

*Status: Point in time view as at 31/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

## SCHEDULE 1

*(introduced by section 28(3))*

### AMENDMENTS OF 1988 ACT CONSEQUENTIAL ON RESTRICTING BY-ELECTIONS FOR PARENT MEMBERS OF SCHOOL BOARDS

- 1 The 1988 Act shall be amended in accordance with the following paragraphs.
- 2 In section 2 (composition of School Board)—
- (a) in subsection (1), the words from “; and the number prescribed” to the end are repealed; and
  - (b) in subsection (2), the words “(including co-opted parent members)” are repealed.
- 3 In section 2A (elections)—
- (a) for subsections (4) and (5) substitute—
    - “(4) In the event of a lesser number of parent members being elected than is necessary to make up the number for the time being prescribed for the purposes of subsection (1)(a) of section 2 of this Act, then not more than three months after the election up to two persons from among the parents of pupils in attendance at the school may be co-opted by the Board; and a person so co-opted shall be a parent member of the Board and not a co-opted member within the meaning given in subsection (1)(c) of that section.
    - (5) In a case where, under section 28(1) of the Standards in Scotland's Schools etc. Act 2000 (asp 6), a by-election falls to be held, it shall be held not more than three months after the vacancy occurs.”;
- and
- (b) in subsection (8), for the words from “subsection” to “be,” substitute “section 28(1) of the Standards in Scotland's Schools etc. Act 2000 (asp 6) or, as the case may be, subsection ”.
- 4 In section 2B (co-option), for subsections (3) and (4) substitute—
- “(3) Where a vacancy for a parent member of a Board arises and—
    - (a) no by-election falls to be held, then the Board may, in accordance with this Act, co-opt, within three months after it does so arise;
    - (b) a by-election falls to be held but on its being held no parent member is elected, the Board may, in accordance with this Act, co-opt, within three months after the by-election,
      - from among the parents of pupils in attendance at the school another person in his place; and a person so co-opted shall be a parent member of the Board and not a co-opted member within the meaning given in section 2(1)(c) of this Act.”.
- 5 In section 3 (terms of office)—
- (a) after subsection (4) insert—
    - “(4A) The term of office of a parent member co-opted under section 2A(4) of this Act shall expire at the end of the regular election period in the second relevant year after the election which gave rise to the co-option.

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- (4B) The term of office of a member co-opted under section 2B(3) of this Act shall expire at the end of the regular election period in the next relevant year after the co-option takes place.”;
- and
- (b) in subsection (5), the words—
- (i) “or co-opted under section 2B(3) of this Act to fill a vacancy in the membership of the Board”; and
- (ii) “or, as the case may be, co-opted”,
- are repealed.
- 6 In section 20 (schools without a Board and disestablishment of Board)—
- (a) subsection (5) is repealed; and
- (b) for subsection (6) substitute—
- “(6) Where—
- (a) so few parent members are elected that co-option under section 2A(4) of this Act would not be sufficient to make up the number for the time being prescribed for the purposes of section 2(1)(a) of this Act, the School Board shall not be established or, in the case of an existing Board, shall be disestablished; or
- (b) a vacancy occurs for a parent member and the case is—
- (i) one where, under section 28(1) of the Standards in Scotland's Schools etc. Act 2000 (asp 6), a by-election falls to be held but on its being held no parent member is elected; or
- (ii) not one where, as is mentioned in sub-paragraph (i) above, a by-election falls to be held,
- and, in either case, the Board choose not to, or are unable to or fail to, exercise their power under section 2B(3) of this Act so as to make up the number so prescribed, the Board shall be disestablished.”.
- 7 In section 22(2) (interpretation), the definition of “co-opted parent member” is repealed.

