



# Standards in Scotland's Schools etc. Act 2000

2000 asp 6

## *Independent schools*

### **24 Registration of independent school**

(1) In section 98 of the 1980 Act—

(a) in subsection (1) (which provides for there being kept a register of independent schools), after paragraph (i) of the proviso there shall be inserted—

“(ia) no independent school shall be registered if the Registrar has been given notice by the Scottish Ministers that they are satisfied, on such grounds as they shall specify in the notice, that the proprietor is not a proper person to be the proprietor of any school, that a teacher to be employed in the school is not a proper person to be a teacher in any school or that the school premises, or any parts of those premises, are unsuitable for a school;”;

(b) subsection (2A) (which provides that at any time within an independent school's first month a person will not be guilty of the offence of conducting it as an independent school while it is not registered, or is not provisionally registered, if in that month an application for registration is duly made) is repealed.

(2) After that section there shall be inserted—

#### **“98A Refusal of registration: referral to Independent Schools Tribunal**

(1) When, such notice as is mentioned in paragraph (ia) of the proviso to section 98(1) of this Act having been given, registration of a school is refused, the Registrar shall so notify the proprietor (and, if the notice related to a teacher, the teacher also) setting out the grounds which were specified by the Scottish Ministers.

(2) Every notification given under subsection (1) above shall limit the time, not being less than one month after it is so given, within which the refusal of

registration may be referred to an Independent Schools Tribunal constituted as is mentioned in section 100 of this Act; and the proprietor or teacher in question may within that time, in such manner as is mentioned in that section, so refer the refusal.

- (3) Upon a refusal being so referred the tribunal shall, after affording to all parties concerned an opportunity of being heard, and after considering such evidence as may be tendered by those parties or on their behalf, have power—
  - (a) to uphold the refusal; or
  - (b) without prejudice to paragraph (ii) of the proviso mentioned in subsection (1) above, to order the Registrar to register the school.
- (4) If the tribunal uphold the refusal then (according to what the grounds were which were specified by the Scottish Ministers) the tribunal may disqualify the proprietor from being the proprietor of any independent school, disqualify the teacher from being a teacher in any school or disqualify the premises, or parts of premises, from being used as a school or as part of a school.”

## **25 Welfare of pupil attending independent school**

In section 99 of the 1980 Act (which sets out grounds on which a complaint may be served upon the proprietor of an independent school), after paragraph (a) there shall be inserted—

- “(aa) that the welfare of a pupil attending the school is not adequately safeguarded and promoted there;”.