Standards in Scotland's Schools etc. Act 2000

2000 asp 6

The Bill for this Act of the Scottish Parliament was passed on 7 June 2000 and received Royal Assent on 14th July 2000.

An Act of the Scottish Parliament to make further provision as respects school education, the welfare of pupils attending independent schools and corporal punishment of pupils for whom school education is provided; to make further provision as respects School Boards; to make further provision as respects the functions, constitution and structure of the General Teaching Council for Scotland; to abolish the committee known as the Scottish Joint Negotiating Committee for School Education; to make further provision relating to the inspection of institutions within the higher education sector which educate and train persons to be, or persons who are, teachers in schools; and for connected purposes.

Provision of school education: right of child and duty of education authority

1 Right of child to school education

It shall be the right of every child of school age to be provided with school education by, or by virtue of arrangements made, or entered into, by, an education authority.

2 Duty of education authority in providing school education

(1) Where school education is provided to a child or young person by, or by virtue of arrangements made, or entered into, by, an education authority it shall be the duty of the authority to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.

(2) In carrying out their duty under this section, an education authority shall have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person, taking account of the child or young person's age and maturity.

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

[F1 Health promotion

Textual Amendments

F1 2A and cross-heading inserted (3.1.2008) by Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), **ss. 1**, 11(2); S.S.I. 2007/372, art. 2(b)

2A Duties in relation to promotion of health

(1) The Scottish Ministers must endeavour to ensure that—
  (a) schools managed by education authorities,
  (b) grant-aided schools, and
  (c) hostels provided and maintained by education authorities for pupils,
are health-promoting.

(2) An education authority must endeavour to ensure that—
  (a) schools managed by them, and
  (b) hostels provided and maintained by them for pupils,
are health-promoting.

(3) The managers of a grant-aided school must endeavour to ensure that the school is health-promoting.

(4) In carrying out the duty imposed by subsection (2) or (3), an education authority or, as the case may be, the managers of a grant-aided school must have regard to any guidance issued by the Scottish Ministers for the purposes of this section.

(5) In this section, a school or hostel is "health-promoting" if it provides (whether on its own or in conjunction with Health Boards, parents or any other person)—
  (a) activities, and
  (b) an environment and facilities,
which promote the physical, social, mental and emotional health and well-being of pupils in attendance at the school or residing in the hostel.**]**

Raising standards

3 Raising standards

(1) The Scottish Ministers shall endeavour to secure improvement in the quality of school education which is provided for Scotland; and they shall exercise their powers in relation to such provision with a view to raising standards of education.

(2) An education authority shall endeavour to secure improvement in the quality of school education which is provided in the schools managed by them; and they shall exercise their functions in relation to such provision with a view to raising standards of education.

(3) The duties under subsection (2) above shall apply also in relation to school education which is provided in pursuance of any arrangements made, or entered into, by an education authority under—
  (a) section 14 of the 1980 Act; or

(b) section 35 of this Act.

(4) In subsections (1) to (3) above, "school education" means school education directed as is described in section 2 of this Act.

4 National priorities in education

(1) From time to time the Scottish Ministers, after consulting the education authorities and giving such persons as appear to the Scottish Ministers to have an interest in the matter an opportunity to make their views known—

(a) shall define, by order made by statutory instrument, priorities in educational objectives for school education provided for Scotland; and

(b) may define and publish measures of performance in respect of the priorities;

and the priorities which for the time being are the most recently so defined shall be known as the "national priorities in education".

(2) A statutory instrument containing an order under subsection (1)(a) above shall not be made unless a draft of the instrument has been—

(a) laid before; and

(b) approved by a resolution of,

the Scottish Parliament.

5 Education authority's annual statement of improvement objectives

(1) For the purposes of their **[**[F2] duties under sections 2A(2) and **]** 3(2) of this Act, an education authority, after consulting such bodies as appear to the authority to be representative of teachers and parents within their area and of persons, other than teachers, who are employed in schools within that area and after giving children, young persons and such other persons within that area as appear to the authority to have an interest in the matter an opportunity to make their views known, shall, by such date in 2001 as the Scottish Ministers may, after consulting the education authorities, determine (one date being so determined for all the authorities) and thereafter by that date annually, prepare and publish a statement setting objectives.

(2) The statement so prepared and published shall be known as the authority's "annual statement of education improvement objectives" and shall include an account—

[[F3](za) of the ways in which the authority will seek to carry out the duty imposed by section 2A(2);**]**

(a) **[**[F4](prepared under section 2(1) of the Scottish Schools (Parental Involvement) Act 2006 (asp 8) as part of the authority's strategy for parental involvement)**]** of the ways in which the authority will seek to involve parents in promoting the education of their children;

(b) of the ways in which they will, in providing school education, encourage equal opportunities and in particular the observance of the equal opportunity requirements; and

(c) of—

(i) the ways in which; or

(ii) the circumstances in which,

they will provide Gaelic medium education and, where they do provide Gaelic medium education, of the ways in which they will seek to develop their provision of such education.

(3) In paragraph (b) of subsection (2) above, "equal opportunities" and "equal opportunity requirements" have the same meanings as in the exceptions to section L2 of Schedule 5 to the Scotland Act 1998 (c.46); in paragraph (c) of that subsection, "Gaelic medium education" is teaching by means of the Gaelic language as spoken in Scotland; and the references in those paragraphs to providing education shall be construed as including providing it in pursuance of such arrangements as are mentioned in section 3(3) of this Act.

(4) The objectives shall be set—

(a) in respect of each of the national priorities in education and by reference to such measures of performance as are published under paragraph (b) of section 4(1) of this Act; and

(b) in respect of such other matters and by reference to such other measures of performance, if any, as the authority consider appropriate.

[[F5](4A) In complying with subsection (2)(c) above, an education authority shall have regard to—

(a) any Gaelic language plan published by the authority under section 5(9) of the Gaelic Language (Scotland) Act 2005 (asp 7), and

(b) any guidance published by Bòrd na Gàidhlig under section 9 of that Act.**]**

(5) If, during the twelve months following the date of publication of an annual statement of education improvement objectives, there is a change of circumstances relevant to the statement and that change is of such significance that the education authority conclude that the objectives should be revised, they shall prepare and publish a supplementary statement revising the objectives accordingly.

(6) An education authority shall, by such date in 2002 or in 2003 as the Scottish Ministers may, after consulting the education authorities, determine (one date being so determined for all the authorities) and thereafter by that date annually, prepare and publish a report as to their success—

(a) in meeting the objectives set in the annual statement of education improvement objectives most recently published by them; or

(b) if there has been published under subsection (5) above a supplementary statement revising those objectives, in meeting the objectives as so revised.

