
 STATUTORY INSTRUMENTS

1975 No. 1135 (S. 176)

EDUCATION, SCOTLAND
The Schools General (Scotland) Regulations 1975

<i>Made - - - -</i>	8th July 1975
<i>Laid before Parliament</i>	18th July 1975
<i>Coming into Operation</i>	9th August 1975

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In exercise of the powers conferred on me

- (i) by section 2 of the Education (Scotland) Act 1962(a), as set out in section 1(1) of the Education (Scotland) Act 1969(b);
- (ii) by section 5(2) of the said Act of 1962, as substituted by paragraph 2 of Part I of Schedule 2 to the said Act of 1969;
- (iii) by section 10(2) of the said Act of 1962, as amended by paragraph 6 of Part I of Schedule 2 to the said Act of 1969;
- (iv) by section 75 of the said Act of 1962, as substituted by section 12 of the said Act of 1969;
- (v) by section 76(1) of the said Act of 1962;
- (vi) by section 81(1) and (4) of the said Act of 1962, as substituted by section 15 of the said Act of 1969;
- (vii) by sections 144(5) and 145(40) of the said Act of 1962;

and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations, which may be cited as the Schools General (Scotland) Regulations 1975, shall come into operation on 9th August 1975.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, re-enacted or substituted (whether before or after the coming into operation of these regulations) by any other enactment.

Definitions

3. In these regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:—

“Act of 1962” means the Education (Scotland) Act 1962;

“boarding school” means a residential school other than a residential outdoor school;

“designated medical officer” shall have the same meaning as in section 63(1) of the National Health Service (Scotland) Act 1972(d);

“class” means a group of pupils for the time being under the immediate charge of a teacher;

“day school” means a school which has no residential pupils;

(a) 1962 c. 47.
(c) 1889 c. 63.

(b) 1969 c. 49.
(d) 1972 c. 58.

“health board” shall have the same meaning as in section 63(1) of the National Health Service (Scotland) Act 1972;

“Inspector” means one of Her Majesty’s Inspectors and includes any other person appointed by the Secretary of State under section 67 of the Act of 1962 to inspect educational establishments;

“residential outdoor school” means a residential centre to which pupils in attendance at school are sent for short periods of education or for periods of recuperation and education;

“school day”, in relation to a school, means a day on which the school is open for the purpose of providing school education;

“school year” means a period of 12 months commencing on 1st August of any year;

and, unless the context otherwise requires, other expressions used in these regulations which are also used in the Act of 1962 shall have the same meaning in these regulations as they have in that Act.

PART II

ORGANISATION OF SCHOOLS

Admission to and exclusion from schools

4. In discharging their functions under section 1 of the Act of 1962, an education authority shall not refuse a pupil, who is ordinarily resident in their area, admission to a school under their management or exclude a pupil from such a school to which he has been admitted, unless they consider that, having regard to the provisions of section 29 of that Act,

- (a) the admission of the pupil to the school or the continued attendance of the pupil at the school would be inconsistent with any scheme prepared by them under section 7 or 30 of the Act of 1962 and approved by the Secretary of State under section 70 of that Act; or
- (b) the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school; or
- (c) for reasons other than those mentioned in (a) or (b) above, they cannot otherwise ensure the provision of adequate and efficient school education.

Minimum number of school days

5. An education authority shall, except where prevented by circumstances outwith their control, secure that every school under their management shall be open for at least 200 school days (excluding Saturdays and Sundays) in each school year.

Closure of schools on advice of medical officer

6. Where a designated medical officer of a health board advises an education authority that, in order to prevent the spread of disease or other danger to health, a school under their management should be closed temporarily or that certain pupils should be excluded from that school for a specified time or, where that school is a boarding school, that the pupils should be confined to the school premises for a specified time, the education authority shall forthwith close that school or exclude or confine the said pupils, as the case may be, accordingly.

Classes outwith school premises

7. Classes in any school under the management of an education authority shall normally meet in the school premises, but any class may be held outwith the school premises if arrangements for this are authorised by that education authority.

Number of pupils in rooms

8.—(1) An education authority shall determine from time to time the maximum number of pupils who may be suitably accommodated in every room to which this regulation applies in any school under their management and, in discharging their duty under this regulation, the authority shall have regard to the dimensions of the room and the type of equipment provided, or to be provided, the safety and health of the pupils to be accommodated and the type of instruction to be given, in the room; and any determination under this regulation may provide for different maximum numbers in relation to different types of instruction.

(2) The education authority shall cause a record to be kept in every school under their management showing, for every room to which this regulation applies in that school, the dimensions of the room and their determination under this regulation in respect of the room.

(3) This regulation applies to every room where the room is or may be used for any form of instruction, and in this regulation “room” in relation to an open plan school includes any open plan teaching area.

