



# Education (Scotland) Act 1980

## 1980 CHAPTER 44

### PART V

#### INDEPENDENT SCHOOLS

##### **[<sup>F1</sup>98B Refusal of application for registration: disqualifications**

- (1) This section applies where the Scottish Ministers refuse an application for registration on the ground that they are not satisfied that—
  - (a) the proposed school premises are suitable for use as a school;
  - (b) accommodation to be provided at the proposed school premises is adequate and suitable, having regard to the number, ages and sex of the pupils who shall be attending the school;
  - (c) the proprietor of the independent school is a proper person to be the proprietor of such a school; or
  - (d) a proposed teacher in the school is a proper person to be a teacher in any school.
- (2) Where the Scottish Ministers refuse an application for registration on the ground mentioned in subsection (1)(a) above they may make an order disqualifying the proposed school premises or any part of them from being used as a school.
- (3) Where the Scottish Ministers refuse an application for registration on the ground mentioned in subsection (1)(b) above they may make an order disqualifying the accommodation from being used as such or from being used as such for pupils—
  - (a) exceeding such number; or
  - (b) of such age or sex,as they may specify.
- (4) Where the Scottish Ministers refuse an application for registration on the ground mentioned in subsection (1)(c) above they may make an order disqualifying the proprietor from being the proprietor of an independent school.

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**Changes to legislation:** Education (Scotland) Act 1980, Section 98B is up to date with all changes known to be in force on or before 22 May 2024. 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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- (5) Where the Scottish Ministers refuse an application for registration on the ground mentioned in subsection (1)(d) above they may make an order disqualifying the proposed teacher from being a teacher in any school.]

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**Textual Amendments**

- F1** Ss. 98A-98D substituted (31.12.2005) for s. 98A by [School Education \(Ministerial Powers and Independent Schools\) \(Scotland\) Act 2004 \(asp 12\)](#), **ss. 4(2)**, 9(2); S.S.I. 2005/570, art. 2(a) (with art. 3(1)(2))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A(5)(a)(I) words repealed by [2000 asp 6 Sch. 3](#)
- s. 53(3)(b)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53(3)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53ZA inserted by [2016 asp 8 s. 22\(3\)](#)
- s. 54A inserted by [2016 asp 8 s. 23](#)
- s. 98DA inserted by [2016 asp 8 s. 28\(2\)](#)
- s. 99(1A)(g)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)
- s. 99(1A)(h)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)