GENERAL REGULATIONS

The Schools (Scotland) Code, 1950

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CODE OF REGULATIONS

In the exercise of the powers conferred upon me by sections 1, 10 and 71 of the Education (Scotland) Act, 1946(a), and of all other powers enabling me in that behalf, I hereby make the following Code of Regulations relating to the conduct of schools and to the education to be provided therein; and any payment which is made by me under the said Act to the Education Authorities or other managers of the schools to which this Code of Regulations relates shall be subject to the conditions prescribed in or under this Code, and the said Education Authorities or other managers shall comply with the requirements specified herein or hereunder:—

INTERPRETATION

Interpretation

1.—(1) In this Code unless the context otherwise requires—

(*a*) "Act of 1946" means the Education (Scotland) Act, 1946;

(*b*) "Backward pupil" means a pupil not requiring special educational treatment who lacks the ability and aptitude to make satisfactory progress in the courses normally provided for pupils of his age;

(*c*) "Deaf child" and "blind child" mean respectively a child who is so deaf or so blind as to be incapable of deriving educational benefit except from special educational treatment in a special school;

(*d*) "District", in relation to inspection, means one of the districts, comprising one or more education areas, into which Scotland is divided for the purpose of the inspection of educational establishments, and "District Inspector" in relation to a school means the Inspector in charge of the district in which the school is situated;

(*e*) "Division", in relation to inspection, means one of the divisions into which districts are grouped for the purpose of the inspection of educational establishments, and "Chief Inspector" in relation to a school means the Chief Inspector in charge of the division in which the school is situated;

(*f*) "Inspector" means one of His Majesty's Inspectors of Schools and any other person appointed by the Secretary of State under section 61 of the Act of 1946 to inspect educational establishments;

(*g*) "Meeting" and "double meeting"—

(i) in relation to a nursery school or class, mean a meeting of the school or class for a period of not less than one and a half hours and for a period of not less than two and a half hours respectively throughout which training by appropriate methods is given;

(ii) in relation to an infant class, mean a period of not less than one and a half hours and a period of not less than two and a half hours respectively throughout which secular education is given;

(iii) in relation to a special school or class, mean a period of not less than one and a half hours and a period of not less than two and a half hours respectively throughout which secular education by special methods appropriate to the special requirements of the pupils is given; and

(a) 9 & 10 Geo. 6. c. 72.

(iv) in relation to a primary department or a secondary department or a class in either of the said departments, except in so far as covered by the foregoing provisions of this definition, mean a period of not less than two hours and a period of not less than three and a half hours respectively throughout which secular education is given:

Provided that—

(A) where two meetings are held in one day, one of the meetings may be shorter by not more than fifteen minutes than the minimum number of hours prescribed for one meeting, provided that the two meetings together extend to not less than twice the said minimum number, and

(B) in this definition the expression "period of not less than" used in relation to a stated number of hours includes a series of periods, amounting in the aggregate to not less than the stated number of hours, the periods in the said series being separated only by periods devoted to religious instruction or to school meals or by short intervals for changes of classroom, recreation or other purposes;

(*h*) "Mentally handicapped child" means a child who has been held by the Education Authority under section 42 of the Education (Scotland) Act, 1945(**a**), or under section 55 of the Act of 1946 to require special educational treatment in a special school because of mental handicap;

(*i*) "Physically handicapped child" means a child who has been held by the Education Authority under section 42 of the Education (Scotland) Act, 1945, or under section 55 of the Act of 1946 to require special educational treatment in a special school because of physical handicap;

(*j*) "Primary department" includes a primary school with no secondary department;

(*k*) "Retarded pupil" means a pupil who, because of absence from school or other interference with his education, has not made the progress made by pupils of ability and aptitude similar to his own in the courses normally provided for pupils of his age;

(*l*) "School" means a public school or a grant-aided school, but does not include an independent school or an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1937(**b**);

(*m*) "School year" means a period of twelve months commencing on 1st August of any year;

(*n*) "Secondary department" includes a secondary school with no primary department;

(*o*) "Teacher's General Certificate", "Teacher's Special Certificate" and "Teacher's Technical Certificate" mean the certificates of competency to teach awarded by the Secretary of State under Chapter IV, Chapter V and Chapter VI respectively of the Regulations for the Training of Teachers(**c**), and references to an appropriate Certificate or to an appropriate endorsement thereon mean respectively a Certificate or an endorsement of a qualification to teach a subject which the teacher is required to teach in the post in which he is employed.