Registers

9. An education authority shall cause registers to be kept and preserved in respect of every school under their management in accordance with the provisions of Schedule 1 to these regulations.

Pupils' progress records

10.—(1) An education authority shall cause a record, to be known as a pupil's progress record, to be kept for every pupil in attendance at a school under their management and such record shall, in relation to the pupil, contain information, which shall be checked or adjusted as necessary at least once a year and on transfer of the pupil to another school, about the following matters, that is to say—

- (a) the pupil's full name and address, date of birth, position in his family and his parent's name and address, occupation and, where appropriate, place of work;
- (b) the name and address of any person other than the parent who may be notified in the case of any emergency affecting the pupil;
- (c) the schools (whether public, grant-aided or independent) attended by the pupil, with the dates of admission and leaving and the designation of the class from which he left;
- (d) the results, with dates, of any objective or diagnostic tests administered to the pupil;
- (e) a note of any factors adversely affecting the pupil's educational capacity or attainment;
- (f) the pupil's health record;
- (g) where appropriate, information about the pupil's emotional and social development;

- (h) the pupil's educational progress during each annual stage of school education; and
- (i) where the pupil is in attendance at a secondary school, information about any positions of responsibility held by him in the school or where appropriate in any organisation.

(2) Each pupil's progress record shall remain in the custody of the education authority providing the pupil's education and shall be preserved by that authority for a period of five years following that pupil's final attendance at school; provided that, where a pupil transfers to another school, which is not under the management of that education authority and which is a public or grant-aided school, they shall, when requested to do so by the person or body of persons responsible for the management of that other school, transmit that record to that person or body of persons.

(3) The information contained in a pupil's progress record shall be used only for the purpose of supervising that pupil's educational development and of giving adequate advice and assistance to, or in relation to, that pupil. The contents of the record or any part thereof shall only be disclosed to persons authorised in that behalf by the Secretary of State or the education authority for the time being having custody of the record.

Formation of good habits in pupils

11. In the day to day conduct of every school under their management, an education authority shall ensure that care is taken to develop, in pupils in attendance at that school, reasonable and responsible social attitudes and relationships, to cultivate in such pupils consideration for others, and to encourage in such pupils the practice of good manners, good attitudes to work, initiative and self-reliance and habits of personal hygiene and cleanliness.

PART III
SPECIAL SCHOOLS

Special schools

12.—(1) An education authority shall secure that no pupil shall be admitted to a special school (other than a child guidance clinic) under their management, unless they or an education authority in whose area the child is or was resident have decided under section 65 of the Act of 1962 that the pupil requires special education and that decision has not been revoked.

(2) In the application of these regulations to a special school which is a child guidance clinic under the management of an education authority, regulations 4, 5, 9, and 10 of and Schedule 1 to these regulations shall not apply.

(3) An education authority shall secure that no pupil in a special school under their management shall be compelled to take part in religious observance or to receive religious instruction contrary to the wishes of his parent and in discharging their duty under this paragraph the education authority shall give the parent of every such pupil an opportunity of expressing his wishes on the matter.

PART IV
INSPECTION

Visits by Inspectors

13. An education authority shall permit an Inspector acting under section 67 of the Act of 1962 to visit any school under their management at any time without notice and to see any documents which are kept in that school.

PART V

SUPPLEMENTARY PROVISIONS

Amendments

14. The regulations mentioned in Schedule 2 to these regulations shall have effect subject to the amendments specified in relation to them in that Schedule.

Revocations and savings

15.—(1) The regulations mentioned in Column (1) of Schedule 3 to these regulations are hereby revoked to the extent specified in Column (2) of that Schedule.

(2) Section 38(2) of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

16. Insofar as anything done under or for the purposes of a regulation revoked by these regulations and in force at the coming into operation of these regulations could have been done under or for the purposes of a provision of these regulations, it shall continue in force and be deemed to have been done under or for the purposes of that provision.

17. Any reference in any enactment to any provision of a regulation revoked by these regulations shall, insofar as it has been re-enacted, with or without modifications, by a provision of these regulations, be construed, unless the context otherwise requires, as a reference to the provision so re-enacted.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
8th July 1975.

SCHEDULE 1
REGISTERS*General*

1. In respect of each school year—

- (a) a register of admission and withdrawal shall be kept at every school;
- (b) an attendance register shall be kept at every school attended by any day pupils; and
- (c) an attendance register, or such a register as is specified in paragraph 6 of this Schedule, shall be kept at every boarding school in relation to the pupils to which that paragraph applies;

and any reference in this Schedule to a register of admission and withdrawal or to an attendance register shall be construed accordingly.

