted the following subsections—
- “(2AB) This subsection applies—
- (a) where the pupil is in attendance at a self-governing school but lives outwith an area for the time being specified in relation to that school by the Secretary of State by order under this subsection; or
- (b) where the pupil lives within that area and either—
- (i) his parent has not applied to the board of management, under paragraph 2(1) of Schedule 2 to the Self-Governing Schools etc. (Scotland) Act 1989, for the pupil’s admission to the school; or
- (ii) his parent has so applied and they are prepared to admit the pupil, but the pupil is not in such attendance;
- and paragraph 8 of the said Schedule 2 shall apply in relation to references in this subsection as that paragraph applies to references in paragraphs 2 to 7 of that Schedule.
- (2AC) An order under subsection (2AB) above may be revoked, and a new area specified in relation to the school, by a further order under that subsection; but before making any such order, or further order, the Secretary of State shall consult the board of management of the school and the education authority within whose area the school is situated.”.
- (3) In section 54 (education authority’s duty to ensure clothing of pupils at public schools is sufficient etc.)—
- (a) in subsection (1), after the word “management” there shall be inserted the words “ , or a self-governing school, ”; and
- (b) in subsection (3), at the end there shall be added the words “ ; or for any pupil who is a boarder at a self-governing school ”.

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- (4) In section 55(b) (arrangements for provision of sufficient clothing by education authority for pupils in attendance at schools other than public schools), at the beginning there shall be inserted the words “ except in relation to a school which is a self-governing school, ”.
- (5) In section 57 (health of pupils)—
- (a) in subsection (2), for the words from “inspection”, where it occurs for the second time, to the end there shall be substituted the words—
- “(a) an education authority may require the parent of any pupil in attendance at any school under their management; and
- (b) a board of management of a self-governing school may require the parent of any pupil in attendance at that school,
- to submit the pupil for medical or dental inspection in accordance with arrangements made by the appropriate Health Board in agreement with the authority, or as the case may be board of management; and—
- (i) an education authority may require any young person in attendance at any educational establishment under their management;
- (ii) a board of management of a self-governing school may require any young person in attendance at that school,
- to submit himself for such medical or dental inspection.”;
- and
- (b) in subsection (3), after the word “authority” there shall be inserted the words “ or board of management ”.
- (6) In section 58 (power to ensure cleanliness)—
- (a) in subsection (1)—
- (i) after the word “directions”, where it occurs for the second time, there shall be inserted the words “ , and the board of management of any self-governing school may by notice in writing issued with respect to that school, ”; and
- (ii) after the words “such schools”, where they occur for the second time, there shall be inserted the words “ (or as the case may be at that school) ”;
- (b) in subsection (2), after the word “authority” there shall be inserted the words “ , or in the case of a self-governing school, the board of management, ”;
- (c) in subsection (3), after the word “authority”—
- (i) where it first occurs, there shall be inserted the words—
- “ , or in the case of a self-governing school the board ofmanagement”;
- (ii) where it occurs for the second time, there shall be inserted the words—
- “ , or in the case of a self-governing school any officerappointed by the board of management, ”; and
- (d) in each of subsections (4) and (6), after the word “authority” there shall be inserted the words “ , or as the case may be the board of management ”.

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- 2 In section 39 of the ^{M1}National Health Service (Scotland) Act 1978 (medical and dental inspection of pupils etc.)—
- (a) in subsection (1), after the word “authority” there shall be inserted the words “ or at any self-governing school ”;
 - (b) in subsection (3), after the word “authority”, where it first occurs, there shall be inserted the words “ and of every board of management ”; and
 - (c) in subsection (4), after the word “authority” there shall be inserted the words “ and of every board of management ”.

Marginal Citations

M1 1978 c. 29.

^{F6} SCHEDULE 7

Section 30(4).

Textual Amendments

F6 Schs. 7-9 repealed (31.12.2004) by Standards in Scotland’s Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 3**; S.S.I. 2004/528, art. 2(b)

^{F6} SCHEDULE 8

Section 36(8).

^{F6} SCHEDULE 9

Section 38.

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, ”.

