

2014 No. 262

EDUCATION

**The Convener of the School Closure Review Panels (Scotland)
Regulations 2014**

Made - - - - - *7th October 2014*

Laid before the Scottish Parliament *9th October 2014*

Coming into force - - - *24th November 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1(9) of schedule 2A to the Schools (Consultation) (Scotland) Act 2010(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Convener of the School Closure Review Panels (Scotland) Regulations 2014 and come into force on 24th November 2014.

(2) In these Regulations—

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

“the Convener” means the person appointed by the Scottish Ministers to hold the office of the Convener of the School Closure Review Panels in accordance with paragraph 1(2) of schedule 2A to the 2010 Act.

Eligibility

2. A person is only eligible for appointment as the Convener if the Scottish Ministers consider that person to have knowledge or experience relevant to the functions of the Convener under the 2010 Act.

Disqualification

3. A person is disqualified from appointment, and from holding office, as the Convener if that person is or becomes a member of—

- (a) the Scottish Parliament;
- (b) the House of Commons;
- (c) the House of Lords;

(a) 2010 asp 2. Paragraph 1(9) of Schedule 2A to the Schools (Consultation) (Scotland) Act 2010 was inserted by section 81(5) of the Children and Young People (Scotland) Act 2014 (asp 8). Section 81(5) was partially brought into force on 1st August 2014 by S.S.I. 2014/165 so far as is necessary to enable the Scottish Ministers to make regulations under paragraph 1(9).

- (d) the European Parliament; or
- (e) a local authority.

Tenure

4.—(1) The Convener is to hold office for a period not exceeding 5 years and be eligible for reappointment to that office.

(2) The Convener may, by notice in writing to the Scottish Ministers, resign office.

Removal from office

5.—(1) The Scottish Ministers may remove the Convener from office if—

- (a) the person holding that office is insolvent;
- (b) the person has been convicted (whether before or after the person's appointment) of a criminal offence;
- (c) the person has failed to comply with the terms and conditions of the Convener's appointment;
- (d) the person has, without reasonable excuse, been unavailable to perform their duties as the Convener; or
- (e) the Scottish Ministers consider that the person is otherwise unfit to be the Convener or is unable for any reason to carry out the Convener's functions.

(2) For the purposes of sub-paragraph (1)(a), a person is insolvent when—

- (a) the person's estate has been sequestrated;
- (b) the person has granted a trust deed for, or made a composition or arrangement with, creditors;
- (c) a voluntary arrangement proposed by the person has been approved;
- (d) the person has had their application for a debt payment programme approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002(a);
- (e) the person has been adjudged bankrupt; or
- (f) the person is subject to any other kind of order, arrangement or undertaking analogous to those described in sub-paragraphs (a) to (e), anywhere in the world.

Fees, expenses and allowances

6.—(1) The Scottish Ministers must pay a daily fee to the Convener for those days the Convener is required to exercise functions under the 2010 Act.

(2) The Scottish Ministers may pay such expenses and allowances, as they think fit, to the Convener.

(3) The Scottish Ministers must publish (in such manner as they consider appropriate) the rates of fees, expenses and allowances payable to the Convener.

MICHAEL RUSSELL
A member of the Scottish Government

St Andrew's House,
Edinburgh
7th October 2014

(a) 2002 asp 17.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the appointment of the Convener of the School Closure Review Panels (“the Convener”), appointed by the Scottish Ministers under paragraph 1(2) of schedule 2A to the Schools (Consultation) (Scotland) Act 2010 (“the 2010 Act”), as inserted into that Act by section 81(5) of the Children and Young People (Scotland) Act 2014.

Regulation 2 provides that the Scottish Ministers may only appoint a person to hold the office of the Convener if they consider that that person has the knowledge or experience relevant to the Convener’s functions under the 2010 Act.

Regulation 3 provides that a person is disqualified from appointment and from holding office as the Convener if that person is or becomes a member of the Scottish Parliament, the House of Commons, the House of Lords, the European Parliament or a local authority.

Regulation 4 provides that the Convener may only serve for a period not exceeding 5 years but is eligible for reappointment. Regulation 4(2) provides that a person may resign from the office of Convener by notice in writing to the Scottish Ministers.

Regulation 5 makes provision for the circumstances in which the Scottish Ministers may remove a person from the office of the Convener.

Regulation 6 provides for fees, expenses and allowances payable to the Convener.

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