



Schools (Consultation) (Scotland) Act 2010

2010 asp 2

Process for all schools

5 Correction of the paper

- (1) This subsection applies where, during the consultation period, an education authority—
- (a) has been notified of—
 - (i) an alleged omission of relevant information from a proposal paper,
 - (ii) an alleged inaccuracy in a proposal paper,
 - (b) discovers—
 - (i) that relevant information has been omitted from a proposal paper,
 - (ii) an inaccuracy in a proposal paper.
- (2) In a situation mentioned in subsection (1)(a), the education authority must—
- (a) determine, as the case may be, if—
 - (i) relevant information has (in its opinion) been omitted,
 - (ii) there is (in fact) an inaccuracy, ^{F1}...
 - ^{F2}(aa) inform the notifier of its determination under paragraph (a), and the reasons for that determination,]
 - (b) inform the notifier as to the action (if any) it is taking under ^{F3}subsection (4) and of the reasons why it is, or is not, taking such action]]^{F4}and
 - (c) invite the notifier to make representations to the authority if the notifier disagrees with the authority's determination under paragraph (a) or its decision as to whether to take action under subsection (4).]
- ^{F5}(2A) Where the notifier makes representations to the authority in pursuance of subsection (2)(c), the authority may—
- (a) make a fresh determination under subsection (2)(a),
 - (b) make a fresh decision as to whether to take action under subsection (4).
- (2B) The authority must inform the notifier if it takes a step mentioned in subsection (2A) (a) or (b).]

Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, Section 5. (See end of Document for details)

[^{F6}(3) Subsection (4) applies—

- (a) where, in a situation mentioned in subsection (1)(a), the education authority determines that—
 - (i) relevant information has (in its opinion) been omitted from the proposal paper, or
 - (ii) there is (in fact) an inaccuracy in the proposal paper,
- (b) in a situation mentioned in subsection (1)(b).

(4) Where—

- (a) the information that has been omitted or, as the case may be, the inaccuracy relates to a material consideration relevant to the education authority's decision as to implementation of the proposal, it must take action as mentioned in subsection (5)(a) or (b),
- (b) that information or inaccuracy does not relate to such a material consideration, the authority may—
 - (i) take action as mentioned in subsection (5)(a) or (b), or
 - (ii) take no further action (except by virtue of section 10(3)).

(5) The action referred to in subsection (4)(a) and (b)(i) is—

- (a) to take the following steps—
 - (i) publish a corrected proposal paper,
 - (ii) give revised notice in accordance with section 6, and
 - (iii) send a copy of the corrected paper to HMIE,
- (b) to issue a notice to the relevant consultees and HMIE—
 - (i) providing the omitted information or, as the case may be, correcting the inaccuracy, and
 - (ii) if the authority considers it appropriate, extending the consultation period by such period as is reasonable by reference to the significance of the information provided or, as the case may be, the nature of the correction.

(6) Where the education authority issues a notice mentioned in subsection (5)(b) after the end of the consultation period—

- (a) the notice may, instead of extending the consultation period, specify such further period during which representations may be made on the proposal as is reasonable by reference to the significance of the information provided or, as the case may be, the nature of the correction, and
- (b) any such further period is to be treated as part of the consultation period for the purposes of sections 8, 9 and 10.]

Textual Amendments

- F1** Word in s. 5(2) repealed (1.8.2014) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 79(2)(a)**, 102(3); S.S.I. 2014/165, art. 2, Sch.
- F2** S. 5(2)(aa) inserted (1.8.2014) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 79(2)(b)**, 102(3); S.S.I. 2014/165, art. 2, Sch.
- F3** Words in s. 5(2)(b) substituted (1.8.2014) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 79(2)(c)**, 102(3); S.S.I. 2014/165, art. 2, Sch.
- F4** S. 5(2)(c) and word inserted (1.8.2014) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 79(2)(d)**, 102(3); S.S.I. 2014/165, art. 2, Sch.

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- F5** S. 5(2A)(2B) inserted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 79(3), 102(3)**; S.S.I. 2014/165, art. 2, Sch.
- F6** S. 5(3)-(6) substituted for s. 5(3) (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 79(4), 102(3)**; S.S.I. 2014/165, art. 2, Sch.

Commencement Information

- I1** S. 5 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, Section 5.