STATUTORY INSTRUMENTS

1963 No. 2131 (S. 121)

EDUCATION, SCOTLAND

The Scottish Certificate of Education Examination Board Regulations 1963

Made - - - -	18*th December* 1963
Laid before Parliament	3*rd January* 1964
Coming into Operation	10*th January* 1964

In exercise of the powers conferred on me by section 1 of the Education (Scotland) Act 1963(a), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

Citation and commencement

1. These regulations may be cited as the Scottish Certificate of Education Examination Board Regulations 1963, and shall come into operation on 10th January 1964.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, references to any Act, regulations or standing orders shall be construed as references to the said Act, regulations or standing orders as amended by any subsequent Act, regulations or standing orders or to any Act, regulations or standing orders in which the said Act, regulations or standing orders are consolidated.

Definitions

3. In these regulations, unless the context otherwise requires,—

" Act of 1963 " means the Education (Scotland) Act 1963 ;

" Board " means the Board established by section 1 of the Act of 1963 for the purposes referred to in subsection (1) of the said section ;

" financial year " means the period beginning on 1st January and ending on 31st December each year ; and

" recognised " means recognised by the Secretary of State for the purposes of these regulations.

Incorporation of the Board

4. The Board shall be a body corporate with perpetual succession and a common seal, and, subject to the provisions of these regulations, shall have all the rights, powers and privileges of a body corporate, and shall be called the Scottish Certificate of Education Examination Board.

(a) 1963 c. 21. (b) 52 & 53 Vict. c. 63.

Discharge of functions

5.—(1) The Board shall have the following powers and duties :—

(*a*) to advise the Secretary of State on such matters relating to examinations for pupils receiving secondary education as he may from time to time refer to them or as the Board think fit ; and

(*b*) as from a day to be appointed by the Secretary of State after consultation with the Board, to conduct the examinations each year for the Scottish Certificate of Education and to award the said Certificate in accordance with such conditions as the Board shall, with the approval of the Secretary of State, prescribe.

(2) Subject to the approval of the Secretary of State, the Board may enter into arrangements to perform functions or provide services on behalf of any other examining body or authority, provided always that such other body or authority shall undertake to meet the whole of the expenditure incurred by the Board in carrying out such arrangements.

(3) The Secretary of State may from time to time after consultation with the Board give such directions as to the discharge by the Board of their functions as appear to him to be expedient.

Membership

6.—(1) The Board shall consist of a Chairman and thirty-seven other members appointed by the Secretary of State, and the provisions of the following paragraph of this regulation shall apply to the appointment of the said other members.

(2) The said other members shall be appointed to the Board as follows :—

(*a*) Thirty-three members from among persons nominated by the bodies set out in Column 1 of the following table according to the numbers specified in Column 2 thereof :—

Column 1	*Column 2*
The universities of Scotland	8
The Scottish Universities Entrance Board	1
Associations recognised as representing the interests of education authorities	6
Governing bodies of central institutions	2
Governing bodies of colleges of education	2
Association of Directors of Education in Scotland ...	2
Teachers' associations recognised as representing the interests of teachers employed in educational establishments	12

(*b*) Four members being persons of experience in industry or otherwise who have qualifications which in the opinion of the Secretary of State make them suitable for appointment to the Board.

Assessors

7. The Secretary of State may appoint one or more of his officers to be an assessor or assessors sitting with the Board, and each assessor, or in his absence a substitute nominated by the assessor, shall be entitled to attend and speak at meetings of the Board and of Committees, Sub-Committees and Subject Panels, but shall not be entitled to vote except at meetings of any Committee or Sub-Committee or Subject Panel of which he has been appointed a member.

Term of office

8.—(1) The Chairman and each of the other members of the Board shall hold office in accordance with the terms of his appointment.

(2) A member shall be deemed to have vacated his office, and the Board shall declare his place vacant, in the following circumstances :—

(*a*) where he intimates his resignation in writing to the Secretary of State ;

(*b*) where he becomes bankrupt or executes a trust deed for creditors ;

(*c*) where in the opinion of the Secretary of State he becomes incapacitated to hold office ; or

(*d*) where he fails, without leave of the Board, to attend any meeting of the Board or of a Committee or Sub-Committee of the Board for a period of twelve consecutive months.

(3) A member of the Board shall be eligible for re-appointment on the expiry of his period of office.

Committees

9.—(1) The Board shall appoint a Finance Committee, of which not less than one-third shall be members appointed to the Board from among persons nominated by the associations recognised as representing the interests of education authorities, and the Finance Committee from among their own number may appoint Sub-Committees as they think fit.

(2) The Board may appoint such other Committees as they think fit and such other Committees may appoint such Sub-Committees or Subject Panels as they think fit.

(3) The membership of such other Committees may include persons who are not members of the Board and Sub-Committees and Subject Panels appointed under the foregoing paragraph of this regulation may consist wholly of such persons.

