



# Education (Scotland) Act 2016

## 2016 asp 8

### PART 2

#### GAELIC MEDIUM EDUCATION

##### *Assessments: primary education*

#### **12 Full assessments**

- (1) This section applies where an education authority—
  - (a) receives a request under section 7(1), and
  - (b) decides, under section 10(1)(a) or (2)(b), to carry out a full assessment of the need for GMPE in a GMPE assessment area.
- (2) The authority must—
  - (a) notify the persons mentioned in subsection (3) of the request,
  - (b) provide those persons with information about the request,
  - (c) provide those persons with the information the authority took into account under section 9(3) in making an initial assessment, and
  - (d) seek the views of those persons on—
    - (i) the information mentioned in paragraphs (b) and (c), and
    - (ii) the authority's determination under section 9(5).
- (3) The persons are—
  - (a) Her Majesty's inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty under the 1980 Act),
  - (b) Bòrd na Gàidhlig,
  - (c) the body known as Comann nam Pàrant,
  - (d) the body known as the National Parent Forum of Scotland.
- (4) The persons mentioned in subsection (3)(a) and (b) must—
  - (a) provide the views sought under subsection (2)(d), and
  - (b) do so before the end of the period of 4 weeks beginning with the day on which the views are sought.

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*Changes to legislation: Education (Scotland) Act 2016, Section 12 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) Subject to subsection (7), the education authority must decide whether to secure the provision of GMPE in the GMPE assessment area.
- (6) In making a decision under subsection (5), the education authority must have regard to—
- (a) views provided by virtue of subsection (2)(d) before the end of the period of 4 weeks beginning with the day on which the views are sought,
  - (b) any guidance under section 9 of the Gaelic Language (Scotland) Act 2005,
  - (c) information that the education authority took into account in making an initial assessment under section 9(2),
  - (d) in relation to the demand for GMPE mentioned in section 9(3) from parents of children, where those children reside,
  - (e) any information the education authority has relating to the demand for GMPE in the area of the authority from parents of children who are under school age and have not commenced attendance at a primary school,
  - (f) where GMPE is provided in the area of the education authority, or the area of another education authority adjacent to that area, the location of that provision,
  - (g) the extent to which—
    - (i) children resident in the area of an education authority adjacent to the area of the education authority mentioned in subsection (5) could access GMPE in the GMPE assessment area,
    - (ii) children resident in the GMPE assessment area could access GMPE in the area of an education authority adjacent to the area of the education authority mentioned in subsection (5),
  - (h) the availability and suitability of any premises in the education authority's area in which GMPE is being, or could reasonably be, provided,
  - (i) the costs of providing GMPE in the GMPE assessment area,
  - (j) the potential to assign or recruit persons to teach GMPE in the GMPE assessment area,
  - (k) any Gaelic language plan published by the education authority under section 5(9) of the Gaelic Language (Scotland) Act 2005 in force at the time of making the decision mentioned in subsection (5),
  - (l) the potential to develop or increase—
    - (i) the use of the Gaelic language in the education authority's area, and
    - (ii) the carrying out of activities relating to the Gaelic language in the authority's area.
- (7) The education authority must decide to secure the provision of GMPE in the GMPE assessment area unless, having regard to the matters mentioned in subsection (6), it would be unreasonable to do so.
- (8) The Scottish Ministers may by regulations—
- (a) modify subsection (3),
  - (b) modify subsection (6) so as to amend, remove or add to the matters for the time being mentioned in that subsection,
  - (c) make such other modifications of this section as the Scottish Ministers think necessary or expedient in consequence of any modification of subsection (3).

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#### **Commencement Information**

**II** [S. 12](#) in force at 1.2.2017 by [S.S.I. 2016/386](#), [reg. 2](#), [sch.](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I.2017/164, sch. by [S.S.I. 2017/352 reg. 2](#)