1990 No. 800 (S.97)

EDUCATION, SCOTLAND

The Self-Governing Schools (Ballots and Publication of Proposals) (Scotland) Regulations 1990

Made - - - -	*27th March 1990*
Laid before Parliament	*10th April 1990*
Coming into force	*1st May 1990*

The Secretary of State, in exercise of the powers conferred on him by sections 16(2)(a), 17 and 78 of and paragraphs 1 and 4(b) of Schedule 3 to the Self-Governing Schools etc. (Scotland) Act 1989(**a**), as read with section 80(1)(**b**) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Self-Governing Schools (Ballots and Publication of Proposals) (Scotland) Regulations 1990 and shall come into force on 1st May 1990.

(2) In these Regulations "the Act" means the Self-Governing Schools etc. (Scotland) Act 1989.

Prescribed body

2. The Electoral Reform Society whose principal office is at 6 Chancel Street, Blackfriars, London SE1 is hereby prescribed for the purposes of paragraph 1 of Schedule 3 to the Act.

Ballot expenses: prescribed maximum amount

3. For the purposes of section 17 of the Act (ballot expenses), the maximum amount hereby prescribed shall, in respect of a ballot at a school, be £125 together with an additional 25p for every pupil, in excess of 100 of such pupils, in attendance at the school at the date when the school board either pass a second resolution or receive a written request, within the meaning of section 13(1) of the Act, to hold such a ballot.

Prescribed information

4. The information to be provided to each person who is eligible to vote in a ballot held in accordance with section 14 of the Act shall, for the purposes of paragraph 4(b) of Schedule 3 to the Act, be the information stated in the Schedule hereto.

Publication of proposals

5.—(1) For the purposes of section 16(2)(a) of the Act, proposals for acquisition of self-governing status for a school shall be published by–

(a) causing to be inserted in a local newspaper circulating in the area served by the school a notice, stating–

(**a**) 1989 c.39.
(**b**) *See* the definition of "prescribed" in section 80(1).

(i) that proposals for the acquisition of self-governing status have been submitted to the Secretary of State and that the proposals may be inspected at the places specified, being the places where they are deposited under sub-paragraph (b) of this paragraph, during the period of 2 months beginning with the date of publication of the notice; and

(ii) that representations may be made to the Secretary of State for Scotland, before the end of that period of 2 months; and

(b) depositing copies of the proposals on the date of publication of the notice–

(i) at the school; and

(ii) if the appropriate library authority have consented, in any public library within the area served by the school,

and making them available there for reference on request during normal working hours on any working day during the period of 2 months beginning with the date of publication of the notice.

(2) The school board shall take all reasonable steps to obtain the consent referred to in paragraph (1)(b)(ii) of this regulation.

Ian Lang
Minister of State,
Scottish Office

St. Andrew's House, Edinburgh
27th March 1990

SCHEDULE

Regulation 4

INFORMATION TO BE PROVIDED TO THOSE ELIGIBLE TO VOTE IN A BALLOT REGARDING THE ACQUISITION OF SELF-GOVERNING STATUS

1. An explanation as to why a ballot, or in the case of a ballot held by virtue of section 15 of the Act, a fresh ballot, is being held, and in the case of a fresh ballot required by a notice under section 15(1) of the Act the explanation shall repeat the reasons given in the notice by the Secretary of State for declaring the earlier ballot void.

2. A summary of the provisions of Part I of the Act relating to the procedure for the acquisition of self-governing status by a school, which shall include an explanation of–

(a) the procedure for the holding of a ballot in accordance with section 14 of the Act and the eligibility of persons to vote in such a ballot;

(b) the circumstances in which proposals for the acquisition of self-governing status require to be published and submitted to the Secretary of State;

(c) the matters required to be included in such proposals; and

(d) the role of the Secretary of State in respect of the rejection, or approval, with or without modifications, of any such proposals and the effect of any such rejection or approval.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of the holding of a ballot of parents of pupils in attendance at a school on the question of whether self-governing status should be sought for that school, under the Self-Governing Schools etc. (Scotland) Act 1989 ("the Act") and, for the circumstances where the result of such a ballot has been in favour of that status being applied for, prescribe the manner in which proposals to that effect should be published.

Regulation 2 prescribes the Electoral Reform Society as the body which is to have the function of making all the necessary arrangements for the holding of a ballot.

Regulation 3 prescribes the maximum amount which an education authority may expend for the purposes of influencing the outcome of a ballot. The maximum amount is prescribed under section 17 of the Act, in terms of which the prescribed amount is also the maximum sum which the school board concerned may claim from the Secretary of State to meet expenses which may be incurred by the board in promoting the acquisition of self-governing status by the school.

Regulation 4 prescribes information to be provided to each person who is eligible to vote in a ballot.

Regulation 5 prescribes the manner in which proposals for the acquisition of self-governing status should be published by a school board.

95p net

ISBN 0 11 003800 2

Printed in the United Kingdom by HMSO at Edinburgh Press

800 WO 0763 C20 4/90 452/4 19593 PS 8350958 (278911)