## SCHEDULE 2

*(introduced by section 60(1))*

### MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

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

- 1 (1) The Teaching Council (Scotland) Act 1965 shall be amended in accordance with this paragraph.
- (2) In section 5(1)(b) (duties of the Council), for the words from “assigned” to the end substitute “ conferred or imposed on them by virtue of section 4A(1) of this Act. ”.
- (3) In section 6 (establishment of register of teachers)—

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- (a) in paragraph (d) of subsection (2), for the words “Committee under paragraph (d) of section 10(3)” substitute “ Sub-committee by virtue of paragraph (d) of section 10C(1) ”; and
  - (b) in the proviso to that subsection, for the words—
    - (i) “Committee under section 10(2)(b)” substitute “ Sub-committee by virtue of section 10B(1)(b) ”; and
    - (ii) “Committee under section 11(2)” substitute “ Sub-committee under section 11(8) ”.
- (4) In section 17 (interpretation)—
- (a) in subsection (1), at the place alphabetically appropriate, insert the following definition—

““education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980 (c.44);”;
  - and
  - (b) in subsection (2), after the word “Any” insert “ other ”.
- (5) In Part II of Schedule 1—
- (a) in paragraph 10 (assessors), for the words “Investigating Committee and the Disciplinary Committee” substitute “ Investigating Sub-committee, the Disciplinary Sub-committee and, in relation to proceedings for the purposes of sections 10A(2) and (3) and 11(4) of this Act, the Professional Conduct Committee ”;
  - (b) in paragraph 12 (standing orders), for the words “Disciplinary Committee” substitute “ Disciplinary Sub-committee ”;
  - (c) in paragraph 13(1) (expenses), for the words “restoration of a name to” substitute “ re-registration of a name in ”; and
  - (d) in paragraph 17 (other committees), for the words—
    - (i) “the last foregoing paragraph” substitute “ paragraphs 16 and 16A of this Schedule ”; and
    - (ii) “Investigating Committee and the Disciplinary Committee” substitute “ Professional Conduct Committee, the Investigating Sub-committee and the Disciplinary Sub-committee ”.
- (6) In Schedule 2 (procedure of Disciplinary Committee)—
- (a) for the word “Committee”, wherever it occurs, substitute “ Sub-committee ”; and
  - (b) in paragraph 2—
    - (i) in sub-paragraph (1)(a), for the words “10(2)” substitute “ 10B(2) ”;
    - (ii) in sub-paragraph (1)(g), for the words “infamous conduct in any material respect” substitute “ relevant misconduct ” and for the words “such conduct” substitute “ such misconduct ”;
    - (iii) in sub-paragraph (2)(a), for the words “restoration to the register” substitute “ re-registration ”;
    - (iv) in sub-paragraph (2)(b), for the words “10(3)(d)” substitute “ 10C(1)(d) ”; and
    - (v) in sub-paragraph (2)(c), for the words “11(2)” substitute “ 11(8) ”.

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#### Commencement Information

- II** Sch. 2 para. 1 partly in force; Sch. 2 para. 1 not in force at Royal Assent see s. 61(2); Sch. 2 para. 1(1)(2)(4)(5)(d)(i) in force at 13.10.2000 by S.S.I. 2000/361, art. 3(1), **Sch. Pt. I**; Sch. 2 para. 1 in force insofar as not already in force at 1.11.2001 by S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)

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

- 2 (1) The Sex Discrimination Act 1975 shall be amended in accordance with this paragraph.
- (2) In section 25(6)(c)(i) (general duty in public sector of education), for the words “, 7 or 7A” substitute “or 7”.
- (3) In paragraph 6 of schedule 2 (transitional exemption orders for educational admissions), for the words “, 7 or 7A” substitute “or 7”.

#### Commencement Information

- I2** Sch. 2 para. 2 in force at 31.12.2004 by S.S.I. 2004/528, art. 2(b)

