



# Schools (Consultation) (Scotland) Act 2010

2010 asp 2

## *General*

### **18 Ancillary provision**

Schedule 3—

- (a) modifies enactments,
- (b) makes transitional, transitory and saving provision.

#### **Commencement Information**

**II** S. 18 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

### **19 Guidance**

[<sup>F1</sup>(1) In exercising its functions under this Act, an education authority must have regard to any guidance issued by the Scottish Ministers for the purposes of or in connection with this Act.]

[<sup>F2</sup>(2) The Convener, and a School Closure Review Panel, must have regard to any such guidance in exercising their functions under this Act.]

#### **Textual Amendments**

**F1** S. 19(1) : s. 19 renumbered as s. 19(1) (9.1.2015) by [Children and Young People \(Scotland\) Act 2014](#) (asp 8) , [ss. 81\(7\)\(a\)](#) , [102\(3\)](#) ; [S.S.I. 2014/353](#) , [art. 2\(1\)\(b\)](#)

**F2** S. 19(2) inserted (9.1.2015) by [Children and Young People \(Scotland\) Act 2014](#) (asp 8) , [ss. 81\(7\)\(b\)](#) , [102\(3\)](#) ; [S.S.I. 2014/353](#) , [art. 2\(1\)\(b\)](#)

### **20 Regulations**

(1) The Scottish Ministers may by regulations make such—

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- (a) supplemental provision, or
  - (b) incidental, consequential, transitional, transitory or saving provision,
- as they consider necessary or expedient for the purposes of or in connection with this Act.
- (2) The Scottish Ministers may by regulations modify schedule 1 or 2 by—
    - (a) adding an entry to, or removing an entry from, it, or
    - (b) altering the terms of any entry in it.
  - (3) Regulations under subsection (1)(a) may (in particular) elaborate on any aspect of the process provided for in sections 1 to [F317D].
  - (4) Regulations under subsection (1) may (in particular) include provision as to the functions of education authorities or the Scottish Ministers.
  - (5) The power to make regulations under subsection (1) or (2) includes power to make different provision for different purposes.
  - (6) The power to make regulations under subsection (1) or (2) is exercisable by statutory instrument, but—
    - (a) a statutory instrument containing regulations under subsection (2) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament,
    - (b) a statutory instrument containing regulations under subsection (1) which adds to, replaces or omits the text of an Act (including this Act) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament,
    - (c) a statutory instrument containing any other regulations under subsection (1) is subject to annulment in pursuance of a resolution of the Parliament.
  - [F4(7) Regulations under section 17B(5) and paragraphs 1(9) and 2(5) of schedule 2A—
    - (a) may make different provision for different purposes,
    - (b) may make supplemental, incidental, consequential, transitional, transitory or saving provision,
    - (c) are subject to the negative procedure.]

#### Textual Amendments

- F3** Word in s. 20(3) substituted (30.3.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 81\(8\)\(a\)](#), 102(3); S.S.I. 2015/104, art. 2
- F4** S. 20(7) inserted (1.8.2014 for specified purposes, otherwise 30.3.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 81\(8\)\(b\)](#), 102(3); S.S.I. 2014/165, art. 2, Sch. (with art. 6); S.S.I. 2015/104, art. 2

## 21 Definitions

- (1) In this Act—
- “education authority” has the meaning given in section 135(1) of the 1980 Act,
  - “school”—
    - (a) means any school under the management of an education authority (that is, a public school as defined in section 135(1) of the 1980 Act),

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(b) in relation to a proposal specified in paragraph 10 of schedule 1, includes the (authority-managed) further education centre concerned,  
“the 1980 Act” means the Education (Scotland) Act 1980 (c. 44).

<sup>F5F6</sup>(2) In this Act—

“affected school” is to be construed in accordance with paragraph 11 of schedule 1,  
“call-in notice” (as respects a closure proposal) is defined in section 17(4),  
“consultation period” is defined in section 6(4) and “consultation report” is to be construed by reference to section 1(4),  
[<sup>F5</sup>“the Convener” is defined in section 17A(6),]  
“educational benefits statement”, “proposal paper” and “public meeting” are to be construed by reference to section 1(3),  
“HMIE’s report” and “HMIE” are defined in section 8(6) and (7),  
“relevant proposal”, “closure proposal” and “relevant consultees” are defined in section 2,  
“rural school” is defined in section 14(1).  
[<sup>F6</sup>“School Closure Review Panel” is defined in section 17A(6).]

(3) Unless the context otherwise requires, any undefined expression used in this Act (but defined in section 135(1) of the 1980 Act) is to be construed in accordance with section 135(1) of the 1980 Act.

#### Textual Amendments

- F5** Words in s. 21(2) inserted (6.10.2014 for specified purposes, 9.1.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), ss. 81(9)(a), 102(3); S.S.I. 2014/251, art. 2(b); S.S.I. 2014/365, art. 2(b)
- F6** Words in s. 21(2) inserted (6.10.2014 for specified purposes, 9.1.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), ss. 81(9)(b), 102(3); S.S.I. 2014/251, art. 2(b); S.S.I. 2014/365, art. 2(b)

## 22 Commencement and short title

- (1) This section and sections 19 to 21 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on the day that the Scottish Ministers by order made by statutory instrument appoint.
- (3) An order under subsection (2) may appoint different days for different provisions.
- (4) An order under subsection (2) may—
  - (a) include such transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient in connection with the commencement of this Act,
  - (b) make different provision for different purposes.
- (5) The short title of this Act is the Schools (Consultation) (Scotland) Act 2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, Cross Heading: General.