

### SCHEDULE 3

(introduced by section 18)

#### ANCILLARY PROVISION

##### *Modification of enactments*

- 1 (1) In section 22 (discontinuance and moves of educational establishments) of the 1980 Act—
- (a) in subsection (4), for the words “sections 22A, 22B, 22C and 22D of this Act” in the first place where they occur substitute “sections 22C and 22D of this Act and the Schools (Consultation) (Scotland) Act 2010 (asp 2)”,
  - (b) in proviso (ii) to that subsection, for the words “sections 22A, 22B, 22C and 22D of this Act” substitute “sections 22C and 22D of this Act and the Schools (Consultation) (Scotland) Act 2010 (asp 2)”.
- (2) Sections 22A and 22B of the 1980 Act are repealed.
- 2 In the Local Government etc. (Scotland) Act 1994 (c. 39), section 143 is repealed.

##### *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.
- 4 (1) Sub-paragraph (2) applies to a relevant proposal if—

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*Status: This is the original version (as it was originally enacted).*

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- (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—
- (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.
- 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.
- 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).