

These notes relate to the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004 (asp 12) which received Royal Assent on 12 November 2004

SCHOOL EDUCATION (MINISTERIAL POWERS AND INDEPENDENT SCHOOLS) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

THE ACT

3. The Act introduces new ministerial powers covering education authorities and grant-aided schools, and revises and amends existing legislation governing independent schools.
4. The Act is in 3 parts.
5. **Part 1 – Power of Scottish Ministers to require action by schools and education authorities** – provides the Scottish Ministers with powers to direct education authorities and the managers of grant-aided schools to take specific action to secure improvement following inspections by HMIE.
6. **Part 2 – Independent Schools** – revises and amends the legislation governing independent schools within the Education (Scotland) Act 1980 (the “1980 Act”). It:
 - amends the definition of an independent school;
 - revises and amends the existing provisions for registration of an independent school;
 - revises and amends the existing provisions for regulating independent schools;
 - abolishes the Independent Schools Tribunal; and
 - provides that appeals against decisions made by the Scottish Ministers in relation to independent schools are to be made to the sheriff principal.
7. **Part 3 – General** – provides for the short title, commencement, minor and consequential amendments and repeals.