
Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, SCHEDULE 1. (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.

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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 [^{F1}(apart from a nursery school)] , or
 - (b) a new stage of education in a school [^{F2}(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 [^{F3}—
- (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](#)

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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.

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- (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 [^{F4}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,

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“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.
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Commencement Information

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

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