

*These notes relate to the Education (Scotland) Act 2016
(asp 8) which received Royal Assent on 8 March 2016*

EDUCATION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Gaelic Medium Education

Early learning and childcare

Section 14: Power to extend Part to early learning and childcare

55. This section gives the Scottish Ministers the power, by regulations, to require an education authority to treat a parental request made under section 7(1) as a request to assess the need for GME at the level of early learning and childcare. As enacted, the Act provides that the assessment process applies only to primary school education. Specifically, subsections (1) and (2) provide that the Scottish Ministers may, by regulations, make such provision as they consider necessary or expedient to require an education authority to treat a parental request made under section 7(1) as a request to assess the need for GME at the level of early learning and childcare provided under sections 1(1) and 1(1A) of the 1980 Act. This means the mandatory amount of early learning and childcare that an education authority is required to secure under section 47(1) of the Children and Young People (Scotland) Act 2014. Section 14(4)(a) provides that such regulations may do so by modifying Part 2 of the Act or any other enactment. Section 14(4)(b) provides that such regulations may do so by providing that the Act or any other enactment applies with or without such modifications as may be stated in the regulations. These regulations will be subject to the affirmative procedure.