

---

**Changes to legislation:** There are currently no known outstanding effects for the  
Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)

---

## SCHEDULE 1

(introduced by section 2)

### RELEVANT PROPOSALS

#### *Closure*

- 1 (1) A proposal to permanently—
  - (a) discontinue a school, or
  - (b) discontinue—
    - (i) all the nursery classes in a school, or
    - (ii) a stage of education in a school (apart from a nursery class).
- (2) A proposal to permanently—
  - (a) discontinue the provision of Gaelic medium education in all the nursery classes in a school that also provides a nursery class through English medium education, or
  - (b) discontinue the provision of Gaelic medium education in a stage of education (apart from a nursery class) in a school that also provides the stage of education through English medium education.
- (3) A proposal to permanently—
  - (a) discontinue the provision of English medium education in all the nursery classes in a school that also provides a nursery class through Gaelic medium education, or
  - (b) discontinue the provision of English medium education in a stage of education (apart from a nursery class) in a school that also provides the stage of education through Gaelic medium education.
- (4) For the purpose of this paragraph a proposal to make arrangements of the sort mentioned in sub-paragraph (5) (however described) is to be regarded as a proposal to discontinue (as the case may be)—
  - (a) the school,
  - (b) all the nursery classes in the school,
  - (c) a stage of education in the school (apart from a nursery class), or
  - (d) the provision of Gaelic or English medium education in all the nursery classes or a stage of education (apart from a nursery class) in the school.
- (5) The arrangements are such arrangements in respect of the school or a stage of education in the school as would (if they were implemented) result, or be likely to result, in the permanent discontinuation of (as the case may be)—
  - (a) the school,
  - (b) all the nursery classes in the school,
  - (c) a stage of education in the school (apart from a nursery class), or
  - (d) the provision of Gaelic or English medium education in all the nursery classes or a stage of education (apart from a nursery class) in the school.
- (6) If a proposal—
  - (a) by virtue of sub-paragraph (4) falls within this paragraph, and
  - (b) also falls within another paragraph of this schedule except paragraph 10,the proposal is to be regarded as falling within this paragraph only.

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

#### Commencement Information

- I1** Sch. 1 para. 1 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

#### *Establishment*

- 2 A proposal to establish—
- (a) a new school [<sup>F1</sup>(apart from a nursery school)] , or
  - (b) a new stage of education in a school [<sup>F2</sup>(apart from a nursery class)] .

#### Textual Amendments

- F1** Words in [sch. 1 para. 2\(a\)](#) inserted (31.3.2017) by [The Schools \(Consultation\) \(Scotland\) Act 2010 \(Modification\) Regulations 2017 \(S.S.I. 2017/65\)](#), regs. 1, [2\(2\)\(a\)](#)
- F2** Words in [sch. 1 para. 2\(b\)](#) inserted (31.3.2017) by [The Schools \(Consultation\) \(Scotland\) Act 2010 \(Modification\) Regulations 2017 \(S.S.I. 2017/65\)](#), regs. 1, [2\(2\)\(b\)](#)

#### Commencement Information

- I2** Sch. 1 para. 2 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

#### *Relocation*

- 3 A proposal to relocate [<sup>F3</sup>—
- (a) a school (apart from a nursery school); or
  - (b) part of a school (apart from a nursery class)]

#### Textual Amendments

- F3** Words in [sch. 1 para. 3](#) substituted (31.3.2017) by [The Schools \(Consultation\) \(Scotland\) Act 2010 \(Modification\) Regulations 2017 \(S.S.I. 2017/65\)](#), regs. 1, [2\(3\)](#)

#### Commencement Information

- I3** Sch. 1 para. 3 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

#### *Admission arrangements*

- 4 A proposal to vary any admission arrangements for a school including—
- (a) a proposal to establish, terminate or otherwise alter the catchment area of a school, and
  - (b) a proposal to make or modify guidelines in respect of the handling of placing requests.

#### Commencement Information

- I4** Sch. 1 para. 4 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

*Transfer from primary to secondary school*

- 5 A proposal to vary the arrangements for the transfer of pupils from a primary school to a secondary school.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Primary school commencement date*

- 6 A proposal to change the school commencement date of a primary school.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Special class outwith a special school*

- 7 A proposal to vary arrangements for the constitution of a special class in a school other than a special school.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Transport to denominational school*

- 8 A proposal to discontinue arrangements for the provision of transport by the education authority for pupils attending a denominational school.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Changing from denominational to non-denominational school*

- 9 A proposal to change a denominational school into a non-denominational school.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Discontinuance of a further education centre*

- 10 (1) A proposal to discontinue a further education centre which is managed by the education authority.

