

1988 No. 107 (S.11)

**EDUCATION, SCOTLAND**

**The Education (Publication and Consultation Etc.)  
(Scotland) Amendment Regulations 1988**

<i>Made</i> - - - -	<i>26th January 1988</i>
<i>Laid before Parliament</i>	<i>27th January 1988</i>
<i>Coming into force</i>	<i>27th January 1988</i>

The Secretary of State, in exercise of the powers conferred on him by section 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 1988 and shall come into force on 27th January 1988.

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

**Amendment of principal Regulations**

2. At the end of Schedule 2 to the principal Regulations there shall be added the following:—

“(c) proposals to discontinue any school or any stage of school education in any school or to change the site of any school or to vary the delineated area of any school, where the number of pupils in attendance at any such school is greater than 80% of that school’s pupil capacity, and in the calculation of that pupil capacity regard shall be had to—

- (i) the assessment of capacity on which the education authority have based their proposal;
- (ii) the maximum number of pupils in attendance at the school in any one year in the period of 10 years preceding the proposal; and
- (iii) the curriculum of the school.”.

New St. Andrew’s House, Edinburgh  
26th January 1988

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

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(a) 1980 c.44; section 22B was inserted by section 6 of the Education (Scotland) Act 1981 (c.58).  
(b) S.I. 1981/1558, as amended by S.I. 1987/2076.

## EXPLANATORY NOTE

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

These Regulations further amend the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981. They extend the range of proposals prescribed in Schedule 2 to the 1981 Regulations for the purposes of section 22B of the Education (Scotland) Act 1980. Proposals prescribed for the purposes of section 22B require the consent of the Secretary of State before being implemented. These proposals now include proposals to discontinue a school or any stage of school education in a school or to change the site of a school or to vary the delineated area of a school, at which the number of pupils in attendance exceeds 80% of that school's pupil capacity.

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