



School Education (Amendment) (Scotland) Act 2002

2002 asp 2

1 Placing requests: children under school age

(1) In section 28A of the Education (Scotland) Act 1980 (c. 44) (duty of education authority to comply with placing requests)—

- (a) in subsection (1)—
 - (i) for “child of school age” there shall be substituted “qualifying child”;
and
 - (ii) for “and (3A)” there shall be substituted “, (3A) and (3F)”;
- (b) after subsection (3D) there shall be inserted—

“(3F) Where an education authority are carrying out the duty imposed on them by subsection (1) above in respect of a child such as is mentioned in subsection (6)(c) below, they shall place the child in the specified school—

- (a) on the date (being the date fixed for that school under section 32(1) and (2) of this Act) next following the making of the placing request; or
- (b) where that date has passed, as soon after that date as is reasonably practicable.”; and
- (c) after subsection (5) there shall be added—

“(6) In this section—

“primary school” does not include a nursery school or a nursery class; and

“qualifying child” means—

- (a) a child of school age;
- (b) a child who has commenced attendance at a primary school but is not of school age; or
- (c) a child who is not of school age and who, on the date (being the date fixed under subsections (1) and (2) of section 32 of this Act for the purposes of subsection (6) of that section) next following the making of the request

Status: This is the original version (as it was originally enacted).

under subsection (1) above, will be eligible under this Act to commence attendance at a primary school.”.

- (2) Subsection (1) above does not apply in relation to section 28A of that Act as substituted, in relation to a recorded child, by paragraph 3 of Schedule A2 to that Act.
- (3) In section 28G of that Act (placing requests by young persons), after—
 - (a) “a”, where it third occurs; and
 - (b) “the”, where it second occurs,there shall be inserted “qualifying”.