
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 165

**The Children and Young People (Scotland)
Act 2014 (Commencement No. 2, Transitional
and Transitory Provisions) Order 2014**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Children and Young People (Scotland) Act 2014 (Commencement No. 2, Transitional and Transitory Provisions) Order 2014 and comes into force on 1st August 2014.

(2) In this Order—

“the 2014 Act” means the Children and Young People (Scotland) Act 2014;

“the 2010 Act” means the Schools (Consultation) (Scotland) Act 2010⁽¹⁾;

“closure proposal” has the meaning given in section 2(1)(b) of the 2010 Act;

“HMIE” has the meaning given in section 8(7) of the 2010 Act;

“proposal paper” means the proposal paper prepared by an education authority under section 4 of the 2010 Act as it had effect immediately before 1st August 2014;

“rural school” has the meaning given in section 14(1) of the 2010 Act; and

“school” has the meaning given in section 21(1) of the 2010 Act.

Appointed day

2.—(1) 1st August 2014 is the day appointed for the coming into force of the provisions of the 2014 Act specified in column 1 of the Schedule to this Order (the subject-matter of which is described in column 2 of the Schedule).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision specified in column 1 of the Schedule, that provision comes into force on 1st August 2014 for that purpose only.

Transitional: restriction on closure proposals

3.—(1) Paragraph (2) applies in relation to a decision made by the Scottish Ministers under section 16(2)(a) of the 2010 Act (refusal to consent to the proposal) on or after 1st August 2014 and before the date on which section 81(2) of the 2014 Act (repeal of section 16 of the 2010 Act) comes into force.

(2) Section 2A (restriction on closure proposals) of the 2010 Act⁽²⁾, is to be read as if—

(a) in subsection (2)(a), for sub-paragraph (ii) there was substituted—

“(ii) a decision of the Scottish Ministers in relation to the proposal under section 16(2)(a),”; and

(1) 2010 asp 2.

(2) Section 2A is inserted by section 77 of the 2014 Act.

(b) in subsection (2), for paragraph (b), there was substituted—

“(b) such a decision is made by the Scottish Ministers on the day on which the Scottish Ministers inform the education authority of the decision.”.

Transitional: where decision made not to implement a closure proposal before 1st August 2014

4. Section 2A (restriction on closure proposals) of the 2010 Act does not apply to a decision made before 1st August 2014 not to implement a school closure proposal.

Transitional: special provision for rural school closure proposals

5. The amendments made to the 2010 Act by section 80 of the 2014 Act (special provision for rural school closure proposals) do not apply in any case where an education authority has published a proposal paper before 1st August 2014 in relation to a rural school closure proposal.

Transitory: HMIE

6.—(1) This article has effect until the date on which section 81(2) of the 2014 Act (repeal of section 16 of the 2010 Act) comes into force.

(2) Section 17B(3) of the 2010 Act⁽³⁾, is to be read as if—

(a) for “the Panel” in both places there was substituted “the Scottish Ministers”; and

(b) for “for the purpose of subsection (1)” there was substituted “for the purpose of their consideration of the matter of consent (including conditions) under section 16(2)”.

St Andrew’s House,
Edinburgh
5th June 2014

MICHAEL RUSSELL
A member of the Scottish Government

(3) Section 17B(3) is inserted by section 81(4) of the 2014 Act.