



# Standards in Scotland's Schools etc. Act 2000

2000 asp 6

## *Inspections*

### **[<sup>F1</sup>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.

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**Status:** Point in time view as at 31/01/2005.

**Changes to legislation:** There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, Section 10C. (See end of Document for details)

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- (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.]

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#### Textual Amendments

- F1** 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)

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