

Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1981, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

(TO BE INSERTED IN THE PRINCIPAL ACT AS SCHEDULE A1)

Modifications etc. (not altering text)

- C1** The text of ss. 1–7, 8(1)(2), 9–17, 18(2), 21(1)(3), Schs. 1–7, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Appeal Committees

- 1 An appeal committee set up under section 28D(1) of this Act shall be constituted in accordance with this Schedule.
- 2 An appeal committee shall consist of 3, 5 or 7 members nominated by the authority from among persons appointed by the authority under this Schedule; and sufficient persons may be appointed to enable 2 or more appeal committees to sit at the same time.
- 3 The persons appointed shall comprise—
 - (a) members of the authority or of the education committee of the authority; and
 - (b) persons who are not members of the authority or of the education committee of the authority but are—
 - (i) parents of children of school age;
 - (ii) persons who in the opinion of the authority have experience in education; or
 - (iii) persons who in the opinion of the authority are acquainted with the educational conditions in the area of the authority;but shall not include any person employed by the authority as director of education or as an educational adviser or, in the offices of such director or such an adviser, as an assistant (in any capacity) to such director or, as the case may be, such an adviser.
- 4 The members of an appeal committee who are members of the authority or of the education committee of the authority shall not outnumber the other members of the appeal committee by more than one.
- 5 A person who is a member of the education committee of the authority shall not be chairman of an appeal committee.
- 6 A person shall not be a member of an appeal committee for the consideration of a reference of a decision if he was among those who made the decision or took part in or was present at discussions as to whether the decision should be made.
- 7 A person who is—
 - (a) a teacher at a relevant school (within the meaning of paragraph 8 below);

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(b) a pupil at such a school;
(c) a parent of a pupil at such a school; or
(d) a member of a school council having functions in relation to such a school
shall not be a member of an appeal committee for consideration of a reference involving a question whether a child is to be placed in the specified school or excluded from the relevant school.

8 For the purposes of paragraph 7 above, “relevant school” means in relation to a reference to the appeal committee—

- (a) the school which the child to whom the placing request relates attends;
- (b) the specified school;
- (c) the school which the education authority propose that the child to whom the placing request relates should attend;
- (d) a school from which pupils are normally transferred to the school referred to in sub-paragraph (b) or (c) above; or
- (e) the school from which the pupil has been excluded.

9 An appeal committee constituted in accordance with this Schedule shall be included in the bodies to which sections 45(4) and 46 of the Local Government (Scotland) Act 1973 (allowances) apply.

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