
Changes to legislation: There are currently no known outstanding effects for the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004. (See end of Document for details)

SCHEDULE 1

(introduced by section 8(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 (1) The 1980 Act is amended as follows.
- (2) In section 98(3)(a) (power to prescribe particulars, information as to which shall be furnished to the Registrar by the proprietors of independent schools), for the word “independent” substitute “registered”.
- (3) In section 99(2) (service of copy notice of complaint on teacher)—
 - (a) for the words from “person”, where it first occurs, to “school”, where it second occurs, substitute “teacher in the school is—
 - (a) disqualified as mentioned in sub-paragraph (i) or (ii) of subsection (1A)(h) above;
 - (b) a prescribed person; or
 - (c) otherwise not a proper person to be a teacher in any school,”;and
 - (b) for the word “person”, where it third occurs, substitute “ teacher ”.
- (4) In section 100(4) (disqualification from being proprietor of independent school to be disqualification from being teacher and vice versa), for the words “by an Independent Schools Tribunal or by the Secretary of State” substitute “ under this Part of this Act ”.
- (5) In section 101 (enforcement of orders)—
 - (a) in subsection (2), for the words “any premises for purposes for which they are” substitute—
 - “(a) school premises which are or any part of such premises which is; or
 - (b) any accommodation provided at such premises which is,”;and
 - (b) in subsection (4), for the words from “disqualified”, where it first occurs, to “1944” substitute “ subject to or deemed to be subject to a direction given under section 142 of the Education Act 2002 (c. 32) shall be deemed to be disqualified ”.
- (6) In section 102(2) (appeal against refusal to remove disqualification), for the words from “within” to the end substitute “ before the expiry of the period of 28 days beginning with the day on which the applicant is given notice under subsection (1A) (a) above, appeal to the sheriff principal against that refusal. ”.
- (7) In section 133 (regulations)—
 - (a) in subsection (2), for the words “and (2B)” substitute “ to (2C) ”; and
 - (b) after subsection (2B) insert—

“(2C) Subsection (2) above shall not apply to any regulations under section 98A(6) of this Act defining “prescribed person”; and no such regulations shall be made unless—

 - (a) the Scottish Ministers have consulted such persons as they think fit on a draft of the statutory instrument containing the regulations; and
 - (b) such a draft has been laid before, and approved by resolution of, the Scottish Parliament.”.

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- (8) In section 135(1) (interpretation)—
- (a) after the definition of “dental treatment” insert—
- ““disqualified from working with children” has the meaning given by section 98A(6) of this Act;”;
- (b) after the definition of “enactment” insert—
- ““enforcement direction” means a direction under section 66D(1) of this Act;”;
- (c) after the definition of “placing request” insert—
- ““preliminary notice” means a notice under section 66C(1) of this Act;”;
- (d) in the definition of “registered school”, for the words “the registration of which” substitute “ which is registered ”.

Commencement Information

- I1** Sch. 1 para. 1(1)-(7)(8)(a)(8)(d) in force at 31.12.2005 by S.S.I. 2005/570, art. 2(c) (with art. 3)
- I2** Sch. 1 para. 1(8)(b)(c) in force at 31.5.2005 by S.S.I. 2005/10, art. 3(c)

- 2 In section 58(1) of the 2000 Act (interpretation)—
- (a) after the definition of “annual statement of educational improvement objectives” insert—
- ““enforcement direction” means a direction under section 10C(1) of this Act;”;
- (b) after the definition of “national priorities in education” insert—
- ““preliminary notice” means a notice under section 10B(1) of this Act;”.

Commencement Information

- I3** Sch. 1 para. 2 in force at 31.5.2005 by S.S.I. 2005/10, art. 3(c)

SCHEDULE 2
(introduced by section 8(2))

REPEALS

Commencement Information

- I4** Sch. 2 in force at 31.12.2005 by S.S.I. 2005/570, art. 2(d) (with art. 3)

Enactment

Extent of repeal

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Education (Scotland) Act 1980 (c. 44)	<p>In section 98, in subsection (1), the words from “and”, where it second occurs, to the end; subsections (1A) and (3)(c).</p> <p>In section 99(1), the words “or provisionally registered”.</p> <p>In section 101, in subsection (3), the words from “or”, where it first occurs, to “school” where it second occurs and the words “or from being so employed”; in subsection (4), the words “shall be deemed to be so disqualified”.</p> <p>In section 102(1), the words “Part V of the Act of 1946, Part V of the Act of 1962 or”.</p> <p>In section 135(1), the definition of “provisionally registered school”; in the definition of “registered school” the words “is final”.</p> <p>Schedule 2.</p>
Standards in Scotland’s Schools etc. Act 2000 (asp 6)	Section 24(1)(a) and (2).
Scottish Public Services Ombudsman Act 2002 (asp 11)	In schedule 3, paragraph 2.

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