

Status: Point in time view as at 31/12/2004.

Changes to legislation: There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, SCHEDULE 2. (See end of Document for details)

SCHEDULE 2

(introduced by section 60(1))

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

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

- 1 (1) The Teaching Council (Scotland) Act 1965 shall be amended in accordance with this paragraph.
- (2) In section 5(1)(b) (duties of the Council), for the words from “assigned” to the end substitute “ conferred or imposed on them by virtue of section 4A(1) of this Act. ”.
- (3) In section 6 (establishment of register of teachers)—
- (a) in paragraph (d) of subsection (2), for the words “Committee under paragraph (d) of section 10(3)” substitute “ Sub-committee by virtue of paragraph (d) of section 10C(1) ”; and
 - (b) in the proviso to that subsection, for the words—
 - (i) “Committee under section 10(2)(b)” substitute “ Sub-committee by virtue of section 10B(1)(b) ”; and
 - (ii) “Committee under section 11(2)” substitute “ Sub-committee under section 11(8) ”.
- (4) In section 17 (interpretation)—
- (a) in subsection (1), at the place alphabetically appropriate, insert the following definition—

““education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980 (c.44);”;
 - and
 - (b) in subsection (2), after the word “Any” insert “ other ”.
- (5) In Part II of Schedule 1—
- (a) in paragraph 10 (assessors), for the words “Investigating Committee and the Disciplinary Committee” substitute “ Investigating Sub-committee, the Disciplinary Sub-committee and, in relation to proceedings for the purposes of sections 10A(2) and (3) and 11(4) of this Act, the Professional Conduct Committee ”;
 - (b) in paragraph 12 (standing orders), for the words “Disciplinary Committee” substitute “ Disciplinary Sub-committee ”;
 - (c) in paragraph 13(1) (expenses), for the words “restoration of a name to” substitute “ re-registration of a name in ”; and
 - (d) in paragraph 17 (other committees), for the words—
 - (i) “the last foregoing paragraph” substitute “ paragraphs 16 and 16A of this Schedule ”; and
 - (ii) “Investigating Committee and the Disciplinary Committee” substitute “ Professional Conduct Committee, the Investigating Sub-committee and the Disciplinary Sub-committee ”.
- (6) In Schedule 2 (procedure of Disciplinary Committee)—
- (a) for the word “Committee”, wherever it occurs, substitute “ Sub-committee ”; and
 - (b) in paragraph 2—

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- (i) in sub-paragraph (1)(a), for the words “10(2)” substitute “ 10B(2) ”;
- (ii) in sub-paragraph (1)(g), for the words “infamous conduct in any material respect” substitute “ relevant misconduct ” and for the words “such conduct” substitute “ such misconduct ”;
- (iii) in sub-paragraph (2)(a), for the words “restoration to the register” substitute “ re-registration ”;
- (iv) in sub-paragraph (2)(b), for the words “10(3)(d)” substitute “ 10C(1)(d) ”; and
- (v) in sub-paragraph (2)(c), for the words “11(2)” substitute “ 11(8) ”.

Commencement Information

- II** Sch. 2 para. 1 partly in force; Sch. 2 para. 1 not in force at Royal Assent see s. 61(2); Sch. 2 para. 1(1)(2)(4)(5)(d)(i) in force at 13.10.2000 by S.S.I. 2000/361, art. 3(1), **Sch. Pt. I**; Sch. 2 para. 1 in force insofar as not already in force at 1.11.2001 by S.S.I. 2000/361, art. 3(2), **Sch. Pt. II** (subject to transitional provisions in art. 4)

Sex Discrimination Act 1975 (c. 65)

- 2 (1) The Sex Discrimination Act 1975 shall be amended in accordance with this paragraph.
- (2) In section 25(6)(c)(i) (general duty in public sector of education), for the words “, 7 or 7A” substitute “or 7”.
- (3) In paragraph 6 of schedule 2 (transitional exemption orders for educational admissions), for the words “, 7 or 7A” substitute “or 7”.

Commencement Information

- I2** Sch. 2 para. 2 in force at 31.12.2004 by S.S.I. 2004/528, **art. 2(b)**

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.

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(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

- I3** 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](#))
- I4** 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)

- 4 (1) The 1988 Act shall be amended in accordance with this paragraph.

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- (2) In section 2(5) (restriction on eligibility for election to School Board), for the words “for co-option to that Board” substitute “ to be a co-opted member of that Board ”.
- (3) In section 2A(1) (regular elections), for the words “and (3)” substitute “ to (3A) ”.

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