



Education (Additional Support for Learning) (Scotland) Act 2004

2004 asp 4

General

29 Interpretation

(1) In this Act—

“the 1980 Act” means the Education (Scotland) Act 1980 (c. 44),

“the 2000 Act” means the Standards in Scotland’s Schools etc. Act 2000 (asp 6),

“additional support” has the meaning given in section 1(3),

“additional support needs” is to be construed in accordance with section 1(1),

“appropriate agency” is to be construed in accordance with section 23(2),

“co-ordinated support plan” has the meaning given in section 2(1) and, in relation to any such plan which has been amended by virtue of any provision of this Act, references in this Act to a co-ordinated support plan are (except where the context otherwise requires) to the plan as amended,

[^{F1}“eligible pre-school child” has the same meaning as in Part 6 of the Children and Young People (Scotland) Act 2014,]

[^{F2}“First-tier Tribunal” means the First-tier Tribunal for Scotland Health and Education Chamber]

“ local authority ” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),

“ placing request ” has the meaning given in paragraph 2(3) of schedule 2,

^{F3}

...

^{F4}

...

“ primary education ” is to be construed in accordance with section 135(2) of the 1980 Act,

“ special school ” means—

(a) a school, or

(b) any class or other unit forming part of a public school which is not itself a special school,

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the sole or main purpose of which is to provide education specially suited to the additional support needs of children or young persons selected for attendance at the school, class or (as the case may be) unit by reason of those needs,

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...

[^{F6}“young person” means a person who—

- (a) is aged 16 years or over,
- (b) is a pupil at a school, and
- (c) has, since attaining the age of 16 years or over, remained a pupil at that or another school.]

(2) In this Act, the following expressions have the meanings given in section 135(1) of the 1980 Act—

- “ child ”,
- “ education authority ”,
- “ grant-aided school ”,
- “ Health Board ”,
- “ independent school ”,
- “ managers ”,
- “ parent ”,
- “ public school ”,
- “ school ”,
- “ school age ”,
- “ school education ”,

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....

(3) In this Act [^{F8}and subject to subsection (3A)], references to a child or young person for whose school education an education authority are responsible are to any child or young person being, or about to be, provided with school education—

- (a) in a school under the management of the education authority, or
- (b) in pursuance of arrangements made or entered into by the authority.

[^{F9}(3A) For the purposes of this Act, where arrangements are made or entered into by an education authority in respect of the school education of a child or young person with another education authority, the authority responsible for that school education is the authority for the area to which the child or young person belongs despite the education being, or about to be, provided in a school under the management of another authority.]

(4) In this Act, references to a child or young person belonging to an area are to be construed in accordance with section 23(3) of the 1980 Act.

(5) In this Act, references to the doing of anything in writing include references to the doing of that thing by means of a document—

- (a) transmitted by electronic means,
- (b) received in legible form, and
- (c) capable of being used for subsequent reference.

Textual Amendments

F1 Words in s. 29(1) inserted (1.8.2014) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#) , s. 102(3) , [Sch. 5 para. 10\(4\)\(a\)](#) ; S.S.I. 2014/131 , art. 2(2)(3) , [Sch.](#)

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- F2** Words in s. 29(1) inserted (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(13)(c)**
- F3** Words in s. 29(1) omitted (1.8.2014) by virtue of Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **Sch. 5 para. 10(4)(b)**; S.S.I. 2014/131, art. 2(2)(3), Sch.
- F4** Words in s. 29(1) repealed (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(13)(a)**
- F5** Words in s. 29(1) repealed (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(13)(b)**
- F6** Words in s. 29(1) inserted (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 21(a)**; S.S.I. 2017/354, reg. 2(a)
- F7** Words in s. 29(2) repealed (10.1.2018) by Education (Scotland) Act 2016 (asp 8), s. 33(2), **sch. para. 21(b)**; S.S.I. 2017/354, reg. 2(a)
- F8** Words in s. 29(3) inserted (14.11.2010) by virtue of Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 5(a)**, 26(3); S.S.I. 2010/277, art. 2
- F9** S. 29(3A) inserted (14.11.2010) by Education (Additional Support for Learning) (Scotland) Act 2009 (asp 7), **ss. 5(b)**, 26(3); S.S.I. 2010/277, art. 2

Modifications etc. (not altering text)

- C1** S. 29(5) applied (14.11.2005) by Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005 (S.S.I. 2005/501), regs. 1, **2(2)**

Changes to legislation:

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 29.