(a) 8 & 9 Geo. 6, c. 37. (b) 1 Edw. 8 & 1 Geo. 6, c. 37.
(c) S.R. & O. 1931 (No. 180) p. 363.

(2) In the application of this Code to a grant-aided school, references to the Education Authority shall be construed as references to the managers of the said school, and references to the granting of exemption from attendance at school shall be construed as references to granting of leave of absence by the managers.

(3) In this Code, unless the context otherwise requires, references to any enactment or regulation shall be construed as references to that enactment or regulation as amended by any subsequent enactment or regulation.

(4) The Interpretation Act, 1889(a), applies to the interpretation of this Code as it applies to the interpretation of an Act of Parliament.

PUPILS

Admission to public schools

2. No pupil shall be refused admission to a public school in the education area in which he is ordinarily resident or shall be excluded from a public school to which he has been admitted except—

(1) in accordance with the provisions of section 29 of the Act of 1946, or

(2) where admission or continued attendance would be inconsistent with the arrangements made by the Education Authority for the provision of education in the area, or

(3) where the parent refuses to comply with the administrative or disciplinary rules of the school, or

(4) on other grounds which in the opinion of the Education Authority (confirmed by the Secretary of State in the event of a dispute between the Education Authority and the parent) are reasonable.

Regularity of attendance

3. The Education Authority shall take all reasonable measures to secure that every pupil in attendance at a school, other than a pupil who is exempt under section 34 of the Act of 1946 or section 1 of the Education (Exemptions) (Scotland) Act, 1947(b), or who has a reasonable excuse within the meaning of section 37 of the Act of 1946, is present at every meeting of the school at which attendance is compulsory.

School Leaving Record

4. The Education Authority shall issue to every pupil at the end of his school career a School Leaving Record. The Record shall be of such size and in such form and shall make provision for the recording of such information as the Secretary of State may prescribe.

STAFF

General requirements

5.—(1) The Education Authority shall employ or arrange for the services of an adequate staff in the schools under their management. If the Secretary of State is of opinion, after consultation with the Education Authority, that the staff is inadequate in any respect and that the Authority have not done all that they can reasonably be expected to do, having regard to all the circumstances, to remedy the deficiency, the Secretary of State may require them to employ or arrange for the services of a staff which is, in his opinion, adequate in that respect, and it shall be the duty of the Authority forthwith to take the necessary steps to comply with such requirement.

(a) 52 & 53 Vict. c. 63. (b) 10 & 11 Geo. 6. c. 36.

(2) Save as hereinafter provided, every teacher employed by an Education Authority shall be a certificated teacher holding the qualification required by this Code for the post in which he is employed.

(3) Where the Education Authority are unable to comply with the provisions of the last foregoing paragraph in relation to any post and where they satisfy the Secretary of State that they have taken reasonable steps to make their requirements known to persons holding qualifications appropriate to the post, they may—

(*a*) with the approval of the Secretary of State, appoint permanently to the said post a certificated teacher who does not hold a qualification appropriate to the post but who is, in their opinion, capable of discharging efficiently the duties thereof, or

(*b*) appoint temporarily to the said post a certificated teacher who does not hold a qualification appropriate to the post or an uncertificated teacher, provided that they shall continue to take all reasonable steps to obtain applications for appointment to the post from certificated teachers holding qualifications appropriate to the post.

(4) The District Inspector and the Chief Inspector shall from time to time review, in consultation with the Education Authority, the posts in primary and secondary departments respectively which are filled by temporary appointments under the last foregoing paragraph, and if the Inspector considers that the Authority are not taking all reasonable steps to obtain applications for appointment to any such post from certificated teachers holding qualifications appropriate to the post, he shall report his opinion to the Secretary of State, who may require the Authority to take such steps as he thinks fit, and it shall be the duty of the Authority forthwith to comply with such requirement.