Textual Amendments

F2 Words in s. 5(1) substituted (3.1.2008) by Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), **ss. 2(a)**, 11(2); S.S.I. 2007/372, art. 2(b)

F3 S. 5(2)(za) inserted (3.1.2008) by Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), **ss. 2(b)**, 11(2); S.S.I. 2007/372, art. 2(b)

F4 Words in s. 5(2)(a) inserted (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), **ss. 2(6)**, 24(2); S.S.I. 2007/31, art. 2(b), Sch. 2

F5 S. 5(4A) inserted (13.2.2006) by Gaelic Language (Scotland) Act 2005 (asp 7), **ss. 9(3)**, 13(2); S.S.I. 2006/31, art. 2

6 School development plans

(1) For the purpose of securing improvement in the quality of education which a school managed by them provides, an education authority shall, subject to subsection (6)

below, ensure that there is prepared for the school, by such date in 2001 as the Scottish Ministers may, after consulting the education authorities, determine (one date being so determined for all the authorities) and thereafter by that date annually, after consultation with the persons mentioned in subsection (2) below and after the pupils in attendance at the school have been given an opportunity to make their views known—

(a) a development plan which takes account of the objectives **[**[F6]and strategy for parental involvement**]** in the authority's annual statement of education improvement objectives published by that date in the year in question **[**[F7], sets objectives for the school (including objectives as to the involvement of a pupil's parents in the education provided to the pupil and to the school's pupils generally) and contains a statement of the education authority's ambitions for the school**]**; and

(b) a summary of the development plan.

(2) The persons are—

(a) any **[**[F8]Parent Council or Combined Parent Council**]** established for the school;

(b) the teachers employed in the school;

(c) such persons so employed or working in the school on an unpaid basis as are not teachers; and

(d) such local bodies as appear to the authority to be representative of—

(i) such teachers;

(ii) such persons; or

(iii) parents of pupils in attendance at the school.

(3) The development plan shall include an account of the ways in which, and extent to which, the headteacher of the school will—

(a) consult the pupils in attendance at the school; and

(b) seek to involve them, when decisions require to be made concerning the everyday running of the school.

(4) The education authority shall ensure that there is prepared, without unreasonable delay after the expiry of the period of twelve months immediately following the preparation, in any year, of the development plan—

(a) a report as to what was done, during those twelve months, in implementation of the plan; and

(b) a summary of that report.

(5) The education authority shall ensure that the parents of the pupils in attendance at the school have access without cost to the development plan and the report upon request and receive copies of the summaries prepared by virtue of subsections (1)(b) and (4)(b) above; and any other person shall be entitled to have access to those summaries on request.

(6) The development plan prepared in any year after the first year in which such a plan is prepared for the school may be in the same terms as, or be a revised version of, that prepared in a preceding year or may be prepared anew; but the education authority shall from time to time review the implementation of the plan and if there is in any year a change of circumstances relevant to the plan and of such significance that they conclude that the plan should be revised or prepared anew then they shall ensure that the development plan next prepared is prepared accordingly.

Textual Amendments

F6 Words in s. 6(1)(a) inserted (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), **ss. 3(a)**, 24(2); S.S.I. 2007/31, art. 2(b), Sch. 2

F7 Words in s. 6(1)(a) substituted (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), **ss. 3(b)**, 24(2); S.S.I. 2007/31, art. 2(b), Sch. 2

F8 Words in s. 6(2)(a) substituted (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), **ss. 18(5)**, 24(2); S.S.I. 2007/31, art. 2(b), Sch. 2

7 Review of school performance

(1) An education authority shall from time to time, after consulting such bodies as appear to the authority to be representative of teachers and parents within their area and giving such persons within that area as appear to the authority to have an interest in the matter an opportunity to make their views known, define and publish, as respects quality of education provided, measures and standards of performance for the schools managed by them; and different measures and standards may be so defined for different categories of such schools.

(2) An education authority shall, as respects each school managed by them, from time to time review the quality of education which the school provides; and if, having regard to the measures and standards of performance for the time being defined by them under subsection (1) above and relevant to the school, they conclude in any such review that the school is not performing satisfactorily they shall take such steps as appear to them to be requisite to remedy the matter.

[[F9](3) Without prejudice to the generality of subsections (1) and (2) above, in those subsections " quality of education " includes the extent to which a pupil's parents are involved in the education provided to the pupil. **]**

Textual Amendments

F9 S. 7(3) added (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), **ss. 4**, 24(2); S.S.I. 2007/31, art. 2(b), Sch. 2

Delegation schemes

8 Delegation schemes

(1) An education authority shall have a scheme for delegating to the headteacher of a school—

(a) managed by them; and

(b) of a category of school which is stated in the scheme to be covered by the scheme,

management of that share of the authority's budget for a financial year which is available for allocation to individual schools and is appropriated for the school; or management of part of that share.

(2) The scheme—

(a) shall delegate to the headteacher the preparation of the school development plan; and

(b) may also so delegate such other management functions in relation to the school as the authority think fit.

(3) The scheme shall require that the headteacher exercise the delegated functions in a manner consistent with the education authority's duties under section 3(2) of this Act.

Inspections

9 Inspection of education authority

(1) On any occasion on which they are requested to do so by the Scottish Ministers, or at such intervals as appear to the Scottish Ministers to be appropriate, Her Majesty's Inspectors, or any person appointed by the Scottish Ministers for the purposes of this section (or Her Majesty's Inspectors and any such person), shall inspect an education authority so as to review the way in which the authority are exercising their functions in relation to the provision of school education.

(2) A request under subsection (1) above may relate to those functions generally or to such matters in relation to those functions as may be specified in the request.

(3) The education authority shall give all assistance which they are reasonably able to give to whomever is carrying out the inspection.

10 Code of practice as regards inspection of education authority

The Scottish Ministers may, for the purposes of—

(a) giving practical guidance on matters relating to inspections under section 9 of this Act (including, without prejudice to that generality, such matters as the making and publishing of reports on the matters reviewed); and

(b) promoting what appear to them to be desirable practices with respect to those matters,

from time to time prepare, approve and issue such codes of practice as in their opinion are suitable for those purposes.

[F10 10A Duty of Her Majesty's Inspectors to make reference to Scottish Ministers

(1) This section applies where, after an inspection under section 9 of this Act, Her Majesty's Inspectors identify that an education authority require to take action to secure improvement in the way the authority exercise a function in relation to the provision of school education.

(2) If it appears to Her Majesty's Inspectors that—

(a) having been given sufficient opportunity to secure improvement in the way they exercise a function identified under subsection (1) above, the education authority are failing or have failed to take satisfactory action to do so; and

(b) having regard to the seriousness of that failure, an enforcement direction is justified,

they shall make a reference to the Scottish Ministers.

