

SCHEDULE 1

Eligible employment

PART 1

General

Interpretation

1.—(1) In this Schedule—

“proprietor” has the meaning assigned to it by section 135 of the Education (Scotland) Act 1980⁽¹⁾ and includes a person who, by reason of holding any office or having an interest in a company by which the school is conducted, is substantially in the position of a proprietor;

“registered” means registered in the register of independent schools in accordance with Part V of the Education (Scotland) Act 1980.

(2) Subject to sub-paragraph (1), expressions used in this Schedule to which meanings are assigned by the Education (Scotland) Act 1980 have the same meaning in this Schedule as they have in that Act.

Meaning of “accepted school”

2.—(1) An establishment is an accepted school if—

(a) immediately before 1st April 2015 it was an accepted school under regulation B5 of the 2005 Regulations; or

(b) being registered, and being the subject of a relevant application by its governing body or proprietor, it is accepted by the scheme manager as able to meet the requirements placed upon an employer under regulation 189 to pay employers’ contributions.

(2) Despite the terms of sub-paragraph (1)(b), the scheme manager may, in such case as it thinks appropriate, accept under that provision an independent school which is for the time being only provisionally registered.

(3) The date on which an independent school becomes an accepted school under sub-paragraph (1)(b) is the date agreed between the scheme manager and the school’s proprietor, being the first day of a month after that in which the relevant application was made.

(4) An accepted school ceases to be accepted on such a day as is specified in a notice in writing sent by the scheme manager to the governing body or proprietor of the school on or after any of the following events—

(a) the receipt by the scheme manager of an application by the governing body or proprietor of the school seeking that it should cease to be an accepted school;

(b) the school ceasing to be registered;

(c) any default by the governing body or proprietor in the payment of contributions, whether under these Regulations or under the Teachers’ Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995⁽²⁾;

(1) 1980 c.44.

(2) S.I. 1995/2814, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) failure by the governing body or proprietor to comply within one month with any requirement of the scheme manager to make any report or return, give any information or produce any document under regulation 191;
- (e) failure by the governing body or proprietor to comply with any other provision of these Regulations relating to the employment of teachers who are in eligible employment;
- (f) the closure of the school.