



# Education (Scotland) Act 2016

## 2016 asp 8

### PART 3

#### MISCELLANEOUS

#### 28 Head teachers: education and training standards

(1) After section 90 of the 1980 Act insert—

**“90A Head teachers: education and training standards**

- (1) The Scottish Ministers may by regulations under section 2 or 74(1) prescribe that only persons falling within subsection (2) may be appointed by education authorities or managers of grant-aided schools as head teachers of schools.
- (2) A person falls within this subsection if the person has achieved such standards of education and training as may be specified in regulations mentioned in subsection (1).
- (3) Regulations made by virtue of subsections (1) and (2) may—
  - (a) provide for exemptions or exceptions,
  - (b) make different provision for different purposes,
  - (c) make consequential, transitional or transitory provision or savings.”.

(2) After section 98D of the 1980 Act insert—

**“98DA Head teachers of independent schools: education and training standards**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the standards of education and training to be achieved by persons who are to be appointed as head teachers of independent schools.
- (2) Regulations under subsection (1) may make provision in relation to—
  - (a) a registered school,
  - (b) a school in respect of which an application under section 98A is made.

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**Changes to legislation:** Education (Scotland) Act 2016, Section 28 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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(3) Regulations under subsection (1) may—

- (a) provide for exemptions or exceptions,
- (b) make different provision for different purposes,
- (c) make consequential, transitional or transitory provision or savings.”.

(3) In section 133 of the 1980 Act (regulations, etc.), after subsection (2B) insert—

“(2BA) Subsection (2) above shall not apply to any regulations under—

- (a) section 2 or 74(1) that make provision such as is mentioned in section 90A, or
- (b) section 98DA(1);

and such regulations shall be subject to the affirmative procedure.”.

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#### **Commencement Information**

**I1** S. 28(1) in force at 1.1.2017 by S.S.I. 2016/386, reg. 2, **sch.**

**I2** S. 28(3) in force at 10.1.2018 by S.S.I. 2017/354, **reg. 2(b)**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I.2017/164, sch. by [S.S.I. 2017/352 reg. 2](#)