
Changes to legislation: Education (Scotland) Act 2016, Paragraph 5 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE
MODIFICATIONS OF THE EDUCATION (ADDITIONAL
SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004

- 5 In section 7 (children and young persons for whose school education an education authority is not responsible)—
- (a) after subsection (3)(a) insert—
- “(aa) in the case of a child who has attained the age of 12 years and who the authority is satisfied has capacity to make the request, the child,”
- (b) in subsection (8), after paragraph (a) insert—
- “(aa) in the case of a child falling within subsection (3)(aa) who the authority is satisfied has capacity in relation to the information or advice, the child,” and
- (c) after subsection (8) insert—
- “(9) Subsection (10) applies where an education authority receives a request as mentioned in subsection (1) relating to a child attending an independent or grant-aided school.
- (10) The authority may request the managers of the school to provide the authority with such information and advice as the authority thinks appropriate for the purpose of enabling the authority to assess the capacity of the child in relation to the request.”

Commencement Information

II Sch. para. 5 in force at 10.1.2018 by S.S.I. 2017/354, reg. 2(a)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I.2017/164, sch. by [S.S.I. 2017/352 reg. 2](#)