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**Changes to legislation:** Self-Governing Schools etc. (Scotland) Act 1989, Part I is up to date with all changes known to be in force on or before 24 December 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### THE SCHEME OF GOVERNMENT

#### PART I

#### ARTICLES OF CONSTITUTION

##### *Denominational schools*

- 1 The articles of constitution shall, in the case of a denominational school, provide for one of the appointed members to be nominated by the church or denominational body in whose interest the school is managed.

##### *Initial provision as regards membership*

- 2 The articles of constitution shall specify the membership of the board; so however that the first such specification in respect of the board shall require that—
- (a) the parent members first elected shall be of greater number than had the school board on the relevant date;
  - (b) the staff members first elected shall be of the same number as had the school board on that date; and
  - (c) the appointed members ( “appointed” not including persons deemed appointed by virtue of paragraph 1(2) of Schedule 4 to this Act) shall be of greater number than had the school board of co-opted members on that date.
- 3 In paragraph 2 above the reference to the relevant date is to the date immediately preceding the incorporation date; and for the purposes of that paragraph numbers shall be determined as if any vacancy in the membership of the school board were filled.

##### *Parental majority*

- 4 The articles of constitution shall, without prejudice to paragraph 1(2) of Schedule 4 to this Act, provide that the number of parent members shall constitute an overall majority of the total number of members of the board of management.

##### *Eligibility*

- 5 The articles of constitution for a school shall provide that—
- (a) a person who is eligible for election to a board of management as a staff member shall not be eligible for election as a parent member of that board;
  - (b) a person who is eligible for election to the board of management shall not be eligible for appointment to the board; and

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- (c) a retiring member of a board of management shall not be disqualified, by reason only of such retirement, from further election, or appointment, to the board.

#### *Resignation and removal*

- 6 Subject to paragraph 7 below, the articles of constitution for a school shall provide that—
- (a) a member of a board of management may resign office at any time by giving written notice to the board if after the resignation there will remain in office not less than three members of the board;
  - (b) a board of management —
    - (i) may terminate the membership of any member who they are satisfied is unable to carry out his duties because of his physical or mental illness or incapacity;
    - (ii) may terminate the membership of any member who they are satisfied has failed, without good cause, to attend meetings held by the board during a continuous period of at least six months if within the period there were three consecutive meetings which he did not attend; and
    - (iii) subject to paragraph 7 below, shall terminate the membership of any member who they are satisfied is either a parent member who has ceased to have a child (whether or not over school age) in attendance at the school or a staff member who has ceased to be a member of staff of the school.
- 7 No provision shall be made under paragraph 6(b)(iii) above in relation to any person the unexpired period of whose term of office is less than two years.

#### *Proceedings*

- 8 The articles of constitution for a school may make provision as to the meetings and proceedings of the board of management.
- 9 The provision that may be made by virtue of paragraph 8 above includes in particular provision—
- (a) as to the election of a chairman and vice-chairman;
  - (b) as to the establishment, constitution, meetings and proceedings of committees;
  - (c) for the delegation of functions of the board of management in such circumstances as may be specified in the articles of constitution to committees established by the board or to any member of the board;
  - (d) as to the procedure (including any quorum) when business is transacted by members of a particular category; and
  - (e) as to the procedure for the election of members of the board of management and for the determination of any question arising in connection with, or matters relating to, any such elections;
- and the provision mentioned in sub-paragraph (b) above may provide for a committee to include persons who are not members of the board of management.

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*Allowances to members*

- 10 The board of management of a school may be empowered by the articles of constitution to pay to their members and to such other persons as are, by virtue of paragraph 9 above, members of a committee established by virtue of subparagraph (b) of that paragraph, such travelling, subsistence or other allowances as may be determined in accordance with a scheme made by the board and approved by the Secretary of State.
- 11 Any scheme made under paragraph 10 above may be varied or revoked by a subsequent scheme so made.

*Saving*

- 12 Nothing in the foregoing provisions of this Schedule prejudices the generality of section 2 of this Act.

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**Commencement Orders yet to be applied to the Self-Governing Schools etc. (Scotland) Act 1989**

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)
- [S.S.I. 2004/528 art. 2 commences \(2000 asp 6\)](#)
- [S.S.I. 2005/564 art. 2 commences \(2004 asp 4\)](#)
- [S.S.I. 2007/31 art. 2 commences \(2006 asp 8\)](#)