
Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1

(introduced by section 2)

RELEVANT PROPOSALS

Closure

- 1 (1) A proposal to permanently—
- (a) discontinue a school, or
 - (b) discontinue—
 - (i) all the nursery classes in a school, or
 - (ii) a stage of education in a school (apart from a nursery class).
- (2) A proposal to permanently—
- (a) discontinue the provision of Gaelic medium education in all the nursery classes in a school that also provides a nursery class through English medium education, or
 - (b) discontinue the provision of Gaelic medium education in a stage of education (apart from a nursery class) in a school that also provides the stage of education through English medium education.
- (3) A proposal to permanently—
- (a) discontinue the provision of English medium education in all the nursery classes in a school that also provides a nursery class through Gaelic medium education, or
 - (b) discontinue the provision of English medium education in a stage of education (apart from a nursery class) in a school that also provides the stage of education through Gaelic medium education.
- (4) For the purpose of this paragraph a proposal to make arrangements of the sort mentioned in sub-paragraph (5) (however described) is to be regarded as a proposal to discontinue (as the case may be)—
- (a) the school,
 - (b) all the nursery classes in the school,
 - (c) a stage of education in the school (apart from a nursery class), or
 - (d) the provision of Gaelic or English medium education in all the nursery classes or a stage of education (apart from a nursery class) in the school.
- (5) The arrangements are such arrangements in respect of the school or a stage of education in the school as would (if they were implemented) result, or be likely to result, in the permanent discontinuation of (as the case may be)—
- (a) the school,
 - (b) all the nursery classes in the school,
 - (c) a stage of education in the school (apart from a nursery class), or
 - (d) the provision of Gaelic or English medium education in all the nursery classes or a stage of education (apart from a nursery class) in the school.
- (6) If a proposal—
- (a) by virtue of sub-paragraph (4) falls within this paragraph, and
 - (b) also falls within another paragraph of this schedule except paragraph 10,
- the proposal is to be regarded as falling within this paragraph only.

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Commencement Information

I1 Sch. 1 para. 1 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Establishment

- 2 A proposal to establish—
- (a) a new school [^{F1}(apart from a nursery school)] , or
 - (b) a new stage of education in a school [^{F2}(apart from a nursery class)] .

Textual Amendments

- F1** Words in [sch. 1 para. 2\(a\)](#) inserted (31.3.2017) by [The Schools \(Consultation\) \(Scotland\) Act 2010 \(Modification\) Regulations 2017 \(S.S.I. 2017/65\)](#), regs. 1, [2\(2\)\(a\)](#)
- F2** Words in [sch. 1 para. 2\(b\)](#) inserted (31.3.2017) by [The Schools \(Consultation\) \(Scotland\) Act 2010 \(Modification\) Regulations 2017 \(S.S.I. 2017/65\)](#), regs. 1, [2\(2\)\(b\)](#)

Commencement Information

I2 Sch. 1 para. 2 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Relocation

- 3 A proposal to relocate [^{F3}—
- (a) a school (apart from a nursery school); or
 - (b) part of a school (apart from a nursery class)]

Textual Amendments

- F3** Words in [sch. 1 para. 3](#) substituted (31.3.2017) by [The Schools \(Consultation\) \(Scotland\) Act 2010 \(Modification\) Regulations 2017 \(S.S.I. 2017/65\)](#), regs. 1, [2\(3\)](#)

Commencement Information

I3 Sch. 1 para. 3 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Admission arrangements

- 4 A proposal to vary any admission arrangements for a school including—
- (a) a proposal to establish, terminate or otherwise alter the catchment area of a school, and
 - (b) a proposal to make or modify guidelines in respect of the handling of placing requests.

Commencement Information

I4 Sch. 1 para. 4 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, SCHEDULE 1. (See end of Document for details)

Transfer from primary to secondary school

- 5 A proposal to vary the arrangements for the transfer of pupils from a primary school to a secondary school.

Commencement Information

I5 Sch. 1 para. 5 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Primary school commencement date

- 6 A proposal to change the school commencement date of a primary school.

Commencement Information

I6 Sch. 1 para. 6 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Special class outwith a special school

- 7 A proposal to vary arrangements for the constitution of a special class in a school other than a special school.

Commencement Information

I7 Sch. 1 para. 7 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Transport to denominational school

- 8 A proposal to discontinue arrangements for the provision of transport by the education authority for pupils attending a denominational school.

Commencement Information

I8 Sch. 1 para. 8 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Changing from denominational to non-denominational school

- 9 A proposal to change a denominational school into a non-denominational school.

Commencement Information

I9 Sch. 1 para. 9 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Discontinuance of a further education centre

- 10 (1) A proposal to discontinue a further education centre which is managed by the education authority.

Changes to legislation: *There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, SCHEDULE 1. (See end of Document for details)*

- (2) For the purpose of this paragraph, a “further education centre” is an institution for the provision of further education.
- (3) But it does not include a centre wholly or mainly for the provision of social, cultural and recreational activities (or any of such activities) or a centre for provision of courses of education in the evening only.

Commencement Information

I10 Sch. 1 para. 10 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

Meaning of expressions used in this schedule

- 11 (1) In this Act, a reference to any school that is affected by a proposal is to—
- (a) every school which the proposal directly concerns, and
 - (b) any other school which would be significantly affected in consequence of the proposal (if implemented).
- (2) So (for example) an affected school is—
- (a) a school which it is proposed be discontinued,
 - (b) a school to which the education authority proposes to transfer some or all of the pupils of a discontinued school,
 - (c) a school in respect of which it is proposed to alter the catchment area (including where that is the result of the discontinuance of another school),
 - (d) a school from which it is proposed to transfer pupils as a result of the establishment of a new school.
- (3) But a school is not an affected school solely because it would be likely to become the subject of placing requests as a consequence of the implementation of a proposal.

Commencement Information

I11 Sch. 1 para. 11 in force at 5.4.2010 by [S.S.I. 2010/70](#), [art. 2](#)

- 12 For the purposes of this schedule and schedule 2—
- “catchment area” has the meaning given in section 28A(3D) of the 1980 Act,
- “denominational school” is a school of a type referred to in section 21 of the 1980 Act,
- “English medium education” means teaching by means of the English language,
- “Gaelic medium education” means teaching [^{F4}and learning] by means of the Gaelic language (as spoken in Scotland),
- “nursery class”, “primary education”, “secondary education” and “further education” are to be construed in accordance with section 135(1) and (2) of the 1980 Act,
- “primary school” and “secondary school” are schools where primary and secondary education respectively are provided (whether or not exclusively),
- “school commencement date” has the meaning given in section 32(1) of the 1980 Act,

Changes to legislation: There are currently no known outstanding effects for the Schools (Consultation) (Scotland) Act 2010, SCHEDULE 1. (See end of Document for details)

“special school” has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) and “special class” is a class of the kind described there,

“stage of education” means—

- (a) a yearly stage of—
 - (i) primary education, or
 - (ii) secondary education,
- (b) a nursery class in a school, or
- (c) a special class in a school which is not itself a special school.

Textual Amendments

- F4** Words in sch. 1 para. 12 inserted (15.7.2016) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), **ss. 17(2), 33(2)**; [S.S.I. 2016/192, reg. 2, sch.](#)
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Commencement Information

- I12** Sch. 1 para. 12 in force at 5.4.2010 by [S.S.I. 2010/70](#), **art. 2**

Changes to legislation:

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