

2005 No. 517

EDUCATION

**The Education (Additional Support for Learning) (Scotland)
Act 2004 (Consequential Modifications of Subordinate
Legislation) Order 2005**

Made - - - - - *21st October 2005*

Laid before the Scottish Parliament *21st October 2005*

Coming into force - - - *14th November 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 32 and 34 of the Education (Additional Support for Learning) (Scotland) Act 2004(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Education (Additional Support for Learning) (Scotland) Act 2004 (Consequential Modifications of Subordinate Legislation) Order 2005 and shall come into force on 14th November 2005.

Modifications of subordinate legislation

2. The Schedule to this Order, which makes modifications to subordinate legislation in consequence of the Education (Additional Support for Learning) (Scotland) Act 2004, has effect.

ROBERT E BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
21st October 2005

SCHEDULE

Article 2

CONSEQUENTIAL MODIFICATIONS OF SUBORDINATE LEGISLATION

The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (S.I. 1967/1199)

1. In regulation 3(9) of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (definitions)(a) in the definition of “special school” from “means” to the end substitute “has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4);”.

The Jordanhill School Grant (Scotland) Regulations 1988 (S.I. 1988/328)

2. In paragraph 7 of the Schedule to the Jordanhill School Grant (Scotland) Regulations 1988(b) for “with special educational needs” substitute “having additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”.

The Education (Provision of Information as to Schools) (Scotland) Regulations 1993 (S.I. 1993/1605)

3. In paragraph 7 of the Schedule to the Education (Provision of Information as to Schools) (Scotland) Regulations 1993(c) for “Record of Needs” to the end substitute “Record of Needs or a co-ordinated support plan within the meaning of section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), and noting whether the school is a special school, class or unit construed in accordance with the said section of the said Act.”.

The Education (Grants for Further Training of Teachers and Educational Psychologists Etc.) (Scotland) Regulations 1993 (S.I. 1993/974)

4. In regulations 1 and 3(a) of the Education (Grants for Further Training of Teachers and Educational Psychologists Etc.) (Scotland) Regulations 1993(d) for “special educational needs” in both places where they occur substitute “additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”.

The Adoption Agencies (Scotland) Regulations 1996 (S.I. 1996/3266)

5. The Adoption Agencies (Scotland) Regulations 1996(e) are amended as follows—

- (a) in regulation 19(2)(b) for “special educational needs” substitute “additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”;
- (b) in paragraph 13 of Part 1 of Schedule 2 after “the Education (Scotland) Act 1980” insert “or has additional support needs or a co-ordinated support plan within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”.

(a) S.I. 1967/1199 to which there are amendments not relevant to this Order.

(b) S.I. 1988/328.

(c) S.I. 1993/1605 to which there are amendments not relevant to this Order.

(d) S.I. 1993/974.

(e) S.I. 1996/3266 to which there are amendments not relevant to this Order.

The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (S.I. 1999/1080)

6. The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999(**a**) are amended as follows–

- (a) in regulation 2 in the definition “suitable education” for “special educational needs” substitute “additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”;
- (b) in paragraph 2 of the Schedule for “recorded child” substitute “a child or young person for whom it has been established that a co-ordinated plan is required or for whom a plan has been prepared (and not discontinued) within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”;
- (c) in paragraph 7 of the Schedule for “special educational needs” in both places where occur substitute “additional support needs within the meaning of the Education (Additional support for Learning) (Scotland) Act 2004 (asp 4)”;
- (d) in paragraph 8 of the Schedule for the words “recorded child” substitute “a child or young person for whom it has been established that a co-ordinated support plan is required or for whom a plan has been prepared (and not discontinued) within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”.

The Education (Assisted Places) (Scotland) Regulations 2002 (S.S.I. 2001/222)

7. In paragraph 9 of Schedule 3 to the Education (Assisted Places) (Scotland) Regulations 2001(**b**) for “special educational needs” substitute “additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”.

The St Mary’s Music School (Aided Places) (Scotland) Regulations 2001 (S.S.I. 2001/223)

8. In paragraph 9 of Schedule 2 to the St Mary’s Music School (Aided Places) (Scotland) Regulations 2001(**c**) for the words “special educational needs” substitute “additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”.

The Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003 (S.S.I. 2003/19)

9. In regulation 11(c)(ii) of the Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003(**d**) for the words “special educational needs” substitute “additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4)”.

(a) S.I. 1999/1080.
(b) S.S.I. 2001/222 to which there are amendments not relevant to this Order.
(c) S.S.I. 2001/223 to which there are amendments not relevant to this Order.
(d) S.S.I. 2003/19.

The Pupils' Educational Records (Scotland) Regulations 2003 (S.S.I. 2003/581)

- 10.** The Pupils' Educational Records (Scotland) Regulations 2003^(a) are amended as follows—
- (a) in regulation 2 at the appropriate place, in alphabetical order, insert the following definition—
 - ““co-ordinated support plan” has the meaning as in the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4);”.
 - (b) in regulation 3(1) after the words “Record of Needs” added “or a co-ordinated support plan”.

^(a) S.S.I. 2003/581.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential modifications to subordinate legislation. These modifications are consequential and supplemental to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4).

Article 1 of the Order provides for the modifications having effect from 14th November 2005.

The modifications are set out in the Schedule to the Order, which Schedule has effect in accordance with article 2 of the Order.

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