

**2005 No. 1791 (S.6)**

**CONSTITUTIONAL LAW**

**DEVOLUTION, SCOTLAND**

**EDUCATION**

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

*Made* - - - - - *29th June 2005*

*Coming into force* - - - - - *30th June 2005*

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998(a);

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 104, 112(1) and 113 of that Act, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Education (Additional Support for Learning) (Scotland) Act 2004 (Consequential Modifications) Order 2005 and shall come into force on the day after the day on which it is made.

(2) This Order does not extend to Northern Ireland.

**Duty of education authorities not to discriminate**

**2.** In section 28F of the Disability Discrimination Act 1995 (duty of education authorities not to discriminate)(b), in subsection (1)(b)–

(a) omit the word “and” immediately preceding sub-paragraph (iii); and

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(a) 1998 c.46.

(b) 1995 c.50. Section 28F was inserted by section 16 of the Special Educational Needs and Disability Act 2001 (c.10).

(b) after that sub-paragraph insert–

“; and

(iv) the Education (Additional Support for Learning) (Scotland) Act 2004(a).”.

Dover House,  
London  
29th June 2005

*DAVID CAIRNS*  
Parliamentary Under Secretary of State  
Scotland Office,  
Department for Constitutional Affairs,

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(a) 2004 asp 4.

## **EXPLANATORY NOTE**

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

This Order makes provision in consequence of the Education (Additional Support for Learning) (Scotland) Act 2004 (“the 2004 Act”).

Section 28F of the Disability Discrimination Act 1995 requires education authorities in Scotland not to discriminate against a disabled pupil, or a disabled person who may be admitted to a school as a pupil, in carrying out their functions under the Acts listed in subsection (1)(b) of that section. The 2004 Act places new duties upon education authorities to make provision for additional support in connection with the school education of children and young persons having additional support needs. Article 2 amends section 28F of the Disability Discrimination Act 1995 so that when education authorities carry out their functions under the 2004 Act the duty imposed by section 28F will apply.

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