
Changes to legislation: There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Paragraph 5. (See end of Document for details)

SCHEDULE 2

CHILDREN AND YOUNG PERSONS WITH ADDITIONAL SUPPORT NEEDS: PLACING REQUESTS

Reference to appeal committee of refusal of placing request

- 5 (1) A parent who has made a placing request may refer a decision of the education authority refusing the request to an appeal committee set up under section 28D of the 1980 Act.
- (2) Sub-paragraph (1) does not apply where the decision of the education authority refusing the request may be referred to [^{F1}the First-tier Tribunal] under section 18(1).
- (3) Where a reference under this paragraph has been made in respect of a child, no further such reference in respect of the child is competent during the period of 12 months beginning with the day on which the immediately preceding such reference was lodged.
- (4) A reference under this paragraph must be lodged with the appeal committee within 28 days of the receipt by the parent of the decision of the education authority.
- (5) For the purposes of sub-paragraph (4), a decision which is posted is to be presumed to have been received (unless the contrary is proved)—
- (a) on the day after the date on which it was posted, or
 - (b) if posted on a Friday or Saturday, on the Monday next following.
- (6) The committee may, on good cause being shown, hear such a reference notwithstanding that it was not lodged within the time mentioned in sub-paragraph (4).

Textual Amendments

- F1** Words in sch. 2 para. 5(2) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Additional Support Needs Tribunals for Scotland\) Regulations 2018 \(S.S.I. 2018/4\)](#), reg. 1(1), [sch. 2 para. 3\(15\)\(a\)](#)

Commencement Information

- I1** Sch. 2 para. 5 in force at 14.11.2005 by [S.S.I. 2005/564](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Paragraph 5.