

# **SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **SUMMARY AND BACKGROUND**

3. The [Schools \(Consultation\) \(Scotland\) Act 2010 \(asp 2\)](#) repeals section 22A of the Education (Scotland) Act 1980 (“the 1980 Act”) under which local authorities, who are responsible for school provision in their areas, were previously required to consult on a prescribed list of proposed changes to schools. The [Education \(Publication and Consultation Etc.\) \(Scotland\) Regulations 1981 \(S.I. No. 1558\)](#), as amended, (“the 1981 Regulations”), which are revoked as a result of the repeal of sections 22A and 22B of the 1980 Act, prescribed who should be consulted by local authorities, aspects of the consultation procedures, and how these were publicised and made available to consultees. They also prescribed certain categories of proposal that could not be implemented without the consent of the Scottish Ministers.
4. The Act’s provisions cover three main areas: the consultation procedures for school closures, and other proposals affecting schools, which local authorities must follow; a new local authority duty to take into account certain prescribed factors before deciding to consult on a proposal to close a rural school; and replacement of the system of referring certain local authority decisions to the Scottish Ministers for consent with a power to call in decisions, but only in decisions relating to closures.
5. The Act substantially implements the proposals set out in the Scottish Government’s consultation paper, *Safeguarding our rural schools and improving school consultation procedures – proposals for changes to legislation*,<sup>1</sup> which was published on 1 May 2008 and formed part of a wider and extensive consultation process.

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2008/04/25131457/0>