Requirements relating to particular posts

6.—(1) Every teacher employed in a primary department shall be a certificated teacher who holds the Teacher's General Certificate or the Teacher's Special Certificate or an appropriate Teacher's Technical Certificate.

(2) Every teacher employed in a secondary department shall be a certificated teacher who holds an appropriate Teacher's Special Certificate or the Teacher's General Certificate with an appropriate endorsement under Article 39 of the Regulations for the Training of Teachers or an appropriate Teacher's Technical Certificate.

(3) Every teacher employed in a secondary department as a principal teacher shall be a certificated teacher who holds an appropriate Teacher's Special Certificate or an appropriate Teacher's Technical Certificate.

(4) Every teacher employed in a special school or special class shall be a certificated teacher holding the Teacher's General Certificate or an appropriate Teacher's Technical Certificate with, in either case, an endorsement of a qualification to teach pupils suffering from the handicap suffered by the pupils whom the teacher is required to teach in the post in which he is employed.

(5) Where the number of teachers to be employed wholly or mainly in the infant classes in a primary department is three or more, one of the posts shall be that of infant mistress. An infant mistress shall be a certificated woman teacher whose qualification to act as infant mistress is attested by an endorsement on her certificate.

(6) Where the number of girls attending a secondary department is on the average 200 or more, the Education Authority shall employ in the said

department a teacher whose duties include those of woman adviser, provided that if a headmistress is in charge of a school which includes a secondary department or consists of a secondary department only, it shall not be necessary to appoint a teacher to perform the duties of woman adviser.

Circumstances in which principal teachers must be appointed, etc.

7.—(1) Where the time-table approved under paragraph (4) of Regulation 21 of this Code for a secondary department (in this paragraph referred to as " the time-table ") provides for not less than 60 hours per week of instruction in any subject, the Education Authority shall employ a principal teacher of that subject.

(2) Where the Education Authority are not required by the foregoing paragraph to employ principal teachers of particular subjects—

(*a*) they may combine one or more of the said subjects with a subject for which they are required to employ a principal teacher if the subjects can in their opinion appropriately be combined, and the principal teacher appointed under the foregoing paragraph shall be principal teacher of the combined subjects : or

(*b*) they may combine two or more of the said subjects if the subjects can in their opinion appropriately be combined, and if the number of hours per week of instruction in the combined subjects for which provision is made in the time-table amounts in the aggregate to not less than 60 hours, they shall employ a principal teacher of the combined subjects.

(3) Where the time-table provides for not less than 120 hours per week of instruction in any subject or combination of subjects for which a principal teacher is employed under this Regulation, the Secretary of State may require that such number as he may determine of the teachers of the said subject or combination of subjects in addition to the principal teacher shall be teachers each of whom holds an appropriate Teacher's Special Certificate or an appropriate Teacher's Technical Certificate.

(4) In calculating for the purposes of this Regulation the number of hours of instruction per week in any subject or combination of subjects for which any time-table makes provision—

(*a*) any period in respect of which provision is made for two classes at different stages or in different subjects to be instructed by one teacher shall be reckoned at double its actual length, provided that each of the said classes normally consists of not less than five pupils, and

(*b*) any period in respect of which provision is made for instruction in Latin or Greek shall be reckoned at double its actual length :

provided that no period to which both sub-paragraph (*a*) and sub-paragraph (*b*) apply shall be reckoned at more than double its actual length.

Reports on unsatisfactory teachers

8. Where the Education Authority are dissatisfied with the character or conduct of a teacher and that dissatisfaction leads directly or indirectly to the termination by the Authority or by the teacher of the teacher's contract of employment or to the contract not being renewed on its expiry, the Authority shall forthwith submit a full report of the circumstances to the Secretary of State.

Clerical assistance

9. The Education Authority shall provide adequate clerical assistance for the head teacher of any school in which the clerical work is so extensive as to interfere with the performance by the head teacher of his principal duties.

ORGANISATION AND ADMINISTRATION

Place of school meetings

10. Meetings of a school or of any class shall normally be held in the school premises, but any such meeting may be held outwith the school premises if provision for it is made in the school time-table, or if reasonable notice is given to the District Inspector in the case of a primary department or to the Chief Inspector in the case of a secondary department or, where this is not practicable, if an entry is made in the log-book recording the meeting, the reason why it was not held in the school premises and the reason why it was impracticable to give such notice.

