

**Changes to legislation:** There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, Cross Heading: Transitional, transitory and saving provision. (See end of Document for details)

### SCHEDULE 3 ANCILLARY PROVISION

#### *Transitional, transitory and saving provision*

- 3 (1) Sub-paragraphs (2) to (5) apply to any relevant proposal if—
- (a) a consultation on the proposal has been initiated (and is in progress), or has been carried out, by an education authority—
    - (i) under the 1981 Regulations and section 22A of the 1980 Act, and
    - (ii) before commencement of this paragraph, and
  - (b) no final decision to implement the proposal has been made before commencement of this paragraph.
- (2) The education authority may not proceed with the proposal unless the consultation consists of (or includes) the matters provided for in sections 1 to 10 so far as relevant in relation to the proposal.
- (3) Section 11 applies in relation to the proposal.
- (4) In the case of a closure proposal as respects a rural school—
- (a) where applicable—
    - (i) if the proposal paper has not yet been published, the paper must (whenever published) additionally explain the extent to which the education authority has, up to that stage, taken account of the matters provided for in section 12(2) to (5),
    - (ii) if the consultation report has not yet been published, the report must (whenever published) additionally explain the extent to which the education authority has, at any (or any other) stage, taken account of the matters provided for in section 12(2) to (5),
  - (b) at any time when the education authority is deciding whether to implement the proposal, section 12(2) to (5) applies in relation to the proposal.
- (5) In the case of any closure proposal, if at any time the education authority decides to implement the proposal, sections 15 to 17 apply in relation to the proposal.

#### **Commencement Information**

**II** Sch. 3 para. 3 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 4 (1) Sub-paragraph (2) applies to a relevant proposal if—
- (a) a consultation on the proposal has been carried out by an education authority—
    - (i) under the 1981 Regulations and section 22A of the 1980 Act, and
    - (ii) before the commencement of this paragraph, and
  - (b) the final decision to implement the proposal has been made before commencement of this paragraph.
- (2) The education authority may proceed further with the proposal except in the circumstances mentioned in sub-paragraph (3) or (4).
- (3) The circumstances are where the authority modifies the proposal in a material way.
- (4) The circumstances are where—

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- (a) in accordance with section 22B of the 1980 Act, the proposal requires the consent of the Scottish Ministers, and
- (b) that consent—
  - (i) has not yet been given, or
  - (ii) is, or has been, refused.

#### Commencement Information

**I2** Sch. 3 para. 4 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 5 Despite paragraph 1(2)—
- (a) to the extent required for the purposes of paragraph 3, the 1981 Regulations and section 22A of the 1980 Act continue to operate as they did immediately before the commencement of this paragraph, and
  - (b) to the extent required for the purposes of paragraph 4, the 1981 Regulations and section 22A of the 1980 Act, and section 22B of that Act, continue to operate as they did immediately before the commencement of this paragraph.

#### Commencement Information

**I3** Sch. 3 para. 5 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 6 (1) In paragraph 3(2), the reference to proceeding with the proposal is to—
- (a) deciding to implement it (wholly or partly), or
  - (b) implementing it (wholly or partly).
- (2) In paragraph 4(2), the reference to proceeding further with the proposal is to implementing it (wholly or partly).
- (3) In this schedule, “the 1981 Regulations” are the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981 (S.I. 1981/1558).

#### Commencement Information

**I4** Sch. 3 para. 6 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

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