



# Schools (Consultation) (Scotland) Act 2010

2010 asp 2

*Call-in by the Scottish Ministers*

## 15 Call-in of closure proposals

(1) Subsections (2) to (6) apply where, in relation to any school, an education authority has decided to implement a closure proposal.

(2) The education authority must—

(a) notify the Scottish Ministers of that decision within the period of 6 working days starting with the day on which the decision is made,

(b) along with that notification, give them a copy of—

(i) the proposal paper,

(ii) the consultation report.

[<sup>F1</sup>(iii) where the decision relates to a rural school, the notice published under section 11A(3).]

[<sup>F2</sup>(2A) At the same time as it notifies the Scottish Ministers of the decision under subsection (2)(a), the education authority must publish on its website notice of—

(a) the fact that the Scottish Ministers have been so notified, and

(b) the opportunity for making representations to the Scottish Ministers in connection with subsection (4), including the date on which the 3 week period referred to in that subsection ends.]

(3) Before the expiry of [<sup>F3</sup>8] weeks starting with the day on which that decision is made, the Scottish Ministers may issue a call-in notice to the education authority.

(4) In considering whether to issue a call-in notice, the Scottish Ministers are to take account of any relevant representations made to them (by any person) within the first 3 weeks of that [<sup>F4</sup>8] week period.

<sup>F5</sup>(5) .....

(6) The education authority may not proceed further with the proposal before the expiry of the [<sup>F6</sup>8] week period within which a call-in notice may be issued as respects the proposal.

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*Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, Section 15. (See end of Document for details)*

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- (7) But the restriction in subsection (6) ceases to apply if (before the end of that period) the Scottish Ministers inform the education authority that they do not intend to issue a call-in notice as respects the proposal.
- (8) In subsection (6), the reference to proceeding further with the proposal is to implementing it (wholly or partly).

#### Textual Amendments

- F1** S. 15(2)(b)(iii) inserted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), ss. **81(1)(a)**, 102(3); S.S.I. 2014/165, art. 2, Sch.
- F2** S. 15(2A) inserted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), ss. **81(1)(b)**, 102(3); S.S.I. 2014/165, art. 2, Sch.
- F3** Word in s. 15(3) substituted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), ss. **81(1)(c)**, 102(3); S.S.I. 2014/165, art. 2, Sch.
- F4** Word in s. 15(4) substituted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), ss. **81(1)(c)**, 102(3); S.S.I. 2014/165, art. 2, Sch.
- F5** S. 15(5) repealed (30.3.2015) by Children and Young People (Scotland) Act 2014 (asp 8), ss. **81(1)(d)**, 102(3); S.S.I. 2015/104, art. 2 (with art. 3)
- F6** Word in s. 15(6) substituted (1.8.2014) by Children and Young People (Scotland) Act 2014 (asp 8), ss. **81(1)(c)**, 102(3); S.S.I. 2014/165, art. 2, Sch.

#### Commencement Information

- I1** S. 15 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 15.