
Changes to legislation: Education (Scotland) Act 2016, Paragraph 6 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

- 6 In section 8 (assessments and examinations)—
- (a) after subsection (2)(b)(i) insert—
 - “(ia) where the proposal relates to a child who has attained the age of 12 years, the child,”, and
 - (b) after subsection (2) insert—
 - “(2A) But a child who has attained the age of 12 years is an appropriate person for the purposes of subsection (2) only if—
 - (a) in a case where paragraph (a) of that subsection applies—
 - (i) the authority is satisfied that there has been no significant change in the circumstances of the child since the request mentioned in that paragraph was made, or
 - (ii) where the authority is not so satisfied, the authority is satisfied that the child has capacity to make the request referred to in subsection (1)(b) at the time that request is made,
 - (b) in any other case, the authority is satisfied that the child has capacity to make the request referred to in that subsection.”.

Commencement Information

II Sch. para. 6 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](#)