1987 No. 2076 (S.140)

EDUCATION, SCOTLAND

The Education (Publication and Consultation Etc.) (Scotland) Amendment Regulations 1987

Made - - - -	*25th November 1987*
Laid before Parliament	*9th December 1987*
Coming into force	*1st January 1988*

The Secretary of State, in exercise of the powers conferred on him by sections 22A and 22B of the Education (Scotland) Act 1980(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Publication and Consultation Etc.) (Scotland) Amendment Regulations 1987 and shall come into force on 1st January 1988.

(2) In these Regulations "the principal Regulations" means the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981(**b**).

Amendment of the principal Regulations

2. In regulation 2 of the principal Regulations, in paragraph (1) at the end there shall be added the following definition:–

""stage of education" means a yearly stage of a primary or secondary course of education or all the nursery classes in a school.".

3. In regulation 5 of the principal Regulations –

(a) after paragraph (1) there shall be inserted the following paragraphs:–

"(1A) Consultation may be carried out in accordance with this regulation and the next three regulations in relation to a single proposal or in relation to a number of proposals together, including proposals which are alternative to one another, and where consultation is carried out in relation to a number of proposals together any reference in those regulations to a "proposal" shall have effect as a reference to those proposals together.

(1B) Where consultation has been carried out in respect of a number of proposals together which are alternative to one another, and the education authority subsequently decides to implement one of those proposals, no further consultation under these Regulations shall be required in relation to the proposal which is to be implemented.

(1C) Any obligation under this regulation and the next three regulations to give or make available full details of a proposal may be satisfied (without prejudice to the right of an education authority to give or make available full details by other means) by giving or making available a copy of the report to the education authority on the basis of which the proposal was made, and there may be

(**a**) 1980 c.44; sections 22A and 22B were inserted by section 6 of the Education (Scotland) Act 1981 (c.58).
(**b**) S.I. 1981/1558.

excluded from such a copy any part of a report which gives information which would be exempt information in terms of section 50J of the Local Government (Scotland) Act 1973(a).";

(b) in paragraph (2)(a), after the word "address" there shall be inserted the words "or addresses"; and

(c) in paragraph (6), the words "unless the contrary, that it was received at a later date, is proved" shall be deleted.

4. In regulation 7 of the principal Regulations, in paragraph (2), the words "unless the contrary, that they were received at a later date, is proved" shall be deleted.

5. In Schedule 1 to the principal Regulations, paragraphs (u) and (v) of column 1 and the entries opposite them in column 2 shall be deleted.

6. In Schedule 2 to the principal Regulations–

(a) in paragraph (a), for the words "any school or stage of education in any school" there shall be substituted the words "any school other than a nursery school or any stage of education in a school other than all the nursery classes in a school"; and

(b) in paragraph (b), after the word "school" where first occurring there shall be inserted the words "other than a nursery school".

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

New St. Andrew's House, Edinburgh
25th November 1987

(a) 1973 c.65; section 50J was inserted by section 2 of the Local Government (Access to Information) Act 1985 (c.43).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of minor amendments to the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981, to clarify their meaning or remove procedural difficulties. They also remove the need to consult for two kinds of proposals and ensure that the Secretary of State's consent is never required to discontinuing a nursery school or nursery department in a school.

Regulation 2 clarifies what is meant by "stage of education" in the 1981 Regulations.

Regulation 3 makes a number of changes to the provisions of the 1981 Regulations as to consultation procedure. It is made clear that a single consultation can be carried out in respect of several proposals, including alternative proposals, and that where one alternative is then chosen there is no need to consult further. The regulation makes it clear that obligations to give or make available full details of a proposal can be fulfilled by giving or making available a copy of the report to the education authority which formed the basis of the proposal, and allows certain confidential information to be excluded from the copy report. It makes it clear that education authorities have the option in the notification to parents of the proposal to specify more than one address to which parents can submit representations. It ensures that the timetable for consultation with parents shall run from one day after notification is issued, irrespective of whether any parent actually receives notification later.

Regulation 4 ensures similarly that the timetable for consultation relating to a denominational school with a person authorised by the interested church or denominational body shall run from one day after the day when full details were given, irrespective of whether the person actually received the details later.

Regulation 5 removes the requirement to consult in respect of proposals to fix a maximum number of pupils for a school or stage of education in a school, or to vary any such number.

Regulation 6 amends the provisions requiring the consent of the Secretary of State to certain proposals to make it clear that they do not apply to nursery schools or nursery departments in schools.