



Schools (Consultation) (Scotland) Act 2010

2010 asp 2

Call-in by the Scottish Ministers

[^{F1}17C Decision following review

- (1) Following a review of a closure proposal under section 17B(1), the School Closure Review Panel may—
 - (a) refuse to consent to the proposal,
 - (b) refuse to consent to the proposal and remit it to the education authority for a fresh decision as to implementation,
 - (c) grant consent to the proposal—
 - (i) subject to conditions, or
 - (ii) unconditionally.
- (2) The Panel must give reasons for its decision.
- (3) Where the Panel remits the proposal to the education authority under subsection (1)(b), the Panel may specify any steps in the process provided for in sections 1 to 11 and (in relation to a closure proposal as respects a rural school) 12A that the authority must take again in relation to the proposal before making a fresh decision.
- (4) The Panel may refuse to consent to the proposal under subsection (1)(a) or (b) only if the Panel finds either or both of the following—
 - (a) that the education authority has failed in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the proposal,
 - (b) that the authority has failed to take proper account of a material consideration relevant to its decision to implement the proposal.
- (5) The Panel must notify the education authority of its decision within the period of 8 weeks beginning with the day on which the Panel is constituted unless (before the end of that period) the Panel issues a notice to the education authority—
 - (a) stating that the Panel does not intend to notify the decision within that period,
 - (b) specifying the reason why that is so, and

Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, Section 17C. (See end of Document for details)

- (c) indicating the likely date for notifying the decision.
- (6) Where the Panel issues a notice under subsection (5), it must notify the education authority of its decision within the period of 16 weeks beginning with the day on which the Panel is constituted.
- (7) After the Panel notifies the education authority of its decision, the Panel must—
 - (a) notify the Scottish Ministers of the decision, and
 - (b) publish notice of the decision in such manner as it considers appropriate.
- (8) Where the Panel grants consent to the proposal subject to conditions, the education authority must comply with the conditions.]

Textual Amendments

- F1** Ss. 17A-17D inserted (1.8.2014 for the purposes of commencing s. 17B(3) and so far as necessary to enable Scottish Ministers to make regulations under s. 17B(5); 6.10.2014 for the purpose of bringing into force s. 17A(6) for specified purposes; 9.1.2015 for the purpose of bringing into force s. 17A(6) in so far as not already in force, and 30.3.2015 in so far as not already in force) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 81(4)**, 102(3); S.S.I. 2014/165, **art. 2**, **Sch.** (with **art. 6**); S.S.I. 2014/251, **art. 2(a)**; S.S.I. 2014/365, **art. 2(a)**; S.S.I. 2015/104, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, Section 17C.