
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 570

The School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (Commencement No. 2 and Transitional Provisions) Order 2005

Transitional Provisions

3.—(1) Where, immediately before 31st December 2005, the registration of an independent school is provisional only under the 1980 Act,⁽¹⁾ that school's registration shall be treated for all purposes as if an application for registration in respect of it had been granted on that date under section 98A(3) of the 1980 Act⁽²⁾.

(2) In respect of any provider of full-time education to pupils of school age who, immediately before 31st December 2005, is neither registered nor provisionally registered as an independent school, and who is providing such education to fewer than five pupils, the provisions commenced by this Order shall not apply until 30th June 2006.

(1) Section 98 of the 1980 Act deals with the registration of independent schools. The definition in section 135 of the 1980 Act of a "provisionally registered school" means an independent school registered in the register of independent schools whereof the registration is provisional only. That definition is repealed by section 8(2) of, and schedule 2 to, the Act.

(2) Section 4(2) of the Act substituted section 98A of the 1980 Act with a replacement section 98A. The substituted section 98A(3) makes provision for the granting of an application for registration.