



School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004

2004 asp 12

PART 2

INDEPENDENT SCHOOLS

7 Supplementary

After section 103 of the 1980 Act insert—

“103A Proprietor which is body corporate etc.

- (1) This section applies where the proprietor of an independent school is not an individual.
- (2) Any power in this Part of this Act, by virtue of which the Scottish Ministers may disqualify the proprietor of an independent school from being the proprietor of such a school, includes power to so disqualify a relevant person.
- (3) For the purposes of any provision in this Part of this Act relating to the disqualification of the proprietor of an independent school from being the proprietor of such a school, the proprietor shall be so disqualified if a relevant person is so disqualified.
- (4) Any reference in this Part of this Act to the disqualification of the proprietor of an independent school from working with children shall be construed as a reference to any relevant person’s being so disqualified.
- (5) Any reference in this Part of this Act to the proprietor of an independent school’s being (or not being) a proper person to be the proprietor of such a school shall be construed as including a reference to any relevant person’s being (or not being) such a proper person.
- (6) In this section, “relevant person”, in relation to the proprietor of an independent school, means—
 - (a) in the case of such a proprietor which is a body corporate, any person who—

- (i) is a director, manager or secretary of the body corporate; or
 - (ii) purports to act in any such capacity;
- (b) in the case of such a proprietor which is a Scottish partnership, any person who—
 - (i) is a partner; or
 - (ii) purports to act in that capacity; and
- (c) in the case of such a proprietor which is an unincorporated association other than a Scottish partnership, any person who—
 - (i) is concerned in the management or control of the association; or
 - (ii) purports to act in the capacity of a person so concerned.

103B Date of registration or removal from register

- (1) Where, under section 98A(3) of this Act, the Scottish Ministers grant an application for registration of an independent school, the registration of that school shall, unless the Scottish Ministers otherwise direct, have effect from the beginning of the day on which the proprietor is, under section 98C(1) of this Act, given notice of the grant of the application.
- (2) Where, under section 103(2)(a), (4)(b)(i) or (5)(a)(i) of this Act, the sheriff principal makes an order directing the Registrar to register an independent school, the registration of that school shall, unless the sheriff principal otherwise directs, have effect from the beginning of the day on which such an order is made.
- (3) Where, under section 98D(3) of this Act, the Registrar removes a registered school from the register, that removal shall have effect from the beginning of the day following the day on which notice under section 98D(4) of this Act is given.
- (4) Where, under section 98D(1) or 100(2)(a) of this Act, the Scottish Ministers make an order directing the Registrar to remove an independent school from the register that removal shall, unless the Scottish Ministers otherwise direct, have effect from the beginning of the day following the day on which the order is made.”.