

**2014 No. 263**

**EDUCATION**

**The Members of a School Closure Review Panel (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 2(5) 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 Members of a School Closure Review Panel (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;

“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;

“a member” means a person appointed by the Convener as eligible to serve as a member of a School Closure Review Panel in accordance with paragraph 2(1) of schedule 2A to the 2010 Act, unless the context otherwise requires; and

“a Panel” means a School Closure Review Panel(b).

**Eligibility**

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

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(a) 2010 asp 2. Schedule 2A to the Schools (Consultation) (Scotland) Act 2010 (“the 2010 Act”) was inserted by section 81(5) of the Children and Young People (Scotland) Act 2014 (asp 8) (“the 2014 Act”). 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 2(5).

(b) “School Closure Review Panel” is defined in section 17A(6)(b) of the 2010 Act. Section 17A was inserted into the 2010 Act by section 81(4) of the 2014 Act. Section 81(4) was partially brought into force on 6th October 2014 by S.S.I. 2014/251 for the purpose of bringing into force section 17A(6) of the 2010 Act.

### **Disqualification**

3. A person is disqualified from appointment as a member, and from membership of a Panel, if that person is or becomes a member of—

- (a) the Scottish Parliament;
- (b) the House of Commons;
- (c) the House of Lords;
- (d) the European Parliament; or
- (e) a local authority.

### **Tenure**

4.—(1) A member is to be appointed for a period not exceeding 5 years and be eligible for reappointment as a member.

(2) A member may, by notice in writing to the Convener, resign from being a member.

### **Removal from office**

5.—(1) The Convener may remove a person from being a member if—

- (a) the person 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 person's appointment;
- (d) the person has, without reasonable excuse, been unavailable to perform the person's duties as a member; or
- (e) the Convener considers that the person is otherwise unfit to be a member or is unable for any reason to carry out the functions of a member.

(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 Convener must pay a daily fee to a member for those days the member is required to exercise functions under the 2010 Act.

(2) The Convener may pay such expenses and allowances, as the Convener thinks fit, to a member.

(3) The Convener must publish (in such manner as the Convener considers appropriate) the rates of fees, expenses and allowances payable to a person appointed as a member.

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(a) 2002 asp 17.

### **Selection to a School Closure Review Panel**

7. A member may not be selected by the Convener under paragraph 2(3)(a) of schedule 2A to sit on a Panel reviewing a closure proposal if that member—

- (a) is resident or employed in the same local authority area to which the closure proposal relates; or
- (b) has any other personal interest in the closure proposal.

St Andrew's House,  
Edinburgh  
7th October 2014

*MICHAEL RUSSELL*  
A member of the Scottish Government

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in relation to the appointment of a person as eligible to serve as a member of a School Closure Review Panel (“a member”) under paragraph 2(1) 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 Convener of the School Closure Review Panels (“the Convener”) may only appoint a person as eligible to serve as a member if the Convener considers that person has the knowledge or experience relevant to a member’s functions under the 2010 Act.

Regulation 3 provides that a person is disqualified from appointment as a member, and from membership of a School Closure Review Panel (“a Panel”), 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 a member 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 being a member, by notice in writing to the Convener.

Regulation 5 makes provision for the circumstances in which the Scottish Ministers may remove a person from being a member.

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

Regulation 7 provides that a member may not be selected by the Convener to sit on a Panel reviewing a closure proposal if that person is resident or employed in the same local authority area to which the closure proposal relates, or if that person has any other personal interest in the closure proposal.

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