



Education (Scotland) Act 2016

2016 asp 8

PART 2

GAELIC MEDIUM EDUCATION

Assessments: primary education

9 Initial assessments

- (1) This section applies where an education authority receives a request under section 7(1) from the parent of a specified child.
- (2) The authority must make an assessment (an “initial assessment”) of the need for GMPE—
 - (a) in relation to the GMPE assessment area designated under section 8(2), and
 - (b) in the specified child's year group.
- (3) In making an initial assessment, the authority must take into account any information it has which—
 - (a) relates to the demand for GMPE in the GMPE assessment area from parents of children—
 - (i) who are resident in the GMPE assessment area, and
 - (ii) who are in the same year group as the specified child, and
 - (b) indicates that there is a demand for GMPE in the GMPE assessment area from parents of children—
 - (i) who are resident in the GMPE assessment area, and
 - (ii) who are in a different year group in relation to the specified child.
- (4) The information mentioned in subsection (3) includes information set out in or accompanying the request.
- (5) Where, following an initial assessment in relation to a GMPE assessment area—
 - (a) the authority is satisfied that the condition in subsection (6) is met, the authority must determine that there is a potential need for GMPE in the area,
 - (b) the authority is not satisfied that that condition is met, the authority must determine that there is no potential need for GMPE in the area.

Changes to legislation: Education (Scotland) Act 2016, Section 9 is up to date with all changes known to be in force on or before 15 September 2018. 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)

- (6) The condition is that the specified child and the children in respect of whose parents the authority has information as mentioned in subsection (3)(a) number 5 or more.
- (7) The Scottish Ministers may by regulations—
- (a) amend subsection (6) so as to substitute for the number of children for the time being specified there a different number,
 - (b) provide for the number of children for the time being specified in that subsection to be read as a different number in the application of that subsection to such education authorities as may be specified in the regulations.
- (8) This section is subject to section 11.

Annotations:

Commencement Information

- II** [S. 9](#)
in force at 1.2.2017 by
[S.S.I. 2016/386](#)
- ,
[reg. 2](#)
- ,
[sch.](#)

Changes to legislation:

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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