(3) A reference under subsection (2) above shall—

(a) be in writing;
(b) specify the failure mentioned in subsection (2)(a) above; and
(c) include recommendations as to the action which, in the opinion of Her Majesty's Inspectors, the education authority require to take to remedy or prevent the recurrence of that failure.

(4) Where Her Majesty's Inspectors make a reference under subsection (2) above, they shall inform the education authority of the making of that reference.

Textual Amendments

F10 Ss. 10A - 10C inserted (31.1.2005) by School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), **ss. 2**, 9(2); S.S.I. 2005/10, art. 3(a)

10B Preliminary notice

(1) Where, on a reference under section 10A(2) of this Act, it appears to the Scottish Ministers that—
(a) the education authority are failing or have failed to take satisfactory action to secure improvement in the way they exercise the function mentioned in section 10A(2)(a) of this Act; and
(b) an enforcement direction is justified,

they may serve a preliminary notice on the authority.

(2) A preliminary notice is a notice which—
(a) informs the education authority of the apparent failure mentioned in subsection (1)(a) above; and
(b) requires the authority to submit to the Scottish Ministers, within such time as is specified in the notice, a written response which—
(i) states that the authority have not so failed and gives reasons supporting that statement; or
(ii) states that the authority have so failed but gives reasons why an enforcement direction should not be given to them.

Textual Amendments

F10 Ss. 10A - 10C inserted (31.1.2005) by School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), **ss. 2**, 9(2); S.S.I. 2005/10, art. 3(a)

10C Enforcement direction

(1) Where, following service under section 10B(1) of this Act of a preliminary notice and the expiry of the time specified in it, it still appears to the Scottish Ministers that—
(a) the education authority are failing or have failed to take satisfactory action to secure improvement in the way they exercise the function mentioned in section 10A(2)(a) of this Act; and
(b) having regard to the seriousness of that failure, action under this section is justified,

they may give the authority an enforcement direction.

(2) An enforcement direction is a direction in writing by the Scottish Ministers requiring the education authority to which it is given to take, within such time as is specified in the direction, such action as is so specified, being action calculated to remedy or prevent the recurrence of the failure mentioned in subsection (1)(a) above.

(3) Where two or more courses of action are specified in an enforcement direction, the Scottish Ministers may specify for each a different time within which it is to be taken.

(4) An enforcement direction may place such conditions as the Scottish Ministers may specify in it upon the exercise of such functions of the education authority in relation to the provision of school education as are so specified.

(5) The Scottish Ministers may vary an enforcement direction by giving a further such direction.

(6) A further such direction need not proceed upon a further preliminary notice under section 10B(1) of this Act.

(7) An enforcement direction may be revoked by the Scottish Ministers.

(8) Before giving, varying or revoking an enforcement direction, the Scottish Ministers shall consult Her Majesty's Inspectors.

(9) An education authority to which an enforcement direction is given shall comply with it.

(10) The Scottish Ministers may, instead of or as well as giving an enforcement direction, make such recommendations to the education authority as they think appropriate.

(11) If the Scottish Ministers exercise their power to give, vary or revoke an enforcement direction they shall—

(a) prepare a report on their exercise of that power; and

(b) lay that report before the Scottish Parliament.**]**

Textual Amendments

F10 Ss. 10A - 10C inserted (31.1.2005) by School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), **ss. 2**, 9(2); S.S.I. 2005/10, art. 3(a)

11 Inspection of educational establishment

In section 66 of the 1980 Act (which makes provision for the inspection of educational establishments)—

(a) in subsection (1), for the words from "other persons" to the end there shall be substituted " any person appointed by the Scottish Ministers for the purposes of this section (or Her Majesty's Inspectors and any such person) "; and

(b) after that subsection there shall be inserted—

"(1AA) If requested to do so by the Scottish Ministers—

(a) Her Majesty's Inspectors or any person appointed by the Scottish Ministers for the purposes of this section shall give advice to the Scottish Ministers on such matter as may be specified in the request;

(b) Her Majesty's Inspectors or any such person (or Her Majesty's Inspectors and any such person) may, as respects a matter so specified, inspect and report on a school (including any establishment in which school education is provided in pursuance of arrangements entered into under section 35 of this Act), or class of schools, so specified.".

12 Code of practice as regards inspection of educational establishment

After section 66 of the 1980 Act there shall be inserted—

"**66A Code of practice as regards inspections under section 66**

(1) Subject to subsection (2) below, the Scottish Ministers may, for the purposes of—

(a) giving practical guidance on matters relating to inspections under section 66 of this Act (including, without prejudice to that generality, such matters as the making and publishing of reports on those inspections); and

(b) promoting what appear to them to be desirable practices with respect to these matters,

from time to time prepare, approve and issue such codes of practice as in their opinion are suitable for those purposes.

(2) Subsection (1) above does not apply in relation to inspections of educational establishments which are institutions for the provision of any form of further education.".

Guidance

13 Guidance to education authorities: raising standards and delegation schemes

The Scottish Ministers may issue guidance to education authorities in relation to the functions of those authorities under sections 3 to 8 of this Act; and education authorities shall, in discharging those functions, have regard to any such guidance.

14 Guidance to education authorities as to home education

The Scottish Ministers may issue guidance as to the circumstances in which parents may choose to educate their children at home; and education authorities shall have regard to any such guidance.

Requirement for mainstream education

15 Requirement that education be provided in mainstream schools

(1) Where an education authority, in carrying out their duty to provide school education to a child of school age, provide that education in a school, they shall unless one of the circumstances mentioned in subsection (3) below arises in relation to the child provide it in a school other than a special school.

(2) If a child is under school age, then unless one of the circumstances mentioned in subsection (3) below arises in relation to the child, an education authority shall, where they—

(a) provide school education in a school to the child, provide it in; or

(b) under section 35 of this Act, enter into arrangements for the provision of school education in a school to the child, ensure that the arrangements are such that the education is provided in,

a school other than a special school.

(3) The circumstances are, that to provide education for the child in a school other than a special school—

(a) would not be suited to the ability or aptitude of the child;

(b) would be incompatible with the provision of efficient education for the children with whom the child would be educated; or

(c) would result in unreasonable public expenditure being incurred which would not ordinarily be incurred,

and it shall be presumed that those circumstances arise only exceptionally.

(4) If one of the circumstances mentioned in subsection (3) above arises, the authority may provide education for the child in question in a school other than a special school; but they shall not do so without taking into account the views of the child and of the child's parents in that regard.

