TEACHERS

1960 No. 1877 (S. 96)

The Teachers (Training Authorities) (Scotland) (Amendment No. 1) Regulations, 1960

Made - - - -	*17th October*, 1960
Laid before Parliament	*24th October*, 1960
Coming into Operation	*25th October*, 1960

In exercise of the powers conferred on me by paragraph (7) of section 70 of the Education (Scotland) Act, 1946(a), as amended by paragraph 6 of the Fourth Schedule to the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958(b), subsection (1) of section 71 of the said Act of 1946 as amended by the said paragraph, and subsection (2) of section 77 of the said Act of 1946 as set out in section 9 of the Education (Scotland) Act, 1956(c), and of all other powers enabling me in that behalf, I hereby make the following Regulations.

Provision of premises for additional college of education

1. The following Regulation shall be added to Part IV of the Teachers (Training Authorities) (Scotland) Regulations, 1958(d), (hereinafter referred to as "the Principal Regulations") after Regulation 45:—

"45A.—(1) If in the opinion of the Scottish Council it is at any time necessary for the achievement of the general object set out in paragraph (1) of Regulation 1 that an additional college of education should be provided, they may make a specific proposal to the Secretary of State for the establishment of such a college. The Secretary of State may approve in principle the proposal with or without modification or may withhold his approval.

(2) When a proposal has been approved in principle with or without modification, the Scottish Council shall acquire a site or sites for the additional college of education and shall provide on the said site or sites, and shall equip and furnish, buildings and other premises for the said college. The Scottish Council may also provide on the said site or sites, furnish and equip, buildings and other premises for a hostel or hostels for students attending the said college and a demonstration school to be associated with the said college. The provisions of paragraphs (1) to (4), both inclusive, of Regulation 21 of the Principal Regulations (which relates to buildings and equipment) shall, with the necessary modifications, apply to the Scottish Council for the purposes of this Regulation as they apply to a governing body."

(a) 9 & 10 Geo. 6. c. 72. (b) 6 & 7 Eliz. 2. c. 64. (c) 4 & 5 Eliz. 2. c. 75.
(d) S.I. 1958/1634 (1958 I, p. 1025).

Special Building Committee

2.—(1) The following sub-paragraph shall be added to paragraph (2) of Regulation 17 of the Principal Regulations (which relates to the appointment of committees):—

"(*c*) when a proposal made under Regulation 45A has been approved in principle with or without modification by the Secretary of State, a Special Building Committee, and shall delegate to the said committee the exercise of their functions under the said Regulation. The Scottish Council may exercise the powers conferred by the provisos to paragraph (1) of Regulation 17 in relation to the said delegation of functions. The committee shall be composed of 12 persons, not less than seven of whom shall be members of, or assessors to, the Scottish Council, and in selecting persons for appointment to the committee the Scottish Council shall have regard to the desirability of including among the members persons belonging to, or having close connection with, the education area where the additional college is to be built. The committee shall be composed as follows :—

(i) two persons, each of whom is a member of an education authority,

(ii) one member of the Senate of a University,

(iii) two teachers,

(iv) one Director of Education,

(v) two persons, each of whom is the Principal of a college of education, and

(vi) four other persons who may, at the discretion of the Scottish Council be, or include, persons eligible for appointment under any of the foregoing heads."

(2) Notwithstanding the provisions of the last sentence of paragraph (7) of Regulation 13 of the Principal Regulations (which relates to assessors to training authorities), the assessors appointed to the Scottish Council under paragraph (1) and the Principals of colleges of education in their capacity as assessors to the Scottish Council under paragraph (5) of the said Regulation shall not be entitled to attend meetings of the Special Building Committee. The Secretary of State may appoint not more than two assessors to the Special Building Committee and the provisions of paragraphs (6) and (7) of the said Regulation shall, with the necessary modifications, apply in relation to the said assessors.

Appointment of first Principal of additional college of education

3. The following Regulation shall be added to Part IV of the Principal Regulations after Regulation 45A:—

"45B.—(1) The Scottish Council shall, not less than one year and not more than 18 months before the date upon which they expect that an additional college of education will be opened in buildings and other premises provided under the last foregoing Regulation, appoint a person to be the first Principal of the said college. The provisions of paragraphs (1), (2) and (5) of Regulation 23 shall apply to the Scottish Council for the purposes of the said appointment as they apply to a governing body.