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

- (2) For the purpose of this paragraph, a “further education centre” is an institution for the provision of further education.
- (3) But it does not include a centre wholly or mainly for the provision of social, cultural and recreational activities (or any of such activities) or a centre for provision of courses of education in the evening only.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Meaning of expressions used in this schedule*

- 11 (1) In this Act, a reference to any school that is affected by a proposal is to—
- (a) every school which the proposal directly concerns, and
  - (b) any other school which would be significantly affected in consequence of the proposal (if implemented).
- (2) So (for example) an affected school is—
- (a) a school which it is proposed be discontinued,
  - (b) a school to which the education authority proposes to transfer some or all of the pupils of a discontinued school,
  - (c) a school in respect of which it is proposed to alter the catchment area (including where that is the result of the discontinuance of another school),
  - (d) a school from which it is proposed to transfer pupils as a result of the establishment of a new school.
- (3) But a school is not an affected school solely because it would be likely to become the subject of placing requests as a consequence of the implementation of a proposal.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 12 For the purposes of this schedule and schedule 2—
- “catchment area” has the meaning given in section 28A(3D) of the 1980 Act,
- “denominational school” is a school of a type referred to in section 21 of the 1980 Act,
- “English medium education” means teaching by means of the English language,
- “Gaelic medium education” means teaching [<sup>F4</sup>and learning] by means of the Gaelic language (as spoken in Scotland),
- “nursery class”, “primary education”, “secondary education” and “further education” are to be construed in accordance with section 135(1) and (2) of the 1980 Act,
- “primary school” and “secondary school” are schools where primary and secondary education respectively are provided (whether or not exclusively),
- “school commencement date” has the meaning given in section 32(1) of the 1980 Act,

*Changes to legislation:* There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)

“special school” has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) and “special class” is a class of the kind described there,

“stage of education” means—

- (a) a yearly stage of—
  - (i) primary education, or
  - (ii) secondary education,
- (b) a nursery class in a school, or
- (c) a special class in a school which is not itself a special school.

#### Textual Amendments

- F4** Words in sch. 1 para. 12 inserted (15.7.2016) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), **ss. 17(2), 33(2)**; [S.S.I. 2016/192, reg. 2, sch.](#)

#### Commencement Information

- I12** Sch. 1 para. 12 in force at 5.4.2010 by [S.S.I. 2010/70](#), **art. 2**

## SCHEDULE 2

*(introduced by section 2)*

### RELEVANT CONSULTEES

#### *Closure*

- 1 In relation to a proposal specified in paragraph 1 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) at any affected school,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) the community council (if any),
  - [<sup>F5</sup>(h) the community planning partnership (within the meaning of section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which any affected school is situated,
  - (ha) any other community planning partnership that the education authority considers relevant,]
  - (i) any other education authority that the education authority considers relevant,
  - (j) any other users of any affected school that the education authority considers relevant.

*Changes to legislation: There are currently no known outstanding effects for the  
 Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

**Textual Amendments**

**F5** Sch. 2 para. 1(h)(ha) substituted for sch. 2para. 1(h) (20.12.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\), s. 142\(1\)](#), [sch. 4 para. 10\(a\)](#); S.S.I. 2016/410, art. 2(a)

**Commencement Information**

**I13** Sch. 2 para. 1 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Establishment*

- 2 In relation to a proposal specified in paragraph 2 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) at any affected school,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) the community council (if any),
  - [<sup>F6</sup>(h) the community planning partnership (within the meaning of section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which any affected school is situated,
  - (ha) any other community planning partnership that the education authority considers relevant,]
  - (i) any other education authority that the education authority considers relevant,
  - (j) any other users of any affected school that the education authority considers relevant.

**Textual Amendments**

**F6** Sch. 2 para. 2(h)(ha) substituted for sch. 2para. 2(h) (20.12.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\), s. 142\(1\)](#), [sch. 4 para. 10\(a\)](#); S.S.I. 2016/410, art. 2(a)

**Commencement Information**

**I14** Sch. 2 para. 2 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Relocation*

- 3 In relation to a proposal specified in paragraph 3 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

- (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
- (e) the staff (teaching and other) at any affected school,
- (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
- (g) the community council (if any),
- [<sup>F7</sup>(h) the community planning partnership (within the meaning of section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which any affected school is situated,
- (ha) any other community planning partnership that the education authority considers relevant,]
- (i) any other education authority that the education authority considers relevant,
- (j) any other users of any affected school that the education authority considers relevant.

