



Self-Governing Schools etc. (Scotland) Act 1989

1989 CHAPTER 39

PART I

SELF-GOVERNING SCHOOLS

Procedure for acquisition of self-governing status etc.

13 Initiation of procedure for acquisition of self-governing status

- (1) Subject to subsection (2) of section 14 of this Act, in the case of a school which is eligible for self-governing status (in this Act referred to as an “eligible school”), being a school for which a school board is for the time being established, a ballot of parents on the question of whether that status should be sought for the school shall be held in accordance with that section if the school board—
 - (a) decide, by a resolution passed at a meeting of the board (a “first resolution”) to hold such a ballot and confirm that decision by a resolution (a “second resolution”) passed at a meeting of the board held not less than twenty-eight days, nor more than forty-two days, after that at which the first resolution was passed; or
 - (b) receive a written request, which meets the requirements of subsection (4) below,to hold such a ballot.
- (2) Subject to subsection (3) below, a school is eligible for self-governing status if it is a public school other than a nursery school.
- (3) Notwithstanding subsection (2) above, a school is not eligible for self-governing status if (and shall cease to be so eligible when)—
 - (a) the education authority have, in accordance with section 22A of the 1980 Act, reached (or as the case may be so reach) a decision to discontinue or

Status: This is the original version (as it was originally enacted).

- amalgamate the school, no consent being required under section 22B, 22C or 22D of that Act as regards the decision; or
- (b) the Secretary of State has duly consented (or as the case may be duly consents) under the said section 22B, 22C or 22D of the 1980 Act to a proposal to discontinue or amalgamate the school.
- (4) The requirements mentioned in subsection (1)(b) above are—
- (a) in a case other than that provided for in paragraph (b) below, that the request must be signed by at least thirty parents of pupils in attendance at the school and that the number of such parents so signing must be equal to at least ten per cent. of the number of persons whose names, at the date of election of parent members of the school board last preceding the receipt of the request, appeared on the list established and maintained, in respect of the school, by the education authority under paragraph 6 of Schedule 1 to the 1988 Act; and
- (b) in a case where the names of fewer than sixty persons so appeared, that the request must be signed by such number of parents of pupils in attendance at the school as would constitute a majority of those parents were their total number equal to the number of persons whose names so appeared.
- (5) Any question as to whether, at the date of signing the request, a person is the parent of a pupil in attendance at the school shall be determined by the school board.
- (6) On a first resolution, and again on a second resolution, being passed by the school board or on a request such as is mentioned in subsection (1)(b) above being received by them, they shall forthwith by written notice inform the Secretary of State and the education authority accordingly; and any such notice shall specify the date of the resolution or, as the case may be, the date of receipt of the request and, except where the notice is of a first resolution, whether the case is one such as is mentioned in section 14(2) of this Act.
- (7) Where the school in respect of which notice is given under subsection (6) above is a denominational school, the notice provided for shall be given also to the church or other denominational body in whose interest the school is managed.