(2) Until a governing body is constituted and assumes responsibility for the additional college of education, the Principal shall be responsible to the Scottish Council for making plans and preparations for the opening of the college."

Amendment of Regulation 33 of the Principal Regulations

4. In paragraph (1) of Regulation 33 of the Principal Regulations (which relates to demonstration schools), for the words from the beginning to and including the word "They" where it first occurs there shall be substituted the following words:—

"Subject to the provisions of this Regulation, a governing body to whom a demonstration school or a nursery school has been transferred under these Regulations shall continue to conduct and administer the school, and any other governing body may, if it appears to them necessary or desirable to do so, provide a demonstration school or a nursery school. A governing body may make such changes in the organisation of the school as they consider desirable and may close the school. A governing body shall not exercise the power to provide a demonstration school or a nursery school, to provide a new primary or secondary department in a school, to discontinue a primary or secondary department in a school, or to close a school, without the approval of the Secretary of State. A governing body".

Minor amendments

5. The amendments set forth in the Schedule to these Regulations, being amendments which relate to minor matters, shall be made in the Principal Regulations.

Citation and commencement

6.—(1) These Regulations may be cited as the Teachers (Training Authorities) (Scotland) (Amendment No. 1) Regulations, 1960.

(2) These Regulations shall come into operation on 25th October, 1960, provided that the amendments made by paragraph 1 of the Schedule to these Regulations shall not affect the position of any governor in office on 25th October, 1960.

John S. Maclay,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

17th October, 1960.

Regulation 5

SCHEDULE

MINOR AMENDMENTS

Election of governors by teachers

1.—(1) For paragraph (1) of Regulation 4 (which relates to the election of governors by teachers) there shall be substituted the following paragraph:—

"(1) The general qualification entitling a person to vote in the elections of teachers to be members of a governing body under the First Schedule shall be that the person is a certificated teacher employed on the permanent staff in or in connection with a school or further education establishment in Scotland on the first day of February upon which the said school or further education establishment is open in the year in which elections are to be held, or is a person not being a certificated teacher who is employed on the permanent staff on the said day to teach in such a further education establishment. In this Regulation and the Third Schedule the expression "permanent staff" has, with the necessary modifications, the meaning attached to it by sub-paragraph (*j*) of paragraph (1) of Regulation 2 of the Teachers' Salaries (Scotland) Regulations, 1959(a)."

(2) In paragraph (3) of the said Regulation 4, for the words from "eastern area or" to the end of the paragraph there shall be substituted the words "eastern area, the south-eastern area or Stirlingshire in the case of elections to the Governors of Craiglockhart College of Education and in the south-western area excluding Stirlingshire or in Inverness-shire in the case of elections to the Governors of Notre Dame College of Education".

(3) (*a*) In sub-paragraph (*d*) of paragraph (5) of the said Regulation 4, for the word "establishments" in the second place where it occurs there shall be substituted the word "centres", and

(*b*) in sub-paragraph (*e*) of paragraph (5) of the said Regulation 4, for the word "establishments" in the second place where it occurs there shall be substituted the word "centres".

(4) In paragraph (6) of the said Regulation 4, for the words "in whole-time employment" wherever they occur there shall be substituted the words "employed on the permanent staff".

(5) In paragraph (23) of Regulation 68 (which deals with the meanings assigned to certain expressions in the Regulations) after the word "applies," there shall be inserted the words "independent schools".

(6) (*a*) In sub-paragraph (2) and in sub-paragraph (4) of paragraph 5 of the First Schedule (which deals with the composition of governing bodies) for the words "eastern area or the south-eastern area" there shall be substituted the words "eastern area, the south-eastern area or Stirlingshire", and

(*b*) in sub-paragraph (2) and in sub-paragraph (4) of paragraph 6 of the said First Schedule for the words "south-western area or Inverness-shire" there shall be substituted the words "south-western area excluding Stirlingshire or in Inverness-shire".

(7) In sub-paragraph (4) of paragraph 7 of the said First Schedule, after the words "being teachers" there shall be inserted the words "serving in schools or in further education establishments in Scotland and".

