

# CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 15 - School Closure Proposals, etc**

##### ***Section 79 – Correction of proposal paper***

209. **Section 79(2)** amends section 5(2) of the 2010 Act (correction of paper) by inserting new paragraph (aa) which requires an education authority to inform a person who notifies it of an alleged omission of relevant information or an alleged inaccuracy in a proposal paper, of its determination under paragraph (a) of section 5(2) (whether the authority considers that relevant information has been omitted or there has in fact been an inaccuracy) and the reasons for that determination. It amends section 5(2)(b) to require the authority to inform the notifier as to the action (if any), it is taking under new subsection (4) and of the reasons why it is, or is not, taking such action. It also inserts a new paragraph (c) into section 5(2) to require the authority to 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).
210. **Section 79(3)** inserts new subsections (2A) and (2B) into section 5 to provide that where the notifier makes any such representations, the authority may make a fresh determination or a fresh decision as to whether to take action under new subsection (4), and to require the authority to inform the notifier if it takes either of those steps.
211. **Section 79(4)** substitutes new subsections (3) to (6) of section 5 which provide that where an authority has been notified of an alleged omission or inaccuracy, and the authority determines that there has in its opinion been an omission or that there has in fact been an inaccuracy, where that omission or inaccuracy relates to a material consideration relevant to the education authority's decision as to implementation of the proposal, it **must** take the action mentioned in subsection (5)(a) or (b). Where the omission or inaccuracy does not relate to such a material consideration, the authority **may** take the action mentioned in subsection (5)(a) or (b) or take no further action (except by virtue of section 10(3) of the 2010 Act which requires an authority to include information in the consultation report as to any omissions, alleged omissions or inaccuracies or alleged inaccuracies in the proposal paper).
212. The actions mentioned in subsections (5)(a) and (b) are, in (a) for the authority to publish a corrected proposal paper to give revised notice in accordance with section 6, and to send a copy of the corrected paper to HMIE, or alternatively in (b) for the authority to issue a notice to the relevant consultees and HMIE, to provide the omitted information or, as the case may be, correct the inaccuracy, and if the authority considers it appropriate, to extend 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.

*These notes relate to the Children and Young People (Scotland)  
Act 2014 (asp 8) which received Royal Assent on 27 March 2014*

213. New subsection (6) provides that where an authority issues a notice mentioned in subsection (5)(b) after the end of the consultation period, the notice may 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 any such further period is to be treated as part of the consultation period for the purposes of sections 8, 9 and 10.
214. [Section 79\(5\)](#) makes minor modifications to section 10 of the 2010 Act (content of the report) to require the authority to include details of any alleged omission or inaccuracy in its consultation report, a statement of action taken in respect of an alleged omission or inaccuracy, or, if no action has been taken, a statement of this fact and why. It also inserts a new paragraph (c) into section 10(3) to provide that the authority must also include information in relation to any representations made to the authority in pursuance of section 5(2)(c) (representations by the notifier of an alleged omission or inaccuracy if they disagree with the authority's determination in relation to the alleged inaccuracy or omission) in the report.