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

F72

Textual Amendments

- F7** Sch. 10 para. 2 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **sch. 7**

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

F83

Textual Amendments

- F8** Sch. 10 para. 3 repealed (31.12.2004) by Standards in Scotland's Schools etc. Act 2000 (asp 6), s. 61(2), **sch. 3**; S.S.I. 2004/528, art. 2(b)

The Tribunals and Inquiries Act 1971 (c. 62)

F94

Textual Amendments

- F9** Sch. 10 para. 4 repealed (1. 10. 1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 Pt.I.**

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—

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

- (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;”.

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- (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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^{F10}(3)

- (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;”;
 - (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;”.

Textual Amendments
F10 Sch. 10 para. 6(3) repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2

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

^{F117}

Textual Amendments
F11 Sch. 10 para. 7 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt.I (with ss. 191-195, 202)

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

- 8 (1) The 1980 Act shall be amended as follows.
- ^{F12}(2)
- (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”.

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- (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
 - (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—

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- “(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
 - (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.”.

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- (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)”.
- ^{F13}(19)
- ^{F14}(20)
- (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)”;

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- (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;”and
- (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;”.

Textual Amendments

- F12** Sch. 10 para. 8(2) repealed (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\), s. 35\(1\), sch. 3 para. 6\(c\)](#); S.S.I. 2005/564, art. 2
- F13** Sch. 10 para. 8(19) repealed (31.12.2004) by [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\), s. 61\(2\), sch. 3](#); S.S.I. 2004/528, art. 2(b)
- F14** Sch. 10 para. 8(20) repealed (31.12.2004) by [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\), s. 61\(2\), sch. 3](#); S.S.I. 2004/528, art. 2(b)

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)

^{F15}10

Textual Amendments

- F15** Sch. 10 para. 10 repealed (1.8.2007) by [Scottish Schools \(Parental Involvement\) Act 2006 \(asp 8\), s. 24\(2\), sch.](#); S.S.I. 2007/31, art. 2(b), sch. 2

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SCHEDULE 11

Section 82(2).

REPEALS

1973 c. 65.	Local Government (Scotland) Act 1973.	Section 125. In section 126, the words “(as read with section 125(4) of this Act)—(a)”; the words “or of any college council appointed by that authority”; paragraph (b); and the proviso to paragraph (b). In Schedule 10, in paragraphs 1 and 2 the words “a college council”; and in paragraph 4 the words “college council”.
1978 c. 29.	National Health Service (Scotland) Act 1978.	In section 39(1), the words “junior college or”.
1980 c. 44.	Education (Scotland) Act 1980.	Section 1(5)(b)(i). In section 7(7)(d) the words “either as part of a junior college or”. In section 10, the words “, junior college” in each of the three places where they occur. In section 11(1)(a) the words “or junior colleges”. In section 11(2)(a), the words “junior college” and “college”. In section 12(1), the words “junior colleges”. In section 17(1), the words “junior colleges”. In section 17(3), the words “junior college”. In section 17(4), the words “junior colleges”. In section 21(2), the words “in every case be teachers who”.

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In section 23(1), the words “junior college”.

Section 33(4).

Sections 45 to 48.

In section 50(1), in paragraph (b), the word “or”; paragraph (c); and the words from “and, in any case” to “the pupil”.

In section 50(2)(b), the words “or at a junior college where boarding is provided,”.

In section 52, the words “junior college or” and the words “in voluntary attendance at a junior college or,”.

In section 57(4), the words “junior college”.

In section 58(1), the words “junior colleges”, “colleges” and “colleges or”.

In section 58(5), the words “junior college” where they first appear.

In section 58(6), the words “junior college”; and the word “college” in both other places where it occurs.

In section 71(3), the words “junior colleges”.

In section 86(c), the words “or junior college” and “or college”.

Section 86(f).

Section 88.

Sections 94 to 97.

In section 97A, paragraph (b) of subsection (2).

In section 97B(2), the words “or, as the case may be, section 95(1)”.

In paragraph (a) of section 97C, the words

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“(i)” and “or”, and subparagraph (ii).

Section 124.

In section 135(1), in paragraph (i) of the definition of “educational establishment”, the words “, a junior college”, “other” and “junior college”; in paragraph (ii) of that definition the words “or junior colleges”; and the definition of “junior college”.

In Schedule 6, paragraphs 1 to 15.

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