(8) In paragraph 3 of the Third Schedule (which relates to the election of teachers to governing bodies) in the third sentence for the word "whole-time" there shall be substituted the words "on the permanent staff".

Buildings and equipment of Roman Catholic colleges

2.—(1) In paragraph (5) of Regulation 21 (which relates to lands, buildings and equipment) for the first sentence there shall be substituted the following sentence:—

(a) S.I. 1959/2150 (1959 I, p. 1115).

"The lands and buildings of Craiglockhart Roman Catholic Training College (under these Regulations to be known as Craiglockhart College of Education), being lands and buildings vested in the Society of the Sacred Heart immediately before the transfer day, shall remain vested in the said Society, except parts thereof which may be sold or feued after the transfer day by the said Society.",

and before the words "and for the payment" there shall be inserted the words "remaining vested in them (in the remainder of this paragraph referred to as "the said lands and buildings")".

(2) In paragraph (7) of the said Regulation 21 after the word "Education)" there shall be inserted the words ", being lands and buildings vested in the Congregation of Notre Dame immediately before the transfer day,".

Appointment of lectures in religious education

3. After paragraph (4) of Regulation 23 (which relates to the method of appointment of the Principal and teaching staff) the following paragraph shall be inserted:—

"(4A) The post of principal lecturer or sole lecturer in religious education shall be dealt with as a major teaching post, and paragraph (3) of this Regulation shall apply to the special committee to be appointed to fill a post of principal lecturer or sole lecturer in religious education with the substitution of the following sub-paragraph for sub-paragraph (*a*):—

"(*a*) two members of the governing body, of whom one shall be a person, and both may be persons, appointed to the governing body by the education committee of the General Assembly of the Church of Scotland, and one shall be chairman of the committee,"."

Medical appeals

4.—(1) In sub-paragraph (*b*) of paragraph (3) of Regulation 26 (which relates to the powers and duties of Principals of colleges), after the words "under proviso (i)" there shall be inserted the words "or proviso (ii)", and the following sentence shall be added at the end of the said sub-paragraph:—

"Before reaching a decision on an appeal against refusal of admission under proviso (iii) the governing body shall seek the opinion of a medical officer of another college of education."

(2) In sub-paragraph (*b*) of paragraph (4) of the said Regulation 26, after the words "Provisos (i) and (ii) to" there shall be added the words ", and sub-paragraph (*b*) of,".

Education authority contributions

5.—(1) In paragraph (2) of Regulation 49 (which deals with intimation and payment of education authority contributions), for the word "shall" where it first occurs there shall be substituted the word "may".

(2) For paragraph (3) of the said Regulation 49 there shall be substituted the following paragraph:—

"(3) The Secretary of State shall, when he intimates under paragraph (1) or paragraph (2) of this Regulation the sum to be contributed by each education authority towards the aggregate expenses of the training authorities, intimate to the Scottish Council the sum to be paid by the Council to each governing body from the sums so received by the Council."

(3) The following paragraph shall be added to the said Regulation 49 after paragraph (3)—

"(4) The Scottish Council shall pay in instalments to each governing body from the sums received by the Council under paragraphs (1) and (2) of this Regulation the sums intimated to the Council by the Secretary of State under paragraph (3). The Council shall retain the balance of the said sums and apply it towards defraying the expenditure included in their approved estimates."

6. In sub-paragraph (*d*) of paragraph (1) of Regulation 55 (which deals with the transfer of heritable properties to governing bodies), for the words "Burgh of Milngavie" there shall be substituted the words "Burgh of Bearsden".

EXPLANATORY NOTE

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

These Regulations amend the Teachers (Training Authorities) (Scotland) Regulations, 1958. Regulations 1 and 2 provide for the building as they become necessary of additional colleges of education. Under Regulation 3 the Scottish Council for the Training of Teachers are to appoint the first Principal of an additional college of education. The Principal is to be responsible for making plans and preparations for the opening of the college.

Regulation 4 empowers the governing body of a college of education who have no demonstration school or nursery school under their administration to provide such a school. A governing body are also empowered to close a school under their administration and to make such changes as they consider desirable in the organisation of a demonstration school. These powers are to be exercisable only with the approval of the Secretary of State.