

*These notes relate to the Education (Additional Support for Learning)
(Scotland) Act 2004 (asp 4) which received Royal Assent on 7 May 2004*

EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

THE ACT

Section 23 – Other agencies etc. to help in exercise of functions under this Act

47. This section places duties on other agencies to help an education authority in its functions under this Act if requested to do so. Appropriate agencies are defined as any other local authority, any Health Board and any other person (this includes any organisation or body) that the Scottish Ministers may specify.
48. Agencies requested to help must comply with the request unless to do so would be incompatible with their own statutory or other duties or would unduly prejudice their ability to carry out their functions. The Scottish Ministers are enabled to specify, by regulations, the time periods within which other agencies should comply with requests.
49. Subsection (5) places a duty on education authorities to exercise their non-education functions (for example, social work services or housing) if they consider that would help in the exercise of their functions under the Act. However, they need not exercise those functions if it would be incompatible with their statutory or other duties or would unduly prejudice the discharge of any of their functions.