

---

 STATUTORY INSTRUMENTS
 

---

**1981 No. 1557 (C. 38) (S. 158)**

**EDUCATION, SCOTLAND**

**The Education (Scotland) Act 1981  
(Commencement No. 1) Order 1981**

*Made - - - - 30th October 1981*

In exercise of the powers conferred on me by section 22(2) of the Education (Scotland) Act 1981(a) I hereby make the following order:—

*Citation*

1. This Order may be cited as the Education (Scotland) Act 1981 (Commencement No. 1) Order 1981.

*Interpretation*

2. In this order, “ the Act ” means the Education (Scotland) Act 1981.

*Coming into force of certain provisions of the Act*

3. The provisions of the Act specified in column 1 of each of the Schedules 1 to 6 to this order (which relate to the matters specified in column 2 thereof) shall come into force on the day specified in the heading to that Schedule.

*Transitional provisions*

4.—(1) The coming into force of the following provisions of the Act namely section 15 in so far as it gives effect to the provisions of Schedule 6 specified in paragraph (2) below, section 21(3) in so far as it gives effect to the provisions of Schedule 9 repealing provisions of the principal Act specified in paragraph (3) below and Schedules 6 and 9 as respects those respective provisions shall not affect

(a) the exercise of any power or performance of any duty under Part VI of the principal Act as originally enacted in relation to the making, framing or approval of a scheme for the reorganisation of any endowment under that Part VI or a scheme for amending any such scheme or any scheme made or approved under the Educational Endowments (Scotland) Acts 1928 to 1935(b), Part VI of the Education (Scotland) Act 1946(c) or Part VI of the Education (Scotland) Act 1962(d) in respect of which the Secretary of State or as the case may be the Scottish Universities Committee of the Privy Council have prepared a draft scheme in accordance with section 112 of the principal Act; or

(b) the coming into operation of any such scheme under Part VI of the principal Act as originally enacted.

(2) The provisions of Schedule 6 to the Act specified for the purposes of paragraph 1 above are as follows namely—

Paragraphs 4(a), (b), (c) and (h); 5; 6; 8; 9; 11; 12; 13; 14; 15; 16 and 19.

---

(a) 1981 c. 58. (b) 1928 c. 30, 1932 c. 5, 1935 c. 5.  
(c) 1946 c. 72. (d) 1962 c. 47.

(3) The provisions of the principal Act (the repeal of which is effected by Schedule 9 of the Act) specified for the purposes of paragraph 1 above are as follows—

Section 105(5).

Section 110(3).

Section 112(6).

Section 113.

In section 114(1) the words from “come” to “shall” where secondly occurring.

Sections 115 and 116.

In section 117, the proviso.

In section 121(b), the words “(including the expenses of the Secretary of State)” and the proviso to that paragraph.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
30th October 1981.

## SCHEDULE 1

## PROVISIONS COMING INTO FORCE ON 30TH OCTOBER 1981

Provisions of the Act	Subject matter of provisions
Section 9 ... ..	Registration of independent schools—former grant aided schools.
Section 10 ... ..	Registration of independent schools—offences.
Section 11 ... ..	Constitution of Independent Schools Tribunals.
Section 12 ... ..	Education in social work establishments.
Section 17 ... ..	Conditions as to qualifications for admission to teacher training courses etc.
Section 18 ... ..	Transfer of power to appointment Principals to certain universities.
Section 19 ... ..	Expenses.
Section 20 ... ..	Interpretation.
Section 21(1) so far as it gives effect to enactment in Schedule 7 paragraphs 1, 2, 3 and 5.	Minor and consequential amendment of enactments.
Section 21(2) so far as it gives effect to provisions of Schedule 8 paragraphs 5 and 7.	Transitional provisions.
Section 21(3) so far as it gives effect to repeals set out in the Appendix to this Schedule.	Repeals.
Section 22 ... ..	Short title, commencement and extent.
Schedule 7, paragraphs 1 and 2 ...	Amendment to sections 2(2) and 7(2) of the Teaching Council (Scotland) Act 1965.
Schedule 7, paragraph 3 ... ..	Amendment to section 16(2) of the Principal Act.
Schedule 7, paragraph 5 ... ..	Amendment to section 23(1) of the Principal Act.
Schedule 8, paragraphs 5 and 7 ...	Consultations—transitional provision.
Schedule 9, so far as it relates to the repeals set out in the Appendix to this Schedule.	Repeals.