Commencement Information

I1 S. 15 in force at 1.8.2003 by S.S.I. 2003/84, **art. 2**

Ending of corporal punishment in schools

16 No justification for corporal punishment

(1) Corporal punishment given by, or on the authority of, a member of staff to a pupil—

(a) for whom school education is provided by an education authority (whether or not at a school);

(b) for whom school education is provided, at a school other than a nursery school, by a person other than an education authority; or

(c) for whom school education is provided—

(i) by a person to whom any payment is made under section 23 of the Education (Scotland) Act 1996 (c.43) (which provides for grants for the education of children under school age); or

(ii) at a nursery school, or other establishment, by a person other than an education authority, in pursuance of arrangements entered into under section 35 of this Act,

cannot be justified in any proceedings on the ground that it was so given in pursuance of a right exercisable by virtue of having a position as a member of staff.

(2) Subsection (1) above applies to corporal punishment given at any time and whether or not given at the place where education is provided.

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

(3) Subject to subsection (4) below, references in this section to giving corporal punishment are references to doing anything for the purposes of punishing the pupil concerned (whether or not there are other reasons for doing it) which, apart from any justification, would constitute physical assault upon that pupil.

(4) Corporal punishment shall not be taken to be given to a pupil by virtue of anything done for reasons which include averting—
  (a) an immediate danger of personal injury to; or
  (b) an immediate danger to the property of,
  any person (including the pupil concerned).

(5) In subsection (1) above, "member of staff", in relation to the pupil concerned, means—
  (a) any person who works as a teacher at the school or other place at which education is provided for the pupil; or
  (b) any other person who (whether in connection with the provision of education for the pupil or otherwise)—
    (i) works at that school or place; or
    (ii) otherwise provides services there (whether or not for payment), and has lawful control or charge of the pupil.

(6) Section 48A of the 1980 Act (which makes provision with regard to corporal punishment in schools etc.) is repealed.

Ending of self-governing status of schools

17 Ending of self-governing status of school

(1) The Scottish Ministers may by order provide that, on such date as may be specified in the order, a self-governing school so specified shall cease to be under the management of its board of management and that it shall, in consequence, cease to be a school which is a self-governing school; and the board shall, on that date, cease to exist.

(2) On and after that date, the education authority in whose area the school is situated shall manage the school.

(3) On that date—
  (a) all—
    (i) land and other property (including corporeal and incorporeal moveable property); and
    (ii) rights and obligations,
    which immediately before that date were vested in that board shall transfer to and vest in that authority; and
  (b) all persons in the employment of that board shall transfer to the employment of that authority.

(4) The vesting of property, rights and obligations under this section shall have effect notwithstanding any rule of law, any obligation or any provision made in or under any enactment (other than this Act or an enactment made under this Act).

18 Order supplementary to ending of self-governing status

(1) Where an order has been made under section 17 of this Act as respects a school the Scottish Ministers may, after consultation with the education authority which is to manage the school, by order under this section make incidental, supplementary, transitional or ancillary provision as respects the change in status of the school.

(2) Without prejudice to the generality of subsection (1) above, an order under this section may—

(a) stipulate a timetable for any steps that may be specified in the order as necessary or expedient in relation to that change in status;

(b) provide for the payment of the expenses attributable to that change in status;

(c) confer such additional powers and impose such additional duties on the board of management of the school as appear to the Scottish Ministers to be appropriate in relation to that change in status;

(d) provide for the ingathering of any land or moveable property owned by—

(i) the board; or

(ii) trustees for the purposes of the school; or

(e) require the board to comply with any directions given by the Scottish Ministers in relation to that change in status.

(3) Where land or moveable property purchased, or as the case may be refurbished, for the school out of (or partly out of) funds provided by way of a capital grant—

(a) is transferred to the education authority by virtue of section 17 of this Act; and

(b) subsequently is sold by that authority to a third party,

the Scottish Ministers may, after consultation with the education authority, require that authority to pay them the amount of the funds so provided (or if the amount received by the authority in respect of the sale was less than the amount of those funds, to pay them the amount so received).

(4) Without prejudice to subsection (2)(b) above, the Scottish Ministers may make grants to the board of management for the purpose of enabling the board to defray such expenses incurred by the board as are attributable to that change in status.

(5) The Scottish Ministers may make the payment of a grant in pursuance of subsection (4) above subject to such conditions and requirements (including a requirement that the whole or any part of a grant be repaid) as they think fit.

19 Transfer of staff of self-governing school

(1) This subsection and subsections (2) to (4) below apply to any person who, immediately before the date specified in an order under section 17 of this Act as respects a self-governing school, is employed by the board of management of the school.

(2) The contract of employment between the person and the board shall have effect from that date as if originally made between the person and the education authority which is to manage the school.

(3) Without prejudice to subsection (2) above—

(a) all the board's rights, powers, duties and liabilities under or in connection with the contract shall by virtue of this paragraph transfer to the authority on that date; and

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

(b) anything done before that date by or in relation to the board in respect of that contract or of the employee shall be deemed as from that date to have been done by or in relation to the authority.

(4) Subsections (2) and (3) above are without prejudice to any right of the person to terminate the contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such change shall not be taken to have occurred by reason only of the fact that the employer is changed by virtue of section 17(3)(b) of this Act.

(5) Where a person—

(a) has, prior to the date so specified, entered into a contract of employment with the board of management of the school and that contract is to come into effect on or after that date; and

(b) would, if the contract had come into effect before that date, have been a person to whom subsections (1) to (4) above apply,

the person shall be treated as one to whom those subsections do apply.

20 Provision of information in relation to self-governing school

Where the Scottish Ministers have made an order under section 17 of this Act as respects a school, the board of management of the school shall—

(a) on or before the date specified in the order, provide the education authority which is to manage the school with all the information held by the board in respect of the school including, without prejudice to that generality, information in respect of—

(i) the administration and finances of the school;

(ii) the fabric of the school;

(iii) the staff transferred to the employment of the authority by virtue of section 17(3)(b) of this Act; and

(iv) the pupils in attendance at the school; and

(b) provide the Scottish Ministers, without undue delay, with such information and documents as they may require from the board for the purposes of their determining what supplementary provision to make by order under section 18 of this Act.

21 Educational endowments in relation to self-governing school

Where, immediately before the date specified in an order under section 17 of this Act in relation to a school, an educational endowment (within the meaning of Part VI of the 1980 Act) is, solely for the purposes of the school, to any extent vested in the board of management, the endowment shall, on that date and to that extent, transfer to and vest for the same purposes in the education authority which are to manage the school.

22 Interruption of process of transition to self-governing status

Where, in the case of any school, proposals for the acquisition of self-governing status have been published under section 16 of the Self-Governing Schools etc. (Scotland) Act 1989 (c.30) by the School Board and approved by the Secretary of State, or as the case may be the Scottish Ministers, but as at the coming into force of this section responsibility for the conduct of the school has not transferred to a board of

management, the school's transition to self-governing status shall be treated as never having commenced.

