

1990 No. 295 (S.28)

EDUCATION, SCOTLAND

**The Schools (Safety and Supervision of Pupils)
(Scotland) Regulations 1990**

Made - - - - - *19th February 1990*

Laid before Parliament *28th February 1990*

Coming into force *1st April 1990*

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Education (Scotland) Act 1980(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990 and shall come into force on 1st April 1990.

Interpretation

2. In these Regulations the following expressions have the meanings hereby respectively assigned to them—

“adult” means a person who has attained the age of 18 years;

“break time” means any break taken between classes at a school in the course of a day on which the school is open for the purpose of providing school education;

“playground” means, in relation to a school, the outdoor area provided by the education authority for recreation or play at break times by pupils in attendance at that school.

Safety and supervision of pupils

3. Without prejudice to any duties of education authorities arising under statute or any rule of law, every education authority—

(a) shall take reasonable care for the safety of pupils when under their charge; and

(b) without prejudice to the generality of the duty under paragraph (a) above, and the provision of such supervision of pupils as is required to comply with that duty in any circumstances, shall secure that at each school under their management which is—

(i) a primary school at which 50 or more pupils are in attendance; or

(ii) a special school,

pupils are supervised by at least one adult when in a playground during any break time.

The number of pupils in attendance at a school

4. For the purposes of these Regulations the number of pupils in attendance at a school shall be the number who were in such attendance at the last 31st August.

(a) 1980 c.44; section 2 was amended by section 69(1) of the Self-Governing Schools etc. (Scotland) Act 1989 (c.39).

St. Andrew's House, Edinburgh
19th February 1990

Ian Lang
Minister of State,
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that, without prejudice to any other duty owed under statute or common law, an education authority shall take reasonable care for the safety of pupils under their charge. They are also specifically required to secure that at each school under their management which is either a primary school attended by 50 or more pupils, or a special school, pupils are supervised by at least one adult when in a playground during any break time. This specific duty is stated to be without prejudice to the provision of such supervision as is necessary to comply with the general duty to take reasonable care for pupils' safety in any circumstances.

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