



Standards in Scotland's Schools etc. Act 2000

2000 asp 6

Placing requests

43 Placing requests: extent of education authority's duty

- (1) The 1980 Act shall be amended in accordance with this section.
- (2) In section 28A(1) (which relates to the duty to comply with a placing request), after "school", where it secondly occurs, there shall be inserted "(other than a nursery school or a nursery class in a school)".
- (3) In section 28C (which relates to the reference to an appeal committee of a refusal of a placing request), subsection (2) is repealed.
- (4) Subsection (2) above does not apply in relation to the said section 28A as substituted, in relation to a recorded child, by Schedule A2 to the 1980 Act.

44 Further provision as respects placing requests

- (1) Section 28A of the 1980 Act shall be further amended in accordance with this section.
- (2) In subsection (1), after the words "parent of a child" there shall be inserted "of school age".
- (3) After subsection (1) there shall be inserted—
 - "(1A) The education authorities shall—
 - (a) in carrying out the duty imposed on them by subsection (1) above; and
 - (b) in deciding when that duty does not apply,have regard to such guidance as the Scottish Ministers may give in that respect."
- (4) In subsection (3)(a) (which sets out certain exceptions to the duty of an education authority to accede to a parent's request that a child be placed in a specified school under their management), after sub-paragraph (v) there shall be added—

Status: This is the original version (as it was originally enacted).

- “(vi) assuming that pupil numbers remain constant, make it necessary, at the commencement of a future stage of the child’s primary education, for the authority to elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school; or
 - (vii) though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers;”.
- (5) In subsection (3A), the words “Subject to subsection (3B) below,” are repealed.
- (6) Subsections (3B) and (3E) (which restrict an education authority’s entitlement, where they would be prevented from retaining reserved places at a specified school, to refuse a placing request) are repealed.
- (7) Subsections (3) to (6) above apply also in relation to the said section 28A substituted as is mentioned in subsection (4) of section 43 of this Act; and in subsection (1) of section 28A as so substituted, after paragraph (b) there shall be inserted “; or
 - (c) a school at which education is provided—
 - (i) by a person to whom any payment is made under section 23 of the Education (Scotland) Act 1996 (c. 43); or
 - (ii) in pursuance of arrangements entered into under section 35 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6),”.