23 Purported disposal of property of self-governing school

(1) The board of management of a self-governing school shall obtain the consent of the Scottish Ministers to any transfer of moveable property owned by the board which is intended to take place on or after the date on which this section comes into force; and any purported transfer of such property on or after that date is void if such consent has not first been obtained.

(2) The Scottish Ministers shall give consent under subsection (1) above only after they have consulted in the matter the education authority which are to manage the school.

Independent schools

24 Registration of independent school

(1) In section 98 of the 1980 Act—

(a) [F11]...

and

(b) subsection (2A) (which provides that at any time within an independent school's first month a person will not be guilty of the offence of conducting it as an independent school while it is not registered, or is not provisionally registered, if in that month an application for registration is duly made) is repealed.

[F12](2) . . . . . .

Textual Amendments

F11 S. 24(1)(a) repealed (31.12.2005) by School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), s. 9(2), **Sch. 2**; S.S.I. 2005/10, art. 3(d) (with art. 3(2))

F12 S. 24(2) repealed (31.12.2005) by School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), s. 9(2), **Sch. 2**; S.S.I. 2005/10, art. 3(d) (with art. 3(2))

25 Welfare of pupil attending independent school

In section 99 of the 1980 Act (which sets out grounds on which a complaint may be served upon the proprietor of an independent school), after paragraph (a) there shall be inserted—

"(aa) that the welfare of a pupil attending the school is not adequately safeguarded and promoted there;".

School Boards

[F13]26 Role of School Board in raising standards and improving quality of education

. . . . . .

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

Textual Amendments

F13 Ss. 26-31 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

[F13]27 Election to School Board after school ceases to be self-governing

. . . . . .

Textual Amendments

F13 Ss. 26-31 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

[F13]28 Vacancies for parent members of School Board

. . . . . .

Textual Amendments

F13 Ss. 26-31 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

[F13]29 Restriction on councillor's membership of School Board

. . . . . .

Textual Amendments

F13 Ss. 26-31 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

[F13]30 Involvement of School Board in preparing short leet for appointment of headteacher etc.

. . . . . .

Textual Amendments

F13 Ss. 26-31 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

[F13]31 Delegation of education authority's functions to School Board

. . . . . .

Textual Amendments

F13 Ss. 26-31 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

Pre-school children

32 Provision of education for pre-school children etc.

(1) Section 1 of the 1980 Act (which imposes a duty on education authorities to secure the provision of education) shall be amended in accordance with this section.

(2) In subsection (1), for the word "(2)" there shall be substituted " (1A) ".

(3) After subsection (1) there shall be inserted—

"(1A) The duty imposed on education authorities by subsection (1) above shall, in relation to children who are under school age, be exercisable only as respects children of such description or descriptions as may be prescribed by order.

(1B) Where an order is made under subsection (1A) above, the amount of school education with which children of a description prescribed in that order are to be provided shall also be prescribed in the order.

(1C) An education authority shall have power in relation to pre-school children to secure for their area the provision of such school education, other than that which they are required by subsection (1) above to secure, as they think fit.".

(4) Subsection (2) is repealed.

(5) After subsection (4) there shall be inserted—

"(4A) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

(4B) In this section "pre-school children" means—

(a) children who are under school age and have not commenced attendance at a primary school (other than a nursery class in such a school); and

(b) children who have attained school age but have not commenced attendance at such a school.".

33 Fees

(1) School education provided by virtue of subsections (1) and (1A) of section 1 of the 1980 Act shall be provided without payment of fees.

(2) An education authority may charge fees for school education provided by virtue of subsection (1C) of that section.

(3) For the purposes of subsections (1) and (2) above, the school education may be provided—

(a) in a nursery school;

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

(b) in a nursery class in a school; or

(c) in pursuance of arrangements entered into under section 35 of this Act, in some other establishment.

(4) In section 3 of the 1980 Act (which relates to the charging of fees, in certain cases, for the provision of school education etc.), after subsection (6) there shall be added—

"(7) This section does not apply as respects the provision of school education by virtue of subsections (1) and (1A), or as the case may be subsection (1C), of section 1 of this Act.".

34 Guidance to education authorities as respects discharge of certain functions

The Scottish Ministers may from time to time give guidance to education authorities as respects the discharge by authorities of—

(a) their functions under the 1980 Act in relation to the provision of school education for pre-school children;

(b) in so far as relating to the functions mentioned in paragraph (a) above, any other functions of education authorities under that Act; and

(c) the power conferred by section 33(2) of this Act;

and education authorities shall, in discharging those functions and exercising that power, have regard to any such guidance.

35 Provision of school education by persons other than education authorities

An education authority may, for the purposes of—

(a) fulfilling the duty imposed on them by subsections (1) and (1A) of section 1 of the 1980 Act; or

(b) exercising the power conferred on them by subsection (1C) of that section,

enter into arrangements with any person for the provision by that person of school education for children who are under school age or, as the case may be, for pre-school children.

36 Inspection of establishments other than schools

In section 66 of the 1980 Act (which makes provision for the inspection of educational establishments), for subsection (1A) there shall be substituted—

"(1A) Without prejudice to subsection (1) above, the Scottish Ministers shall have power to cause inspection to be made at any establishment in which school education is provided in pursuance of arrangements entered into under section 35 of the Standards in Scotland's Schools etc. Act 2000 (asp 6); and such inspections shall be made by Her Majesty's Inspectors or any person appointed by the Scottish Ministers for the purposes of this section (or Her Majesty's Inspectors and any such person).".

37 Provision of transport etc. by education authority

(1) Where, by virtue of subsections (1) and (1A), or as the case may be subsection (1C), of section 1 of the 1980 Act, children are attending—

(a) a nursery school;

(b) a nursery class in a school; or

(c) any establishment which, though not a school, provides school education in pursuance of arrangements made under section 35 of this Act,

an education authority may make such arrangements in relation to those children as the authority think fit for the provision of any of the facilities mentioned in subsection (2) below; and any such arrangements may, in respect of any child, make provision for more than one of those facilities.

(2) The facilities are—

(a) the conveyance of children without charge for the whole or part of the journey between their homes and the schools or other establishments which they are attending;

(b) the making available (on such terms as may be agreed) of bicycles or other suitable means of transport to parents of children for the purpose of conveying the children between their homes and the schools or other establishments which they are attending, or, instead, the payment of money allowances;

(c) the payment of the whole or any part, as the authority think fit, of the reasonable travelling expenses of children.

(3) In section 51 of the 1980 Act (which relates to the provision of transport and other facilities by education authorities), after subsection (3) there shall be added—

"(4) In this section "school" does not include a nursery school or a nursery class in a school.".

38 Admission of children under school age to primary school

(1) Where a parent of a child who is under school age requests the education authority for the area in which the parent is ordinarily resident to admit the child to a class, other than a nursery class, in a primary school under the management of that authority, the authority shall, if the school education normally provided in such a class is suited to the ability and aptitude of the child, admit the child to such a class.