Number of school meetings

11.—(1) Not fewer than 400 meetings of a day school shall be held in the course of the school year, provided that the said number may be reduced—

(*a*) by the number of meetings which would ordinarily have been held during any times when the school was used for the purpose of taking the poll at an election held under any Act of Parliament or was closed in accordance with the provisions of Regulation 12 of this Code; and

(*b*) by the number of meetings which would ordinarily have been held on days or parts of days on which school games or sports were held, provided that reductions under this paragraph shall not, except with the approval of the Secretary of State, exceed four in any school year; and

(*c*) in the case of a school newly opened or discontinued in the course of the school year, by the number of meetings which would ordinarily have been held before the school was opened or after it was discontinued, as the case may be; and

(*d*) by such number as the Secretary of State may in special circumstances approve.

(2) Not more than two meetings of a day school shall be held on any day. Where two such meetings are held, the first shall begin before 12 noon, and the second shall begin after the said hour and not less than thirty minutes after the end of the first meeting, provided that the head teacher may, subject to any rules made by the Education Authority, substitute a double meeting for two meetings of the school on any day if he considers that the state of the weather or any exceptional circumstance makes this course expedient in the interest of the health of the pupils.

(3) A boarding school shall be in session for periods amounting in the aggregate to not less than 275 days in the course of the school year, and the proviso to paragraph (1) of this Regulation shall, with any necessary modifications, apply to such a school.

(4) In this Regulation "school" includes part of a school.

Closure of schools on advice of Medical Officer

12. Where, with a view to preventing the spread of disease or other danger to health, the Chief Administrative School Medical Officer advises the Education Authority that a school should be closed or that certain pupils should be excluded from the school for a specified time or that the pupils of a boarding school should be confined to the school premises

for a specified time, the Authority shall forthwith close the school or exclude the said pupils or confine the said pupils as the case may be, provided that they may, if the advice is in their opinion unreasonable, make a representation to the Secretary of State to that effect, and it shall be in the power of the Secretary of State to give such direction to the Education Authority as he thinks fit, and the Education Authority shall comply therewith.

Number of pupils in rooms

13.—(1) In the case of every room to be used for any form of instruction, a standard capacity of the room for the accommodation of pupils shall be determined in accordance with the provisions of this Regulation. Where the room is being built or altered, the standard capacity shall be determined by the Secretary of State when he approves the plans. In other cases it shall be determined by the Education Authority.

(2) Where the principal equipment of the room is seats and desks or tables for the use of pupils while under instruction, the following formula shall be applied to the room by the Secretary of State or by the Education Authority for the purpose of determining the standard capacity:— $f(s-8) \div 8$, where "f" represents the length in feet of the wall which the pupils face when seated and "s" represents the length in feet of the wall on the pupils' left when seated. The standard capacity of the room shall be 45 pupils or the number of pupils resulting from the application of the formula to the room, whichever is the less.

(3) In the case of any other room the standard capacity shall be determined having regard to the size of the room, the type of equipment provided, the safety and the health of the pupils and the type of instruction to be given in the room, and different standard capacities may be determined for different types of instruction.

(4) If in the opinion of the Education Authority the standard capacity of any room determined in accordance with paragraph (2) of this Regulation is inappropriate having regard to any special features of the room, they may so represent to the District Inspector, and the Inspector may, with the approval of the Secretary of State where the standard capacity was determined by him, determine the standard capacity of the room to be such number of pupils as he considers reasonable having regard to all the circumstances.

(5) If in the opinion of the District Inspector the standard capacity of a room determined under paragraph (2) or paragraph (3) of this Regulation is inappropriate, the Inspector may, with the approval of the Secretary of State where the standard capacity was determined by him, or after consultation with the Education Authority where the standard capacity was determined by them, determine the standard capacity of the room to be such number of pupils as he considers reasonable.

(6) The Education Authority shall cause the standard capacity of every room to which this Regulation applies, in relation to each type of instruction for which the room is to be used, to be permanently and prominently displayed in the room by placard or by other means.