(4) The Board may delegate to any Committee appointed under paragraphs (1) and (2) of this regulation any of their functions, except that functions relating to finance may be delegated only to the Finance Committee. A Committee may delegate to a Sub-Committee or a Subject Panel any of their functions, but only so far as they are authorised to do so by standing orders or by any directions by the Board.

Proceedings

10.—(1) The Board shall make, and shall amend from time to time as may be necessary, standing orders relative to the functions of Committees, Sub-Committees and Subject Panels, the convening of meetings of the Board and of Committees, Sub-Committees and Subject Panels, the conduct of business at meetings, the keeping of minutes, accounts and other records, the signing of cheques and documents to which the common seal is not required to be fixed, the custody of deeds and other documents, the duties of officials and to such other matters connected with the conduct of their business as they think fit.

(2) The proceedings of the Board or of any Committee or Sub-Committee or Subject Panel shall not be invalidated by any vacancy in the membership of the Board or of any Committee or Sub-Committee or Subject Panel or by any defect in the appointment of a member.

(3) The Board and, subject to any directions of the Board, any Committee or Sub-Committee or Subject Panel may, subject to the requirements of standing orders, regulate their own proceedings and fix a quorum for their own proceedings.

Financial arrangements

11.—(1) The Board shall prepare and submit to the Secretary of State not later than 1st October in each year such estimates of their income and expenditure as he may require.

(2) The expenditure incurred by the Board in any financial year shall not exceed such sum or sums as may have been approved in that behalf by the Secretary of State.

(3) The Board shall not have power to borrow money other than power to borrow for periods not exceeding six months on overdraft from their bankers.

12.—(1) The Board shall keep proper accounts of all sums received or paid by them.

(2) The accounts of the Board shall be audited to the satisfaction of the Secretary of State, and the Board shall, if the Secretary of State intimates to them that he is not so satisfied, make such arrangements for the audit of the said accounts as he may require.

13. As soon as may be after the end of each financial year, an abstract of the accounts of the Board for that year, signed by the Chairman of the Board on their behalf and by the appointed auditors, shall be transmitted to the Secretary of State.

Employment of officials

14.—(1) The Board may employ such whole-time and part-time officers, servants and agents as they require to enable them to carry out their functions.

(2) The Board shall pay to their officers, servants and agents such salaries, wages or fees as the Board may, with the approval of the Secretary of State, determine.

(3) The Board may require any member of staff whose responsibility includes intromissions with the funds of the Board to find such caution as the Board may prescribe for his duly accounting for such intromissions.

(4) The Board, subject to the approval of the Secretary of State, may pay, or enter into arrangements with insurance companies or local authorities for the payment of, pensions and other superannuation benefits to retired members of their staff.

Allowances to members

15. For the purposes of the payment to the members of the Board or of any Committee or Sub-Committee or Subject Panel thereof of travelling, subsistence and other allowances, the Board are hereby prescribed as a body to which Part VI of the Local Government Act 1948(a) applies and any Subject Panel appointed under Regulation 9(2) of these regulations shall be deemed to be a Sub-Committee of the Board, but nothing in section 114(4) of the said Act shall be construed as affecting the power of the Secretary of State under section 1(6) of the Act of 1963.

Reports

16.—(1) The Board shall—

(*a*) submit to the Secretary of State reports on such matters as may be referred to them by the Secretary of State ; and

(a) 11 & 12 Geo. 6. c. 26.

(*b*) each year submit to the Secretary of State as soon as practicable a report on the conduct of the examinations for the Scottish Certificate of Education and on the exercise of their functions generally, a copy of which report the Secretary of State shall lay before each House of Parliament.

(2) Without prejudice to the provisions of the foregoing paragraph of this regulation the Board shall comply with any requests from the Secretary of State for information relating to the examinations conducted by the Board or to the work of the Board otherwise.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
18th December 1963.

EXPLANATORY NOTE

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

These regulations provide for the constitution and procedure of the Board established under section 1 of the Education (Scotland) Act 1963 for the purpose of conducting examinations for the award of certificates relating to secondary education and awarding such certificates, and advising the Secretary of State on matters relating to examinations for pupils receiving secondary education.

As from an appointed day the Board, which will be known as the Scottish Certificate of Education Examination Board, will conduct the annual examinations for the Scottish Certificate of Education and will award the Certificate in accordance with conditions prescribed by the Board with the approval of the Secretary of State.

The Board will consist of 38 members appointed by the Secretary of State, viz., a chairman ; 33 members appointed from among persons nominated by various bodies representing educational interests ; and four other members. The Secretary of State may appoint assessors on the Board and on any Committees, Sub-Committees and Subject Panels.

The Board are required to appoint a Finance Committee, of the members of which not less than one-third must be members appointed to the Board from among persons nominated by the associations representing the interests of education authorities ; and they may also appoint other Committees, Sub-Committees and Subject Panels.

The Board are to submit each year to the Secretary of State, to lay before Parliament, a report on the examinations for the Scottish Certificate of Education and on their work generally.