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

- 3 (1) The 1980 Act shall be amended in accordance with this paragraph.
- (2) In section 1(5)(a)(i) (nursery schools and nursery classes included in definition of “school education” for purposes of Act), for “hereinafter” substitute “ such schools and classes being ”.
- (3) In section 9 (conscience clause) for the words “, every grant-aided school and every self-governing school” substitute “ and every grant-aided school ”.
- (4) In section 10 (safeguards for religious beliefs)—
- the words “, or at any self-governing school” are repealed;
  - for paragraphs (a) and (b) substitute “ of the school or other educational establishment, the education authority ”;
  - for the words “, other educational establishment or self-governing school” substitute “ or other educational establishment ”; and
  - the words “or, as the case may be, by the board of management” are repealed.
- (5) In section 30 (duty of parents to provide education for their children), the existing provisions become subsection (1); and after that subsection add—
- “(2) Section 1 of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (right of child to be provided with school education by, or by virtue of arrangements made by, an education authority) is without prejudice to the choice afforded a parent by subsection (1) above.”
- (6) In section 57 (medical and dental examination and inspection)—
- for subsection (2) substitute—

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“(2) For the purpose of securing the proper medical or dental inspection of the pupils and young persons for whom there is a duty under the said section 39 to provide such inspection, an education authority may require the parent of any pupil in attendance at any school under their management to submit the pupil for medical or dental inspection in accordance with arrangements made by the appropriate Health Board in agreement with the authority; and the authority may require any young person in attendance at any educational establishment under their management to submit for such medical or dental inspection.”;

and

(b) in subsection (3), for the word “person” substitute “parent”.

(7) In section 66(3) (inspection of educational establishments), after “person” insert “wilfully”.

(8) In section 70 (powers of Scottish Ministers to enforce duties of education authorities etc.), the existing provisions become subsection (1); and after that subsection add—

“(2) Without prejudice to the generality of subsection (1) above, in that subsection the expression “enactment” includes—

(a) an Act of the Scottish Parliament but only in so far as it is an Act which relates to school education; and

(b) an order, regulation, rule or other instrument which has effect by virtue of an Act of the Scottish Parliament but only in so far as it is an instrument which so relates.”.

(9) In section 135(1) (interpretation), in the definition of “independent school”, for the words “, a grant-aided school or a self-governing school” substitute “ or a grant-aided school ”.

#### **Commencement Information**

**I3** Sch. 2 para. 3 partly in force; Sch. 2 para. 3 not in force at Royal Assent see s. 61(2); Sch. 2 para. 3(1)(2)(5)-(8) in force at 13.10.2000 by [S.S.I. 2000/361](#), [art. 3\(1\)](#), [Sch. Pt. I](#) (subject to transitional provisions in [art. 4](#))

**I4** Sch. 2 para. 3(3)(4)(9) in force at 31.12.2004 by [S.S.I. 2004/528](#), [art. 2\(b\)](#)

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

4 (1) The 1988 Act shall be amended in accordance with this paragraph.

(2) In section 2(5) (restriction on eligibility for election to School Board), for the words “for co-option to that Board” substitute “ to be a co-opted member of that Board ”.

(3) In section 2A(1) (regular elections), for the words “and (3)” substitute “ to (3A) ”.

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### SCHEDULE 3

*(introduced by section 60(2))*

#### FURTHER REPEALS

##### Commencement Information

- I5** Sch. 3 in force at 13.10.2000 for specified purposes by S.S.I. 2000/361, art. 3(1), Sch. Pt. I (subject to transitional provisions in art. 4)
- I6** Sch. 3 in force at 31.12.2004 for specified purposes by S.S.I. 2004/528, art. 2(b)

##### *Enactment*

##### *Extent of Repeal*

Teaching Council (Scotland) Act 1965 (c.19)	In section 7(2), paragraph (c).  In Part II of Schedule 1, in paragraph 16, sub-paragraphs (2) and (3); and in sub-paragraph (4), the words “or the Council, under sub-paragraph (1), or, as the case may be, sub-paragraph (2) of this paragraph,” and “or, as the case may be, the Council”.
Sex Discrimination Act 1975 (c.65)	In section 22, in the Table, paragraph 7A.  In section 82(1), the definitions of “board of management” and “self-governing school”.
Race Relations Act 1976 (c.74)	In section 17, in the Table, paragraph 7A.  In section 19(6)(c)(i), the words “7A.”.  In section 78(1), the definitions of “board of management” and “self-governing school”.
National Health Service (Scotland) Act 1978 (c.29)	In section 39, in subsection (1), the words “or at any self-governing school”; and in each of subsections (3) and (4), the words “and of every board of management”.
Education (Scotland) Act 1980 (c.44)	In section 1(5)(a), the words “in attendance at schools”.  In section 2A, in subsection (1), the words “or self-governing”; and in subsection (2), the words “or a board of management”.  In section 8, in subsection (1), the words “and boards of management of self-governing schools”; and in subsection (2), the words “or board of management”.  In section 19, in subsection (1), the words “or to the premises and equipment of self-governing schools”; in subsection (2), paragraph (b) and the words “, or as the case may be of the self-governing school,”; and in subsection (3), the words “, or of any self-governing school”, “or school”, “or as the