(7) The number of pupils who may be accommodated in any room to which this Regulation applies for any type of instruction may not exceed the standard capacity of the room in relation to that type of instruction without the approval of the District Inspector.

Size of classes

14.—(1) Subject to the provisions of paragraphs (2) and (3) of this Regulation, the number of pupils on the roll of any class or group of classes under the charge of one teacher shall not exceed—

(*a*) 45 in classes of the primary department;

(*b*) 40 in classes I, II and III of the secondary department; and

(*c*) 30 in classes IV, V and VI of the secondary department.

(2) In the following types of classes or groups of classes the number of pupils on the roll under the charge of one teacher shall be further restricted as follows:—

(*a*) to 25 in a one-teacher school;

(*b*) to 30 in a two-teacher school;

(*c*) to 35 in a three-teacher school;

(*d*) to 25 in classes for backward or retarded pupils;

(*e*) to 30 in special classes for physically handicapped pupils other than blind or deaf pupils;

(*f*) to 20 in special classes for mentally handicapped pupils;

(*g*) to 15 in special classes for blind pupils; and

(*h*) to 10 in special classes for deaf pupils.

(3) The number of pupils on the roll of any class for practical instruction in science, art-crafts, mechanics, benchwork, cookery, laundrywork, dressmaking, housewifery, agriculture, gardening, dairying, navigation and seamanship, or any other approved practical subject shall not exceed 20, provided—

(*a*) that if such a class comprises only the boys or the girls on the roll of a mixed class for other forms of instruction the number may be exceeded by the excess over 20 of the number of boys or girls, as the case may be, in the mixed class; and

(*b*) that classes for theoretical instruction in the said subjects may exceed 20 but shall not exceed 40.

(4) The District Inspector and the Chief Inspector shall from time to time review, in consultation with the Education Authority, any classes or groups of classes in primary departments and secondary departments respectively in which the number of pupils exceeds the number prescribed in the foregoing paragraphs of this Regulation. The Inspector may authorise any class or group to consist, for such period as he considers reasonable, of such number of pupils, being a number in excess of that prescribed for the class or group, as he considers expedient, having regard to all the circumstances, including the general position of teacher-supply, the progress of the school-building programme and the organisation of education in the area, and he may extend the period if he is satisfied that it is necessary to do so.

Numbering of classes

15. In primary departments and in secondary departments classes shall be designated by letters and by numbers in yearly stages from below upwards. The letter "P" shall be prefixed to the class number in primary departments and the letter "S" in secondary departments. In primary departments the number "I" shall be allotted to the class which pupils enter on becoming of school age. Classes "P I" and "P II" shall be known as "Infant Classes" and the word "(Infant)" shall be suffixed to the class number. In secondary departments the number "I" shall be allotted to the class in which

pupils begin secondary courses after promotion from primary departments, provided that if an additional class is organised in a secondary department in which pupils are held until they are admitted to Class " S I ", the said class shall be known as a " Transitional Class " and shall not be numbered. Where in any department provision is made only for the higher stages of primary or secondary education, the numbers allotted to the classes in that department shall be the numbers which would have been allotted to them had provision also been made for the lower stages of primary or secondary education. Where more than one class is formed at any stage, appropriate letters, numbers or words may be suffixed to the designation prescribed in this Regulation to distinguish the several classes.

Log-book

16.—(1) A log-book shall be kept in every school, together with a copy of this Code and of such other documents relative to the work of the school as the Secretary of State or the Education Authority may from time to time direct.

(2) Unless the Secretary of State otherwise directs, any report concerning the work of the school communicated to the Education Authority by the Secretary of State and any remarks made upon it by the Secretary of State shall be transmitted to the head teacher without delay and shall be inserted or recorded verbatim by him or on his behalf in the log-book.

