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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 462**

**EDUCATION**

**The Education (Miscellaneous Amendments)  
(Coronavirus) (Scotland) (No. 2) Regulations 2021**

*Made* - - - - 8th December 2021  
*Laid before the Scottish  
Parliament* - - - - 10th December 2021  
*Coming into force* - - 28th February 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 28A(5), 28D(3) and 28H(5) of the Education (Scotland) Act 1980<sup>(1)</sup> and section 22 and paragraphs 4(3) and 6(6) of schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004<sup>(2)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Education (Miscellaneous Amendments) (Coronavirus) (Scotland) (No. 2) Regulations 2021 and come into force on 28 February 2022.

**Amendment of the Education (Placing in Schools Etc—Deemed Decisions) (Scotland) Regulations 1982**

2. In the Education (Placing in Schools Etc—Deemed Decisions) (Scotland) Regulations 1982<sup>(3)</sup>—

(a) in regulation 4(1) (deemed decision of education authority)<sup>(4)</sup>, for “15th May” in both places where it appears substitute “30th April”,

(b) in regulation 5(1) (deemed decision of appeal committee)<sup>(5)</sup>—

(i) for paragraph (a) substitute—

“(a) failed to hold a hearing within a period of 1 month, in the case of a reference made under section 28H of the Act, and 2 months, in the case

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(1) 1980 c. 44. Sections 28A, 28D and 28H of the Education (Scotland) Act 1980 were inserted by section 1(1) of the Education (Scotland) Act 1981 (c. 58). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 2004 asp 4.

(3) S.I. 1982/1733, relevantly amended by S.S.I. 2020/128 and S.S.I. 2021/31.

(4) Regulation 4 was amended by S.S.I. 2020/128 and S.S.I. 2021/31.

(5) Regulation 5 was amended by S.S.I. 2020/128 and S.S.I. 2021/31.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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of any other reference mentioned above, immediately following receipt by them of the reference;”

(ii) in the full out, for “3 months” substitute “1 month, 2 months”.

### **Amendment of the Education (Appeal Committee Procedures) (Scotland) Regulations 1982**

- 3.** In the Education (Appeal Committee Procedures) (Scotland) Regulations 1982<sup>(6)</sup>—
- (a) in regulation 7(1) (fixing date of hearing)<sup>(7)</sup>, for “as soon as reasonably practicable within the period of 2 months” substitute “within the period of 28 days”,
  - (b) in regulation 9(2) (combined hearings)<sup>(8)</sup>, for “as soon as reasonably practicable within the period of 2 months” substitute “within the period of 28 days”.

### **Amendment of the Additional Support for Learning (Placing Requests and Deemed Decisions) (Scotland) Regulations 2005**

- 4.** In the Additional Support for Learning (Placing Requests and Deemed Decisions) (Scotland) Regulations 2005<sup>(9)</sup>—
- (a) in regulation 3 (deemed decision of education authority)<sup>(10)</sup>, for “15th May” in both places where it appears substitute “30th April”,
  - (b) in regulation 4 (deemed decision of appeal committee)<sup>(11)</sup>, for “3 months” in both places where it appears substitute “2 months”.

St Andrew’s House,  
Edinburgh  
8th December 2021

*SHIRLEY-ANNE SOMERVILLE*  
A member of the Scottish Government

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<sup>(6)</sup> S.I. 1982/1736, relevantly amended by S.S.I. 2020/128 and S.S.I. 2021/31.  
<sup>(7)</sup> Regulation 7 was amended by S.S.I. 2020/128 and S.S.I. 2021/31.  
<sup>(8)</sup> Regulation 9 was amended by S.S.I. 2020/128 and S.S.I. 2021/31.  
<sup>(9)</sup> S.S.I. 2005/515, relevantly amended by S.S.I. 2020/128 and S.S.I. 2021/31.  
<sup>(10)</sup> Regulation 3 was amended by S.S.I. 2020/128 and S.S.I. 2021/31.  
<sup>(11)</sup> Regulation 4 was amended by S.S.I. 2020/128 and S.S.I. 2021/31.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to regulations that make provision for school placing requests and exclusion appeals and for the procedures to be followed by education appeal committees. These amendments will reinstate procedural deadlines which were in place prior to amendments made by [S.S.I. 2020/128](#) and [S.S.I. 2021/31](#) to respond to the disruption caused by the coronavirus (severe acute respiratory syndrome coronavirus 2 (SARS-COV-2)).

Regulation 2 amends time limits in the Education (Placing in Schools Etc—Deemed Decisions) (Scotland) Regulations 1982 relating to education authorities' decisions on placing requests made under the Education (Scotland) Act 1980. It also amends time limits relating to the hearing of appeals by education appeal committees against those decisions and decisions on exclusions of pupils.

Regulation 3 amends time limits in the Education (Appeal Committee Procedures) (Scotland) Regulations 1982 relating to the hearing by education appeal committees of references from education authority decisions.

Regulation 4 amends time limits in the Additional Support for Learning (Placing Requests and Deemed Decisions) (Scotland) Regulations 2005 relating to education authorities' decisions on placing requests made under the Education (Additional Support for Learning) (Scotland) Act 2004. It also amends time limits relating to the hearing of appeals by education appeal committees against those decisions.