## APPENDIX TO SCHEDULE 1

REPEALS TAKING EFFECT FROM 30TH OCTOBER 1981

Chapter	Short Title	Extent of Repeal
1980 c. 44	The Education (Scotland) Act 1980.	In section 98(1) the word " and " at the end of paragraph (a) and at the end of proviso (i). Section 132(1). In Schedule 2, paragraphs 1 and 3 and in paragraph 4 the words " from the educational panel " and the words from " of whom " to the end of the paragraph.

## SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 10TH NOVEMBER 1981

Provisions of the Act	Subject matter of provisions
Section 15 ... ..	Educational endowments.
Section 21(3) so far as it gives effect to repeals set out in the Appendix to this Schedule.	Repeals.
Schedule 6 ... ..	Educational endowments.
Schedule 9, so far as it relates to the repeals set out in the Appendix to this Schedule.	Repeals.

## APPENDIX TO SCHEDULE 2

REPEALS TAKING EFFECT FROM 10TH NOVEMBER 1981

Chapter	Short Title	Extent of Repeal
1980 c. 44	The Education (Scotland) Act 1980.	In section 104(2) the words from " within " to " operation ". Section 105(5). In section 108(2) the words from " which is not " to " Act ". Section 110(3). In section 111, in subsection (1) the words " in such manner as the Secretary of State may prescribe "; in subsection (2), the words from " in such form " to the end; in subsection (3) the words from " with the approval " to " Privy Council "; and subsections (4) and (5). Section 112(6).

**APPENDIX TO SCHEDULE 2—continued**  
**REPEALS TAKING EFFECT FROM 10TH NOVEMBER 1981**

Chapter	Short Title	Extent of Repeal
		Section 113. In section 114(1) the words from “ come ” to “ shall ” where secondly occurring. Sections 115 and 116. Section 117, the proviso. In section 121(b) the words “ (including the expenses of the Secretary of State) ” and the proviso to that paragraph.

**SCHEDULE 3**

**PROVISIONS COMING INTO FORCE ON 1ST DECEMBER 1981**

Provisions of the Act	Subject matter of provisions
Section 6 ... ..	Consultation and consent in connection with changes in certain educational matters and affecting denominational schools.
Section 7 ... ..	Removal of certain controls affecting denominational schools.
Section 8 ... ..	Educational schemes—restriction and abolition.
Section 21(1) (so far as it gives effect to enactment of Schedule 7 paragraph 4 of the Act) and (3) (so far as it gives effect to repeals as set out in the Appendix to this Schedule).	Repeals.
Schedule 7 paragraph 4 ... ..	Amendment to section 22(1) of the Principal Act.
Schedule 9 so far as it relates to the repeals set out in the Appendix to this Schedule.	Repeals.

**APPENDIX TO SCHEDULE 3**

**REPEALS TAKING EFFECT FROM 1ST DECEMBER 1981**

Chapter	Short Title	Extent of Repeal
1980 c. 44	The Education (Scotland) Act 1980.	Section 7(1)(c). In section 7(8), the words “ school or ”. In section 17(1), the words from “ in accordance ” to “ the area ”. In section 22, in subsection (1) the words from “ and to ” to “ thereto ” and the

**APPENDIX TO SCHEDULE 3—continued**  
**REPEALS TAKING EFFECT FROM 1ST DECEMBER 1981**

Chapter	Short Title	Extent of Repeal
		words "with the sanction of the Secretary of State" and, in subsection (4), the words from "the authority" to "signifies", and in proviso (ii) the words from "if", where secondly occurring, to "signifies". Section 29.

