



Education Department
Head of Teachers Division

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To All Members of Consultee List (attached)

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Your ref:
Our ref: LWB/2/1

15 October 2002

Dear Sir/Madam

SCHOOLS SCOTLAND CODE 1956

On 9 October 2002 the Deputy Minister for Education announced in reply to a Parliamentary Question from Karen Gillon MSP, that the Schools Scotland Code should be repealed. I attach a copy of the question and answer for your information.

It has already been announced in "Regulation of Early Education and Childcare: The Way Ahead" in May 2000 that the pre-school provisions of the Code would be repealed. The remaining regulations that apply to primary secondary and special schools would be phased out in two stages. The purpose of this letter is to seek your views on the terms of the Statutory Instrument that will repeal those regulations identified for the first stage of the repeal.

Ministers intend that the following regulations are repealed:

- | | |
|-----------|--|
| 5(3) | Appointment of primary headteachers and other promoted posts |
| 5(4) | Saving provision for deputy heads and infant mistresses |
| 5(5) | Numbers of teachers in primary schools |
| 6(2) | Promoted posts in secondary schools |
| 6(3) | Combination of promoted posts |
| 8 | Reports to Scottish Ministers on unsatisfactory teachers |
| 14 | Designation of stages and classes |
| 15 | Size of classes in secondary and special schools |
| 24 | Disapplication of certain regulations to special schools and classes |
| 29 and 30 | Transitional provisions |



Many of these regulations have been overtaken by other enactments or the agreement “A Teaching Profession for the 21st Century” that provide alternative staffing structures. Comments on each regulation are set out in the Annex to this letter.

The Department would welcome comments on the proposal contained in the draft statutory instrument by 8 January 2003. They should be sent to:

Mr R Minty
Scottish Executive Education Department
Teachers Division
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Or via e-mail to rod.minty@scotland.gsi.gov.uk

In accordance with normal practice, the Department intends to make available to the public, on request, copies of the responses received. The Department will assume, therefore, that responses can be made publicly available in this way. If respondents indicate that they wish all, or part, of their reply excluded from this arrangement confidentiality will be strictly respected.

Yours sincerely

DONALD HENDERSON



SCOTTISH STATUTORY INSTRUMENTS

2003 No.

EDUCATION

The Schools (Scotland) Code Amendment Regulations 2003

<i>Made</i>	2003
<i>Laid before the Scottish Parliament</i>	2003
<i>Coming into force</i>	2003

The Scottish Ministers in exercise of the powers conferred by section 2 and 133 of the Education (Scotland) Act 1980^(a) and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation and commencement

1. These regulations may be cited as the Schools (Scotland) Code Amendment Regulations 2003 and shall come into force on [] 2003.

Amendment of the Schools (Scotland) Code 1956

2. The following regulations of the Schools (Scotland) Code 1956^(b) are hereby revoked:–

- (a) in regulation 5, paragraphs 3, 4 and 5;
- (b) in regulation 6, paragraphs 2 and 3;
- (c) regulation 8
- (d) regulation 14
- (e) in regulation 15, paragraphs 2, 3 and 4
- (f) regulation 24
- (g) regulation 29
- (h) regulation 30

^(a) 1980 c.44. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

^(b) S.I. 1956/894 (1956I, p.735) as amended by S.I. 1959/476, S.I.1965/55 and 940, S.I.1967/1162, S.I.1968/1055, S.I.1971/1079, S.I. 1972/776 , S.I. 1975/1135 S.I. 1982/57 and S.I.1994/351.

Savings

3. Notwithstanding the revocation made by regulation 2(d) above, for the purposes of the interpretation provisions in the following instruments which refer to regulation 14 of the School (Scotland) Code 1956, regulation 14 shall remain in force:

- (a) The School Premises (General Requirements and Standards)(Scotland) Regulations 1967^(a)
- (b) The Education (Lower Primary Class Sizes)(Scotland) Regulations 1999^(b)

Victoria Quay,
Edinburgh

2003

A member of the Scottish Executive

^(a) S.I. 1967/1199.
^(b) S.I. 1999/1080.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These regulations revoke parts of the Schools (Scotland) Code 1956, as amended, which is a collection of regulations relating to the organisation and management of schools, much of which is now out of date.

Article 2(a) removes the regulations relating to the appointment of a headteacher and assistant headteachers in primary departments and the promotion to those posts, and on the numbers of teachers in primary departments.

Article 2(b) removes the requirements relating to the appointment of and the promotion to the posts of headteacher, assistant headteachers, principal and assistant principal teachers in secondary schools.

Article 2(c) removes the regulation providing for reports to the Secretary of State on unsatisfactory teachers.

Article 2(d) removes the regulation which specifies the designation of yearly stages of school courses and of classes, in primary and secondary departments.

Article 2(e) removes the provisions on maximum class sizes in secondary departments and special schools.

Article 2(f) removes provisions dealing with the application of regulations to special schools and classes.

Article 2(g) and (h) remove transitional provisions in the Code.

Article 3 preserves definitions in other regulations which have referred to regulation 14 of the Code, notwithstanding its revocation.