(3) The head teacher shall record or cause to be recorded in the log-book visits of the Secretary of State or of any of his officers or of the Inspector or of members of the Education Authority or of the Education Committee or of any sub-committee of the said Committee or of such of the officials of the Education Authority as the Authority may direct. He shall also record or cause to be recorded such other facts concerning the school, its teachers, its pupils and its work as he may be directed by the Education Authority to record or as may, in his opinion, require to be referred to at any future time, or as are, in his opinion, of sufficient interest or importance to be permanently recorded. Within a reasonable time after a head teacher makes in the log-book an entry in which a teacher is mentioned by name, he shall show the entry to the teacher if it records absence or is capable of being used as evidence of the teacher's character, conduct or efficiency. The head teacher shall give the teacher an opportunity of appending his initials as evidence that he has seen the entry, and if the teacher refuses to do so the head teacher shall add a certificate that the entry has been shown to the teacher.

(4) No reflections or opinions of a general character may be entered in the log-book.

(5) The Secretary of State or any of his officers or the Inspector or any other person appointed by the Secretary of State to visit the school may note in the log-book any visit paid to the school and make an entry of such particulars as may seem to him to require attention.

(6) No entry in the log-book may be removed or altered except by a subsequent entry.

(7) The Education Authority shall secure that log-books shall be preserved as documents of historical interest.

Registers

17. The Education Authority shall cause registers to be kept in every school under their management for the purpose of recording the admission, the attendance and the withdrawal of the pupils and of providing statistics

for the calculation of grant and for administrative and other purposes. The Secretary of State may prescribe the registers to be kept by the Education Authority for the said purposes and the forms of the registers, the particulars to be recorded and the manner in which the registers shall be completed, the periods for which they shall be retained and how they shall be disposed of by the Authority and such other incidental or consequential matters as he considers necessary. The Education Authority shall cause the registers to be checked and certified at least three times during the school year.

Pupil's Progress Record

18.—(1) A Pupil's Progress Record shall be kept for every pupil in attendance at a school. The Record shall be of such size and in such form, shall make provision for the recording of such information and shall contain such instructions for its completion, retention and disposal as the Secretary of State may prescribe.

(2) Where a pupil who has not previously attended a public or grant-aided school first enters such a school, the head teacher shall cause a Record to be prepared and brought into use for him. Where a pupil who has previously attended such a school is admitted to another such school, the Record used in the school which he previously attended shall continue to be used in the said other school. Entries shall from time to time be made on the Record, and the Record shall be retained or transferred, in accordance with the instructions printed thereon.

WORK OF THE SCHOOL

General duty of Education Authority

19. Subject to the provisions of this Code, it shall be the duty of the Education Authority to secure that the education given in any school is in accordance with the scheme prepared by the Education Authority under section 7 and approved by the Secretary of State under section 65 of the Act of 1946, is adequate and efficient, is suited to the age, ability and aptitude of the pupils and is in accordance with the scheme of work approved for the school under Regulation 21 of this Code. Special provision shall be made for the instruction of backward and retarded pupils and for the development of the special gifts of pupils who show exceptional ability.

Formation of good habits in pupils

20. In the conduct of the school from day to day care shall be taken to train the pupils in habits of personal hygiene and cleanliness, of correct speech and of good manners; to cultivate the qualities of truthfulness, honesty, self-control and consideration for man and beast; to foster a love of beauty; to encourage industry, self-reliance and forethought; and to develop a sense of responsibility to the community and an attitude of goodwill towards other peoples.

Schemes of work

21.—(1) In each year of attendance at a primary department, pupils shall be given instruction in reading, writing and arithmetic; in the use and understanding of spoken and written English; in music; in art and handwork; in nature study; and in physical education. They shall also, from such stage as is appropriate having regard to their age, ability and aptitude, be given instruction in geography, history, written composition and, in the case of girls, needlework. The Education Authority shall submit for the approval of the District Inspector a scheme of work for the primary department of

each school, prepared in consultation with the head teacher of the said school, showing the amount of time to be allotted to, and particulars of the work in, each subject.

(2) The Education Authority shall submit for the approval of the Chief Inspector a scheme of work for the secondary department of each school, prepared in consultation with the head teacher of the said school, showing the types of course to be provided in that department, the subjects to be included in each of the courses, and the amount of time to be allotted to, and particulars of work in, each subject. In the preparation of schemes of work regard shall be had to the age, ability and aptitude of the pupils for whom the courses are designed and to the length of time for which the pupils are likely to remain at school.