Register of Admission and Withdrawal

2. The register of admission and withdrawal shall show in respect of each pupil admitted or re-admitted to the school his full name and date of birth and, if he has been withdrawn from the school at any time, the date of, and reason for, his withdrawal at that time.

3.—(1) Subject to sub-paragraph (2) of this paragraph a pupil shall be shown in the register of admission and withdrawal as having been withdrawn from a school if—

- (a) he is known to be attending another school (whether public, grant-aided or independent); or
- (b) he has been withdrawn from school by his parent, with the consent of the education authority if he is of school age; or
- (c) he has been permanently excluded from the school by the education authority; or
- (d) he has been absent from school for a period of 4 consecutive weeks and cannot be traced; or
- (e) special arrangements have been made for him, under section 14 of the Act of 1962, to receive education elsewhere than at an educational establishment.

(2) Where, with the approval of the education authority, a pupil attends a residential outdoor school, he shall not, in respect of the period when he so attends, be shown in the register of admission and withdrawal as having been withdrawn from the school which he normally attends.

Attendance Register

4. Any attendance register required to be kept by virtue of paragraph 1 of this Schedule shall contain the name of each pupil shown by the register of admission and withdrawal to have been admitted to, but not to have been withdrawn from, or to have been re-admitted to, and not thereafter to have been withdrawn from the school.

5.—(1) The head teacher of every school shall, in respect of each morning and afternoon of every school day of the school, cause to be recorded in any attendance register required to be kept by virtue of paragraph 1 of this Schedule the absence of any pupil whose name is contained in the attendance register.

(2) For the purposes of this paragraph, an absent pupil shall be deemed

- (a) to be present at a school if he is absent (other than on account of sickness or where he has been granted exemption from school attendance under section 34 of the Act of 1962) in circumstances approved by the education authority and complies with any condition attached thereto by that authority; and
- (b) to be absent from a school even although he has been granted such exemption under the said section 34 or he has been temporarily excluded from the school.

Boarding School Register

6.—(1) In respect of any pupil who resides in a boarding school, the register referred to in paragraph 1(c) of this Schedule, which may be kept at the school in place of an attendance register, shall be a register showing for such pupil the date on which he came into residence, the date on which he ceased to be resident in the school and the dates of, and reasons for, any period of absence from the normal activities of the school.

(2) For the purpose of this paragraph a pupil who resides in a hostel, whether or not it is directly associated with the school, shall not be deemed by virtue of so residing to reside in the school; and residence and resident shall be construed accordingly.

Preservation of Registers

7. Every register of admission and withdrawal, every attendance register and every register such as is specified in paragraph 6 of this Schedule shall be preserved for a period of 5 years immediately following the school year in respect of which it was kept in accordance with the provisions of this Schedule.

Regulation 14

SCHEDULE 2

AMENDMENTS OF REGULATIONS

The Residential Special Schools and Orphanages (Scotland) Grant Regulations 1948(a)

1. For paragraph (6) of regulation 6 of the Residential Special Schools and Orphanages (Scotland) Grant Regulations 1948, there shall be substituted the following paragraph:—

“(6) The provisions of the Schools (Scotland) Code 1956(b), as amended (c), and the Schools General (Scotland) Regulations 1975 shall be observed as if

- (a) for any reference in that Code and in those Regulations to a “school” or to an “education authority”, there were substituted respectively, unless the context otherwise requires, a reference to a “residential special school or orphanage” or to the “managers of a residential special school or orphanage”;
- (b) any reference in that Code and in those Regulations, as applied by this paragraph, to a “residential special school”, “orphanage” or “managers” in relation to a residential special school or an orphanage, had the same meaning as it has in these regulations; and

(c) for sub-paragraph (1) of paragraph 3 of Schedule 1 to the Schools General (Scotland) Regulations 1975, there were substituted the following sub-paragraph:—

“3.—(1) Subject to sub-paragraph (2) of this paragraph, a pupil shall be shown in the register of admission and withdrawal as having been withdrawn from a residential special school or orphanage if—

- (a) he has been withdrawn from school by his parent; or
- (b) he has been permanently excluded from the school by the managers.” ”

The Schools (Scotland) Code 1956

2. For paragraph (2) of regulation 23 of the Schools (Scotland) Code 1956, there shall be substituted the following paragraph:—

“(2) Regulation 14 of this Code shall not apply.”

(a) S.I. 1948/2768 (Rev. VI p. 719; 1948 I, p. 777).

(b) S.I. 1956/894 (1956 I, p. 735).

(c) The relevant amending instruments are S.I. 1959/476; 1965/55, 940; 1967/1162, 1968/1055, 1971/1079, 1972/776 (1959 I, p. 1095, 1965 I, pp. 72, 2398; 1967 II, p. 3396; 1968 II, p. 2849; 1971 II, p. 3215; 1972 II, p. 2486).

