

*These notes relate to the Education (Scotland) Act 2016  
(asp 8) which received Royal Assent on 8 March 2016*

# EDUCATION (SCOTLAND) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Miscellaneous**

#### ***Section 19: Additional support for learning***

#### **Amendment of [section 16](#): dispute resolution**

91. Paragraph 15(a) of the schedule to the Act amends section 16(1) of the 2004 Act to allow the Scottish Ministers by regulations to make provision about the resolution of disputes between an education authority and a child aged 12 or over (who the authority is satisfied has capacity to express a view or make a decision for the purpose of resolving disputes to do so) concerning the exercise of the authority's functions under the 2004 Act.
92. Paragraph 15(b) of the schedule to the Act amends section 16(3) to make it clear that such regulations (a) must not require any child to use any procedure established in accordance with the regulations to resolve any dispute with the authority, nor pay any fee or charge for using any procedure, and (b) do not affect the child's entitlement to refer any matter to the Tribunal.