(3) In Gaelic-speaking areas reasonable provision shall be made in schemes of work for the instruction of Gaelic-speaking pupils in the Gaelic Language and Literature, and the Gaelic language shall be used so far as is necessary for instructing Gaelic-speaking pupils in other subjects.

(4) The work of a department shall be based upon the approved scheme of work for that department, and the Education Authority, in consultation with the head teacher, shall prepare the necessary time-table for this purpose. A copy of every time-table shall be submitted to the District Inspector in the case of a primary department and to the Chief Inspector in the case of a secondary department for his approval.

(5) The Education Authority may at any time, and shall if the District Inspector in the case of a primary department or the Chief Inspector in the case of a secondary department so requires, submit a revised scheme of work for the approval of the District Inspector or the Chief Inspector as the case may be, and the provisions of this Regulation shall apply to such revised scheme as they apply to a scheme submitted under this Regulation.

(6) The District Inspector in the case of a primary department and the Chief Inspector in the case of a secondary department may authorise experimental or temporary departures of a minor character from the approved scheme of work without requiring the submission of a revised scheme of work.

(7) The head teacher shall cause a record to be kept for each class of the work actually performed in each subject in such form as to show whether the scheme of work is being carried into effect.

(8) The head teacher shall cause a record to be kept of any homework required to be performed by the pupils of each class outwith school hours. The said record shall distinguish between written and other work.

Medical inspection at grant-aided schools

22. If the Secretary of State is dissatisfied with the arrangements for the medical inspection, supervision and treatment of the pupils attending a grant-aided school, he shall intimate to the managers of the school and to the Education Authority of the area in which the school is situated that he is dissatisfied with the said arrangements, and thereupon it shall be the duty of the managers and the Authority to enter into an agreement under subsection (6) of section 51 of the Act of 1946 for the provision of such medical inspection, supervision and treatment by the Authority for the pupils in attendance at the said school.

SPECIAL PROVISIONS FOR CERTAIN SCHOOLS

Nursery schools and infant classes

23. The provisions of this Code shall in their application to a nursery school or class and to an infant class be modified as follows:—

(1) No child shall, without the consent of the Secretary of State, be retained in a nursery school or class after he has attained an age six months above the lower limit of the school age:

(2) Save as hereinafter provided, Regulation 14 and paragraph (1) of Regulation 21 of this Code shall not apply to a nursery school or class:

(3) The time-table of a nursery school or of a nursery class or of an infant class may with the approval of the District Inspector provide for double meetings instead of meetings either as the normal routine of the school or for particular periods or on special occasions:

(4) The headmistress of a nursery school or the teacher in charge of a nursery class or group of nursery classes forming part of a primary school shall be a certificated teacher whose qualification for nursery school work is attested by an endorsement on her certificate. One additional certificated teacher shall be employed when the number of children normally exceeds 20 and a further such teacher when the number normally exceeds 40. The staff of the school, class or group shall also include helpers on a scale of not less than one helper to each certificated teacher. If the Education Authority are unable to secure the services of a suitable certificated teacher to fill a post other than the post of headmistress, they may as a temporary measure appoint a helper to the said post. The provisions of paragraph (4) of Regulation 14 shall with the necessary modifications apply to any school, class or group in which the number or qualifications of the staff is below that prescribed in this paragraph.

Special schools

24.—(1) In special schools and classes other than child guidance clinics—

(*a*) each class shall normally be reserved for pupils with the same handicap, and no pupil shall be admitted to a class unless he has been held by the Education Authority, under section 42 of the Education (Scotland) Act, 1945, or section 55 of the Act of 1946, to require special educational treatment because of that handicap;

(*b*) all schemes of work shall be submitted for the approval of the Chief Inspector, and the requirements of Regulation 21 of this Code relating to schemes of work shall apply with such modifications as the Chief Inspector may approve; and

(*c*) no pupil shall be compelled to take part in religious observance or to receive religious instruction contrary to the wishes of his parent. The Education Authority shall give the parent of every pupil an opportunity of expressing his wishes on the matter.

(2) Regulations 2, 3, 4, 9, 10, 11, 13, 14 and 15, and 17 to 23 both inclusive, and paragraphs (1), (2) and (3) of Regulation 26 of this Code shall not apply to child guidance clinics.

