



Self-Governing Schools etc. (Scotland) Act 1989

1989 CHAPTER 39

PART III

MISCELLANEOUS AND GENERAL

General

78 Orders and regulations

- (1) Any power of the Secretary of State to make orders or regulations under this Act (other than under any of the excepted provisions) shall be made by statutory instrument.
- (2) For the purposes of subsection (1) above, the excepted provisions are sections 2(2) and 50(1) and paragraph 1 of Schedule 5.
- (3) A statutory instrument containing any order or regulations made by the Secretary of State under this Act, other than an order under section 81, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Orders or regulations under this Act may make different provision for different cases or circumstances and may contain such incidental, supplemental or transitional provision as the Secretary of State thinks fit.

79 Expenses

There shall be defrayed out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

80 Interpretation

(1) In this Act, unless the context otherwise requires—

“the 1973 Act” means the Local Government (Scotland) Act 1973;

“the 1980 Act” means the Education (Scotland) Act 1980;

“the 1988 Act” means the School Boards (Scotland) Act 1988;

“appointed member” shall be construed in accordance with section 3(1)(c) of this Act;

“articles of constitution” and “articles of management” have the meanings given by section 2(1) of this Act;

“board of management” means a board incorporated under section 19(2) of this Act (any such board constituted in accordance with Schedule 4 to this Act being referred to as an “interim board of management”);

“capital grants” has the meaning given by section 26(3)(a) of this Act;

“college of further education” means an educational establishment, under the management of an education authority, for the provision of any form of further education;

“denominational school” means—

(a) in relation to a public school, a school provided under section 17(2), or maintained and managed under section 21(1), of the 1980 Act; and

(b) in relation to a self-governing school—

(i) a school which immediately before the incorporation date was so provided, maintained or managed and which has not, by virtue of a change in characteristics under section 30 of this Act (“change in characteristics” being construed in accordance with subsection (13) of that section), ceased to be a school managed in the interest of a church or other denominational body; or

(ii) a school which, by virtue of such a change, is managed in such interest;

“education authority”, in relation to a school or college of further education, means the education authority within whose area the school or, as the case may be, the college is situated;

“eligible school” has the meaning given by section 13(1) of this Act;

“grant regulations” has the meaning given by section 26(2) of this Act;

“the incorporation date”, in relation to a school, shall be construed in accordance with section 19(2) of this Act;

“interest in land” has the meaning given by section 28(1) (interpretation) of the Land Registration (Scotland) Act 1979;

“land” includes interests in land, land obligations and any other liabilities and rights over land;

“land obligations” has the meaning given by section 2(6) of the Conveyancing and Feudal Reform (Scotland) Act 1970;

“parent”, in relation to a child or young person, includes his guardian and any person who is liable to maintain, or has the actual custody of, the child or young person except that in sections 3, 13 and 30 and Schedules 3 and 7 (and in the expression “parent member”, which is defined by subsection (1)(a) of the said section 3 but which also includes persons becoming such members by virtue of section 19(2) of this Act) it does not include any person other than a natural person;

Status: This is the original version (as it was originally enacted).

“premises” in relation to any school includes the site of the school, any building in which pupils attending the school are boarded and any playing fields used in connection with the school whether contiguous to the school or detached therefrom;

“prescribed” means prescribed by regulations made by the Secretary of State;

“pupil” has the same meaning as in the 1988 Act;

“recovery regulations” has the meaning given by section 28(3) of this Act;

“recurrent grant” has the meaning given by section 26(1) of this Act;

“scheme of government” has the meaning given by section 2(1) of this Act;

“self-governing school” has the meaning given by section 1(3) of this Act;

“special purpose grants” has the meaning given by section 26(3)(b) of this Act;

“staff member” shall be construed in accordance with section 3(1)(b) of this Act but shall include persons becoming such members by virtue of section 19(2) of this Act; and

“technology academy” has the meaning given by section 68(1) of this Act.

- (2) Subject to subsection (1) above, expressions used in this Act and in either the 1980 Act or the 1988 Act (or in both) shall, unless the context otherwise requires, have the same meaning in this Act as in that Act (or those Acts).

81 Commencement

- (1) The following provisions of this Act shall come into force on the passing of this Act—
Part I;
Part II except section 67;
Part III except sections 69(1) and (2), 70, 72 to 76, and 82(2);
Schedules 1 to 9; and
Schedule 10 except paragraphs 1, 2, 8(7), (9) to (11) and (13) to (21) and 10.
- (2) Schedule 11 and the provisions of Parts II and III and Schedule 10 which are excepted by subsection (1) above shall come into force on such date as the Secretary of State may by order appoint.
- (3) Under subsection (2) above different dates may be appointed in relation to different provisions and for different purposes of the same provision.

82 Minor and consequential amendments and repeals

- (1) The enactments mentioned in Schedule 10 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential upon the provisions of this Act.
- (2) The enactments mentioned in Schedule 11 to this Act are repealed to the extent specified in the third column of that Schedule.

83 Citation and extent

This Act—

- (a) may be cited as the Self-Governing Schools etc. (Scotland) Act 1989; and

Status: This is the original version (as it was originally enacted).

(b) extends to Scotland only.