



# Education (Additional Support for Learning) (Scotland) Act 2009

2009 asp 7

## *Pre-school children*

### **9 Functions of education authority in relation to certain pre-school children with additional support needs**

In section 5 of the 2004 Act (general functions of education authority in relation to additional support needs), for subsections (2) and (3) substitute—

“(2) Where a child falling within subsection (3) has been brought to the education authority's attention as appearing to have needs of the type mentioned in subsection (3)(c), the authority must (unless the child's parent does not consent)

- (a) in accordance with the arrangements made by them under section 6(1), establish whether the child does have such needs, and
- (b) provide such additional support as is appropriate for the child.

(3) A child falls within this subsection if the child—

- (a) is under school age (unless the child is a prescribed pre-school child),
- (b) belongs to the authority's area, and
- (c) appears to have additional support needs arising from a disability (within the meaning of the [<sup>F1</sup>Equality Act 2010]) which the child has.”.

#### **Annotations:**

#### **Amendments (Textual)**

- F1** Words in s. 9 substituted (1.10.2010) by 2010 c. 15 Sch. 26 Pt. 2 para. 107 (as inserted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 1 para. 6](#))

#### **Commencement Information**

- I1** [S. 9](#) in force at 14.11.2010 by [S.S.I. 2010/277](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2009, Cross Heading: Pre-school children.