(3) In every child guidance clinic, the staff who are employed or for whose services arrangements are made by the Education Authority shall include an educational psychologist and a psychiatrist, both or either of whom may, subject to the provisions of Regulation 5 of this Code, be employed in a whole-time or part-time capacity. Such records shall be kept of the children dealt with in the clinics as may be required by the Secretary of State or by the Education Authority.

INSPECTION

Visits without notice

25. The Secretary of State or any of his officers or the Inspector or any other person appointed by the Secretary of State for the purpose may visit a school at any time without notice.

Documents to be made available to the Inspector

26. The following documents shall be made available to the Inspector on his request when he visits a school:—

(1) schemes of work approved under Regulation 21 of this Code and the relative time-tables;

(2) records of work and records of homework kept under the said Regulation;

(3) registers and Pupil's Progress Records kept under Regulations 17 and 18 respectively of this Code;

(4) the log-book kept under Regulation 16 of this Code; and

(5) such other papers kept in the school as he may require.

Notice of closing of school

27. At least fourteen days' notice of the intended closing of a school on account of local holidays or other cause shall be given to the District Inspector in the case of a primary department or to the Chief Inspector in the case of a secondary department or of a special school, and intimation of the closing of a school under Regulation 12 of this Code shall be similarly made at as early a date as possible. Notice shall also be given of the beginning and the end of any vacation.

SUPPLEMENTARY PROVISIONS

Transitional provisions

28.—(1) Where any provision of the Day Schools (Scotland) Code, 1939, is revoked by this Code and where anything done under that provision might have been done under a corresponding provision of this Code if this Code had then been in operation, the said thing shall be deemed to have been done under that provision of this Code, and it shall not be necessary for that thing to be done again by reason of the inclusion of the said provision in this Code, unless the Secretary of State otherwise requires.

(2) Until Rules made by the Secretary of State under Regulation 17 in relation to registers and under Regulation 18 in relation to Pupil's Progress Records respectively come into operation, the Education Authority shall continue their existing practice in respect of registration and pupils' records with such modifications as are necessary as a result of the coming into operation of this Code.

Vested interests of teachers

29. Where—

(1) a teacher was employed immediately before this Code came into operation in a post for which a particular teaching qualification is required by this Code, and

(2) the teacher held the qualification required for the said post by any Code or Regulation in force when he was appointed thereto or where he was appointed thereto on a permanent basis with the unconditional approval of the Secretary of State or, before 4th September, 1939, of the Scottish Education Department, and

(3) the teacher is employed in a post which is, in the opinion of the Secretary of State, the same post or a post involving a similar degree of responsibility—

the teacher shall, notwithstanding that he does not hold the teaching qualification required by this Code for the post held by him, be deemed for the purposes of this Code to hold the said qualification.

Citation, commencement and revocation

30.—(1) This Code may be cited as the Schools (Scotland) Code, 1950.

(2) This Code shall come into operation on 1st August, 1950.

(3) The Day Schools (Scotland) Code, 1939, set forth in the Schedule to the Day Schools (Scotland) Code Minute, 1939(a), is hereby revoked with the exception of articles 2, 3, 33, 34 and 35 thereof and Appendix 1 thereto and so much of article 1 thereof as is necessary for the interpretation of the said articles and Appendix.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

Fielden House,
London, S.W.1.
2nd June, 1950.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

This Code relates to the conduct of public and grant-aided schools and to the education to be provided therein. The principal subjects dealt with are the admission of pupils to public schools; the issue to every pupil leaving school of a School Leaving Record; the number and qualifications of teachers; the provision of clerical assistance for head teachers; the number of meetings of a school to be held in each school year and the number of days on which a boarding school must be in session; the number of pupils who may be accommodated in one room; the size of classes; registration; Pupil's Progress Records; the education to be provided in schools; the submission and approval of schemes of work and the carrying of the approved schemes into effect; and provisions to facilitate inspection of schools by His Majesty's Inspectors and by other persons appointed by the Secretary of State.

(a) S.R. & O. 1939 (No. 422) I, p. 695.