#### Textual Amendments

**F7** Sch. 2 para. 3(h)(ha) substituted for sch. 2para. 3(h) (20.12.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **sch. 4 para. 10(a)**; S.S.I. 2016/410, art. 2(a)

#### Commencement Information

**I15** Sch. 2 para. 3 in force at 5.4.2010 by S.S.I. 2010/70, **art. 2**

#### *Admission arrangements*

- 4 In relation to a proposal specified in paragraph 4 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) at any affected school,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) the community council (if any),
  - [<sup>F8</sup>(h) the community planning partnership (within the meaning of section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which any affected school is situated,
  - (ha) any other community planning partnership that the education authority considers relevant,]
  - (i) any other education authority that the education authority considers relevant.

#### Textual Amendments

**F8** Sch. 2 para. 4(h)(ha) substituted for sch. 2para. 4(h) (20.12.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **sch. 4 para. 10(a)**; S.S.I. 2016/410, art. 2(a)

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

**Commencement Information**

**I16** Sch. 2 para. 4 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Transfer from primary to secondary school*

- 5 In relation to a proposal specified in paragraph 5 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) at any affected school,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) the community council (if any),
  - [<sup>F9</sup>(h) the community planning partnership (within the meaning of section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which any affected school is situated,
  - (ha) any other community planning partnership that the education authority considers relevant,]
  - (i) any other education authority that the education authority considers relevant.

**Textual Amendments**

**F9** Sch. 2 para. 5(h)(ha) substituted for sch. 2 para. 5(h) (20.12.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [sch. 4 para. 10\(a\)](#); [S.S.I. 2016/410](#), [art. 2\(a\)](#)

**Commencement Information**

**I17** Sch. 2 para. 5 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Primary school commencement date*

- 6 In relation to a proposal specified in paragraph 6 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) at any affected school,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) any other education authority that the education authority considers relevant.



*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

**Commencement Information**

**I18** Sch. 2 para. 6 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Special class outwith a special school*

- 7 In relation to a proposal specified in paragraph 7 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) at any affected school,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) any other education authority that the education authority considers relevant.

**Commencement Information**

**I19** Sch. 2 para. 7 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Transport to denominational school*

- 8 In relation to a proposal specified in paragraph 8 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,
  - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
  - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) at any affected school,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) any other education authority that the education authority considers relevant.

**Commencement Information**

**I20** Sch. 2 para. 8 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Changing from denominational to non-denominational school*

- 9 In relation to a proposal specified in paragraph 9 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
  - (b) the parents of the pupils at any affected school,

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

- (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
- (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
- (e) the staff (teaching and other) at any affected school,
- (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
- (g) any other education authority that the education authority considers relevant.

#### Commencement Information

**I21** Sch. 2 para. 9 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

#### *Discontinuance of a further education centre*

- 10 In relation to a proposal specified in paragraph 10 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any school at which the pupils who attend the further education centre also attend,
  - (b) the parents of the pupils of school age attending the centre,
  - (c) the parents of any pupils expected by the education authority to attend the centre within two years of the date of publication of the proposal paper,
  - (d) the pupils attending the centre (in so far as the education authority considers them to be of a suitable age and maturity),
  - (e) the staff (teaching and other) of any school at which the pupils who attend the further education centre also attend,
  - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
  - (g) the community council (if any),
  - [<sup>F10</sup>(h) the community planning partnership (within the meaning of section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area of the local authority in which the further education centre is situated,]
  - (i) the staff (teaching and other) at the centre,
  - (j) the students attending the centre,
  - (k) the employers of any such students,
  - (l) any other users of the centre that the education authority considers relevant.

#### Textual Amendments

**F10** Sch. 2 para. 10(h) substituted (20.12.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [sch. 4 para. 10\(b\)](#); [S.S.I. 2016/410](#), [art. 2\(a\)](#)

#### Commencement Information

**I22** Sch. 2 para. 10 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

### *Gaelic consultee*

- 11 In relation to any proposal mentioned above which affects the provision of Gaelic medium education, Bòrd na Gàidhlig is also a consultee.

#### **Commencement Information**

**I23** Sch. 2 para. 11 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

### *Denominational consultee*

- 12 In relation to any proposal mentioned above which affects a denominational school, also a consultee is the person duly authorised for the purpose by the church or denominational body in whose interest the affected school is conducted.

#### **Commencement Information**

**I24** Sch. 2 para. 12 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

### *Meaning of expressions used in this schedule*

- 13 In this schedule—  
“community council” is one established by a local authority under Part IV of the Local Government (Scotland) Act 1973 (c. 65),  
“Parent Council” and “Combined Parent Council” means one established in accordance with sections 6 and 16 respectively of the Scottish Schools (Parental Involvement) Act 2006 (asp 8).

