School Education (Amendment) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to amend the law about the provision of education for children under school age for whom placing requests have been made; and to make provision relating to the abolition of the post of assistant headteacher.

1  Placing requests: children under school age

(1) In section 28A of the Education (Scotland) Act 1980 (c.44) (duty of education authority to comply with placing requests)—

(a) in subsection (1), for “school”, where it first occurs, there shall be substituted “qualifying”; and

(b) after subsection (5) there shall be added—

“(6) In subsection (1) above, “child of qualifying age” means—

(a) a child of school age; or

(b) a child—

(i) who, on the next school commencement date, will have attained the age of five years; or

(ii) in respect of whom, on that date, the education authority are, under section 32(6) of this Act, obliged to carry out their duty under section 1 of this Act.

(7) In subsection (6) above, “school commencement date” has the meaning given by section 32(8)(b) of this Act.”.

(2) In section 28G of that Act (placing requests by young persons), after “himself” there is inserted “(including references to a child of qualifying age)”.

2  Provisions relating to the abolition of the post of assistant headteacher

(1) The requirements, under paragraph 1 of Schedule 2 to the School Boards (Scotland) Act 1988 (c.47) (education authority intending to fill a post of headteacher or deputy headteacher must advertise the post and set up an appointment committee for the purposes set out in sub-paragraph (b) of that paragraph), do not apply in the circumstances set out in subsection (2) below.
(2) Those circumstances are where a person who is an assistant headteacher is to be made a deputy headteacher immediately upon that person’s post as assistant headteacher ceasing to exist.

(3) In section 11 (appointments) of the 1988 Act, the words “and assistant” are repealed.

(4) In section 15 (delegation of functions to school boards) of that Act, in sub-paragraph (b) of subsection (2), the words “or assistant” are repealed.

(5) In Schedule 2 to that Act (appointment of headteachers, deputies and assistants)—
   
   (a) in paragraph 1, for the words “headteacher, deputy headteacher or assistant” there shall be substituted “headteacher or deputy”;
   
   (b) in paragraph 10, the words “or assistant headteacher” are repealed; and
   
   (c) in paragraph 19, the words “or assistant” are repealed.

3 Short title and commencement

(1) This Act may be cited as the School Education (Amendment) (Scotland) Act 2001.

(2) This Act (except this section) comes into force on such day as the Scottish Ministers may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.
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Introduced by: Mr Jack McConnell
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Supported by: Nicol Stephen
Bill type: Executive Bill

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