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case may be with the board of management” and “or board”.

In section 28A (and in that section as substituted by Schedule A2 to the 1980 Act), in subsection (3)(a), the word “or” where it occurs immediately after sub-paragraph (iv).

In section 48A(5)(a)(i), the words “, or self-governing,”.

In section 51, in subsection (1), the words “or (2AB)” and subsections (2AB) and (2AC).

In section 53, subsection (3A).

In section 54, in subsection (1), the words “, or a self-governing school,”; and in subsection (3), the words “, or for any pupil who is a boarder at a self-governing school”.

In section 55(b), the words “except in relation to a school which is a self-governing school,”.

In section 57(3), the words “or board of management”.

In section 58, in subsection (1), the words “, and the board of management of any self-governing school may by notice in writing issued with respect to that school,” and “(or as the case may be at that school)” in subsection (2), the words “, or in the case of a self-governing school, the board of management,”; in subsection (3), the words “, or in the case of a self-governing school the board of management” and “, or in the case of a self-governing school any officer appointed by the board of management,”; and in each of subsections (4) and (6), the words “, or as the case may be the board of management”.

In section 123(1), 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)”.

In section 125A, in paragraph (a), the words “, the board of management of a self-governing school”; in paragraph (b), the words “, board of management”; and the words “, board of management” where they last occur.

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	In section 135(1), the definition of “board of management”; in the definition of “grant-aided school”, the words “, a self-governing school”; in the definition of “school”, the words “, a self-governing school”; and the definition of “self-governing school”.
Education (Scotland) Act 1981 (c.58)	Section 14. Schedule 5.
Representation of the People Act 1983 (c.2)	In paragraph 6 of Schedule 5, sub-paragraph (aa).
School Boards (Scotland) Act 1988 (c.47)	In paragraph 1 of Schedule 3, the words “on their own initiative”.
Self-Governing Schools etc. (Scotland) Act 1989 (c.39)	Part I.  In section 69, subsection (2). In section 70(1), paragraph (b). Section 76. In section 77(2), paragraph (a) and the word “or” immediately following that paragraph. In section 80(1), the definitions of “appointed member”, “articles of constitution” and “articles of management”, “board of management”, “capital grants”, “denominational school”, “eligible school”, “grant regulations”, “the incorporation date”, “interest in land”, “land”, “land obligations”, “parent” (and “parent member”), “premises”, “pupil”, “recovery regulations”, “recurrent grant”, “scheme of government”, “self-governing school”, “special purpose grants” and “staff member”. Schedules 1 to 5 and 7 to 9; and in Schedule 10, paragraphs 3 and 8(19) and (20).
Children Act 1989 (c. 41)	In paragraph 3 of Schedule 9, in sub-paragraph (1), head (g); and in sub-paragraph (3), the words “, “self-governing school””.
Environmental Protection Act 1990 (c.43)	In section 98(3), paragraph (h).
Tribunals and Inquiries Act 1992 (c.53)	In Part II of Schedule 1, in paragraph 50, sub-paragraph (c).
Value Added Tax Act 1994 (c.23)	In note (1)(a) to Group 6 in Schedule 9, sub-paragraph (vi).
Employment Rights Act 1996 (c.18)	In section 50(9), paragraph (e).



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Data Protection Act 1998 (c.29)

In section 30(5)(b), sub-paragraph (i).

In paragraph 6 of Schedule 11, in sub-paragraph (a), the words from “or, in relation” to the end.

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