(2) Subsection (1) above is without prejudice to any other power or duty of the education authority.

39 Repeal of Part II of Education (Scotland) Act 1996

Part II of the Education (Scotland) Act 1996 (c.43) (which makes provision as respects the funding of education for children who are under school age etc.) is repealed.

Education outwith school

40 Education outwith school

For section 14 of the 1980 Act there shall be substituted—

"**14 Education for children unable to attend school etc.**

(1) If an education authority are satisfied that, by reason of—

(a) any extraordinary circumstances (not being circumstances mentioned in paragraph (b), or subsection (2) or (3), below)—

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

(i) a pupil is unable; or

(ii) it would be unreasonable to expect a pupil,

to attend a suitable educational establishment for the purpose of receiving education, they may;

(b) a pupil's prolonged ill-health—

(i) the pupil is unable; or

(ii) it would be unreasonable to expect the pupil,

to attend such an establishment for that purpose, they shall, without undue delay after those circumstances become apparent to them, make special arrangements for the pupil to receive education elsewhere than at an educational establishment.

(2) If an education authority have, under section 34(1) of this Act, granted a pupil exemption from the obligation to attend school, the exemption being to enable the pupil to give assistance at home in circumstances arising out of the illness or infirmity of a member of the pupil's family, they shall in so far as is practicable and without undue delay make such special arrangements as are mentioned in subsection (1) above.

(3) If a pupil withdraws, excluded by the education authority (or with the consent of the authority in circumstances where he would have been so excluded but for his withdrawal), from a public school in their area they shall, without undue delay—

(a) provide school education for him in a school managed by them;

(b) make arrangements for him to receive such education in any other school the managers of which are willing to receive him; or

(c) make such special arrangements as are mentioned in subsection (1) above.".

Exclusion from school

41 Rights of appeal against exclusion from school

A pupil with legal capacity in terms of subsections (4A) and (4B) of section 2 of the Age of Legal Capacity (Scotland) Act 1991 (c.50) shall have the same rights of appeal under section 28H of the 1980 Act as—

(a) the parent of the pupil; or

(b) the pupil, where the pupil is a young person.

Grants

42 Grants in respect of activities relating to school education

(1) The Scottish Ministers may make grants to persons who, to any extent, undertake, or engage in, activities relating to school education (or propose to undertake or engage in such activities).

(2) The Scottish Ministers may make the payment of a grant in pursuance of subsection (1) above subject to such conditions and requirements (including a requirement that the whole or any part of a grant be repaid) as they think fit.

Placing requests

43 Placing requests: extent of education authority's duty

(1) The 1980 Act shall be amended in accordance with this section.

(2) In section 28A(1) (which relates to the duty to comply with a placing request), after "school", where it secondly occurs, there shall be inserted " (other than a nursery school or a nursery class in a school) ".

(3) In section 28C (which relates to the reference to an appeal committee of a refusal of a placing request), subsection (2) is repealed.

[F14](4) . . . . . .

Textual Amendments

F14 S. 43(4) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **Sch. 3 para. 11**; S.S.I. 2005/564, art. 2

44 Further provision as respects placing requests

(1) Section 28A of the 1980 Act shall be further amended in accordance with this section.

(2) In subsection (1), after the words "parent of a child" there shall be inserted " of school age ".

(3) After subsection (1) there shall be inserted—

"(1A) The education authorities shall—

(a) in carrying out the duty imposed on them by subsection (1) above; and

(b) in deciding when that duty does not apply,

have regard to such guidance as the Scottish Ministers may give in that respect.".

(4) In subsection (3)(a) (which sets out certain exceptions to the duty of an education authority to accede to a parent's request that a child be placed in a specified school under their management), after sub-paragraph (v) there shall be added—

"(vi) assuming that pupil numbers remain constant, make it necessary, at the commencement of a future stage of the child's primary education, for the authority to elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school; or

(vii) though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers;".

(5) In subsection (3A), the words "Subject to subsection (3B) below," are repealed.

(6) Subsections (3B) and (3E) (which restrict an education authority's entitlement, where they would be prevented from retaining reserved places at a specified school, to refuse a placing request) are repealed.

[F15](7) . . . . . .

Textual Amendments

F15 S. 44(7) repealed (14.11.2005) by Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), s. 35(1), **Sch. 3 para. 11**; S.S.I. 2005/564, art. 2

Commencement Information

I2 S. 44(1)-(3)(5)-(7) wholly in force and s. 44(4) in force for specified purposes at 13.10.2000 by S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

I3 S. 44 in force at 31.12.2004 in so far as not already in force by S.S.I. 2004/528, **art. 2(a)**

The General Teaching Council

[F16]45 Functions of the Council

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]46 Constitution of the Council

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]47 Further provision as to keeping of register of teachers

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]48 Provision of information by Council

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]49 Provision of information to Council

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]50 Professional Conduct Committee and Investigating and Disciplinary Sub-committees

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]51 Appeals

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]52 Amendment of section 17 of 1965 Act

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

[F16]53 Power of Council to borrow money

. . . . . .

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

F16 54 Power of Scottish Ministers to require Council to establish committees

. . . . . .

Textual Amendments

F16 Ss. 45-54 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

Abolition of SJNC

55 Abolition of Scottish Joint Negotiating Committee for School Education

(1) The committee established under section 91 of the 1980 Act (committee to consider pay and conditions of teaching staff employed in providing school education) is abolished; and accordingly sections 91 to 97D of, and Schedule 1B to, that Act are repealed.

(2) Where—

(a) a settlement formulated under section 91(1) of that Act;

(b) a determination which, under subsection (8) of section 97B of that Act, has the same effect as a settlement so formulated; or

(c) an award which, under subsection (9) of the said section 97B, has that effect,

is still in force on the date on which this section comes into force, the order, settlement, determination or award shall, notwithstanding subsection (1) above, remain in force until superseded.

Sex education and medical matters

56 Guidance to education authorities as to manner of conducting sex education

The Scottish Ministers may, as respects education about sexual matters which is provided by education authorities in the schools managed by them, issue guidance to those authorities as to the manner in which such education should be conducted; and education authorities shall, in discharging their functions as respects the provision of such education in those schools, have regard to such guidance.

57 Consent of child to medical procedures

After section 131 of the 1980 Act there shall be inserted—

"**131A Consent of child to medical procedures**

(1) Nothing in this Act shall prejudice any capacity of a child enjoyed by virtue of section 2(4) of the Age of Legal Capacity (Scotland) Act 1991 (c.50) (capacity of child with sufficient understanding to consent to surgical, medical or dental procedure or treatment); and without prejudice to that generality, where under or by virtue of this Act a child is required to submit, or to be submitted, to any medical or dental examination, inspection or treatment but the child has the capacity mentioned in the said section 2(4), the examination, inspection or treatment shall only be carried out if the child consents.