#### **Commencement Information**

**I25** Sch. 2 para. 13 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

## **[<sup>F11</sup>SCHEDULE 2A**

*(introduced by section 17A)*

### **SCHOOL CLOSURE REVIEW PANELS**

#### **Textual Amendments**

**F11** Sch. 2A inserted (1.8.2014 so far as necessary to enable Scottish Ministers to make regulations under paras. 1(9) and 2(5), 9.1.2015 in so far as not already in force) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 81\(5\), 102\(3\)](#); [S.S.I. 2014/165](#), [art. 2](#), [Sch.](#); [S.S.I. 2014/353](#), [art. 2\(1\)\(a\)](#)

### *Convener of the School Closure Review Panels*

- 1 (1) There is established the office of the Convener of the School Closure Review Panels.  
(2) The Scottish Ministers must appoint a person to hold that office.

---

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

---

- (3) A person so appointed—
  - (a) is not to be regarded as a servant or agent of the Crown and does not have any status, immunity or privilege of the Crown,
  - (b) subject to any provision made in regulations under sub-paragraph (9), holds and vacates office on such terms and conditions as the Scottish Ministers may determine.
- (4) The Convener—
  - (a) may delegate a function conferred on the Convener by this Act,
  - (b) must delegate such a function if required to do so by directions issued under paragraph 4.
- (5) Nothing in sub-paragraph (4)(a) prevents the Convener from carrying out any function delegated under that sub-paragraph.
- (6) Sub-paragraph (7) applies during any period when—
  - (a) the office of the Convener is vacant, or
  - (b) the person holding that office is unable to perform the functions conferred on the office because the person is incapacitated.
- (7) The Scottish Ministers may appoint a person to act as Convener during that period.
- (8) A person appointed to act as Convener under sub-paragraph (7)—
  - (a) is to be appointed on such terms and conditions as the Scottish Ministers may determine,
  - (b) while acting as such, is to be treated for all purposes, except those of any regulations made under sub-paragraph (9), as the Convener.
- (9) The Scottish Ministers may by regulations make provision for or about—
  - (a) eligibility for, and disqualification from, appointment under sub-paragraph (2),
  - (b) tenure and removal from office of a person appointed under sub-paragraph (2),
  - (c) payment of—
    - (i) salary, fees, expenses and allowances to such a person,
    - (ii) pensions, allowances or gratuities (including by way of compensation for loss of office) to, or in respect of, such a person,
  - (d) such other matters in relation to the appointment of the Convener as the Scottish Ministers consider appropriate.

#### *Panel members*

- 2 (1) The Convener is to appoint such number of persons as the Convener considers appropriate to be eligible to serve as members of a School Closure Review Panel.
- (2) Each Panel is to consist of 3 of the persons appointed under sub-paragraph (1).
- (3) It is for the Convener to select—
  - (a) the members of the Panel,
  - (b) one of those members to chair the Panel.

---

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

---

- (4) The Convener is to make appropriate arrangements for the training of persons appointed under sub-paragraph (1).
- (5) The Scottish Ministers may by regulations make provision for or about—
- (a) eligibility for, and disqualification from, appointment under sub-paragraph (1),
  - (b) tenure and removal from office of persons so appointed,
  - (c) the process for the selection of Panel members under sub-paragraph (3),
  - (d) payment of expenses, fees and allowances to persons selected under that sub-paragraph,
  - (e) such other matters as the Scottish Ministers consider appropriate in relation to—
    - (i) the appointment of persons under sub-paragraph (1),
    - (ii) the selection of Panel members under sub-paragraph (3).

#### *Property, staff and services*

- 3 (1) The Scottish Ministers may—
- (a) provide, or ensure the provision of, such property, staff and services to the Convener as they consider necessary or expedient in connection with the exercise of the Convener's functions,
  - (b) pay grants to the Convener for the purposes of enabling the Convener to employ staff and obtain services in connection with the exercise of the Convener's functions.
- (2) The Convener is to provide a School Closure Review Panel with such staff and services as the Convener considers necessary or expedient in connection with the exercise of the Panel's functions.

#### *Directions*

- 4 (1) The Scottish Ministers may issue directions to the Convener as to the exercise of the Convener's functions (and the Convener must comply with them).
- (2) Directions under sub-paragraph (1) may vary or revoke earlier such directions.
- (3) The Scottish Ministers must publish any directions issued under sub-paragraph (1) in such manner as they consider appropriate.

