



Education (Additional Support for Learning) (Scotland) Act 2004

2004 asp 4

General powers and duties

4 Duties of education authority in relation to children and young persons for whom they are responsible

- (1) Every education authority must—
- (a) in relation to each child and young person having additional support needs for whose school education the authority are responsible, make adequate and efficient provision for such additional support as is required by that child or young person, and
 - (b) make appropriate arrangements for keeping under consideration—
 - (i) the additional support needs of, and
 - (ii) the adequacy of the additional support provided for, each such child and young person.
- (2) Subsection (1)(a) does not require an education authority to do anything which—
- (a) they do not otherwise have power to do, or
 - (b) would result in unreasonable public expenditure being incurred.

Modifications etc. (not altering text)

- C1** S. 4(1) restricted (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 16 para. 9\(2\)](#) (with [ss. 89, 90](#))

Commencement Information

- II** S. 4 in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

5 General functions of education authority in relation to additional support needs

- (1) Every education authority must in exercising any of their functions in connection with the provision of school education, take account of the additional support needs of children and young persons having such needs.

Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Cross Heading: General powers and duties. (See end of Document for details)

- [^{F1}(2) Where a child falling within subsection (3) has been brought to the education authority's attention as appearing to have needs of the type mentioned in subsection (3) (c), the authority must (unless the child's parent does not consent)—
- (a) in accordance with the arrangements made by them under section 6(1), establish whether the child does have such needs, and
 - (b) provide such additional support as is appropriate for the child.]
- [^{F1}(3) A child falls within this subsection if the child—
- (a) is under school age (unless the child is [^{F2}an eligible] pre-school child),
 - (b) belongs to the authority's area, and
 - (c) appears to have additional support needs arising from a disability (within the meaning of the ^{F3}[Equality Act 2010]) which the child has.]
- (4) An education authority may provide such additional support as is appropriate for children (other than children to whom the education authority have a duty under subsection (2)) and young persons belonging to the area of the authority—
- (a) having additional support needs, but
 - (b) for whose school education the authority are not responsible.

Textual Amendments

- F1** S. 5(2)(3) substituted (14.11.2010) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2009 \(asp 7\)](#), **ss. 9, 26(3)**; S.S.I. 2010/277, art. 2
- F2** Words in s. 5(3)(a) substituted (1.8.2014) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), **Sch. 5 para. 10(3)**; S.S.I. 2014/131, art. 2(2)(3), Sch.
- F3** Words in s. 9 substituted (1.10.2010) by [2010 c. 15 Sch. 26 Pt. 2 para. 107 \(as inserted by The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 6)**

Commencement Information

- I2** S. 5 in force at 14.11.2005 by [S.S.I. 2005/564](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Cross Heading: General powers and duties.