(2) In subsection (1) above, without prejudice to the generality of the expression in question, "medical examination" includes an examination under section 58 of this Act and "medical treatment" includes cleansing under that section.".

General

58 Interpretation

(1) In this Act—

F17 …

"the 1980 Act" means the Education (Scotland) Act 1980 (c.44);

F18 …

"annual statement of education improvement objectives" has the meaning given by section 5(2) of this Act;

[F19 " enforcement direction " means a direction under section 10C(1) of this Act; **]**

"land" includes buildings and other structures, interests in land (within the meaning of the Land Registration (Scotland) Act 1979 (c.33)), **[**F20title conditions, within the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9)**]** and any other rights in, or liabilities relating to, land;

"moveable property" includes moveables heritable by accession;

"national priorities in education" has the meaning given by section 4 of this Act;

[F21 " preliminary notice " means a notice under section 10B(1) of this Act; **]**

"pre-school children" means—

(a) children who are under school age and have not commenced attendance at a primary school (other than a nursery class in such a school); and

(b) children who have attained school age but have not commenced attendance at such a school; and

"school development plan" means a development plan prepared under section 6(1)(a) of this Act for a school.

(2) Any expression used in this Act and in the 1980 Act has the same meaning in this Act as in that Act.

Textual Amendments

F17 Words in s. 58(1) repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

F18 Words in s. 58(1) repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

F19 Words in s. 58(1) inserted (31.1.2005) by School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), s. 9(2), **Sch. 1 para. 2(a)**; S.S.I. 2005/10, art. 3(c)

F20 Words in s. 58(1) substituted (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 122(1), 129(2), **Sch. 14 para. 12** (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

F21 Words in s. 58(1) inserted (31.1.2005) by School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12), s. 9(2), **Sch. 1 para. 2(b)**; S.S.I. 2005/10, art. 3(c)

59 Regulations

(1) The Scottish Ministers may, by statutory instrument, make regulations prescribing standards and requirements to which an education authority shall conform in discharging the authority's functions under this Act.

(2) Regulations under this section may make different provision as to different cases or circumstances.

(3) A statutory instrument made in the exercise of the powers conferred by this section shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

60 Amendments and repeals

(1) The enactments specified in schedule 2 to this Act shall have effect subject to the amendments and repeals specified in that schedule, being amendments and repeals which are either minor or are consequential upon the provisions of this Act.

(2) There are also repealed, to the extent specified in the second column of schedule 3 to this Act, the enactments mentioned in that schedule.

Commencement Information

I4 S. 60(2) in force for specified purposes at Royal Assent (see s. 61(2)(c));
s. 60(1) in force for specified purposes at 23.8.2000 by S.S.I. 2000/298, art. 3, **Sch.** (with transitional provisions in art. 4);
s. 60 in force for specified purposes at 13.10.2000 by S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4);
s. 60 in force for specified purposes at 1.11.2001 by S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)

I5 S. 60 in force at 31.12.2004 for specified purposes by S.S.I. 2004/528, **art. 2(b)**

61 Short title, commencement, transitional provisions and savings

(1) This Act may be cited as the Standards in Scotland's Schools etc. Act 2000.

(2) There shall come into force on Royal Assent—
- (a) this section;
- (b) section 23 of this Act; and
- (c) in so far as relating to sections 13 to 22 and 24 of, and Schedules 3 to 5 to, the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), section 60(2) of, and schedule 3 to, this Act;

and the other provisions of this Act shall come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.

(3) Different days may be so appointed for different provisions and for different purposes.

(4) An order under subsection (2) above may contain such transitional provisions and savings as the Scottish Ministers think fit.

Subordinate Legislation Made

P1 S. 61(2) power partly exercised: 28.7.2000 appointed for specified provisions by S.S.I. 2000/258, **art. 2**

S. 61(2) power partly exercised: 23.8.2000 appointed for specified provisions by S.S.I. 2000/298, art. 3, **Sch.** (with transitional provisons in art. 4)

S. 61(2) power partly exercised: different dates appointed for specified provisions by S.S.I. 2000/361, art. 3, **Sch.** (subject to transitional provisions in art. 4)

S. 61(2) power partly exercised: 23.3.2001 appointed for specified provisions by S.S.I. 2001/102, **art. 2**

S. 61(2) power partly exercised: different dates appointed for specified provisions by S.S.I. 2002/72, **art. 2(1)(2)**

Status: *Point in time view as at 02/04/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000. (See end of Document for details)*

[F22]SCHEDULE 1

(introduced by section 28(3))

. . . . . .

Textual Amendments

F22 Sch. 1 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

SCHEDULE 2

(introduced by section 60(1))

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Teaching Council (Scotland) Act 1965 (c.19)

[F23]1 . . . . . .

Textual Amendments

F23 Sch. 2 para. 1 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

Sex Discrimination Act 1975 (c.65)

[F24]2 . . . . . .

Textual Amendments

F24 Sch. 2 para. 2 repealed (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2)

Education (Scotland) Act 1980 (c.44)

3 (1) The 1980 Act shall be amended in accordance with this paragraph.

(2) In section 1(5)(a)(i) (nursery schools and nursery classes included in definition of "school education" for purposes of Act), for "hereinafter" substitute " such schools and classes being ".

(3) In section 9 (conscience clause) for the words ", every grant-aided school and every self-governing school" substitute " and every grant-aided school ".

(4) In section 10 (safeguards for religious beliefs)—

(a) the words ", or at any self-governing school" are repealed;

(b) for paragraphs (a) and (b) substitute " of the school or other educational establishment, the education authority ";

(c) for the words ", other educational establishment or self-governing school" substitute " or other educational establishment "; and

(d) the words "or, as the case may be, by the board of management" are repealed.

(5) In section 30 (duty of parents to provide education for their children), the existing provisions become subsection (1); and after that subsection add—

"(2) Section 1 of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (right of child to be provided with school education by, or by virtue of arrangements made by, an education authority) is without prejudice to the choice afforded a parent by subsection (1) above.".

(6) In section 57 (medical and dental examination and inspection)—

(a) for subsection (2) substitute—

"(2) For the purpose of securing the proper medical or dental inspection of the pupils and young persons for whom there is a duty under the said section 39 to provide such inspection, an education authority may require the parent of any pupil in attendance at any school under their management to submit the pupil for medical or dental inspection in accordance with arrangements made by the appropriate Health Board in agreement with the authority; and the authority may require any young person in attendance at any educational establishment under their management to submit for such medical or dental inspection.";

and

(b) in subsection (3), for the word "person" substitute " parent ".