**SCHEDULE 4**

**PROVISIONS COMING INTO FORCE ON 1ST JANUARY 1982**

Provisions of the Act	Subject matter of provisions
Section 13, excepting subsection (8) ...	Provisions relating to Examination Board.
Section 14 ... ..	Remuneration of teaching staff.
Section 21(2) in so far as it gives effect to Schedule 8 paragraph 6.	Transitional provision.
Section 21(3) in so far as it gives effect to the repeals set out in the Appendix to this Schedule.	Repeals.
Schedule 5 ... ..	Remuneration of teaching staff—the Committee.
Schedule 8 paragraph 6 ... ..	Transitional provision.
Schedule 9 so far as it relates to the repeals set out in the Appendix to this Schedule.	Repeals.

**APPENDIX TO SCHEDULE 4**

**REPEALS TAKING EFFECT FROM 1ST JANUARY 1982**

Chapter	Short Title	Extent of Repeal
1980 c. 44	The Education (Scotland) Act 1980.	In section 129, in subsection (3), the words "governing bodies", in both places where they occur and the word "and" where secondly occurring; in subsection (4) paragraph (e); and subsection (5).

## SCHEDULE 5

## PROVISIONS COMING INTO FORCE ON 15TH FEBRUARY 1982

Provisions of the Act	Subject matter of provisions
Section 1(1) in so far as it inserts into the principal Act the provisions which become section 28A, section 28B (except section 28B(1)(d)) and section 28G in so far as it relates to section 28A and 28B (except section 28B(1)(d)); (3); (4).	Parents requests as to schools.
Section 2 ... ..	Supplementary provisions to section 1 amending sections 42, 50 and 51 of the principal Act.
Section 21(1) in so far as it gives effect to enactment of Schedule 7 paragraph 6 (so far as that paragraph relates to sections 50 and 51 of the principal Act) and paragraph 7.	Consequential amendments to section 23 of principal Act.
Section 21(2) in so far as it relates to Schedule 8 paragraph 2.	Transitional provision.
Section 21(3) in so far as it relates to the repeals set out in the Appendix to this Schedule.	
Schedule 7 paragraph 6 in so far as that paragraph relates to sections 50 and 51 of the principal Act and paragraph 7.	Amendment of section 23 of the principal Act.
Schedule 8 paragraph 2 ... ..	Transitional provision.

## APPENDIX TO SCHEDULE 5

## REPEALS TAKING EFFECT FROM 15TH FEBRUARY 1982

Chapter	Short Title	Extent of Repeal
1980 c. 44	The Education (Scotland) Act 1980.	In section 23 in subsection (2) the words from "or the managers of" to "that authority", the words "or the managers, as the case may be," and "or by the authority and the managers concerned, as the case may be" and the proviso to that subsection. Section 28(2).

## SCHEDULE 6

## PROVISIONS COMING INTO FORCE ON 15TH MARCH 1982

Provisions of the Act	Subject matter of provisions
Section 1(1) in so far as it inserts into the principal Act the provisions which become sections 28C, 28D, 28E (except subsection (2)), 28F and 28G (relative to sections 28C, 28D, 28E (except subsection (2)) and 28F); and (2).	Appeals on placing requests and on exclusion from school; constitution of appeal committees.
Section 21(2) in so far as it relates to Schedule 8 paragraph 3.	Transitional provision.
Schedule 1 ... ..	Constitution of appeal committees.
Schedule 8 paragraph 3 ... ..	Transitional provision.

## EXPLANATORY NOTE

*(This Note is not part of the Order)*

This Order brings certain provisions of the Education (Scotland) Act 1981 into force subject in the case of section 15, Schedule 6, section 21(3) and Schedule 9 to the transitional provisions contained in Article 4 of the Order. Those transitional provisions disapply the sections and Schedules of the Act as mentioned in Article 4 to those educational endowments which are in process of being reorganised or amended by the Secretary of State or the Scottish Universities Committee of the Privy Council, in respect of that reorganisation or amendment.

The provisions specified in Schedule 1 to the Order are brought into force on 30th October 1981; those specified in Schedule 2 on 10th November 1981, those specified in Schedule 3 on 1st December 1981, those specified in Schedule 4 on 1st January 1982, those specified in Schedule 5 on 15th February 1982 and those specified in Schedule 6 on 15th March 1982.

SI 1981/1557  
ISBN 0-11-017557-3