3. For head (a) of regulation 24(2) of the Schools (Scotland) Code 1956 there shall be substituted the following head:—

“(a) Regulations 5, 6 and 14, paragraphs (1) and (2) of regulation 15, and paragraphs (2) and (3) of regulation 23 of this Code shall not apply.”

The Grant-Aided Secondary Schools (Scotland) Grant Regulations 1959(a)

4. For paragraph (7) of regulation 5 of the Grant-Aided Secondary Schools (Scotland) Regulations 1959, there shall be substituted the following paragraph:—

“(7) The provisions of the Schools (Scotland) Code 1956, as amended, and the Schools General (Scotland) Regulations 1975 shall be observed as if

(a) for any reference in that Code and in those Regulations to a “school” or to an “education authority”, there were substituted respectively unless the context otherwise requires a reference to a “recognised secondary school” or to the “managers of a recognised secondary school”;

(b) any reference in that Code and in those Regulations, as applied by this paragraph, to a “recognised secondary school” or to the “managers” in relation to such a school had the same meaning as it has in these regulations; and

(c) for sub-paragraph (1) of paragraph 3 of Schedule 1 to the Schools General (Scotland) Regulations 1975, there were substituted the following sub-paragraph:—

“3.—(1) Subject to sub-paragraph (2) of this paragraph, a pupil shall be shown in the register of admission and withdrawal as having been withdrawn from a recognised secondary school if—

(a) he has been withdrawn from school by his parent; or

(b) he has been permanently excluded from the school by the managers.”

The Teachers (Colleges of Education) (Scotland) Regulations 1967(b)

5. For paragraph (2) of regulation 18 of the Teachers (Colleges of Education) (Scotland) Regulations 1967, there shall be substituted the following paragraph:—

“(2) Where a demonstration school is provided by a governing body under paragraph (1) of this regulation, the provisions of the Schools (Scotland) Code 1956, as amended, and the Schools General (Scotland) Regulations 1975 shall be observed as if

(a) for any reference in that Code and in those Regulations to a “school” or to an “education authority”, there were substituted respectively unless the context otherwise requires a reference to a “demonstration school” or to the “governing body”;

(b) any reference in that Code and in those Regulations, as applied by this paragraph, to a “demonstration school” or to the “governing body” had the same meaning as it has in these regulations; and

(c) for sub-paragraph (1) of paragraph 3 of Schedule 1 to the Schools General (Scotland) Regulations 1975 there were substituted the following sub-paragraph:—

“3.—(1) Subject to sub-paragraph (2) of this paragraph, a pupil shall be shown in the register of admission and withdrawal as having been withdrawn from a demonstration school if—

(a) he has been withdrawn from school by his parent; or

(b) he has been permanently excluded from the school by the governing body.”

(a) S.I. 1959/833 (1959 I, p. 1104).

(b) S.I. 1967/29 (1967 I, p. 79).

Regulation 13

SCHEDULE 3

REVOCATIONS

Column 1 Regulations	Column 2 Extent to which revoked
The Schools (Scotland) Code 1956.	In regulation 1(1), heads (c), (d), (i) and (l); In regulation 1(2), the words from "and" to the end of that regulation; Regulations 2, 3, 10, 11, 12, 13, 16 to 22; Regulation 23(1); In head (b) of regulation 24(1), the words from "and Regulation 21" to the end of that head; In regulation 24(2), head (c); In head (a) of regulation 24(3), the figures "10", "19" and "21"; Regulation 24(4); Regulations 25 to 28; First, Second and Third Schedules.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe certain standards and general requirements to which every education authority shall conform in discharging their functions under Section 1 of the Education (Scotland) Act 1962. They require an education authority to open schools for a minimum number of school days except where prevented by circumstances outwith their control; to close a school temporarily or to take other measures when advised by a designated medical officer of a health board; to determine the maximum number of pupils to be accommodated in each room used for instruction; to keep registers recording admission, withdrawal and attendance of pupils; to maintain for each pupil a pupil's progress record containing prescribed information; and to permit an Inspector to visit a school at any time and to inspect any documents kept in the school. The Regulations also deal with admission to and exclusion from public schools and the formation of good habits in pupils; empower an education authority to authorise classes to be held outwith school premises; and contain provisions applicable to special schools.

The Regulations supersede the Regulations relating to the general conduct of schools which are contained in part of the Schools (Scotland) Code 1956 and those Regulations are revoked. They also make certain consequential amendments to the Schools (Scotland) Code 1956, the Residential Special Schools and Orphanages (Scotland) Grant Regulations 1948, the Grant-Aided Secondary Schools (Scotland) Grant Regulations 1959, and the Teachers (Colleges of Education) (Scotland) Regulations 1967.

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