(7) In section 66(3) (inspection of educational establishments), after "person" insert " wilfully ".

(8) In section 70 (powers of Scottish Ministers to enforce duties of education authorities etc.), the existing provisions become subsection (1); and after that subsection add—

"(2) Without prejudice to the generality of subsection (1) above, in that subsection the expression "enactment" includes—

(a) an Act of the Scottish Parliament but only in so far as it is an Act which relates to school education; and

(b) an order, regulation, rule or other instrument which has effect by virtue of an Act of the Scottish Parliament but only in so far as it is an instrument which so relates.".

(9) In section 135(1) (interpretation), in the definition of "independent school", for the words ", a grant-aided school or a self-governing school" substitute " or a grant-aided school ".

Commencement Information

I6 Sch. 2 para. 3 partly in force; Sch. 2 para. 3 not in force at Royal Assent see s. 61(2); Sch. 2 para. 3(1)(2)(5)-(8) in force at 13.10.2000 by S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

I7 Sch. 2 para. 3(3)(4)(9) in force at 31.12.2004 by S.S.I. 2004/528, **art. 2(b)**

School Boards (Scotland) Act 1988 (c.47)

F25 4 . . . . . .

Textual Amendments

F25 Sch. 2 para. 4 repealed (1.8.2007) by Scottish Schools (Parental Involvement) Act 2006 (asp 8), s. 24(2), **Sch.**; S.S.I. 2007/31, art. 2(b), Sch. 2

SCHEDULE 3

(introduced by section 60(2))

FURTHER REPEALS

Commencement Information

I8 Sch. 3 in force at 13.10.2000 for specified purposes by S.S.I. 2000/361, art. 3(1), **Sch. Pt. I** (subject to transitional provisions in art. 4)

I9 Sch. 3 in force at 31.12.2004 for specified purposes by S.S.I. 2004/528, **art. 2(b)**

Enactment	***Extent of Repeal***
F26	F26
. . .	. . .
	F26
	. . .
Sex Discrimination Act 1975 (c.65)	In section 22, in the Table, paragraph 7A.
	In section 82(1), the definitions of "board of management" and "self-governing school".
Race Relations Act 1976 (c.74)	In section 17, in the Table, paragraph 7A.
	In section 19(6)(c)(i), the words "7A,".
	In section 78(1), the definitions of "board of management" and "self-governing school".
National Health Service (Scotland) Act 1978 (c.29)	In section 39, in subsection (1), the words "or at any self-governing school"; and in each of subsections (3) and (4), the words "and of every board of management".
Education (Scotland) Act 1980 (c.44)	In section 1(5)(a), the words "in attendance at schools".
	In section 2A, in subsection (1), the words "or self-governing"; and in subsection (2), the words "or a board of management".
	In section 8, in subsection (1), the words "and boards of management of self-

governing schools"; and in subsection (2), the words "or board of management".

In section 19, in subsection (1), the words "or to the premises and equipment of self-governing schools"; in subsection (2), paragraph (b) and the words ", or as the case may be of the self-governing school,"; and in subsection (3), the words ", or of any self-governing school", "or school", "or as the case may be with the board of management" and "or board".

In section 28A (and in that section as substituted by Schedule A2 to the 1980 Act), in subsection (3)(a), the word "or" where it occurs immediately after sub-paragraph (iv).

In section 48A(5)(a)(i), the words ", or self-governing,".

In section 51, in subsection (1), the words "or (2AB)"; and subsections (2AB) and (2AC).

In section 53, subsection (3A).

In section 54, in subsection (1), the words ", or a self-governing school,"; and in subsection (3), the words "; or for any pupil who is a boarder at a self-governing school".

In section 55(b), the words "except in relation to a school which is a self-governing school,".

In section 57(3), the words "or board of management".

In section 58, in subsection (1), the words ", and the board of management of any self-governing school may by notice in writing issued with respect to that school," and "(or as the case may be at that school)"; in subsection (2), the words ", or in the case of a self-governing school, the board of management,"; in subsection (3), the words ", or in the case of a self-governing school the board of management" and ", or in the case of a self-governing school any officer appointed by the board of management,"; and in each of subsections (4) and (6), the words ", or as the case may be the board of management".

In section 123(1), the words "(where the child is in attendance at a school under the management of that authority) or by the board of management of a self-governing

	school (where the child is in attendance at that self-governing school)".
	In section 125A, in paragraph (a), the words ", the board of management of a self-governing school"; in paragraph (b), the words ", board of management"; and the words ", board of management" where they last occur.
	In section 135(1), the definition of "board of management"; in the definition of "grant-aided school", the words ", a self-governing school"; in the definition of "school", the words ", a self-governing school"; and the definition of "self-governing school".
Education (Scotland) Act 1981 (c.58)	Section 14.
	Schedule 5.
Representation of the People Act 1983 (c.2)	In paragraph 6 of Schedule 5, sub-paragraph (aa).
School Boards (Scotland) Act 1988 (c.47)	In paragraph 1 of Schedule 3, the words "on their own initiative".
Self-Governing Schools etc. (Scotland) Act 1989 (c.39)	Part I.
	In section 69, subsection (2).
	In section 70(1), paragraph (b).
	Section 76.
	In section 77(2), paragraph (a) and the word "or" immediately following that paragraph.
	In section 80(1), the definitions of "appointed member", "articles of constitution" and "articles of management", "board of management", "capital grants", "denominational school", "eligible school", "grant regulations", "the incorporation date", "interest in land", "land", "land obligations", "parent" (and "parent member"), "premises", "pupil", "recovery regulations", "recurrent grant", "scheme of government", "self-governing school", "special purpose grants" and "staff member".
	Schedules 1 to 5 and 7 to 9; and in Schedule 10, paragraphs 3 and 8(19) and (20).
Children Act 1989 (c. 41)	In paragraph 3 of Schedule 9, in sub-paragraph (1), head (g); and in sub-paragraph (3), the words ", "self-governing school"".

Environmental Protection Act 1990 (c.43)	In section 98(3), paragraph (h).
Tribunals and Inquiries Act 1992 (c.53)	In Part II of Schedule 1, in paragraph 50, sub-paragraph (c).
Value Added Tax Act 1994 (c.23)	In note (1)(a) to Group 6 in Schedule 9, sub-paragraph (vi).
Employment Rights Act 1996 (c.18)	In section 50(9), paragraph (e).
Data Protection Act 1998 (c.29)	In section 30(5)(b), sub-paragraph (i).
	In paragraph 6 of Schedule 11, in sub-paragraph (a), the words from "or, in relation" to the end.

Textual Amendments

F26 Words in Sch. 3 repealed (2.4.2012) by The Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215), art. 2, **Sch. 7**

Status:
Point in time view as at 02/04/2012.

Changes to legislation:
There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000.