#### *Reports*

- 5 (1) As soon as practicable after the end of each calendar year, the Convener must prepare a report on—
- (a) the exercise of the Convener's functions during that year, and
  - (b) the exercise of the functions of any School Closure Review Panel which has carried out a review under section 17B during that year.
- (2) A report prepared under sub-paragraph (1) must be—
- (a) submitted to the Scottish Ministers, and
  - (b) published in such manner as the Convener considers appropriate.]

---

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

---

### SCHEDULE 3

(introduced by section 18)

#### ANCILLARY PROVISION

##### *Modification of enactments*

- 1 (1) In section 22 (discontinuance and moves of educational establishments) of the 1980 Act—
- (a) in subsection (4), for the words “sections 22A, 22B, 22C and 22D of this Act” in the first place where they occur substitute “ sections 22C and 22D of this Act and the Schools (Consultation) (Scotland) Act 2010 (asp 2) ”,
  - (b) in proviso (ii) to that subsection, for the words “sections 22A, 22B, 22C and 22D of this Act” substitute “ sections 22C and 22D of this Act and the Schools (Consultation) (Scotland) Act 2010 (asp 2) ”.
- (2) Sections 22A and 22B of the 1980 Act are repealed.

---

#### **Commencement Information**

**I26** Sch. 3 para. 1 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 2 In the Local Government etc. (Scotland) Act 1994 (c. 39), section 143 is repealed.

---

#### **Commencement Information**

**I27** Sch. 3 para. 2 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

##### *Transitional, transitory and saving provision*

- 3 (1) Sub-paragraphs (2) to (5) apply to any relevant proposal if—
- (a) a consultation on the proposal has been initiated (and is in progress), or has been carried out, by an education authority—
    - (i) under the 1981 Regulations and section 22A of the 1980 Act, and
    - (ii) before commencement of this paragraph, and
  - (b) no final decision to implement the proposal has been made before commencement of this paragraph.
- (2) The education authority may not proceed with the proposal unless the consultation consists of (or includes) the matters provided for in sections 1 to 10 so far as relevant in relation to the proposal.
- (3) Section 11 applies in relation to the proposal.
- (4) In the case of a closure proposal as respects a rural school—
- (a) where applicable—
    - (i) if the proposal paper has not yet been published, the paper must (whenever published) additionally explain the extent to which the education authority has, up to that stage, taken account of the matters provided for in section 12(2) to (5),
    - (ii) if the consultation report has not yet been published, the report must (whenever published) additionally explain the extent to which the

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

- education authority has, at any (or any other) stage, taken account of the matters provided for in section 12(2) to (5),
- (b) at any time when the education authority is deciding whether to implement the proposal, section 12(2) to (5) applies in relation to the proposal.
- (5) In the case of any closure proposal, if at any time the education authority decides to implement the proposal, sections 15 to 17 apply in relation to the proposal.

**Commencement Information**

**I28** Sch. 3 para. 3 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 4 (1) Sub-paragraph (2) applies to a relevant proposal if—
- (a) a consultation on the proposal has been carried out by an education authority—
- (i) under the 1981 Regulations and section 22A of the 1980 Act, and
- (ii) before the commencement of this paragraph, and
- (b) the final decision to implement the proposal has been made before commencement of this paragraph.
- (2) The education authority may proceed further with the proposal except in the circumstances mentioned in sub-paragraph (3) or (4).
- (3) The circumstances are where the authority modifies the proposal in a material way.
- (4) The circumstances are where—
- (a) in accordance with section 22B of the 1980 Act, the proposal requires the consent of the Scottish Ministers, and
- (b) that consent—
- (i) has not yet been given, or
- (ii) is, or has been, refused.

**Commencement Information**

**I29** Sch. 3 para. 4 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 5 Despite paragraph 1(2)—
- (a) to the extent required for the purposes of paragraph 3, the 1981 Regulations and section 22A of the 1980 Act continue to operate as they did immediately before the commencement of this paragraph, and
- (b) to the extent required for the purposes of paragraph 4, the 1981 Regulations and section 22A of the 1980 Act, and section 22B of that Act, continue to operate as they did immediately before the commencement of this paragraph.

**Commencement Information**

**I30** Sch. 3 para. 5 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 6 (1) In paragraph 3(2), the reference to proceeding with the proposal is to—
- (a) deciding to implement it (wholly or partly), or
- (b) implementing it (wholly or partly).

---

*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010. (See end of Document for details)*

---

- (2) In paragraph 4(2), the reference to proceeding further with the proposal is to implementing it (wholly or partly).
- (3) In this schedule, “the 1981 Regulations” are the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981 (S.I. 1981/1558).

---

**Commencement Information**

**I31** Sch. 3 para. 6 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)



**Changes to legislation:**

There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010.