Children and Young People (Scotland) Act 2014

2014 asp 8

PART 15

SCHOOL CLOSURE PROPOSALS, ETC.

79 Correction of proposal paper

(1) Section 5 of the 2010 Act (correction of the proposal paper) is amended in accordance with subsections (2) to (4).

(2) In subsection (2)—

(a) the word "and" immediately following paragraph (a) is repealed,

(b) after that paragraph insert—

"(aa) inform the notifier of its determination under paragraph (a), and the reasons for that determination,",

(c) in paragraph (b), for "subsection (3)" substitute " subsection (4) and of the reasons why it is, or is not, taking such action ",

(d) after paragraph (b) insert ", and

(c) 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).".

(3) After that subsection insert—

"(2A) Where the notifier makes representations to the authority in pursuance of subsection (2)(c), the authority may—

(a) make a fresh determination under subsection (2)(a),

(b) make a fresh decision as to whether to take action under subsection (4).

(2B) The authority must inform the notifier if it takes a step mentioned in subsection (2A)(a) or (b).".

(4) For subsection (3) substitute—

Changes to legislation: *Children and Young People (Scotland) Act 2014, Section 79 is up to date with all changes known to be in force on or before 20 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"(3) Subsection (4) applies—

(a) where, in a situation mentioned in subsection (1)(a), the education authority determines that—

(i) relevant information has (in its opinion) been omitted from the proposal paper, or

(ii) there is (in fact) an inaccuracy in the proposal paper,

(b) in a situation mentioned in subsection (1)(b).

(4) Where—

(a) the information that has been omitted or, as the case may be, the inaccuracy relates to a material consideration relevant to the education authority's decision as to implementation of the proposal, it must take action as mentioned in subsection (5)(a) or (b),

(b) that information or inaccuracy does not relate to such a material consideration, the authority may—

(i) take action as mentioned in subsection (5)(a) or (b), or

(ii) take no further action (except by virtue of section 10(3)).

(5) The action referred to in subsection (4)(a) and (b)(i) is—

(a) to take the following steps—

(i) publish a corrected proposal paper,

(ii) give revised notice in accordance with section 6, and

(iii) send a copy of the corrected paper to HMIE,

(b) to issue a notice to the relevant consultees and HMIE—

(i) providing the omitted information or, as the case may be, correcting the inaccuracy, and

(ii) if the authority considers it appropriate, extending 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.

(6) Where the education authority issues a notice mentioned in subsection (5)(b) after the end of the consultation period—

(a) the notice may, instead of extending the consultation period, 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

(b) any such further period is to be treated as part of the consultation period for the purposes of sections 8, 9 and 10.".

(5) In section 10 of the 2010 Act (content of the consultation report), in subsection (3)—

(a) in the opening text, after "applies," insert " including any alleged omission or inaccuracy notified to the education authority, ",

(b) in paragraph (a), after "inaccuracy" insert " , or (as the case may be) the alleged omission or inaccuracy, ",

(c) in paragraph (b), after "inaccuracy" insert " , or (as the case may be) the alleged omission or inaccuracy, ",

(d) after that paragraph insert—

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"(c) any representations made to the authority in pursuance of section 5(2)(c).".

Commencement Information

I1 S. 79 in force at 1.8.2014 by S.S.I. 2014/165, art. 2, **Sch.**

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Changes and effects yet to be applied to :

– specified provision(s) revocation of earlier commencing provision S.S.I. 2016/60, art. 2(a)(i)(ii) by S.S.I. 2016/233 art. 2

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– Pt. 16A inserted by 2024 asp 5 s. 25(2)